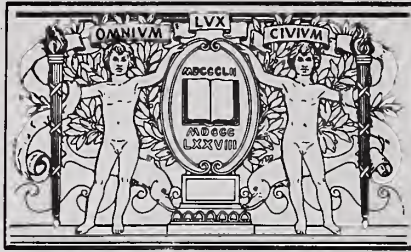


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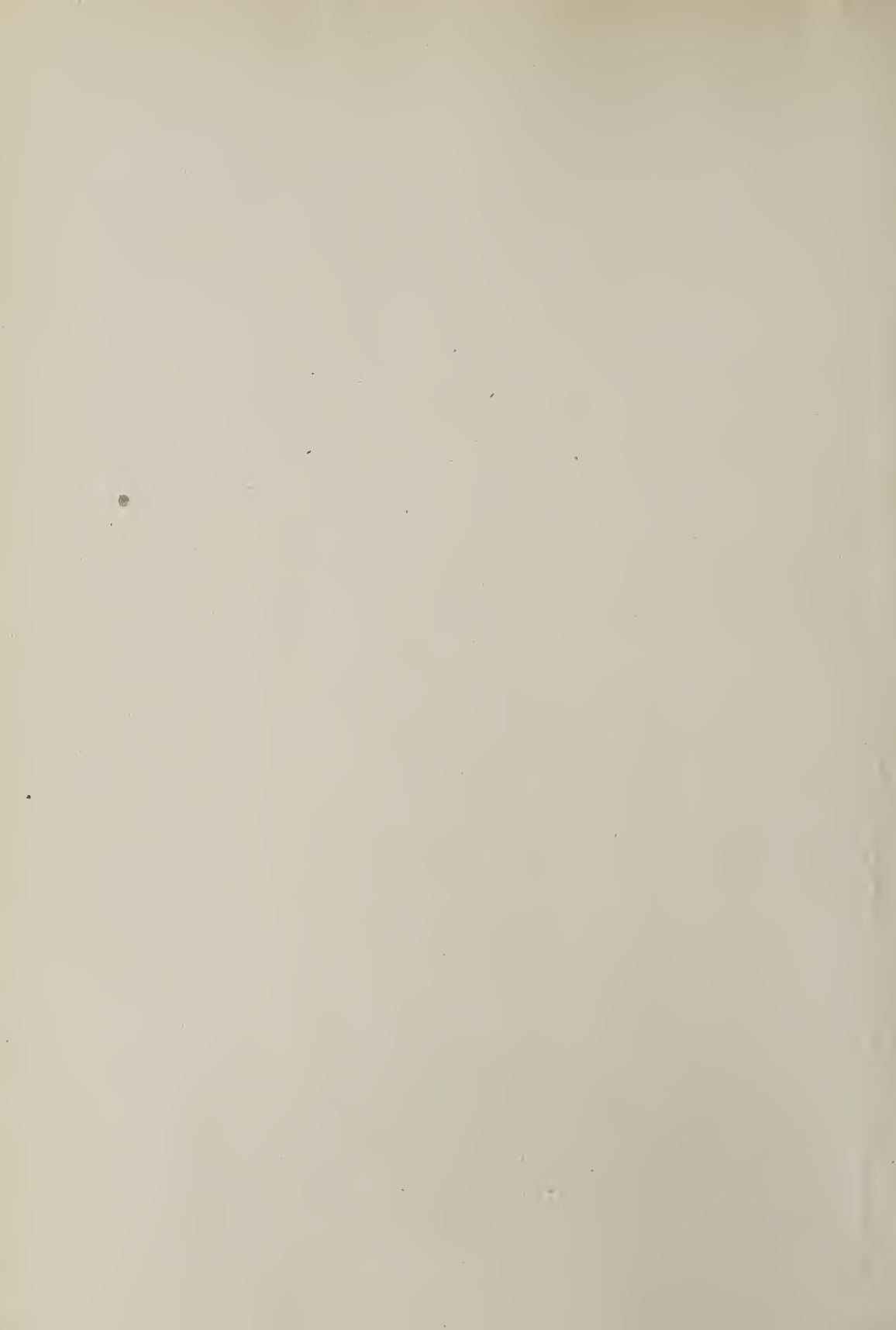
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REPORTS OF PROCEEDINGS

OF THE

CITY COUNCIL OF BOSTON

FOR THE YEAR

COMMENCING JANUARY 4, 1943, AND ENDING DECEMBER 31, 1943



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CITY OF BOSTON.

Proceedings of City Council.

Monday, January 4, 1943.

First meeting for 1943 of the Boston City Council, in the Council Chamber, City Hall, at 2 p. m. Senior Member DWYER in the chair. Absent, Coun. Goode and Linehan.

The meeting was opened with the salute to the Flag.

Chairman DWYER appointed as a committee to escort his Honor Mayor Tohin to the Body Councilors Lyons and Russo.

Coun. RUSSO—Mr. Chairman, it has seemed to me that it would be appropriate to have the Mayor escorted to the chamber by representatives of the armed forces, the Army and the Navy. Therefore, I think I had better not serve on the committee.

Chairman DWYER—That is a very fine suggestion, councillor. (Applause.) The Chair will, therefore, appoint in place of Councillor Russo, Councillor Foster.

The committee appointed to escort Mayor Tohin to the chamber retired, and presently returned in company with the Mayor, who was greeted with applause upon his entrance.

THE MAYOR'S ADDRESS.

His Honor Mayor Maurice J. Tohin addressed the Body (also addressing the public by radio), starting at 2.30 p. m. and concluding at 3.04 p. m., as follows:

Councillor Dwyer and Gentlemen of the City Council.

The city government has gone through more than a year under war conditions.

I see no object in reviewing the ordinary functions and services of the municipality, except to note the fact that the expense of furnishing these services has been consistently reduced, year by year, for five years, notwithstanding the additional burdens assumed by the city government.

It seems to me vital, however, to call forcibly to the attention of our citizens that the demands and emergencies of the war have accentuated their dependence on their local government and City Hall, and I, therefore, am devoting this message mainly to a record of what has been done either by the municipality or under its auspices to protect them, and incidentally to inform the people of the extent and nature of these particular services.

General War Activities.

As a matter of record, I wish to call attention to the fact that Boston was one of the first large cities of the country to organize its municipal resources to meet emergency conditions. In June of 1941, fully six months prior to the declaration of war, we organized the Boston Committee on Public Safety. This Committee, greatly expanded after the declaration of war, was the model eagerly copied by other governmental agencies. Over one year ago, this Committee was given the authority by city ordinance to carry on its duties and perform its functions during the period of the war emergency. Since that time, this Committee has met, with a high degree of efficiency, the many duties imposed upon it. On frequent occasions, the Boston Committee on Public Safety has been complimented by high governmental officials both for its plan of organization and for the character of work it performs. I do not think it amiss at this time to give an outline of what this Committee has accomplished since its inception.

In the City of Boston, approximately forty thousand persons have been trained, and are ready on short notice, to participate in one or more of the many fields of civilian defense. Included in this grand total, are twenty thousand air raid wardens; nineteen hundred school teachers as school wardens; over three thousand auxiliary policemen; approximately one thousand auxiliary firemen; five hundred doctors; five hundred nurses; two hundred undertakers; and twelve thousand persons trained in first aid.

The city has been divided into twelve defense districts, each of which can be operated as a separate entity. Two airplane observation posts, operated in conjunction with the national aircraft warning service, have been erected and are manned twenty-four hours each day. Each defense district has its own report center, also manned twenty-four hours a day, and prepared to set in motion the machinery necessary to meet any sudden exigency or emergency.

The success of the seven blackouts, which have been held in our city, is sufficiently strong evidence that our civilian defense activities have been coordinated to a high degree of efficiency. It must be remembered that in organizing our civilian defense, we have progressed by following the old method of trial and error. No charts, no textbooks, no guide posts to meet our own peculiar situation, could be referred to or followed, and while only an actual air raid can provide the acid test to our preparations, it is not overly optimistic to state that our city will not be caught napping, nor will it fail its citizens in time of necessity.

In case of an actual air raid, the entire civilian defense organization, under the direction of the Boston Committee on Public Safety, will go into action. From our knowledge of what has occurred in European cities, we know what we must be prepared to do, and we have made those preparations. The facilities, the manpower, the equipment, and the experience of our own regular city departments, added to that of the civilian defense organization, will provide a formidable force to give protection to our city and its people.

Over a period of eighteen months, our Committee on Public Safety has been organizing and preparing to meet any emergency which may arise. The Committee has sought and obtained the fullest cooperation from our Police and Fire officials, from School officials, from the American Legion and Veterans of Foreign Wars, from the American Red Cross, from the Boston Council of Social Agencies, from the Boy Scouts and Junior Police organizations, from the Massachusetts Committee on Public Safety, from the National Office of Civilian Defense, and from various individuals who have devoted much of their time to the instruction and training of our civilian defense members.

For civilian defense activities in the various city departments, and the Committee on Public Safety, we provided loan appropriations during 1942 of slightly more than three hundred thousand dollars. In return for that expenditure, our city is prepared, up to this point, to meet any emergencies that this war may bring. In terms of dollars and cents, it is impossible to place a value on the services of those patriotic men and women, who for over a year have voluntarily given much of their time and energy to the perfection of our defense preparations.

In all sorts of weather, and under all sorts of conditions, these unselfish citizens have gone quietly, efficiently, and painstakingly about their duties. They have cheerfully assumed a responsibility which cannot lightly be discharged. They are the silent sentinels of the home front. They are the kind of citizens who love democracy and are willing to sweat and labor to preserve it. They are the kind of citizens who deserve the gratitude and commendation of every citizen of our city, and in the name of the City of Boston and its people, I hereby give public thanks to each person who has contributed in large or small measure to our civilian defense preparations. I am hopeful that the time is near when it will be possible for me to give more adequate and more visible evidences of the appreciation we all have for our fellow citizens, true-blooded and stalwart Americans, who are members of our civilian defense organization.

Rationing Activities.

Prior to the war, America was a land of plenty, and most of us can recall that only a few short years ago some of our leading economists were of the belief that a lowered production schedule in certain avenues of endeavor would provide a stabilizing influence and thus bring back the days of prosperity that suddenly departed in the fall of 1929.

The problem of today, one year after the start of the war, presents an entirely different aspect. Instead of too much of many things, there is too little of most things.

One year ago this month, we established the Boston Rationing Board at 9 Park street. The Board, under the chairmanship of former Mayor Frederick W. Mansfield, consisted of three members, all unpaid, with two paid assistants. Today, we have one main board, located at 60 Devonshire street, and eight local boards. The central board has been broadened to twelve members, and each of the local boards has six members. All of these public-spirited citizens serve without compensation. From two paid employees, we have grown, in our rationing activities, until we now have one hundred and sixty-three employees, all of whom are paid by the Federal Government.

In the initial stages of rationing, it appeared that automobiles and rubber tires would comprise the articles to fall within the rationing procedure. Since then, gasoline, coffee, sugar, bicycles, typewriters, fuel oil, canned goods and rubber goods have been rationed. It is likely that as the war continues, this list will be considerably enlarged, for we not only must provide the weapons and sinews of war for our men and women in the armed forces of our country, but we must also provide the means for our allies to stand up against the withering, devastating might of our enemies. With much of our manpower in the armed forces and in industries producing war materials and equipment, and with many of the sources of supply of raw materials in the hands of the enemy, it is perfectly evident that more shortages will take place, and that many items considered essential in pre-war days will entirely disappear from the market.

Under the conditions that exist, it is apparent that only by rationing of scarce articles may there be equitable distribution of these articles. It is incumbent upon us, therefore, as good citizens to accept rationing as a necessary consequence of this world-shaking war in which we are engaged. It is our duty to comply with the regulations as set up by the Office of Price Administration in Washington, even though those regulations might appear unfair to our section of the country, and even though they bring hardship in their train. I have faith that eventually whatever injustices may appear to have been inflicted on our section of this country, will be adjusted.

Since last January, our main and local rationing boards have handled over one million and a half applications for various articles already rationed. The Director of Price Administration in a recent visit to Boston, paid tribute to the manner in which our city has handled the many complex problems attendant upon this new activity.

The teachers in our public schools, and the unpaid members of the various main and local boards, are entitled to public tribute for the long and arduous hours they have spent in what, at best, is an unpleasant task. To their great credit, they have met and are meeting a severe test upon their physical, as well as their mental resources. I am proud to acknowledge and commend their tireless efforts.

Before I conclude on this subject of rationing, I would like to touch upon the problem of the shortages in fuel oils, which so acutely affect the health and economic welfare of the citizens of this city and this section of our country.

In the course of the past dozen years, New England industry and New England homes, more so than in any other part of our country, have been dependent upon petroleum products for heating purposes, and for keeping the wheels of industry turning. I doubt that there is any large city in our country which has so many homes converted to the burning of fuel oil for heating purposes.

Prior to the advent of the war, our sectional needs in this respect were amply met by means of large ocean-going tankers which were capable of carrying up to seven million gallons of oil. Some years ago, the transporting of oil by railroad tank cars had been discarded, in favor of the less expensive method of water-borne transportation. As a consequence of that development, the supply of railroad tank cars was exceedingly meagre.

Shortly after our entrance into the war, it was necessary that some of our large tankers be diverted to the needs of our armed forces, and to the needs of our allies. There can be no quarrel with that procedure, for we all realize that this war is primarily a war of machines and can be lost unless there is sufficient supplies to keep those machines moving. It is well also to recall that many of the large tankers that had brought the petroleum products from the gulf ports to the eastern sea-

board were torpedoed and sunk by submarines before our country was sufficiently prepared to offset this undersea menace.

Unless a miracle was to happen, it was foreseen as long ago as last spring, that there would be a serious shortage of petroleum products reaching our section of the nation.

As Mayor of Boston, I felt it to be my duty to bend every effort to obtain for our people the necessary fuel supplies. During the late spring and early summer, and in conjunction with Mayors of other American cities, I made several trips to Washington for the purpose of impressing upon our governmental officials the seriousness of our oil problem. All through the summer and the fall, I urged the various Federal officials who had authority in this matter, to divert tank cars from other sections of our country nearer to the sources of supply, to our eastern seaboard for the purpose of building up here in our section a reserve supply of oil which would carry us through the winter months. Early last July, I delivered a radio talk in which I informed the people of the seriousness of the problem, and urged them to convert wherever possible to the burning of coal, the transporting of which entails no great problem. In August of last year, here in this City Council Chamber, a meeting was held attended by the Mayors of all the largest cities from Maine to Florida. Out of that meeting developed a plan of procedure which, if followed by our Federal officials, would have assured us of sufficient oil supplies to meet our rationed requirements, and carry us through the present trying days. Since early last spring, I have spoken at innumerable gatherings, both in the City of Boston, and outside our city, informing our people of the necessity of converting their fuel systems to the burning of coal. I insisted that public buildings under the control of our city government, be converted back to coal-burning, and this has been done wherever possible, with the result that this action alone means a saving for other purposes of over five millions of gallons of oil for this year in our city.

When I first realized that a shortage of oil in our section of the country seemed to be inevitable, mine appeared to be the voice crying in the wilderness. At the risk of making myself an unwelcome visitor, I haunted the offices of various Federal officials, beseeching and pleading that this problem be given the attention and action it deserved before it was too late.

The people of Boston and New England are ready to make any necessary sacrifice in order that we might win the war as speedily as possible. We are patriotic people. The spirit that lived in the days of Bunker Hill and Lexington still lives in the roots of New England soil. We have sent more young men into the armed forces of our nation, proportionately, than any other section of our nation. There is no sacrifice we will not make, if the necessity exists. We cannot be convinced, however, that the problem of transporting oil to our section of the country was a problem that defied solution, and we cannot be convinced that our proposal to build up a reserve supply to tide us over the winter months was an unsummountable problem.

There is not today, and there has not been at any time during recent months, any shortage of petroleum products. There is enough oil in the petroleum centers of the nation to meet every war and every home-front requirement. The shortage is in means of transportation. I am ready now, as I have been for the past nine months, to cooperate in every way with His Excellency, the Governor, with our newspapers, with our elected public and appointive officials in Washington, and with every person or group which has shown concern over the handling of this major problem, and I am willing to place at the disposal of any official agency, the full facilities of our city in order that we may avert a serious breakdown on the home-front. The progress and prosperity of our nation was not achieved by doubt, uncertainty and indecision. Problems of far greater magnitude than this problem have been mastered in the past because the indomitable spirit of America would not admit of defeat or failure. As Mayor of the City of Boston, I have devoted much of my time and effort during recent months to this grave problem. I am prepared and willing to devote even more time and effort in this direction, if by doing so I can contribute even the slightest assistance in the solution of this major home-front problem.

General.

Like every other corporation, the business of the city has been greatly affected by the war. While here and there throughout the city government business may have slackened, in the main, the war has brought new duties and new responsibilities to the bulk of our city departments. I shall not attempt to give an accounting of these activities, other than to state that in many of our city departments national defense activities have more than made up for any decrease in ordinary services performed, and this is especially so in departments such as the Public Works, Park, Schoolhouse, Traffic, Soldiers' Relief and Registry Departments, and it might be interesting to observe that in this latter department, which is the repository for all the birth, death and marriage records of the city, the work has almost doubled in the space of one year.

Our municipal corporation has its own peculiar problems, just like every corporation and every individual, in matters such as rationed goods, priorities, scarcities, ceiling prices, and rising costs for supplies, materials and equipment. Another problem which, though not yet acute, causes us considerable concern, is the problem of manpower, especially with respect to our hospitals and institutions.

Late last year, I appointed a Manpower Commission which is to survey our existing personnel resources, and recommend transfers of employees so that we may best utilize the services of our city employees. Some of our city departments are now undermanned, and rather than make new appointments for the duration of the war, so-called military substitutes, I deem it a sounder policy to make temporary transfers of employees wherever such transfers are possible. This, of course, is not possible in our institutions and hospitals where the shortage in employees is most acute, nor is it possible in the Fire Department, which has done such heroic work in recent weeks, and which must be provided with more assistance no matter how we obtain it.

I have not been unmindful of the strain upon the majority of city employees because of rising costs. During last year, emergency compensation allotments were provided to the amount of \$100 per year to each employee receiving less than \$2,480 per year, but more than \$1,500 per year; and \$150 per year to each employee receiving less than \$1,500 per year. Over twelve thousand employees were affected by this compensation change, and the cost to our city was in excess of one million two hundred thousand dollars. If we continue that emergency compensation allotment for this year, and we intend to do so, the cost for 1942, inclusive of employees of the School Department, will be approximately one million seven hundred thousand dollars, or about one dollar and twenty cents on the tax rate.

Despite this emergency allotment, analysis of the compensation and classification schedule for employees of the City of Boston discloses that in certain positions as compared with salary levels and length of working week in other municipalities and other units of government, disparities in basic rates exist which ought no longer be allowed to prevail. It is my purpose to grant in such circumstances a permanent basic increase in salary range of these groups.

In the Police and Fire departments specifically, do I believe the maxima wages paid to members of the uniformed forces should be increased.

Members of Boston's police force receive but one day off in seven as compared with one day off in six or one day off in five at higher compensation rates in nearby cities, and in other cities of similar size throughout the United States. Our fire-fighting force is required to be on duty eighty-four hours each week as compared with a prevailing average of seventy-two hours per week, often at higher wages, in surrounding communities. As a matter of common every-day patriotism, I do not believe, in view of the dwindling supply of available manpower, that the work week in either the Fire or Police Departments should be reduced below that prevailing as of December 7th, 1941, and there is not contemplated, therefore, any reduction in the hours of required service in these departments for the duration of the war.

At the present time, the maximum salary for patrolmen in the Police Department and for privates in the Fire Department is \$2,100 per

annum. I propose that this maximum be increased to \$2,300 per annum on a step-rate basis of \$100 per annum.

In the Police Department, approximately 1,980 patrolmen will be affected, and in the Fire Department, approximately 900 privates will be affected. Corresponding increases in maxima will be allowed in the Police Department to all officers below the rank of captain and in the Fire Department below the rank of district chief. Approximately 450 officers in both departments will be affected.

The excellent work performed by members of both of these departments, especially during recent weeks, has served to focus attention on the inadequacy of the salaries they receive. I think it to be the unanimous opinion of all our citizens that these well-trained city employees, whose dangerous assignments have grown more numerous since the beginning of the war, should be given this well-deserved consideration by our city government.

It is my intention to establish these increases in the budget of 1943, to be effective after the adoption of the budget by your Honorable Body.

Over and beyond this specific adjustment it is my intention to request the Manpower Commission to make a study of the salary structure of the city with a view to establishing equitable and uniform compensation standards throughout city departments. Such a study will involve a consideration of such related subjects as leaves of absence, sick-leave, and other matters affecting the personnel of the city. The recommendations resulting from this study will be put into effect as rapidly as the finances of the city will permit.

Cocoanut Grove Disaster.

Coming so soon after the great disaster visited upon our city on the night of November 28th, this address would seem incomplete unless some mention, within proper bounds, is made of that stark tragedy. I cannot let this opportunity pass, however, without once again expressing the deep and abiding gratitude of all the citizens of our city to those, who, on that fateful night, and the days and nights following, did such yeoman service. I hesitate to think how much greater the appalling loss of life might have been were it not for the timely and efficient efforts of the war-created civilian defense organizations. Within an hour, the emergency defense plans of the Boston Committee on Public Safety were in full operation and the civilian defense workers at their posts. For many of these workers, there was no rest and no sleep for eighteen, twenty-four and even thirty-six hours.

The many acts of heroism and sacrifice on that night and the days and nights succeeding, were so numerous that to recount them at this time would not permit full justice to be done.

Out of the Cocoanut Grove disaster, we have learned lessons that have left, not dim and fleeting marks upon our consciousness, but deep and lasting furrows in our minds. Many lessons we have learned from this, the greatest tragedy ever to befall our city, but the chief lesson is that human life is the most precious gift in all God's universe, and that no law is too stringent, no cost too great, and no supervision too severe, which guards and protects human life from sudden and terrifying death, and I have no doubt of the immediate and pressing necessity for such remedial legislation.

Tragedy has been a cruel teacher in America's past. The lessons have been costly and painful, but not to have learned them would be to court new disaster.

In the aftermath of almost every major disaster in our country, there has been the enactment of laws to prevent the recurrence of such disaster.

This was done in the case of passenger boats after the unfortunate capsizing of the "General Slocum" at its pier in 1904, when over one thousand people lost their lives. As a result of that disaster, no passenger boat may now leave the dock until a United States Steamboat Inspector has ascertained that such boat is not loaded beyond its legal capacity.

It was done also in the case of theaters after the loss of close to six hundred lives in the Iroquois Theatre fire in Chicago, in 1903. As a result of this disaster sweeping changes were made in the laws affecting theaters, and new, protective laws were passed by almost every State in the Union

As a result of this fire, the Massachusetts Legislature of 1907 passed specific and rigid building laws for theaters and halls relative to structural condition, means of egress, apparatus, condition of sprinklers, condition of fire-resisting curtain, general conditions of appliances and apparatus, of the stage, and other conditions conducive to the safety of audiences in such places.

To emphasize this point, I could quote many other instances in which safety laws were enacted immediately following some tragic disaster, but my chief purpose at this time is to call attention to the law just referred to regarding theaters and halls.

Under the provisions of this law, the licensing official of the City of Boston, namely, the Mayor, is required to cause a complete inspection of all theaters to be made once in each month, and all halls at least once in every six months, in order that there shall be strict compliance with the provisions of this law.

In contrast to the rigid provisions of law affecting theaters and halls, I also call attention to the absolute absence of any such provisions of law in the case of other structures which are used for entertainment purposes, and which serve liquors and food. Establishments of this character, and the Cocoanut Grove comes within this category, are licensed by the State appointed Licensing Board for the City of Boston to provide entertainment and to dispense food and liquors, but there are no mandatory requirements of law imposing upon the Licensing Board the duty to require the frequent and the rigid inspection of the structures occupied by the licensee, with the consequence that these establishments and premises have not been subjected to the same regular periodic and specific inspections as are made in the case of theaters and halls licensed through the office of the Mayor.

I make this comparison for the purpose of emphasizing that while theaters and halls must, under existing law, be rigidly and regularly inspected, no such laws exist with respect to other establishments of a related nature; and this likewise applies to many varied places in which large numbers of people gather. This comparison is not to be taken, in any sense, as a criticism of the Boston Licensing Board, because there was no law on the books requiring additional action on their part.

There is no doubt in my mind of the compelling necessity for the incoming Legislature to so change and extend the law which is now applicable to theaters and halls, so that similar provisions of law shall be applicable to so-called night clubs and all other places where the public, in excess of one hundred persons, gather for any purpose whatsoever. Only by the passage of such a law may the public be assured of the same measure of protection, no matter what the type of structure, and no matter for what purpose such structure is used.

I recommend the immediate passage of such emergency legislation.

The Suffolk County Grand Jury in its report of last Thursday stated—I quote—"We have found no complete coordination between building department, fire department, police department and licensing board with respect to various types of inspection intended to be made to insure public safety in addition to protecting the public health, morals, etc.

"We hope that by thus calling attention to conditions which have come within our knowledge, the more effective and immediate remedying of such conditions may be made possible."

With this finding of the Grand Jury I heartily agree. By calling attention to this condition the Grand Jury has performed a valuable service to the citizens of Boston.

If there is any lesson that should have been learned from this disaster, it is that there should be a complete coordination of the efforts of all the licensing and protective departments of the City of Boston. All our forces should be marshalled under one head and all agencies should be subject to a single, centralized control.

Very few, if any, cities in the nation have the divided authority to be found in the City of Boston. The Police Department and Licensing Commission are state agencies, deriving their authority from and responsible to the state government, while rendering service to the citizens of Boston and being paid by the citizens of Boston.

The Building and Fire Departments are under the direction of the city administration.

There are two ways in which effective cooperation and coordination can be achieved. One is to place all four departments under the Commonwealth of Massachusetts. The other is to place these departments under the city government of Boston. It is not logical to deny Boston of her right to home rule. The reasonable solution would seem to be the placing of the Police Department and the Licensing Board under the direction of the city government.

I, therefore, propose to recommend to the General Court the establishment of a Municipal Department of Public Protection, or as it is called in many communities, a Municipal Department of Public Safety, which would include the Police Department, the Licensing Board, the Fire Department and the Building Department, such department to be headed by a commissioner; the Police Division, the Fire Division, the Building Division, to be headed by deputy commissioners, and the Licensing Board, whose decisions are of such vast importance to the licensees and to the citizens as a whole, to continue to be a Board of three members; the chairman of which will hold the title of deputy commissioner.

Under such a department the City of Boston would be guaranteed the nearest to perfection that could be achieved in the coordination and cooperation of these licensing and protective agencies.

This proposed legislation should be enacted as rapidly as possible in order that this department may proceed to function at the earliest possible date.

In the changes in the safety and protective laws that inevitably will be enacted in the coming, or some future session of the Legislature, I shall support a proposal to transfer the licensing powers now vested in the Mayor of Boston for theaters and public halls to the Boston Licensing Board, provided that such a department as I have recommended is created and established by the Legislature.

Up to this point I have outlined in general terms legislative proposals which I intend to present to the incoming session of the Great and General Court.

I should now like to re-read to the Honorable members of this Body a statement that was made before you a few weeks ago by Clark Macomber, an outstanding construction expert, and a representative of the Building Code Committee. The statement reads: I quote—

"My study of the proposed code, my knowledge of the present code and existing building situation, the existing condition of divided and limited authority, uncoordinated inspections, limited safety enforcement provisions, multiplicity of partial permit authorities, etc., lead me to the following expression. I believe a thorough study of the general public safety needs should be undertaken by action of the proper authority, and I believe that the results of such a study should be incorporated into law with the object of establishing clear, complete, and unified provisions for code, regulation, permit authority, inspection and enforcement for public safety."

With these expert opinions of Mr. Clark Macomber I heartily agree. These weaknesses in the safety and protective laws can be corrected in only one place and that is in the Legislature of Massachusetts, because these weaknesses arise in and out of the laws now on the statute books of the Commonwealth.

There is no mind, or combination of minds so great as to be able to study and recommend legislation that will adequately correct this situation prior to the final legislative filing date, January 14th.

Therefore, I propose to consult with His Excellency, the Governor, to determine how best this problem can be met.

And I might say that the Governor has cooperated in every way, in the exercise of his emergency powers in the past weeks.

As I stated in my opening remarks on this subject, great disasters have resulted in drastic changes in existing laws.

Let us, therefore, here and now resolve that by our common efforts never again shall our city be visited by any form of disaster which plunges our whole community into mourning and which brings such sorrow and anguish in its wake.

It is the common responsibility of all of us to see to it that never again shall there be such a night as the night of November 28th of last year; a night of bitter memories, a night of tragedy and heroism, a night of suffering and tears—a night that, with God's help, will never come again.

Financial.

This address would not be complete without some reference, however brief, to the financial aspects of the administration of the affairs of our city. Though the entrance of our country into the world conflict has clearly disturbed and complicated all civilian pursuits and activities, I am pleased to report that definite accomplishments in improving and strengthening the financial structure of the city have been achieved during 1942.

In the year just closed, the outstanding debt of the city was reduced by approximately five million dollars. As of December 31, 1942, the net funded debt of the city was at the lowest level since 1930. Approximately eighty-five per cent of the 1942 tax levy was collected during the year. This is the best collection record attained since 1928. Following seven years of deficits, the receipts of the Water Service, during my five years service as Mayor, have exceeded expenditures, and it is anticipated that the actual surplus when finally determined will be the largest in the history of the department. Under existing law, this surplus will be utilized in the current year for the redemption of outstanding debt of the city, thus reducing the amount to be provided in the tax levy for this purpose. In this connection, while it is much too early to make any definite statement as to the 1943 tax rate, I feel reasonably certain, that barring unforeseen contingencies, the 1943 rate will be approximately the same as that of 1942.

There is little margin of safety in making a prediction as to the new tax rate, because we all well realize that the revenues of state and local governments will suffer severely as a result of the war. The loss of revenue from the gasoline tax is a striking example. Substantial losses in the revenue from income and corporation tax distributions; from automobile excises; from poll taxes; and from miscellaneous receipts, are all barriers to a reduction of the tax rate, and unless we operate our city government with great care, these factors may well cause an increase in the tax rate for 1943.

The city government is under a heavy obligation in war. It must continue to provide essential services. It must provide for civilian defense in case of emergency. The protection of life and property cannot be neglected. Health and welfare functions must be maintained, and at the same time, we must cope with manpower shortages, material restrictions, and rising prices.

The road ahead is lined with dangerous ruts and concealed by deceptive curves. We shall continue to move carefully along the safe part of the road. With the understanding and cooperation of all agencies and individuals, our municipal government should come through this year with safety, and without adding any further burdens to the heavy loan now carried by our taxpayers.

Conclusion.

Our nation has now entered upon the second year of a great war, the immensity of which and the cost of which, defies the imagination. The life we knew but a short time ago; the privileges we accepted so lightly; the hopes we had for the future, have all undergone a great change. No one can predict with assurance what tomorrow holds in store for any of us, but we do know this—that we are engaged in a war of life and death with enemies whose desperation and avarice knows no bounds. We do know that we shall be called upon, before this war is won, to make more and greater sacrifices than we have as yet been called upon to make. We do know that unless we do, we cannot win this war the way we want to win it, and the decisive way we must win it if there is ever to be peace in the world.

From our homes, from our places of business, from every diverse calling or occupation, many old and familiar faces are missing. We know that they have gone to fight freedom's battles, and that they will not return until victory is won and peace is guaranteed to a harassed and suffering world. We know that whatever sacrifices we may be called upon to make will be insignificant compared to the sacrifices our armed forces will make before victory's flag is unfurled.

Let it be said with no fear of disagreement, and in no spirit of critical self-praise, that the City of Boston, and its people, are today, as they have been in every national crisis, prepared and

willing to make any sacrifice to protect and promote the unity and well-being of our nation. Here in our city a new nation of free people was born. We love that nation. We will give our all, if necessary, that it shall never die.

Let us all pray for Divine protection and Divine guidance, and an early termination of this terrible conflict which rocks the very foundations of the world. May our boys who have answered the call to the colors, soon be back home with us, and may your City Council, which has sent six of its members into the armed forces, soon hear their voices resound within this chamber.

I conclude this address by reciting one deeply-inspiring verse of "America."

"Our Fathers God to Thee,
Author of Liberty,
To Thee we sing,
Long may our land be bright,
With Freedom's holy light,
Protect us by Thy might,
Great God our King."

The Mayor was applauded at the close of his address and, with the escorting committee, retired from the chamber.

Chairman DWYER called Councillor F. D. Sullivan to the chair.

Coun. D. F. SULLIVAN in the chair.

The Body awaited the return of the committee escorting the Mayor, which returned to the chamber at 3.10 p. m., when Chairman SULLIVAN said:

The Council will be in order.

APPOINTMENTS BY THE MAYOR.

Subject to confirmation by the Council, the Mayor submitted the following appointments, viz.:

Weigher of Coal: Miriam Leppo, 9 Iola street, Dorchester, Mass.; Leonard P. Cornet, 15 Foch street, North Cambridge, Mass.; William Gleason, 289 Medford street, Charlestown, Mass.; John Zanstuck, 10 North Mead street, Charlestown, Mass.; Morris Green, 9 Wildwood street, Dorchester, Mass.

Severally laid over for one week under the law.

APPROPRIATION FOR MUNICIPAL EMPLOYMENT BUREAU.

The following was received:

City of Boston,
Office of the Mayor, January 4, 1943.
To the City Council.

Gentlemen,—I submit herewith an order providing for the appropriation of \$23,675, the same to be charged to the Contingent Fund, to be used in connection with the activities of the Municipal Employment Bureau during the current year.

Respectfully,
MAURICE J. TOBIN, Mayor.

City of Boston,
Municipal Employment Bureau,
December 14, 1942.

Hon. Maurice J. Tobin,
Mayor of Boston.

Dear Mr. Mayor,—Due to expenditures on War Emergency Registration of women and Snow Removal Registration, we will only have sufficient money to cover the pay roll of employees for the week ending January 5, 1943.

May I, therefore, respectfully request that you submit to the Boston City Council an order for an appropriation of \$23,675 to carry on the activities of the Municipal Employment Bureau for the year 1943.

Respectfully yours,
FRANCIS WILLIAM NYHAN,
Director of Employment.

Ordered, That the sum of \$23,675 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.

LOAN AND APPROPRIATION FOR
SEWERAGE WORKS.

The following was received:

City of Boston,

Office of the Mayor, January 4, 1943.

To the City Council,

Gentlemen,—I am in receipt of the attached communication from the Commissioner of Public Works containing a request for an authorization of a loan of \$1,000,000, and a co-incidental request for an appropriation of \$146,613.84, for further extensions and improvements in the sewerage system of the city for the years 1943 and 1944, as required under the provisions of section 5 of chapter 224 of the Acts of 1936. The attached loan and appropriation orders are in furtherance of the recommendations of the Commissioner of Public Works, and are necessary since the funds provided for this type of work under the last authorization made in 1941 are practically exhausted.

I, therefore, recommend consideration and adoption of the accompanying orders.

Respectfully,
MAURICE J. TOBIN, Mayor.

City of Boston,
Public Works Department,
December 22, 1942.

Hon. Maurice J. Tobin,
Mayor of Boston.

Dear Mr. Mayor,—Section 1 of chapter 426 of the Acts of 1897 as amended by chapter 178 of the Acts of 1930 provides that the City Council may annually appropriate, to be met by the issue of bonds, such sums as shall be recommended by the Commissioner of Public Works, with the approval of the Mayor, for the construction of sewerage works.

Section 5 of chapter 224 of the Acts of 1936 provides that cities and towns may incur debt for certain specified purposes, including the construction of sewerage works, but that no loan shall be authorized for any purpose unless a sum equal to 10 cents on each one thousand dollars of assessed valuation has been appropriated from funds raised by taxation for the purpose of the loan.

The Sewer Division has 273 regular employees with a total annual pay roll of about \$557,000. Of this amount about \$266,000 is provided from annual budget appropriation, the balance or about \$291,000 being paid from the sewerage works loan for engineering and inspection services in connection with advertised contract work, for engineering studies and design, also for the labor cost of construction work done by day labor forces.

The last sewerage works loan was authorized in July, 1941, for the sum of \$500,000, plus \$148,323.45 raised by taxation, or a total of \$648,323.45, of which a balance of about \$22,000 will remain unexpended on December 31, 1942.

In order to provide for sewerage work expenditures for the years 1943 and 1944, I request that a sewerage works loan be authorized in the amount of \$1,000,000.

The average expenditure under the loan is about \$500,000 a year.

I recommend that the request for this sewerage works loan be submitted to the City Council on the first meeting in January, 1943.

Respectfully yours,
GEORGE G. HYLAND,
Commissioner of Public Works.

Ordered, That under the provisions of section 5 of chapter 224 of the Acts of 1936 the sum of one hundred forty-six thousand, six hundred thirteen dollars and eighty-four cents (\$146,613.84) be, and the same is hereby, appropriated, to be expended, under the direction of the Commissioner of Public Works, for the construction of sewerage works, said amount to be raised by taxation on the polls and estates in the City of Boston.

Ordered, That under the provisions of section one of chapter one hundred and seventy-eight of the Acts of nineteen hundred and thirty, and section five of chapter two hundred and twenty-four of the Acts of nineteen hundred and thirty-six, the sum of one million dollars (\$1,000,000) be, and the same is hereby, appropriated, to be expended under the

direction of the Commissioner of Public Works, for the construction of sewerage works, 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.

LOAN IN ANTICIPATION OF REVENUE.

The following was received:

City of Boston,

Office of the Mayor, January 4, 1943.

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 1942 of temporary notes in an amount not to exceed \$40,000,000. I respectfully recommend consideration and adoption of this order by your Honorable Body.

Respectfully,
MAURICE J. TOBIN, Mayor.

City of Boston,
Auditor's Office, January 4, 1943.

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 maximum amount of temporary borrowing authorized by the Council was \$40,000,000. 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 1943, 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 \$40,000,000 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, be 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.

The Order was given its first reading and passage, under suspension of the rule, yeas 20, nays 0.

PETITIONS REFERRED.

The following petitions were received and referred to the committees named, viz:

Claims.

Adams Stationery Company, for compensation for damage to property at 132 Washington street, caused by water.

Matilda Balboni, for compensation for injuries caused by an alleged defect at 143 North street.

Broadway Stationery Company, for compensation for damage to property at 108 Washington street, caused by water.

John M. Coyne, for compensation for damage to water boiler at 16 Elm street, caused by leak in water main.

Gloria Garcia *et al.*, for compensation for injuries caused by car of Police Department.

Annie Horrigan, for compensation for injuries caused by an alleged defect at 630 Washington street.

Charles B. Kilroy, to be reimbursed for execution issued against him.

M. Elizabeth McGrath, for compensation for injuries caused by an alleged defect at 16 Queensberry street.

Margaret Sampson, for compensation for injuries caused by an alleged defect in O street, South Boston.

APPOINTMENT OF FIRST ASSISTANT ASSESSORS.

Notices were received from the Board of Assessors of appointments as follows:

First assistant assessors, as military substitutes, effective January 1, 1943:

James I. Black, 76 Westover street, West Roxbury, *vice* Paul M. Finan, United States Army. Robert T. Fowler, Jr., 25 March avenue, West Roxbury, *vice* Herbert A. Ellis, United States Navy.

Permanent First Assistant Assessors, effective January 1, 1943:

James J. Boyle, 48 West Tremlett street, Dorchester.

John T. Finnegan, 13 St. Rose street, Jamaica Plain.

James R. Farrell, 5 New Heath street, Roxbury.

Louis M. Gropman, 1412 Commonwealth avenue, Allston.

George H. Mitchell, Jr., 11 Inwood street, Dorchester.

George F. Cronin, 74 Birchwood street, West Roxbury.

John F. McCarthy, 817 Broadway, South Boston.

Severally placed on file.

SIDEWALK ASSESSMENTS.

A communication was received from the Commissioner of Public Works together with order assessing half-cost of construction of sidewalks in front of estates bordering thereon, viz.:

	Half-Cost.
Monponset street, Ward 18.....	\$1,632 47

The order was passed under suspension of the rule.

Chairman SULLIVAN—The Chair awaits the pleasure of the Council.

BALLOTING FOR PRESIDENT.

On motion of Coun. TAYLOR, the Council voted to proceed to the election of a President for the year 1943.

Chairman SULLIVAN—The clerk will call the roll and each member will rise and announce his choice for president.

The roll was called, with the following result:

For Coun. M. H. Sullivan—Coun. Chase, Foster, Hurley, Langan, Lyons, Muchnick, Scannell, M. H. Sullivan, Taylor, Wickes—10.

For Coun. William F. Dwyer—Coun. Coffey, Dwyer, Fish, Kinsella, D. F. Sullivan—5.

For Coun. Charles I. Taylor—Coun. Carey—1.

For Coun. Thomas J. Hannon, Jr.—Coun. Kelly—1.

For Coun. Kelly—Coun. Hannon—1.

For Coun. Carey—Coun. Russo—1.

For Coun. Coffey—Coun. Hurley—1.

On motion of Coun. HURLEY, the Council voted to proceed again to ballot for President for 1943, the roll call showing the following vote:

For Coun. M. H. Sullivan—Coun. Chase, Foster, Hurley, Langan, Lyons, Muchnick, Scannell, M. H. Sullivan, Taylor, Wickes—10.

For Coun. William F. Dwyer—Coun. Carey, Coffey, Dwyer, Fish, Kinsella, D. F. Sullivan—6.

For Coun. James M. Langan—Coun. Hanley—1.

For Coun. D. F. Sullivan—Coun. Kelly—1.

For Coun. William A. Carey—Coun. Russo—1.

And there was no choice.

On motion of Coun. HURLEY, the Council voted to again proceed to ballot for President for 1943, with the following result:

For Coun. M. H. Sullivan—Coun. Chase, Foster, Hurley, Langan, Lyons, Muchnick, Russo, Scannell, M. H. Sullivan, Taylor, Wickes—11.

For Coun. William F. Dwyer—Coun. Coffey, Dwyer, Fish, Kinsella, D. F. Sullivan—5.

For Coun. Charles I. Taylor—Coun. Kelly—1.

For Coun. Michael L. Kinsella—Coun. Hanley—1.

For Coun. Joseph Russo—Coun. Carey—1.

And there was no choice.

SALE OF RANGE OIL BY WHOLESALE DEALERS.

Coun. HANLEY offered the following: Ordered, That his Honor the Mayor request His Excellency the Governor to utilize his "war-time powers" and compel all wholesale dealers of range oil to sell their oil stocks to all retail oil pedlers without discrimination, in view of the fact that they are the sole channel by which all the people can derive a just share of range oil.

Coun. HANLEY—Mr. President, for the past ten years, the conversion of coal stoves to users of range oil has been phenomenal, due primarily to advertisements through the press and the radio of the benefits accruing to the users, such as heating, cooking, hot water, the cheapness of operating; constant heat, cleanliness, with the minimum of labor. With the increase of using this method, a system of distribution was formulated in the form of oil pedlers who obtain their range oil from wholesalers, and then sell in 5, 10, 25, or 50 gallon lots to customers. The oil famine, caused by discrimination, by ignorance of climatic and geographical conditions of Boston, the non-distinguishment between fuel and range oils, the political penalizing of a section of America steeped in American tradition, caused oil pedlers to march on Beacon Hill a fortnight ago requesting the Governor for alleviation of conditions. When these oil pedlers go to a street to take care of their customers, they are mobbed by people who demand, with verbal and sometimes physical abuse, a share of the oil. Sometimes an entire tank is emptied on one street. If it were not for a change in the weather during the past three weeks, the barometer of sickness, disease, and death would have skyrocketed, even though we know that medical supplies are at a minimum, and hospital staffs have been diminished by the demands of war. Without donning the robes of a soothsayer or trespassing into the realms of prophesy, it is not too much to say that the oil famine will cause a rise of public indignation and wrath that will hamper the war effort, create mob violence, and cause storming of State, City, and Federal buildings by irate citizens, who believe themselves victims of apathetic, indifferent and callous politicians, without differentiating between the innocent or guilty. Oratory or empty promises will not heat a home nor prevent illness. I move, Mr. President, that this order be referred to executive meeting and to allow a delegation of oil pedlers to present their story to the councilors.

The order was referred to the executive committee.

VOTE ON GOING INTO EXECUTIVE SESSION.

Coun. FISH—Mr. President, I move at this time that we take a recess for the purpose of going into executive session.

Chairman D. F. SULLIVAN—Before taking a recess, I would appoint as temporary chairman of the Executive Committee, Councilor Taylor.

Coun. FISH's motion to go into executive session was declared carried. Coun. TAYLOR doubted the vote, and asked for the yeas and nays.

The motion to go into executive session was lost, yeas 9, nays 11:

Yeas—Coun. Carey, Dwyer, Fish, Hanley, Hannon, Langan, Lyons, Russo, D. F. Sullivan—9.

Nays—Coun. Chase, Coffey, Foster, Hurley, Kelly, Kinsella, Muchnick, Scannell, M. H. Sullivan, Taylor, Wickes—11.

JURORS DRAWN.

Jurors were drawn under the law, Coun. HANNON presiding at the jury box in the absence of the Mayor, as follows:

Eighty-eight traverse jurors, Superior Criminal Court, to appear February 1, 1943:

Michael J. Botte, Ward 1; John M. Guittar, Ward 2; John F. Merrill, Ward 2; Philip J. Glick, Ward 3; Carl Reppucci, Ward 3; Charles Scheider, Ward 3; Walter E. Sullivan, Ward 3; Joseph Tecce, Ward 3; William P. Connor, Ward 4; Alfred M. Fish, Ward 4; Leroy L. Reddy, Ward 4; Duke C. Dorney, Jr., Ward 5; Richard H. Harris, Jr., Ward 5; Domenick F. D'Andre, Ward 6; Leo L. Hood, Ward 7; James M. Walsh, Ward 7; Angelo Micoli, Ward 8; Lawrence E.

Sykes, Ward 8; Frederick T. Williams, Ward 8; Daniel Glynn, Ward 9; Arthur J. Tremblay, Ward 9; John H. Gardner, Ward 10; Edmund F. Gildea, Ward 10; Arthur J. Bishop, Ward 11; John A. Dobson, Ward 11; Daniel R. Hagan, Ward 11; Donald A. Bruce, Ward 12; Benjamin Cohen, Ward 12; Karl F. Hayden, Ward 12; James F. Kennedy, Ward 12; Frederick E. Mulcahy, Ward 12; Valentine Delaney, Ward 13; Francis E. Dooley, Ward 13; Warren A. MacDonald, Ward 13; Carl J. Baker, Ward 14; Chester A. Cruickshank, Ward 14; Myer S. Miller, Ward 14; David Shane, Ward 14; Joseph B. Shanis, Ward 14; Israel Stone, Ward 14; Herman F. Wasserman, Ward 14; William E. Frederick, Ward 15; John J. O'Brien, Ward 15; James Joseph Ryan, Ward 15; Edward J. Baker, Ward 16; Edwin C. Fein, Ward 16; Denis D. Flanagan, Ward 16; William J. Jordan, Ward 16; Thomas E. White, Ward 16; Ernesto Branca, Ward 17; Rudman M. Crowell, Ward 17; Edward C. Jensen, Ward 17; Arthur W. Sage, Ward 17; Harry V. Alward, Ward 18; Henry A. Boone, Ward 18; Francis Carroll Dunn, Ward 18; Charles R. Peatfield, Ward 18; John J. Quinlan, Ward 18; Edward Stephens, Ward 18; Frank W. Young, Ward 18; John C. Albrecht, Ward 19; John L. Harney, Ward 19; James F. Mullen, Ward 19; Ernest J. Stahl, Ward 19; Frank E. Battles, Ward 20; Albert E. Bradley, Ward 20; Charles F. DeForge, Ward 20; James L. Griffin, Ward 20; Oscar P. Hebert, Ward 20; Thomas G. Houghton, Ward 20; Joseph F. McNeil, Jr., Ward 20; Paul H. McNeil, Ward 20; Edmond P. Murphy, Ward 20; John H. O'Neill, Ward 20; Walter F. Spear, Ward 20; Clarence N. Wood, Ward 20; Albert H. Woodbury, Ward 20; Ray W. Atherly, Ward 21; William E. Cleveland, Ward 21; Harold B. Dutton, Jr., Ward 21; Albert Frank, Ward 21; Francis Mahoney, Ward 21; Albert L. Robrish, Ward 21; Robert S. Rubin, Ward 21; Kenneth C. Taylor, Ward 21; Edward C. Ford, Ward 22; Samuel B. Wolf, Ward 22; Joseph I. Henneberry, Ward 22.

One hundred seventy-two traverse jurors, Superior Civil Court, to appear February 1, 1943:

Charles Andolina, Ward 1; James J. Conway, Ward 1; Adam DiOrto, Ward 1; John F. Heil, Ward 1; Justin S. Jasus, Ward 1; Samuel Magaldi, Ward 1; Joseph A. Magnifico, Ward 1; Frank J. Nardo, Ward 1; Vincent Nocillo, Ward 1; Ernest H. Morris, Ward 1; Carlo A. Serra, Ward 1; Frederick W. Apel, Ward 2; Charles J. Lynch, Ward 2; Timothy J. Mansfield, Ward 2; Hance N. Steward, Ward 2; Frank A. Thompson, Ward 2; Frederick A. Stewart, Ward 2; Henry C. Collins, Ward 3; Rubin Kaplan, Ward 3; John F. Foley, Ward 3; Edward McLaughlin, Ward 3; Thomas F. McNulty, Ward 3; William Moschella, Ward 3; Mark W. Murphy, Ward 3; Charles Ritchie, Ward 3; Michael D. Salem, Ward 3; Michael F. Taylor, Ward 3; Frank A. Thompson, Ward 3; Elford Caughey, Ward 4; Thompson, Ward 4; Clarence F. Doherty, Ward 4; Frank S. Decker, Ward 4; Robert A. Ward 4; Ernest L. Gerard, Ward 4; Robert A. Gibson, Ward 4; Albert P. Houde, Ward 4; Simon Lovett, Ward 4; Harry E. Lowell, Ward 4; Harold Schwab, Ward 4; James F. Cox, Ward 5; Joseph J. Noonan, Ward 5; Howard P. Sharts, Ward 5; Edgar F. Garland, Ward 6; Roger E. Hall, Ward 6; Thomas A. Kenney, Ward 6; John F. Kiley, Ward 6; William L. McCarthy, Ward 6; Michael J. Quirk, Ward 6; John T. Stewart, Ward 6; George Waldstein, Ward 6; John J. Welch, Ward 6; Walter D. Balutis, Ward 7; Thomas F. Joyce, Ward 7; John J. Mahoney, Ward 7; Arthur J. Mangal, Ward 7; Thomas F. Pollard, Ward 7; Joseph R. Tutkas, Ward 7; Edward J. Barry, Ward 8; Dominic Doyle, Ward 8; John T. Kennedy, Ward 8; John J. Regan, Jr., Ward 8; Herbert F. Stevens, Ward 8; Clarence A. Swanson, Ward 8; James T. Betts, Ward 9; Walter C. Fisher, Ward 9; Frank Sarno, Ward 9; Joseph W. Devine, Ward 10; Joseph P. Griffin, Ward 10; Joseph G. Holland, Ward 10; James F. Johnson, Ward 10; Harry J. Kane, Ward 10; Edward F. Martin, Ward 10; Frank J. E. O'Brien, Ward 10; David Platten, Ward 10; Ernest Antman, Ward 11; Arthur Dwyer, Ward 11; Bernard L. Luppold, Ward 11; John J. McDermott, Ward 11; John L. Pink, Ward 11; William Beck, Ward 12; John M. Cotter, Ward 12; Aaron A. Hurwitz, Ward 12; Joseph Robertson, Ward 12; Arthur Singer, Ward 12; David Tanzer, Ward 12; Hedley Taylor, Ward 12; Eugene D. Weinberg, Ward 12; Frank Daszewski, Ward 13; Charles D. Dineen,

Ward 13; Francis J. Gilmore, Ward 13; Charles Mahoney, Ward 13; Peter B. McAvay, Ward 13; Joseph Perry, Ward 13; John A. Quinn, Ward 13; Henry A. C. Schulz, Ward 13; John E. Billings, Ward 14; Samuel Brooks, Ward 14; Richard H. Brundige, Ward 14; Franklyn P. Cornell, Ward 14; Abraham Feldman, Ward 14; Jacob Glen, Ward 14; Benjamin Gross, Ward 14; Meyer D. Jacobs, Ward 14; Edward I. Sudman, Ward 14; Harold J. Welch, Ward 14; Walter J. Bryar, Ward 15; Marines DeWitt, Ward 15; Lawrence J. Hern, Ward 15; William J. Lally, Ward 15; Patrick I. McQuillan, Ward 15; Adolph G. Wahlberg, Ward 15; Paul J. Bersig, Ward 16; William G. Brooks, Ward 16; William A. Connelly, Ward 16; Vincent L. Greene, Ward 16; Thomas Keane, Ward 16; Herbert J. Kruger, Ward 16; Richard P. Manning, Ward 16; Paul E. Marsh, Ward 16; John T. McCloskey, Ward 16; Anton B. Mosnicka, Ward 16; Harold G. Cohen, Ward 17; Davis V. Donahoe, Ward 17; Peter Esson, Ward 17; Frederick Gadsman, Ward 17; Valentine F. Madden, Ward 17; Arthur D. Neilson, Ward 17; Anthony Cardinale, Ward 18; John J. Cronin, Ward 18; Joseph F. Flaherty, Ward 18; Daniel J. Foster, Ward 18; George J. Harris, Ward 18; John W. Lanata, Ward 18; Patrick W. McGrath, Ward 18; Martin T. Putnam, Ward 18; Harold R. Scully, Ward 18; John Slocum, Ward 18; Alfred Wurtz, Ward 18; Walter E. Browell, Ward 19; Mark M. Cunniff, Ward 19; Lawrence A. Fay, Ward 19; Francis J. Fleming, Ward 19; James F. Foss, Ward 19; George M. Foster, Ward 19; Leonard F. Gleason, Ward 19; Alfred G. Heidke, Ward 19; Herbert A. Hughes, Ward 19; Frank J. Kasper, Ward 20; Harry V. Keefe, Ward 20; Robert B. Kenney, Ward 20; Raymond F. McDermott, Ward 20; Arthur Schneider, Ward 20; Max Brooks, Ward 21; John J. Brown, Jr., Ward 21; Edmund J. Burke, Ward 21; Philip J. Doherty, Ward 21; Alvan D. Eastman, Jr., Ward 21; Max J. Johnson, Ward 21; Simon B. Klein, Ward 21; Israel E. Levine, Ward 21; Edward J. Magidson, Ward 21; Benjamin Michaelson, Ward 21; Charles Saros, Ward 21; Frederick B. Seidler, Ward 21; Isadore Sigel, Ward 21; Louis Weiner, Ward 21; William L. Burton, Ward 22; Melvin D. Caro, Ward 22; Patrick Flynn, Ward 22; Thomas MacDonald, Ward 22; Roy E. Matthews, Ward 22; Timothy M. Reddam, Ward 22; Timothy E. Russell, Ward 22; Raymond F. Sundstrom, Ward 22.

COCONUT GROVE ASSESSED VALUATIONS.

Coun. CAREY offered the following: Ordered, that the Board of Assessors be requested, through his Honor the Mayor, to inform the City Council as to what reductions, if any, in assessed valuation have been allowed to the owners of Coconut Grove at any time since the year 1928.

Passed under suspension of the rule.

BALOTING FOR PRESIDENT CONTINUED.

On motion of Coun. KELLY, the members voted to again proceed to ballot for President for 1943.

The roll was called, with the following result:

For Coun. M. H. Sullivan—Coun. Chase, Foster, Hurley, Langan, Lyons, Muchnick, Scannell, M. H. Sullivan, Taylor, Wickes—10.

For Coun. Thomas J. Hannon, Jr.—Coun. Carey, Coffey, Dwyer, Fish, Kelly—5.

For Coun. William F. Dwyer—Coun. Russo, D. F. Sullivan—2.

For Coun. Matthew F. Hanley—Coun. Kinsella—1.

And there was no choice.

SALE OF HORSE MEAT.

Coun. CHASE offered the following: Ordered, that the Corporation Counsel, through his Honor the Mayor, be requested to draft a new city ordinance forbidding the sale of horse meat for steer or cow beef or hamburger by restaurants and markets and all other vendors of food, and providing a fine of not less than \$200 for the first

offence and a sentence of not less than thirty days in jail for the second offence; and be it further

Ordered, That the Corporation Council be requested, through his Honor the Mayor, to draft a new city ordinance making it mandatory that all horse meat offered for sale be marked by a sign indicating to the public that it is horse meat.

Coun. CHASE—Mr. President, there are thousands of pounds of horse meat being shipped to Boston every day for food, and undoubtedly sold, and there is no ordinance on the books today to protect the public against the sale of horse meat for steer beef. Certainly, Mr. President, the public should be so protected. As a matter of fact, steer beef is getting scarcer and scarcer, and the Health Commissioner at the present time has no authority to prevent sales of horse meat, such as he would have, if there were such an ordinance as I have suggested. I trust that the Council will pass the order under suspension of the rule.

On motion of Coun. MUCHNICK, the order was referred to the Committee on Ordinances.

BALLOTING FOR PRESIDENT
CONTINUED.

On motion of Coun. KELLY, the members voted to ballot for President for 1943, with the following result:

For Coun. M. H. Sullivan—Coun. Chase, Foster, Hurley, Langan, Lyons, Muchnick, Scannell, M. H. Sullivan, Taylor, Wickes—10.

For Coun. Thomas J. Hannon, Jr.—Coun. Carey, Coffey, Dwyer, Fish, Kelly, Kinsella, Russo—7.

For Coun. William F. Dwyer—Coun. D. F. Sullivan—1.

And there was no choice.

Coun. M. H. SULLIVAN—Mr. Chairman, I ask unanimous consent to make a statement.

Chairman D. F. SULLIVAN—If there is no objection, the gentleman may proceed.

Coun. M. H. SULLIVAN—Mr. Chairman, in the several ballots that have been taken, the highest number I have received is eleven votes. In withdrawing from the contest for presidency, I am now going to release those who have voted for me and whom I wish to sincerely thank for their efforts in my behalf, and I hold no malice towards those opposed to me, who may favor another candidate. I realize, with the personnel of the Council at the present time, that it will be virtually impossible for me to be elected, and I have no wish, therefore, to continue to hold the votes of those who have been for me. Therefore, at this time I release those who have been pledged to me, with no feeling whatever against those who have been against me. I simply wish at this time to withdraw from the fight, wishing to the victor, whoever he may be, the best of success for the coming year.

Coun. COFFEY—Mr. Chairman, I move that we now proceed to the election of a president for the year 1943.

Coun. Coffey's motion was carried, and the clerk called the roll with the following result:

For Coun. Joseph M. Scannell—Coun. Chase, Foster, Hurley, Langan, Lyons, Russo, Scannell, D. F. Sullivan, M. H. Sullivan, Taylor, Wicks—11.

For Coun. Thomas J. Hannon, Jr.—Coun. Carey, Coffey, Dwyer, Fish, Hanley, Hannon, Kelly, Kinsella, Muchnick—9.

And there was no choice.

SIDEWALK CONSTRUCTION, WARD 18.

Coun. LANGAN, for Coun. GOODE, offered the following:

Ordered, That the Commissioner of Public Works make a sidewalk along Massasoit street, River street to Neponset River Reservation, Ward 18, 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.

The order was passed.

RECALL OF OIL COUPONS FROM FUEL CONTRACTORS.

Coun. KELLY offered the following:

Ordered, That the Overseers of Public Welfare be requested, through his Honor the Mayor, to immediately recall all oil coupons issued to fuel contractors throughout the City of Boston and turn same over to the recipients of Public Welfare, where they justly belong.

Coun. KELLY—Mr. President, during the past week quite a few people in Ward 15, those on old age assistance and mothers' aid, called my home and told me that they were unable to get fuel oil, although the company that was supposed to take care of them, and which was located in Dorchester had their coupons. Two or three people told me that they called up the company and that the company insulted them over the phone. There was an order introduced into the Council three weeks ago by Councilor Hanley to let people on old age assistance and others do their own purchasing. I say it is a shame that these people have to deal with one company or go without oil, because that company does not see fit to deliver it. It was not that the company did not have oil, because they admitted over the phone that they had, but they refused to deliver it to them. Therefore, I have introduced this order, asking that the Mayor have a conference with the Overseers of Public Welfare and immediately recall all these coupons, so that the various people in different wards of Boston may have a chance to get oil from whoever they desire.

Coun. KINSELLA—Mr. Chairman, I firmly believe that the councilor from Dorchester is 100 per cent right on this matter. I had the same thing brought to my attention the day before yesterday, where representatives of the company, when called up, wanted to know who in hell they thought they were. I believe such a company should be given short shrift, that the owners of these tickets are entitled to have them returned, and I think the order should be passed.

Coun. LANGAN—I believe also that this is a good order.

The order was passed.

REPORT OF COMMITTEE ON CLAIMS.

Coun. LANGAN, for the Committee on Claims of 1942, submitted the following report:

The Committee on Claims respectfully submits the following report showing the disposition of claims during the municipal year 1942:

Claims pending January 1, 1942, 904; claims received during 1942, 561; claims disapproved during 1942, 370; claims approved during 1942, 116; reimbursements (claims against city employees, not suits), 48; reimbursements (cases against city employees, suits), 49; amount paid on approved claims, \$7,248.55; amount paid on reimbursements, not suits, \$2,275.95; amount paid on reimbursements, executions, \$13,763.77; total amount paid during 1942, \$23,288.27; claims pending January 1, 1943, \$882.

For the Committee,

JAMES M. LANGAN, Chairman.

The report was accepted.

THANKS TO REVEREND PHILIP KEARNEY.

Coun. COFFEY and MUCHNICK offered the following:

Resolved, That the City Council of Boston, in meeting assembled, hereby extends its sincere thanks and appreciation to Rev. Philip Kearney, curate of the Sacred Heart Church, East Boston, for extraordinary heroism and courage shown in the recent East Boston fire when he waded knee-deep in water shortly after the collapse of the building to administer conditional absolution to firemen who were trapped in the ruins.

The resolution was adopted.

PURCHASE OF BOMBER BY BOSTON.

Coun. D. F. SULLIVAN offered the following: Ordered, That his Honor the Mayor be requested to consider the advisability of appointing a committee to sponsor a drive in the City of Boston to raise money to purchase a bomber for the Air Corps of the United States.

The order was passed.

COLLECTION OF GARBAGE BY
CONTRACTORS.

Coun. WICKES and FISH offered the following:

Ordered, That the Public Works Commissioner be requested, through his Honor the Mayor, to instruct the contractor in Wards 16 and 17 to immediately collect the accumulation of ashes and garbage in that district in accordance with the terms of his contract.

Coun. FISH—Mr. Chairman, I think it is unnecessary for me to go into details in regard to this order, as we went over it last week, and had the commissioner before us. I merely want to make it known that up to last Monday there had been no collection, according to my observation, for two weeks, and I am not aware of any collection of ashes and garbage since last Monday.

Coun. KELLY—Mr. Chairman, I would like to amend the order to include Ward 15.

Coun. HANNON—And I would like to amend the order, Mr. Chairman, to include Ward 13. I believe we have the same contractor, and I think that our ward should be included in the order. I would suggest that it cover all of Dorchester.

Chairman SULLIVAN—If there is no objection, the order will be amended so as to include all of Dorchester.

Coun. TAYLOR—And I would move to amend the order, Mr. Chairman, to include the whole of the City of Boston.

Coun. FISH—Mr. Chairman, being the one who originally introduced this order, I have no objection to having the whole of Dorchester, or for that matter the whole of the City of Boston included. I was actuated, however, in introducing the order, by a condition in our part of Dorchester.

The order was amended by striking out "Wards 16 and 17" and inserting in place thereof "the Dorchester and other districts," and as amended was passed.

REPAIR OF WARD 17 STREETS.

Coun. WICKES offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to fill the holes in all streets in Ward 17 just as soon as weather conditions permit.

The order was passed.

EDUCATION OF PUBLIC AS TO
RATIONING SYSTEM.

Coun. HANLEY offered the following:

Ordered, That his Honor the Mayor, in collaboration with the Regional Officers of the O. P. A., institute an educational program of inculcating into the minds of the people of Boston, through the media of the press, the radio and the cinema, the rules and regulations of the "rationing program" that will be inaugurated in the month of February; and the above educational program to be given to the students of our parochial and public schools, both elementary and high schools, and to be given further at meetings conducted in the auditoriums of our municipal and school buildings of every ward in the city; said meetings to be conducted by a representative of the O. P. A.; a question and answer period given to acquaint the storekeepers, merchants and consumers as to the use of rationing system.

The order was passed.

BALLOTING FOR PRESIDENT
CONTINUED.

On motion of Coun. MUCHNICK the Council voted to proceed to ballot for President for 1943, the clerk calling the roll with the following result:

For Coun. Scannell—Coun. Chase, Foster, Hurley, Langan, Lyons, Russo, Scannell, M. H. Sullivan, Taylor, Wickes—10.

For Coun. Hannon—Coun. Carey, Coffey, Dwyer, Fish, Hanley, Hannon, Kelly, Kinsella, Muchnick, D. F. Sullivan—10.

And there was no choice.

VOTE TO GO INTO EXECUTIVE
SESSION.

Coun. HANLEY—Mr. Chairman, I move that we now go into executive session for the purpose of listening to the oil pedlers who, I believe, have a message for all of us.

Coun. M. H. SULLIVAN—Mr. Chairman, I ask for a roll call on that motion.

The clerk called the roll, and the motion to go into executive session was carried, yeas 11, nays 8:

Yeas—Coun. Carey, Coffey, Dwyer, Fish, Hanley, Hannon, Kelly, Kinsella, Muchnick, Russo, D. F. Sullivan—11.

Nays—Coun. Chase, Foster, Hurley, Lyons, Scannell, M. H. Sullivan, Taylor, Wickes—8.

The Council retired into executive session at 4.22 p. m. and the members reassembled in the Council Chamber at 5 p. m., Coun. D. F. SULLIVAN presiding.

EXECUTIVE COMMITTEE REPORTS.

Coun. TAYLOR, for the Executive Committee, submitted the following:

1. Report on message of Mayor and order (referred today) that \$23,675 be appropriated for Municipal Employment Bureau—that same ought to pass.

Report accepted; said order passed, yeas 20, nays 0.

2. Report on order (referred today) for utilization by the Governor of wartime powers relative to the sale of oil to pedlers—that same ought to pass.

Report accepted; said order passed.

MOTION TO ADJOURN.

Coun. KINSELLA—Mr. Chairman, I move that we now adjourn.

The motion was declared lost.

Coun. COFFEY doubted the vote and asked for the yeas and nays.

The motion to adjourn was lost, yeas 10, nays 10: Yeas—Coun. Carey, Coffey, Dwyer, Fish, Hanley, Hannon, Kelly, Kinsella, Russo, D. F. Sullivan—10.

Nays—Coun. Chase, Foster, Hurley, Langan, Lyons, Muchnick, Scannell, M. H. Sullivan, Taylor, Wickes—10.

Coun. HURLEY—Mr. Chairman, I ask unanimous consent to make a statement.

Chairman D. F. SULLIVAN—If there is no objection, the gentleman may proceed.

Coun. HURLEY—Mr. Chairman, our members who are in war service, some of whom are gathered here today, may perhaps never visit the Council again. I think that our members in the armed services are entitled to whatever consideration we can give them at the hands of the other members. As we all know, these men are seeking today to exercise their prerogative of voting for a President of this Body. I hope we will stay here and give them an opportunity to vote in this matter, and we can then adjourn. But let us give those fellows the even break that they are entitled to.

BALLOTING FOR PRESIDENT
CONTINUED.

Coun. TAYLOR—Mr. Chairman, I move that we now proceed to ballot for President of the Body for the year 1943.

The motion was declared carried.

Coun. COFFEY doubted the vote, and asked for the yeas and nays.

The motion was carried on roll call, yeas 11, nays 9:

Yeas—Coun. Carey, Chase, Foster, Hurley, Langan, Lyons, Muchnick, Scannell, M. H. Sullivan, Taylor, Wickes—11.

Nays—Coun. Coffey, Dwyer, Fish, Hanley, Hannon, Kelly, Kinsella, Russo, D. F. Sullivan—9.

Coun. COFFEY—Mr. President, I would doubt that vote, and I ask for reconsideration.

(Later in the session, on motion of Coun. DWYER, the discussion on reconsideration was stricken from the record, yeas 11, nays 8:

Yeas—Coun. Chase, Dwyer, Foster, Hurley, Lyons, Muchnick, Scannell, D. F. Sullivan, M. H. Sullivan, Taylor, Wickes—11.

Nays—Coun. Carey, Coffey, Fish, Hanley, Hannon, Kelly, Kinsella, Russo—8.)

The motion to reconsider was declared lost. Coun. COFFEY doubted the vote and the CHAIR ordered a roll call.

Coun. COFFEY—Mr. Chairman, I move that we now adjourn.

Chairman D. F. SULLIVAN—The gentleman is out of order as the question is on solving the doubt.

Coun. COFFEY—Mr. Chairman, I move that we now take a recess.

Chairman D. F. SULLIVAN—That motion is out of order.

Coun. COFFEY—That motion is out of order also, Mr. Chairman?

Chairman D. F. SULLIVAN—Yes. The clerk will now continue the roll call on Coun. COFFEY'S motion to reconsider.

Coun. COFFEY—Mr. Chairman.

Chairman D. F. SULLIVAN—No debate is in order.

The motion to reconsider was lost, yeas 8, nays 12:

Yeas—Coun. Carey, Coffey, Dwyer, Fish, Hannon, Kelly, Kinsella, D. F. Sullivan—8.

Nays—Coun. Chase, Foster, Hanley, Hurley, Langan, Lyons, Muchnick, Russo, Scannell, M. H. Sullivan, Taylor, Wickes—12.

Coun. TAYLOR—Mr. Chairman, I move that we proceed to ballot for president for 1943.

Coun. DWYER—Mr. Chairman, I wish to make a motion—

Coun. TAYLOR—Mr. Chairman, I rise to a point of order.

Coun. DWYER—Mr. Chairman, I would move to lay on the table.

(Several members addressed the Chair.)

Chairman D. F. SULLIVAN—The business now before the Body is to vote for a president.

Coun. DWYER—Mr. Chairman, I move that that be laid on the table. The motion to lay on the table was declared lost.

Coun. COFFEY—Mr. Chairman, I doubt the vote and ask for the yeas and nays.

Chairman D. F. SULLIVAN—The clerk will call the roll on the motion to lay on the table.

The clerk called the roll, and the motion to lay on the table was declared lost, yeas 8, nays 12:

Yeas—Coun. Coffey, Dwyer, Fish, Hanley, Hannon, Kelly, Kinsella, D. F. Sullivan—8.

Nays—Coun. Carey, Chase, Foster, Hurley, Langan, Lyons, Muchnick, Russo, Scannell, M. H. Sullivan, Taylor, Wickes—12.

Chairman D. F. SULLIVAN—The clerk will now call the roll on the election of a president.

Coun. DWYER—Mr. Chairman, I move that we do now adjourn.

Coun. TAYLOR—Mr. Chairman, I rise to a point of order, that we just voted on the question of adjournment.

Chairman D. F. SULLIVAN—The Chair will rule that a motion to adjourn is in order at any time, except on an immediate repetition or on the verification of a vote.

The motion to adjourn was declared lost. Coun. COFFEY doubted the vote and asked for the yeas and nays.

The clerk called the roll, and the motion to adjourn was lost, yeas 9, nays 11:

Yeas—Coun. Carey, Coffey, Dwyer, Fish, Hanley, Hannon, Kelly, Kinsella, D. F. Sullivan—9.

Nays—Coun. Chase, Foster, Hurley, Langan, Lyons, Muchnick, Russo, Scannell, M. H. Sullivan, Taylor, Wickes—11.

Chairman D. F. SULLIVAN—The question now comes on a poll for president.

Coun. TAYLOR—Mr. Chairman, I move the previous question.

Chairman D. F. SULLIVAN—There is no previous question.

Coun. COFFEY—Is a motion to take a recess now in order?

Chairman D. F. SULLIVAN—Not immediately after the motion to adjourn has been defeated.

Coun. COFFEY—Is the question of the presence of a quorum in order?

Chairman D. F. SULLIVAN—The Chair sees more than a quorum present.

Coun. COFFEY—Mr. Chairman, is a motion to adjourn in order now?

Chairman D. F. SULLIVAN—It is out of order.

Coun. HANNON—Mr. Chairman, what is the question?

Chairman D. F. SULLIVAN—There is no question. The business before us is electing a president.

Coun. HANNON—Mr. Chairman, I ask unanimous consent to make a statement.

Chairman D. F. SULLIVAN—Is there any objection?

Coun. TAYLOR—Mr. Chairman, I object.

Chairman D. F. SULLIVAN—The Chair hears objection, and the Body will now proceed to the election of a president.

Coun. COFFEY—Mr. Chairman, I ask unanimous consent to make a statement.

Chairman D. F. SULLIVAN—Is there any objection?

Coun. TAYLOR—I object, Mr. Chairman.

Chairman D. F. SULLIVAN—The clerk will call the roll on the question of electing a president.

The roll was called with the following result:

For Coun. RUSSO—Coun. Carey, Coffey, Dwyer, Fish, Hannon, Kelly, Kinsella, Russo—8.

For Coun. Scannell—Coun. Chase, Foster, Hurley, Langan, Lyons, Muchnick, Scannell, D. F. Sullivan, M. H. Sullivan, Taylor, Wickes—11.

And there was no choice.

Coun. DWYER—Mr. Chairman, I move that we do now adjourn.

Chairman D. F. SULLIVAN put the motion but, being in doubt, ordered a roll call, and the Council refused to adjourn, yeas 9, nays 9.

Yeas—Coun. Carey, Coffey, Dwyer, Fish, Hannon, Kelly, Kinsella, Russo, D. F. Sullivan—9.

Nays—Coun. Chase, Foster, Hurley, Lyons, Muchnick, Scannell, M. H. Sullivan, Taylor, Wickes—9.

Coun. TAYLOR—Mr. Chairman, I move that we proceed to ballot for the election of a president for 1943.

The motion was declared carried.

Coun. COFFEY doubted the vote and asked for the yeas and nays.

The motion to proceed to ballot for president was lost on roll call, yeas 10, nays 10:

Yeas—Coun. Chase, Foster, Hurley, Langan, Lyons, Muchnick, Scannell, M. H. Sullivan, Taylor, Wickes—10.

Nays—Coun. Carey, Coffey, Dwyer, Fish, Hanley, Hannon, Kelly, Kinsella, Russo, D. F. Sullivan—10.

Coun. KELLY—Mr. Chairman, I ask unanimous consent to make a statement.

Chairman D. F. SULLIVAN—If there is no objection, the gentleman may proceed.

Coun. KELLY—Mr. Chairman, the way we are going along here it does not seem to me that there will be any choice for president of the Council today.

I have every respect for the men in the service and sympathize with them on account of the distances they have had to travel to get here.

Probably it will make little difference to me who is elected president of the Body for 1943, but I am now going to make a motion, and I hope it will prevail, and I trust if it does prevail that when we meet again, every member who is in the armed forces will be able to get here and to vote on the president for 1943.

If the motion does not prevail, I will stay here as long as the Body wishes to remain in session. But I trust that it will prevail, as I think at the present time it is the best action for us to take.

I move at this time, therefore, that we adjourn.

The motion to adjourn was declared carried.

Coun. FOSTER doubted the vote, and asked for the yeas and nays.

The motion to adjourn was lost, on roll call, yeas 10, nays 10:

Yeas—Coun. Carey, Coffey, Dwyer, Fish, Hanley, Hannon, Kelly, Kinsella, Russo, D. F. Sullivan—10.

Nays—Coun. Chase, Foster, Hurley, Langan, Lyons, Muchnick, Scannell, M. H. Sullivan, Taylor, Wickes—10.

Coun. MUCHNICK—Mr. Chairman, I now move that we proceed to ballot for a president for the year 1943.

Coun. Muchnick's motion was declared carried.

Coun. COFFEY doubted the vote and asked for the yeas and nays.

The motion to proceed to a ballot for president was lost, yeas 10, nays 10:

Yeas—Coun. Chase, Foster, Hurley, Langan, Lyons, Muchnick, Scannell, M. H. Sullivan, Taylor, Wickes—10.

Nays—Coun. Carey, Coffey, Dwyer, Fish, Hanley, Hannon, Kelly, Kinsella, Russo, D. F. Sullivan—10.

Coun. DWYER—Mr. Chairman, I now move that we take a recess subject to the call of the Chair.

The motion was carried, and the members retired from the chamber at 6.07 p. m. and returned at 6.24 p. m., Coun. D. F. SULLIVAN in the chair.

Chairman D. F. SULLIVAN—The Chair awaits the pleasure of the Council.

Coun. TAYLOR—Mr. Chairman, I move that we proceed to ballot for the election of a president for the year 1943.

Coun. FISH—Mr. Chairman, is a motion to adjourn in order?

Chairman D. F. SULLIVAN—A motion to adjourn is in order.

Coun. FISH—I make that motion, Mr. Chairman.

Coun. COFFEY—Mr. Chairman, I ask for a roll call on the motion to adjourn.

The motion to adjourn was lost, yeas 10, nays 10:
Yeas—Coun. Carey, Coffey, Dwyer, Fish, Hanley, Hannon, Kelly, Kinsella, Russo, D. F. Sullivan—10.

Nays—Coun. Chase, Foster, Hurley, Langan, Lyons, Muchnick, Scannell, M. H. Sullivan, Taylor, Wickes—10.

Coun. COFFEY—Mr. Chairman, as I understand it, the motion now before us is to proceed to the election of a president.

Chairman D. F. SULLIVAN—That is right.

The Council voted to proceed to the election of a president for 1943.

Coun. COFFEY—Mr. Chairman, I doubt the vote on that, and ask for a roll call on the question of proceeding to the election of a president.

Coun. CHASE—Mr. Chairman, I have been a member of this Honorable Body now for going on six years, and I cannot for the life of me see why we cannot elect a president. We have some capable, honorable men here, capable men, and I have in mind at least four or five who would make excellent presidents. I think that applies to any member of the Body—excepting, of course, myself, because being a Republican I cannot expect to become the president of the Body. But I think if we should measure by yardstick any of the senior members of the Body they would make good presidents. We could pick one at random. It is only the question of a reasonable way to elect a president. Any man who has had several years experience in this Body, any of the senior members of the Council, would make an excellent president, and I trust that tonight some senior member will be elected president.

The question was on proceeding to the election of a president. The motion was lost, yeas 10, nays 10:

Yeas—Coun. Chase, Foster, Hurley, Langan, Lyons, Muchnick, Scannell, M. H. Sullivan, Taylor, Wickes—10.

Nays—Coun. Carey, Coffey, Dwyer, Fish, Hanley, Hannon, Kelly, Kinsella, Russo, D. F. Sullivan—10.

TAX RATE FOR 1943.

Coun. TAYLOR offered the following:
Ordered, That the members of the City Council cooperate with the Mayor to keep the tax rate down for the year 1943.

Coun. TAYLOR—Mr. Chairman, after serving for five years in the Boston City Council, I think we all feel that the Mayor and the City Council together should cooperate for the purpose of keeping down the Boston tax rate. I think we have done so in the past, and I believe the members of the Council are to be congratulated, along with the Mayor, upon the successful job that has been performed by the Mayor and the members of the City Council down to the present time. When I first entered the Council, in 1938, the City of Boston was faced with a financial situation that was deplorable. At that time there was some talk to the effect that the City of Boston would have to be taken over by a commission appointed by the state, for the purpose of straightening out its financial affairs, as was done in the City of Fall River. At that time we were in the throes of a great depression. It was hard to believe that Boston would be able to extricate itself from its financial despair. The Mayor of Boston came before this Body in Symphony Hall and requested the cooperation of the Council in trying to deal with the financial problems facing the city. At that time we had little knowledge of the finances of the city, we knew very little about municipal government, and as a matter of fact we were a good deal like students

in a high school. But the Mayor of Boston submitted a plan to the members of the City Council, and he informed us that unless something was done to protect the interests of the taxpayers we were in a very hard position.

Chairman D. F. SULLIVAN—Coun. TAYLOR moves a suspension of the rule for the passage of his order.

Coun. TAYLOR—Mr. Chairman, I would further state that I cannot recall distinctly whether in 1938 the Mayor called attention to the desperate condition of the city or whether it was in a later year; but I know that at all times he emphasized the fact that unless the principles of practical economy were closely followed the city would be in such a plight that some drastic action would have to be taken by the State Legislature. For five years we have striven hard to cooperate with the Mayor in reducing the tax rate, and at this time I would like to call to your attention what the Mayor stated to the Council in his address on January 6, 1941, in regard to the financial position of the city at that time.

(Commotion in the Chamber.)
Chairman D. F. SULLIVAN—The Council must give undivided attention to the speaker.

Coun. TAYLOR—Under the heading of "Finances," the Mayor said:

"In the year just closed, as in the two previous years, we have continued to make substantial progress towards the goal of rehabilitating the city's finances. We are growing in financial strength and security. We have not yet reached the point where our financial structure is free of all defects and all weaknesses, but we are constantly making solid progress toward that enviable condition.

It is my belief that the policy we adopted at the beginning of this administration, to avoid all but most necessary expenditures, should be continued. The adoption of that policy has begun to bear fruit. Our financial picture shows definite improvement. Our credit is infinitely better. Our financial foundations have been cemented and strengthened. Our rating and reputation for sound municipal government has been enhanced. Our future as a municipality is far brighter and far more secure than it was in former years. We cannot, it is true, point to accomplishments in the form of ornate monuments of stone and marble, but we can, in all sincerity, point to the best accomplishment within our power to achieve—a sound and a solvent city government.

Maintenance Expenses and Debt.—In three years we have reduced our maintenance expenses for the operation of the city government over two million dollars, and were it not for factors over which we have little, if any, control, that reduction would have resulted in a one dollar and a half reduction in the tax rate.

During the past year, the total outstanding indebtedness of the city has been reduced five million three hundred thousand dollars (\$5,300,000) and this reduction over a two-year period is more than nine millions of dollars. This reduction has been made, if you will, at the risk of some transitory political popularity but, on the other hand, it has served to release the pressure on one of the vital arteries of the city government, and has contributed in no small measure to our better financial standing."

Coun. COFFEY—Mr. Chairman, I cannot hear the gentleman very well, and am very much interested. (Laughter.)

Chairman D. F. SULLIVAN—The gentleman from Ward 12 (Coun. Taylor) will perhaps speak a little louder.

Coun. TAYLOR—I suppose the acoustics of the Council Chamber may not be very good, but I think possibly the councilor from East Boston (Coun. Coffey) is a little hard of bearing. Councilor Muchnick (sitting close to Coun. Taylor) has suggested that he would be glad to change seats with the councilor (laughter) who I know is very much interested in what I am saying. (Laughter.)

"In the year just passed, over seventy-nine per cent of the taxes assessed in 1940 were collected."

Coun. COFFEY—Mr. Chairman, is the gentleman through? (Laughter.)

Coun. TAYLOR—I am just getting started. (Laughter.)

Coun. KELLY—Mr. Chairman, if the gentleman is going to read the whole book, I would suggest that he put it into the record, and that will save him the trouble of reading it.

Coun. TAYLOR—I think the statement here is a very valuable one, and that careful attention should be given to it by the members. (Laughter.)

Coun. KELLY—Mr. Chairman, he might underline in pencil the parts he desires to have included in the record, so that we can go along with some other business.

Chairman D. F. SULLIVAN—Councillor Taylor has the floor.

Coun. TAYLOR—Mr. Chairman, "in the year just passed, over seventy-nine per cent of the taxes assessed in 1940 were collected. This represents an improvement of about two per cent over the collection record of 1939, and is the best percentage of collections to be established in any year since 1931."

I might suggest that while the Collector of Taxes did a remarkable job in collecting the taxes, he may in some cases have collected from people who could not pay every cent on the dot. Nevertheless, that was the record of collection.

"It is interesting, as a comparison, to note that in the six years preceding this administration, the average percentage of current tax collections was seventy-two per cent."

Coun. CHASE—Mr. Chairman.

Coun. TAYLOR—Of course, Mr. Chairman, these interruptions will simply delay my speech.

Chairman D. F. SULLIVAN—Councillor Taylor has the floor.

Coun. TAYLOR—"Of the collections made prior to interest date, the best record over a period of twenty-one years has been attained. This splendid record of collections needs no further comment other than to state that the prompt and efficient collection of taxes is one of the prime requisites to a stable financial condition."

Coun. COFFEY—Mr. Chairman.

Chairman D. F. SULLIVAN—Does the councillor rise to a point of order?

Coun. COFFEY—Will the councillor yield for a question?

Coun. TAYLOR—Mr. Chairman, I will not yield the floor, but I will yield for a question.

Coun. COFFEY—Mr. Chairman, if the gentleman yields for a question, doesn't he yield for all time?

Chairman D. F. SULLIVAN—Just for a question. Councillor Taylor has the floor.

Coun. TAYLOR—Mr. Chairman, can the gentleman hear me? (Laughter.) (Continuing reading) "This splendid record of collections needs no further comment other than to state that the prompt and efficient collection of taxes is one of the prime requisites to a stable financial condition."

Surplus—Although the accounts of the city for the year 1940 are still open, I am advised that when closed the financial records will reveal that total operating cash receipts for the year have exceeded expenditures for all operating purposes. In other words, it can be stated definitely that the city will close its books for 1940 with a surplus, thus making possible a further reduction in the accumulated cash deficit of the city. While it is impossible at this time to state definitely the amount of the surplus, I am informed that if the city had received from the Commonwealth the full amount of reimbursement for welfare disbursements to which it was entitled, the surplus for 1940 would approximate two million dollars.

And incidentally, I cannot understand why the state did not pay to us that to which we were rightfully entitled.

"Under existing procedure it is impossible for our Department of Public Welfare to obtain from the Commonwealth the full amount of outstanding obligations as represented by departmental billings. Reimbursement by the Commonwealth is made, on the average, eighteen to twenty months after commencement of relief payments by the city. It is unfortunate that such a delay should exist, since it means that the city must engage in extensive temporary borrowings in order to provide for the relief of needy persons in whose support the state is required to share."

Coun. COFFEY—Mr. Chairman, I rise to a question.

Chairman D. F. SULLIVAN—Councillor Taylor has the floor.

Coun. COFFEY—Thank you.

Coun. TAYLOR—

"*Water Income*—The Water Division of the Public Works Department, for the third consecutive year, has produced a surplus of income over expenses. In the seven years preceding this administration, the expenditures of this Division exceeded receipts from water rates. This un-

satisfactory condition was corrected in the years 1938 and 1939, and I am advised that for the year 1940 this Division will close its books with a surplus of four hundred thousand dollars. This surplus will be utilized, as it was during the past two years, for the reduction of the amount to be provided in the 1941 tax levy for debt requirements."

I think that is all at the present time.

Coun. HANNON—Mr. Chairman, I might as well continue. (Taking from Coun. Taylor the document from which he had been quoting.)

"*Sumner Tunnel*—Since the date of the opening of the Sumner Traffic Tunnel, this under-water highway has not produced sufficient income to meet the debt and operating charges of the Tunnel and its accompanying approaches and street widenings. The financial year just passed discloses a deficit of approximately three hundred and eight thousand dollars (\$308,000)."

Coun. CHASE—What are you talking about? (Laughter.)

Coun. HANNON—About the financial condition of the city.

"In the three years this administration has been in office, the annual deficit has been reduced almost one hundred and fifty thousand dollars (\$150,000). In addition fifty thousand dollars (\$50,000) has been received by the city from the State Highway Fund."

Coun. MUCHNICK—Mr. Chairman, will the gentleman yield for a question?

Coun. HANNON—I shall be glad to yield for a question.

Coun. MUCHNICK—Will you permit me, if there is no other objection, councillor, to make a statement?

Coun. HANNON—No, not at this time.

(Reading) "I am exceedingly hopeful that we shall have further success in the reduction of this deficit. In addition to our efforts to lower the deficit of the Sumner Tunnel, it is our intention to again seek legislation during the present year providing for a continuance of payments from the State Highway Fund. In view of the fact"

Coun. MUCHNICK—Mr. Chairman, I rise to a point of order. The councillor, I believe, is reading from a message of his Honor the Mayor two or three years back, with which I don't think we are concerned at the moment. The matter before us, under the order, is that we shall now cooperate with the Mayor in reducing the tax rate, and I think anything aside from that is not in order.

Chairman D. F. SULLIVAN—It is the opinion of the Chair that the councillor is leading up to that. (Laughter.)

Coun. HANNON—(reading.)

"In addition to our efforts to lower the deficit of the Sumner Tunnel, it is our intention to again seek legislation during the present year providing for a continuance of payments from the State Highway Fund. In view of the fact that the Sumner Tunnel is acknowledged to be a vital link in the highway system of the State, and in view of the fact that seventy per cent of the users of the Tunnel reside outside the limits of the City of Boston, I believe it to be eminently equitable and just that a generous allocation of monies from the State Highway Fund be provided for the upkeep of the Tunnel. With the allocation from the State, I am happy to report that in three years we have reduced the deficit of the Sumner Tunnel approximately forty per cent, thus lessening, to a marked degree, the Tunnel deficit burden which is assessed on all the taxpayers of our city."

Chairman D. F. SULLIVAN—The Chair awaits the pleasure of the Council.

Coun. TAYLOR—Mr. Chairman, I move that we proceed to the election of a president for the year 1943.

The motion was carried, and the clerk called the roll with the following result:

For Coun. Scannell—Coun. Chasc, Foster, Hurlcy, Langan, Lyons, Muchnick, Scannell, M. H. Sullivan, Taylor, Wickes—10.

For Coun. Hannon—Coun. D. F. Sullivan—1.

And there was no choice.

Chairman D. F. SULLIVAN—The result of the vote shows the absence of a quorum, and under Rule 1a the Chair will declare the meeting adjourned.

The meeting stood adjourned at 6.55 p. m., to meet on Monday, January 11, 1943, at 2 p. m.

CITY OF BOSTON.

Proceedings of City Council.

Monday, January 11, 1943.

Regular meeting of the Boston City Council, in the Council Chamber, City Hall, at 2 p. m., Senior Member DWYER in the chair. Absent, Coun. Foster, Goode, Linehan and Wickes.

The meeting was opened with the salute to the Flag.

JURORS DRAWN.

Jurors were drawn under the law, Coun. HAN-
NON presiding at the jury box in the absence of the Mayor, as follows:

Three additional grand jurors, Superior Criminal Court, to appear February 1, 1943:

Edgar J. Finnin, Ward 10; William C. Brazzell, Ward 16; Hale W. Abbot, Ward 17.

Chairman DWYER called to the chair Coun. D. F. Sullivan.

Coun. D. F. SULLIVAN in the chair.

PETITIONS REFERRED.

The following petitions were received and referred to the committees named, viz.:

Claims.

Frank Cronin, to be paid for work done in court house.

Michael L. Graffeo, for compensation for damage to car by city truck.

Anna G. Lang, for compensation for injuries caused by an alleged defect at St. Paul street and Commonwealth avenue.

Esther M. Lynch, for compensation for damage to property, Dudley and Washington streets, caused by snow plow.

Edward C. Merchant, to be reimbursed for execution issued against him.

M. G. Sherman, for compensation for damage to car by city truck.

William J. Sommerville, to be reimbursed for execution issued against him.

Taxi Service Company, for compensation for damage to car by city ambulance.

LEASE OF DRAKE SCHOOL.

The following was received:

City of Boston,

School Committee, January 5, 1943.

Mr. W. J. Doyle,
City Clerk.

Dear Sir,—At the meeting of the School Committee held on Monday, January 4, 1943, the following preamble and order were offered:

"Whereas, The Drake School in South Boston has been occupied by the Stephen Darius Post No. 317, American Legion, for the five-year period beginning December 10, 1937; and

Whereas, Said lease now has expired and said Post desires a renewal of the lease for a period of five years beginning December 10, 1942; it is hereby

Ordered, That the City Council is hereby requested to authorize the School Committee, in the name of the city, to lease to the Stephen Darius Post No. 317, American Legion, the Drake School, South Boston, such occupancy to be discontinued at the will of the School Committee.

The preamble was adopted and the order passed.

Very truly yours,

ELLEN M. CRONIN, Secretary.

Placed on file.

Coun. SCANNELL offered the following:

Ordered, That the School Committee be hereby authorized to lease, in the name and behalf of the city, the Drake School in South Boston, to the

Stephen Darius Post No. 317, American Legion, upon such terms and conditions as said committee shall deem advisable.

The order was passed.

CONFIRMATION OF EXECUTIVE APPOINTMENTS.

Chairman D. F. SULLIVAN called up, under unfinished business, No. 1 on the calendar, viz.:

1. Action on appointments submitted by the Mayor January 4, 1943, of Miriam Leppo, Leonard P. Cornet, William Gleason, John Zanstuck and Morris Green, to be Weighers of Coal.

The question came on confirmation of the appointments. Committee, Coun. Carey and Muchnick. Whole number of ballots 12; yes 11, no 1, and the appointments were confirmed.

SOLDIERS' RELIEF.

Coun. HANLEY submitted 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 under suspension of the rule.

FUEL OIL INQUIRY.

Coun. D. F. SULLIVAN and HANLEY offered the following:

Ordered, That his Honor the Mayor be requested to instruct the following-named heads of departments to appear before the Executive Committee of the City Council: Chairman of the Street Commission, The Sealer of Weights and Measures, the Commissioner of Public Works, the Corporation Counsel; and be it further

Ordered, His Honor the Mayor request the presence of Col. Thomas Sullivan, Oil Administrator of Massachusetts, to be present at the same Executive Committee meeting of the City Council.

The order was referred to the Executive Committee.

SHORTAGE OF HELP AT CITY HOSPITALS.

Coun. D. F. SULLIVAN offered the following:

Ordered, That the Manpower Commission, appointed by the Mayor, be requested, through his Honor the Mayor, to immediately begin a study of our institutions such as the City Hospital, the Mattapan Sanatorium and the Long Island Hospital relative to a shortage of help, and to make a study of the salary structures of these institutions, and to make a report to his Honor the Mayor and the City Council for an increase in salary for the workers in the above-named institutions before all the veteran workers of these institutions resign from their present positions and take defense jobs, thereby leaving the city departments undermanned.

The order was passed.

POST-WAR REMOVAL OF ELEVATED STRUCTURE.

Coun. D. F. SULLIVAN offered the following:

Ordered, That his Honor the Mayor be requested to instruct the Transit Commission to draw up a Post-War Project to remove the El structure on Washington street, from Forest Hills to the entrance of the tunnel at Broadway.

The order was passed.

Chairman D. F. SULLIVAN—The Chair awaits the pleasure of the Council.

RECESS.

On motion of Coun. COFFEY, the Council voted at 3.45 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 by Chairman D. F. SULLIVAN at 5.02 p. m.

LOAN IN ANTICIPATION OF REVENUE.

Chairman D. F. SULLIVAN called up, under unfinished business, No. 2 on the calendar, viz.:

2. Ordered, That to provide temporarily money to meet the appropriations for the financial year 1943, the city treasurer he, 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 \$40,000,000 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 4, 1943, the foregoing order was read once and passed, yeas 20, nays 0.

The order was given its second and final reading and passage, yeas 16, nays 0.

SALE OF LAND IN DEDHAM.

Coun. HANNON called up, under unfinished business, No. 3 on the calendar, viz.:

3. Order for the sale at public auction of a parcel of land on River and Milton streets in Dedham formerly owned by the Town of Hyde Park, and no longer required for public purposes.

The order was read once and passed, yeas 16, nays 0.

EXECUTIVE COMMITTEE REPORT.

Coun. TAYLOR, for the Executive Committee, submitted the following:

1. Report on order (referred today) requesting various department heads to appear at meeting of Executive Committee — that the order be placed on file.

Report accepted; said order placed on file.

PENSIONS OF MEMBERS OF FIRE AND POLICE DEPARTMENTS.

Coun. KINSELLA offered the following:

Resolved, That the City Council of Boston hereby approves the enactment of legislation to provide that the pension of members of the Fire, or Police Department, retired for accidental disability shall be based on the highest compensations paid to firemen or policemen in the same grade and classification, provided that such legislation includes a referendum to the Mayor and the City Council.

Passed under suspension of the rule.

DEATH OF CHIEF JUSTICE F. DELANO PUTNAM.

Coun. HANNON and MUCHNICK offered the following:

Resolved, That the Boston City Council, in meeting assembled, expresses its sincere sorrow on the untimely death of Chief Justice F. Delano Putnam of the Boston Municipal Court, who served his city and state with honor and distinction. The resolution was adopted unanimously.

APPOINTMENT OF BOSTON MAN TO MUNICIPAL COURT.

Coun. HANNON offered the following:

Ordered, That the members of the Boston City Council, in meeting assembled, urgently requests his Excellency, the Governor, to appoint a Boston man to fill the position left vacant by the death of Chief Justice F. Delano Putnam of the Boston Municipal Court.

Coun. HANNON—Mr. President, I have the greatest faith in the world in his Excellency, the Governor of the Commonwealth, but there has been thrust upon him now the opportunity to

make an appointment of a judge of the Boston Municipal Court, at a salary of \$10,000. That salary is to be paid by the people of the City of Boston. I see in a paper that the name of a man prominently mentioned for this position is a gentleman who does not reside in Boston, but who lives 20 or 25 miles from Boston. I believe it is about time that we here asserted our rights. Unless we protest immediately, it will be too late, and the appointment of such an outsider will be confirmed. I think we all believe in home rule, and we have just as well qualified and capable men in Boston as there are in the country. I trust, therefore, that the Governor will not go outside, to Somerville, Medford, or other places, or even farther outside of the city, to make an appointment of this kind. We have to bear the hunt of these things, and I think it is about time that Boston was recognized in these matters. I trust, therefore, that the Governor will seriously consider the advisability of appointing some qualified, capable, Boston man to this position.

The order was passed.

INCREASE OF FIVE-CENT FARE ZONES.

Coun. MUCHNICK offered the following:

Ordered, That the trustees of the Boston Elevated Railway he requested, through his Honor the Mayor, to increase the limits of the present five-cent fare zones in Ward 14 and that they he further requested to increase the number of such five-cent fare zones.

Coun. MUCHNICK—Mr. Chairman, in the past when the Elevated was operating under a deficit, there could not be much of a quarrel with its trustees for limiting the number of zones in which passengers were permitted to ride at a reduced fare, nor for limiting the length of each zone. However, with conditions as they now exist and with the probability that the Elevated deficit for some time to come will be a thing of the past, it seems only fair that the public now share in the benefits just as they have shared in the past in the burdens. At present in Ward 14 on the Eggleston square—Mattapan square line, the five-cent fare zone runs only from Eggleston square to Franklin Park, or from Mattapan square to Franklin Park. It would seem proper that the five-cent fare line be from outside the Eggleston square station to the end of the line and conversely from Mattapan square to any point short of the Eggleston Square Station. The same should hold true on the lines that lead into Dudley street and all other stations. Passengers should be permitted to ride in surface cars from one end of a line to the other without any transfer privileges for a fare of five cents. Perhaps this rate should apply throughout the city. With the decreased automobile traffic the Elevated is certain to have increased traffic and increased revenue, and will be well able to pass some of its benefits on to the public. This measure would be of untold benefit to many of the poor, sick and aged who will now, because of conditions, find it necessary to use street cars to get to and from church, neighborhood shopping tours and similar other necessary uses.

The order was passed.

DEATH OF A. LAWRENCE LOWELL.

Coun. MUCHNICK offered the following:

Resolved, That the Boston City Council deeply mourns the death of A. Lawrence Lowell, President Emeritus of Harvard University, a scholar, educator, statesman, and a great American who contributed so fully to the intellectual progress of his country.

Coun. MUCHNICK—Mr. Chairman, the death of A. Lawrence Lowell, President of Harvard University, is an irreplaceable loss, not only to the "Ten Thousand Men of Harvard," but to the entire city, state and nation. As a scholar, educator and statesman with almost prophetic vision, his contributions to the betterment of society will live forever as shining examples of forward progress. The civilization of the world has been greatly enriched through the efforts and teachings of the late Doctor Lowell.

The resolution was unanimously adopted.

CONTRACTS TO HENRY J. KAISER FOR EMERGENCY TANK CARS.

Coun. M. H. SULLIVAN offered the following: Ordered, That the Boston City Council respectfully request members of the Massachusetts Delegation in Congress to confer with Federal oil officials headed by Harold Ickes for the purpose of suggesting that the United States Government award contracts to Henry J. Kaiser to construct emergency tank cars to carry oil to cold-ridden homes of New England citizens.

Coun. M. H. SULLIVAN—Mr. Chairman, we heard with interest the remarks of Colonel Sullivan this afternoon, to the effect that the principal reason for the shortage of oil here was the lack of tank cars to carry the oil to this section. With the construction through the Federal Government of emergency tank cars, it is clear that oil can be carried to New England, without the delay which is now experienced. Henry J. Kaiser has proven himself to be a remarkable man in construction lines. He can build a boat in fourteen hours, and I think it might be well for the Massachusetts delegates in Congress to confer with the Federal oil officials headed by Harold Ickes for the purpose of suggesting that the United States Government award contracts to Mr. Kaiser to construct emergency tank cars carrying oil for the homes of New England citizens, to relieve the distress from which we are now suffering.

The order was passed under suspension of the rule.

INCREASE FOR FIREMEN AND POLICEMEN.

Coun. FISH, COFFEY and DWYER offered the following:

Ordered, That the Boston City Council request his Honor the Mayor to include the entire \$200 increase for the Police and Fire Departments in the 1943 budget, rather than \$100 in 1943 and the additional \$100 in the year 1944.

The order was passed.

PAYMENT OF ELEVATED SURPLUS TO CITIES AND TOWNS.

Coun. TAYLOR offered the following:

Ordered, That the trustees of the Boston Elevated Railway be requested, through his Honor the Mayor, to pay to the fourteen cities and towns their proportionate share of all surplus after usual dividends are paid.

Coun. TAYLOR—Mr. Chairman, for the past year and probably during the coming year, the Boston Elevated Railway is going to reap a harvest. The Legislature has seen fit in its wisdom to cause the taxpayers of the City of Boston and of the other fourteen cities and towns surrounding Boston to meet the deficits of the road which have been incurred in the past. Certainly in the past few years the City of Boston has paid in such deficits approximately \$2,000,000 a year. But now the tables have turned, and what is the Boston Elevated going to do with the surplus it is now getting. Is it going to put that surplus into its treasury or is it going to pay back to the fourteen cities and towns a part of the money that it has obtained as a quasi-public corporation from these communities? I think the citizens of Boston are rightly deeply interested in this matter, and that they have a right to ask for the payment back, in part at least, of these deficits, from the amount that the road has left after paying its dividends. I think we have a right to demand that the amount left over after the payment of dividends shall go back to these cities and towns which have been meeting the deficit for years. In all fairness, the trustees should do something for the benefit of the taxpayers of Boston and of the surrounding cities and towns. This is something that we certainly have a right to expect, and I believe his Honor the Mayor should impress upon the trustees of the Elevated the justice of such action. In that way some of the money at least that we and the other cities and towns have been paying out will come back into their treasuries. I trust, therefore, that some arrangement will be worked out whereby the road, after the payment of reasonable dividends, may adopt this plan, so as to pay back in part at least

the amount of the deficits that have been exacted from the City of Boston and the surrounding municipalities.

The order was passed.

BALLOT FOR PRESIDENT.

On motion of Coun. TAYLOR, the Council proceeded to ballot for the election of a president for the year 1943. The clerk called the roll with the following result:

For Coun. Joseph Russo—Coun. Carey, Coffey, Dwyer, Hannon, Hurley, Kinsella, Lyons, Russo, Scannell, M. H. Sullivan, Taylor—11.

For Coun. M. H. Sullivan—Coun. Chase—1.

For Coun. Thomas J. Hannon, Jr.—Coun. Hanley—1.

For Coun. William A. Carey—Coun. Kelly, D. F. Sullivan—2.

For Coun. Charles I. Taylor—Coun. Muchnick—1. And there was no choice.

Chairman D. F. SULLIVAN—The Chair awaits the pleasure of the Council.

Coun. HANLEY—Mr. Chairman, I move that we do now adjourn. (Coun. HANLEY withdrew the motion to adjourn.)

PROHIBITION OF SALE OF RANGE OIL ON STREETS.

Coun. RUSSO offered the following:

Ordered, That his Honor the Mayor confer with the Corporation Counsel for the purpose of enacting a city ordinance to prohibit oil dealers from selling range oil on the streets, and thereby compel these dealers to deliver the oil into the homes of the consumers.

Coun. RUSSO—Mr. Chairman, I am presenting this order after listening in the executive session to the suggestions coming from the Assistant Corporation Counsel. I have offered the order with a view to trying to enact an ordinance whereby the citizens of Boston, especially the elderly people who are unable to go into the street with their five-gallon or two-gallon containers or jugs in order to receive some fuel oil, may be helped. The oil dealers who have in the past brought oil into the homes of the consumers, should, I believe, continue to deliver oil into those homes, thereby helping to eliminate the panic that has recently occurred in the oil situation in our city. There is no question in my mind that some of these oil dealers have refused to deliver oil to the consumers' homes, as used to be done. I do not say this to blame them, because it is human nature that if they have a load of oil and people will come out to the street corner to get that oil, instead of their being required to deliver it in the homes, within fifteen minutes or half an hour they can derive from such sales the full profit that they would expect to make by house-to-house delivery, and can dispose in a short time, and obtain the same profit, that they would obtain from home deliveries of five or ten gallons. We have also found that many of these individuals looking for oil have to go from street to street with their containers trying to find a dealer in their vicinity from whom they can receive the oil. We also find that many of these poor people, many of whom do not know how to read or write, stand in line with a five-gallon container and receive but a fraction of that amount, and that with a ten-gallon container they will receive only five gallons. In the rush it is fair to assume that they do not receive the actual five gallons of oil that they need. So if a city ordinance is enacted which will forbid the oil dealers from selling oil on the streets and will also forbid the gasoline stations taking advantage of the opportunity of the present shortage, we will be enacting an ordinance which will be of great advantage to our people. I believe, Mr. Chairman, that if such an ordinance can be enacted, a lot of the panic we are now experiencing will be eliminated. I trust, therefore, that the order I have offered will pass.

Coun. SCANNELL—Mr. Chairman, I move that we proceed to ballot for president.

Chairman M. H. SULLIVAN—The motion is out of order for the moment.

Coun. MUCHNICK—Mr. Chairman, I move that Councilor Russo's order be referred to the Committee on Ordinances, when appointed.

The motion was carried, and the order was referred to the Committee on Ordinances, when appointed.

BALLOT FOR PRESIDENT.

Coun. SCANNELL—Mr. Chairman, I now move that we take a ballot for election of president for 1943.

The motion was declared carried.

Coun. HANLEY—Mr. Chairman, I believe I made a motion to adjourn, which was delayed temporarily.

Chairman D. F. SULLIVAN—The Chair understood the councilor to withdraw the motion. Does the gentleman renew the motion now?

Coun. HANLEY—Mr. Chairman, I move that we do now adjourn.

Coun. SCANNELL—Mr. Chairman, wasn't my motion in order?

Chairman D. F. SULLIVAN—A motion to adjourn supersedes any other motion.

Coun. CHASE—Mr. Chairman, I supposed that the motion to proceed to a ballot came first and should be recognized.

Chairman D. F. SULLIVAN—The motion to adjourn takes precedence at all times. Coun. HANLEY moved to adjourn.

The motion to adjourn was declared carried. Coun. SCANNELL doubted the vote and asked for a roll call.

Coun. M. H. SULLIVAN—Mr. Chairman, I believe that Councilor Scannell was previously recognized by the Chair, and I wonder if that motion to adjourn can be introduced until Councilor Scannell's motion is disposed of.

Chairman D. F. SULLIVAN—The Chair recognized Councilor Hanley after Councilor Scannell's motion was passed, and the Chair has twice ruled that Councilor Hanley's motion was in order at the time.

The clerk called the roll on the motion to adjourn, with the following result:

Yeas—Coun. Dwyer, Hanley, Hannon, Kelly, Kinsella, D. F. Sullivan—6.

Nays—Coun. Carey, Chase, Coffey, Hurley, Lyons, Muchnick, Russo, Scannell, M. H. Sullivan, Taylor—10.

Chairman SULLIVAN—There are six votes in favor and ten against the motion to adjourn, which is lost. The clerk will now call the roll on the election of a president for 1943.

The clerk called the roll, with the following result:

For Coun. Kelly—Coun. Carey, D. F. Sullivan—2.

For Coun. Lyons—Coun. Chase, Hanley, Hurley, Kinsella, Lyons, Scannell, M. H. Sullivan—7.

For Coun. Russo—Coun. Coffey, Taylor—2.

For Coun. Hannon—Coun. Dwyer—1.

For Coun. Carey—Coun. Hannon, Kelly, Russo—3.

For Coun. Taylor—Coun. Muchnick—1.

Before the result was announced, Coun. TAYLOR said:

Mr. Chairman, I would like to change my vote from Councilor Russo to Councilor Lyons.

Coun. MUCHNICK—Mr. Chairman, I would like to change my vote from Councilor Taylor to Councilor Lyons.

Coun. CAREY—Mr. Chairman, I would like to change my vote from Councilor Kelly to Councilor Lyons.

Coun. RUSSO—Mr. Chairman, I would like to change my vote from Councilor Carey to Councilor Lyons.

Coun. KELLY—Mr. Chairman, I would like to change my vote from Councilor Carey to Councilor Lyons.

Chairman D. F. SULLIVAN—Councilor Lyons has twelve votes, and is elected President of the City Council. (Applause.)

Chairman D. F. SULLIVAN appointed Councilors Hannon and Scannell to escort President-elect Lyons to the chair, and they performed the duty assigned.

President-elect LYONS, in taking the chair, said:

Friends and colleagues, I wish at this time to thank you from the bottom of my heart for your kindness in voting to elect me President of the Body. Being a member of the Body for some years, I certainly appreciate the honor you have conferred on me, and I would like to serve as your President for 1943, but circumstances are such that it would really not be possible. While I am momentarily glad to accept the honor of election, I am sorry to say that I shall be unable to act as President of the Body this year, because I am in the armed services of our country in this war, and the first duty I owe is to our country and to the Navy. Having been a member of the Body for five years, I might well consider that under ordinary circumstances I would be entitled to this election at your hands, if you saw fit to do me the honor to elect me President. I accept your votes as a fine gesture, but, as I would under the circumstances be unable to perform the duties of the presiding officer for the year 1943, I feel that I must resign. I simply cannot see how I could serve you this year in such a capacity, as I will naturally be compelled to be away for a large part of the time and possibly all the time. Thanking you again for your kindness toward me in this matter, I resign, with the best of wishes for the year to all my colleagues. (Applause.)

Adjourned at 5.39 p. m., on motion of Coun. HANNON, to meet on Monday, January 18, 1943, at 2 p. m.

CITY OF BOSTON.

Proceedings of City Council.

Monday, January 18, 1943.

Regular meeting of the City Council in the Council Chamber, City Hall, at 2 p. m., Senior Member DWYER in the chair. Absent, Coun. Foster, Goode, Linehan, Wickes.

The meeting was opened with the salute to the Flag.

Chairman DWYER called Coun. D. F. SULLIVAN to the chair.

APPOINTMENTS BY THE MAYOR.

Subject to confirmation by the Council, the Mayor submitted the following appointments, viz.:

Weigher of Coal: Robert E. Clark, 34 Melbourne street, Dorchester, Mass.

Weigher of Goods: Swen Swenson, 167 George street, Medford, Mass.

Constable for term of one year, beginning with first day of May, 1942, with authority to serve civil process upon the filing of the necessary bond: Arnold Klevens, 165 Ruthven street, Ward 12.

Severally laid over a week, under the law.

REOPENING OF TYLER STREET BRANCH LIBRARY.

The following was received:

City of Boston,

Office of the Mayor, January 18, 1943.

To the City Council.

Gentlemen,—I transmit herewith communication from the Director of the Public Library of the City of Boston relative to your order of December 7, 1942, concerning the reopening of the library branch on Tyler street, Ward 3.

Respectfully,

MAURICE J. TOBIN, Mayor.

City of Boston,

Library Department, January 11, 1943.

Mr. William T. Doyle,

Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—To the Trustees of the Public Library at their last meeting I presented your transmittal under date of December 11, 1942, of the order of the City Council at its meeting of December 7, 1942, requesting that the Trustees of the Boston Public Library be directed, through his Honor the Mayor, to reopen the library branch on Tyler Street, Ward 3.

The trustees gave careful consideration to this matter. They found to their regret, however, that action looking toward the reopening of the branch library was not possible inasmuch as there appears to have occurred no change in the conditions which led to the closing of the branch library in the original instance.

Yours very sincerely,

MILTON E. LORD, Director.

Placed on file.

ABANDONMENT OF EASEMENT, COLONY STREET, ROXBURY.

The following was received:

City of Boston,

Office of the Mayor, January 14, 1943.

To the City Council.

Gentlemen,—I am in receipt of a communication from the Commissioner of Public Works, which is attached hereto, in which he recommends the abandonment of a water easement on Colony street, Roxbury, to the General Baking Company.

The City of Boston has no further use for this pipe, as all the premises through which the pipe runs are now under the ownership of the General Baking Company.

There is, therefore, no reason why this easement should be retained, because by such retention the city becomes liable for any breaks that may occur in the water pipe.

I recommend the adoption of the accompanying order for the abandonment of this easement to the General Baking Company.

Respectfully,

MAURICE J. TOBIN, Mayor.

City of Boston,

Public Works Department,

January 4, 1943.

Hon. Maurice J. Tobin,

Mayor of Boston.

Dear Mr. Mayor,—I have been informed by Division Engineer Sullivan of the Water Division of this department that he has been requested by the General Baking Company, owners of property on Colony street, Roxbury, which extends from Albany street to Fellows street, to release the easement rights that the city has in connection with the maintenance of a 6-inch water main that is located in Colony street, which is a private way.

The Water Division has no further use for this pipe, as all of the premises that took water from this pipe have been taken over by the Baking Company. It is his opinion, therefore, that the city has no further use for any easement rights in connection with the maintenance of this pipe and that it should release whatever rights it has in order to avoid future possible suits caused by water damages.

I inclose, therefore, four copies of order and letter of transmittal that were prepared by the Law Department in connection with the release of the above-referenced rights to the General Baking Company, and I recommend that this order be forwarded to the Council, for the approval of that Body.

Respectfully yours,

GEORGE G. HYLAND,

Commissioner of Public Works.

Whereas, The City of Boston, by instruments dated February 26, 1897, and September 28, 1897, and recorded respectively with Suffolk Deeds, Book 2427, page 472, and Suffolk Deeds, Book 2480, page 577, acquired the right to lay water pipes in a strip of land called Colony place in the Roxbury district of Boston, and to do and perform in and upon said land all acts which might be convenient or necessary for laying, maintaining and repairing said pipes, and furnishing water through the same; and

Whereas, The Commissioner of Public Works of the City of Boston, being the officer of the City of Boston now having charge of the easement and right so acquired, has notified the City Council that, in his opinion, said easement and right is no longer required for public purposes; now, therefore, it is hereby

Ordered, That his Honor the Mayor of the City of Boston be, and he hereby is, authorized to abandon said easement and right, and to execute and cause to be recorded in the Registry of Deeds for Suffolk County in the name and on behalf of the City of Boston, a declaration, in a form satisfactory to the Law Department of the City of Boston, that said right and easement is abandoned; and it is hereby further

Ordered, That his Honor the Mayor of the City of Boston be, and he hereby is, further authorized to transfer, release and convey to the General Baking Company in the name and on behalf of the City of Boston, simultaneously with the abandonment of said easement and right and upon the payment to the City of Boston of the sum of one dollar and by an instrument in writing satisfactory to the Law Department of the City of Boston, the water pipes situated in said Colony place in the Roxbury district of Boston.

Referred to Executive Committee.

SALE OF GATE VALVES.

The following was received:

City of Boston,

Office of the Mayor, January 15, 1943.

To the City Council.

Gentlemen,—I am in receipt of a communication from the Commissioner of Public Works in which he sets forth a request from the Federal Works Agency for the sale of three 24-inch Boston Style Gate Valves to said Agency, for the sum of \$1,635.

These valves are urgently needed for construction work that is being carried on by this Agency at Portsmouth, Rhode Island.

Inasmuch as these valves are no longer required by the Water Division of the Public Works Department, I recommend adoption of the accompanying order.

Respectfully,
MAURICE J. TOBIN, Mayor.

City of Boston,
Public Works Department,
January 14, 1943.

HON. MAURICE J. TOBIN,
Mayor of Boston.

Dear Mr. Mayor,—This office is in receipt of a request from Mr. J. A. McConnell, Assistant Regional Director, Federal Works Agency, 99 Chauncy street, Boston, that the city sell to the United States Government, through the Federal Works Agency, three 24-inch Boston Style Gate Valves. These are urgently needed in connection with some very important construction being carried on by that Agency in Portsmouth, Rhode Island.

The Water Division of this department has these valves on hand, and as they are no longer needed for use in our water system, they may be disposed of in accordance with this request. I respectfully submit an order with the recommendation that it be sent to the City Council for action by that Body to authorize the sale of these valves at a cost of \$545 each or a total selling price of \$1,635.

Yours respectfully,
GEORGE G. HYLAND,
Commissioner of Public Works.

Ordered, That the Commissioner of Public Works be, and hereby is, authorized to sell to the United States Government, through the Federal Works Agency, for the sum of \$1,635, three 24-inch Boston Style Gate Valves, which are no longer needed for use in the city's water system.

Referred to Executive Committee.

PETITIONS REFERRED.

The following petitions were received and referred to the committees named, viz.:

Claims.

Andrew Arnoldson, for compensation for loss of overcoat at City Hospital.

Boston Home Linen, for compensation for damage to truck by city men spraying sand.

Mrs. John J. Collins, for compensation for injuries caused by an alleged defect at Washington and Foster streets, Brighton.

Ann Eaton, for compensation for injuries caused by an alleged defect in Bennett School, Brighton.

Mrs. P. Farren, for compensation for injuries caused by an alleged defect at Lithgow street, Dorchester.

Helen G. Flynn, for compensation for damage to car by police car.

Charles J. Larson, for compensation for damage to car by fire truck.

Mollie Hill, for compensation for injuries caused by an alleged defect in Bernard street, Dorchester.

William J. Sullivan, for compensation for damage to car by fire engine.

APPROVAL OF LOAN FOR HOUGHTON & DUTTON BUILDING ALTERATION.

Notice was received from the Department of Corporations and Taxation of approval of appropriation of \$200,000 for repair of Houghton & Dutton property as authorized by city, December 28, 1942 (loan to be limited to one year) by board (acting under clause 9, section 8, chapter 44, General Laws).

Placed on file.

MORATORIUM ON CERTAIN REAL ESTATE TAXES.

Coun. KINSELLA and COFFEY offered the following:

Ordered, That the Mayor declare, or cause to be declared, a moratorium on the payment of real estate taxes for the year 1942, on real estate assessed

up to a limit of \$5,000, on property occupied in whole or in part by the owner.

Coun. KINSELLA—Mr. Chairman, according to the newspapers of recent date, the Governor spoke of proposed action on 1942 income taxes because of the present drain on people to support the war effort. Now, here is an opportunity to give relief to some of these home owners in the lower income brackets. I understand from the public prints that there will be no deficit to meet this year in connection with the Public Control of the Boston Elevated. I understand, in fact, that there will be a small profit which will be a relief to tax payers as compared with past years. I have checked on some of the welfare records, and have found out that the welfare cost will be one half or three quarters less than a year ago. On top of that, there will be the reduction in expenditure in connection with materials which have been furnished to the W. P. A., because of the change in the W. P. A. policy, commencing in 1943. I believe altogether there will be a resulting profit accrue to home owners, which will enable them to rehabilitate their homes and make them better and more comfortable. I think if the order which we have introduced passes it will be greatly in the interest of the small home owners, and I trust, therefore, that it will pass.

The order was referred, on motion of Coun. MUCHNICK, to the Executive Committee.

SPEED OF OUT-OF-TOWN BUSES IN EAST BOSTON.

Coun. COFFEY offered the following:

Ordered, That the Police Commissioner be requested, through his Honor the Mayor, to take drastic steps to protect the lives and property of residents of East Boston by preventing out-of-town buses from traveling through that section at excessive rates of speed.

Passed under suspension of the rule.

EAST BOSTON RELIEF STATION ON TWENTY-FOUR-HOUR BASIS.

Coun. COFFEY offered the following:

Ordered, That the trustees of the Boston City Hospital be requested, through his Honor the Mayor, to reopen the East Boston Relief Station on a twenty-four-hour a day basis and to appoint a resident physician to live on the premises.

Passed under suspension of the rule.

NEW BATH HOUSE, SOUTH BOSTON.

Coun. SCANNELL offered the following:

Ordered, That his Honor the Mayor be requested to consider the advisability of constructing a new bath house on the site of the old Head House in South Boston, which was recently destroyed by fire, provided that such improvement will not interfere with the war effort.

Passed under suspension of the rule.

SUPPORT OF PAY-AS-YOU-GO TAX PLAN.

Coun. HANLEY offered the following:

Resolved, That the Boston City Council, in meeting assembled, go on record in favor of a pay-as-you-go tax plan, which would be withheld from checks by employers, in order to alleviate the financial burden that quarterly payments entail, and thus to avoid the penalty of default, and the addition of interest that nonpayment involves; and be it further

Resolved, That a copy of the above resolution be forwarded immediately to the Massachusetts delegation in both Houses of Congress, requesting that they support some such amelioratory plan that will embrace the above stipulations.

Coun. HANLEY—Mr. Chairman, there are pending at the present time in Congress various bills which would amortize "the federal income tax" over a period and the tax withheld at the source, thus insuring for the United States Treasury a flow of money needed for the prosecution of the war. Each bill now pending has a two-fold purpose: First to ameliorate the huge tax burden

imposed on the taxpayer; and second to insure sufficient money to meet all obligations for the prosecution of this "Global War." I believe it is most fitting and proper that we, the members of the Boston City Council being fully cognizant of the gravity of the tax situation should go on record in favor of such a plan. We all realize that the "pay-as-you-go-plan" is merely a palliative or a hypodermic treatment that must some day be superseded by a curative operation. Our country today is passing through the most acute crisis in its entire history, we find our beloved country at war; a war that encompasses the whole world, a war, that no artist can paint on canvas, no sculptor can chisel from marble, no bard can set to music and no orator can describe or narrate its viciousness, its suffering, its death and its sorrow. We find our boys from the snow-capped fields of the Arctic wastes to the sand dunes of the Sahara, we find them on land, on sea, in the air, we find them above the clouds and beneath the sea waging war and raising aloft the banner of the "Stars and Stripes," symbolizing the rights, liberties and privileges that were fought for, acquired, and bequeathed to us by our unselfish ancestors. A war that will dictate to the Jew, the Catholic, the Protestant and Unbeliever what religion they must profess—a war between Americanism and Totalitarianism; a war between freedom and serfdom; a war between the materialistic philosophy that the individual exists for the state and the divine philosophy that the state exists for the individual; a war that will dictate your vocation or avocation in life; a war that teaches that we are made of different clay and race superiority; a war that will determine your status in this natural life. The astronomical figures contained in the budget presented to Congress by the President of the United States of \$109,000,000,000 (109 billion) exceed the comprehension of any man living. The interest on the public debt of \$1,041,000,000 (one billion forty-one million) in 1940 to an estimated \$1,850,000,000 (one billion 850 million) for the current year and \$3,000,000,000 (three billion) for the fiscal year of 1944, assuming that the war will terminate this year. During wartime nations spend beyond comprehension, they borrow and tax beyond human consumption and endurance in order to bring about victory in the shortest possible time, but when payment arrives on such a gigantic and colossal debt catastrophe ensues with the resultant, post-war economic collapse; countries finding themselves in such a plight reevaluate the basic monetary unit, enlarge the circulating medium and eventually the debt structure collapses and is followed by repudiation with the resultant entrance of demagogues upon the stage and the forces of anarchy in motion. This statement has been borne out by past history when fourteen billions of dollars had to be cancelled by our government to foreign nations, a moratorium was declared by President Herbert Hoover on the balance and we all know that the contracted debt, both principle and interest, were repudiated by debtor nations, except Finland, who paid their obligations until its rape by the Soviet Republic. The economic depression caused by cruel and selfish men catapulted Franklin D. Roosevelt to the Presidency of the United States in 1933, and on assuming office he found out he must do something radical about the question of economics. His first major treatment was changing the value of the gold ounce from \$20.67 to \$35 per ounce, and immediately over night the economic system was brought into reasonable conformity with the entire world. The capitalistic system, the greatest system of economics yet devised by the mind of man, is based upon the fixed formula that we of this generation can borrow from future generations for constructive purposes, but when we try to utilize the same system for destructive purposes, such as war, then we find debt accrued from such an undertaking is terminated by repudiation and chaos. I only hope and pray that in the very near future a strong, robust and courageous man will rise from his seat in Congress and with a booming voice permeate that hallowed chamber, demanding that all interest on War Bonds be abrogated and nullified and that on date of maturity the owner will be paid only the face value of said "War Bond." Our men who will be found in the embrace of death, on the frozen wastes of the North, our men whose bodies racked with pain will lie dead, scorched and bleached under the blistering sun of the desert, death will embrace them as their fiery

planes plummet earthwards, bodies of our boys will be torn asunder by shrapnel and belching guns, the flower of our youth will be found in the cauldrons of flaming oil as the tongues of fire will envelop and lick their naked bodies. Many of our boys will never again see the beauties of nature, the smile of their parents, wives, children and sweethearts, some will never again walk the highways or the byways of our beautiful country, some will have their minds distorted, deranged by the gruesome and horrible sights of the suffering and death and the anguished cries of their comrades fallen in battle. They will fight and win through this war of "blood, sweat and tears," and when victory is achieved by their courage, tenacity and skill, they will find the peace jeopardized by the paradoxical system allowed by our government in paying a profit on War Bonds under the guise of patriotism, interest on War Bonds that will be foisted upon the backs of generations unborn, weaving the letters of economic bondage about their necks. I trust that the resolution will pass.

The resolutions were passed.

BALLOTING FOR PRESIDENT.

On motion of Coun. M. H. SULLIVAN, the Council voted to take a ballot for president for 1943. The clerk called the roll and the members responded as follows:

For Coun. Fish—Coun. Carey, Coffey, Dwyer, Fish, Hannon, Kelly, D. F. Sullivan—7.
For Coun. Kelly—Coun. Chase, Kinsella, Scannell—3.
For Coun. Langan—Coun. Hanley, M. H. Sullivan—2.

For Coun. Scannell—Coun. Russo—1.
For Coun. Carey—Coun. Langan—1.
For Coun. Taylor—Coun. Muchnick—1.
For Coun. Muchnick—Coun. Taylor—1.

And there was no choice.
On motion of Coun. TAYLOR, the Council voted to again proceed to a ballot for president for 1943. The clerk called the roll, with the following result:

For Coun. Kelly—Coun. Carey, Chase, Coffey, Dwyer, Fish, Hanley, Hannon, Kelly, Kinsella, D. F. Sullivan—10.
For Coun. Scannell—Coun. Muchnick, Russo, Taylor—3.

For Coun. Fish—Coun. Langan—1.
For Coun. M. H. Sullivan—Coun. Scannell—1.
For Coun. Chase—Coun. M. H. Sullivan—1.
And there was no choice.

On motion of Coun. M. H. SULLIVAN, the Council voted to proceed to another ballot for president for 1943. The clerk called the roll, with the following result:

For Coun. Hannon—Coun. Carey, Coffey, Dwyer, Fish, Hanley, Hannon, Kelly, Kinsella, Langan, Muchnick, Russo, D. F. Sullivan, M. H. Sullivan, Taylor—14.
For Coun. Fish—Coun. Chase—1.
For Coun. Russo—Coun. Scannell—1.

Before the result was announced Coun. HANNLEY moved that Coun. Hannon be declared president by acclamation.

Chairman D. F. SULLIVAN—The motion is out of order at this time. Councilor Hannon has 14 votes, and is elected president of the City Council for the year 1943. (Applause.)

Coun. M. H. SULLIVAN—Mr. Chairman.
Chairman D. F. SULLIVAN—The gentleman is out of order at this time. The CHAIR will appoint Councilors Langan and Coffey to escort President-elect Hannon to the chair.

The committee performed the duty assigned, and President HANNON, on taking the chair, said:

Brother councilors, the clerk has called my attention to the fact that it is customary for a president, when elected, to say a few words. I wish to express my gratitude to my colleagues for electing me President of the Body for 1943. Believe me, I am deeply appreciative of the honor that has been conferred upon me. I assure you that I shall try in all seriousness and sincerity to be fair with everyone. I shall not try to be a reformer; I shall not try to be better than any of my predecessors. I will merely try to go along on an even keel, in a way that I trust will reflect honor on the Body and will justify the confidence of those who have placed me here. You have done me a great honor, and I am going to try to

live up to it. I thank every one of you from the bottom of my heart, and hope I will not betray the confidence you have placed in me.

RECESS.

Coun. D. F. SULLIVAN—Mr. President, I move a recess for the purpose of going into executive session.

The motion was carried, and the Council went into executive session at 3 p. m. The members reassembled and were called to order by President HANNON at 4.15 p. m.

EXECUTIVE COMMITTEE REPORTS.

Coun. TAYLOR, for the Executive Committee, submitted the following:

1. Report on message of Mayor and order (referred today) for abandonment of water easement on Colony street, Roxbury—that same ought to pass.

Report accepted; said order passed, yeas 16, nays 0.

INFORMATION RE ABATEMENT OF TAXES BEFORE TIME LIMIT EXPIRATION.

Coun. RUSSO offered the following:

Ordered, That his Honor the Mayor be requested to instruct the Board of Assessors to forward notice of approval or denial of the application for abatement of taxes to every applicant prior to the expiration of the time limit.

Coun. RUSSO—Mr. President, we hear much about trying to do something for the small property owners of the City of Boston, but it has come to my knowledge that such individuals, who apply for abatement where they have reason to consider their property over-assessed are not notified as to whether or not their application has been approved or rejected, and by the time when they finally wake up to the fact that the Assessing Department has refused their application it is so late that they can do nothing else but wait until another year. I have had a few of these cases brought to my attention, where these individuals have come to me and stated that they filed requests for abatement, expecting that they would hear something from the Assessing Department, and that no notice was received by them and the matter was not brought to their attention until it was too late for them to do anything about it. Naturally, most of these poor individuals who have invested their money in their homes have not been able to hire an expert or an attorney to carry their battle through. Of course, many of them cannot afford to get an attorney or an expert for advice and action where they feel that they are over-assessed, and that there should be a reduction in their assessment of \$500, \$1,000 or \$2,000. I have a number of such in my ward. These poor families, who are holding on to their property that they have had for years, by hard work, are thus practically left without any recourse. Year in and year out they are struggling to pay their obligations and keep their homes, and they have to work very hard to do so. When they apply for an abatement, they are given an abatement application, which they file with the Assessing Department. But nothing further is heard from it, and finally, after two or three months, they go to the department and find out that they are too late to do anything about it. I say, therefore, that these individuals who have applied for abatement, should be given proper notification as to whether their application has been granted or denied, in sufficient time, so that they can perhaps take some other action about it, getting somebody to appear in their behalf. I have had several conversations with his Honor the Mayor upon this matter, and he agrees that something should be done to notify the individuals of the granting or refusal of their applications, so that they may then proceed to protect their rights in some other way. I hope that the order will pass.

Coun. CAREY—Mr. President, this matter has been before the City Council time and time again, and each year we find unavailing efforts to correct the faults and mistakes of a preceding year. I have recently had complaints brought to me from property owners in my district, who have had their property over-assessed. While I have suc-

ceeded in some instances in having their assessment reduced for the current year in which the assessment was levied, last year, they find that they receive the same bills, the same assessment to which they previously objected. I remember distinctly that this matter was taken up on the floor of the Council some months ago, calling the attention of the assessors' office to the matter, because of the fact that what happened last year has happened again this year. I don't know what the trouble is down there, or what remedy can be applied. It might be that we need a complete new Board of Assessors. There might be a reason for an excuse in one year, but you cannot tell me that there is any excuse for repeating the mistakes of one year in the following year. What is the sense, when a taxpayer has been successful in getting his assessment reduced to some extent in one year, in having his bill sent out the following year at the same figure? It is about time that something was done to permanently alleviate what seems to be a bad situation down there. I might say in passing that I don't think there is a ward in the city in which the assessments are what they should be.

We have some people who come in and file applications, possibly getting a little relief, and then they have to go through the same rigmarole every year. In some cases they do get a reduction, and in other cases no action is taken, and still there is no notification given to these taxpayers. Why all the formality that is observed if nothing is to be done about it? I think a taxpayer is entitled to the information as to whether his application has been approved or denied, so that if it is denied he will then have an opportunity to hire an attorney or some assistance which will enable him to get a remedy. I certainly hope the order will pass, and that we will at least have some agitation in the matter that will result in permanent good.

Coun. FISH—Mr. President, I had not intended saying anything on this particular order, although I had intended at some later time to bring the matter before the Body. I don't believe any more worthwhile order can be introduced here than the order which has been introduced by the councilor from Ward 3 (Coun. Russo). Large property holders do not seek an abatement from our Board of Assessors, because they know they have the right and privilege of going before the State Board of Tax Appeal, there presenting their case and being given some consideration. When they file an application for abatement they should be notified whether the application has been denied or accepted. I don't think they are acting fairly by the people who cannot afford the expense of legal services, which certainly cannot be afforded by the average small home owner who files his application for abatement. If he feels that his property is over-assessed and that there should be an abatement he should be notified that his application has been accepted or denied, so that he will then be given the opportunity at least of going before the State Board of Tax Appeal.

Coun. D. F. SULLIVAN—Mr. President, I move that the order be referred to the Executive Committee, where a similar order is now on the table, so that both orders can be considered when we have the Assessing Department appear before the Executive Committee next week.

Coun. RUSSO—Mr. President, I see no need of referring this order to the Executive Committee. It is simply asking the Assessing Department for a follow-through on these applications for abatement, to which I believe the petitioning taxpayers are entitled. It is not costing the city anything. It is simply helping the taxpayers, the people who are paying the taxes which run our city. It is merely a request that they be notified whether their applications for abatement have been approved or disapproved, and I don't see any need for referring it to the Executive Committee, simply encouraging lengthy discussion. I have taken the matter up with his Honor the Mayor several times, and he has agreed with me. I believe something should be done in the interest of the small taxpayers, who will not now go into their homes and make alterations for fear that the Assessing Department will put on an extra assessment. People are moving out of the City of Boston day in and day out, and there is only one answer, that they desire to go to a place where they will be encouraged in making good homes, habitable, proper homes for people to live in. We should simply allow these property owners some leeway, give them some consideration. They are willing to pay their taxes, and the only time when they are not is when the property is not paying them the income required to keep the property

going. This is merely a request, so that these people who have filed applications for abatement may have an opportunity to know the action that has been taken on their request, so that they may then possibly be able to take proper further steps. As Councilor Fish has stated, the individuals who have money do not have to go to the Assessing Department. They go to the Board of Tax Appeal, where, if they show cause, they will get a \$1,000, \$2,000 or \$3,000 reduction in their valuation, something that at times is very important to them, because they have a hard time to hold on to their property anyway. You can go into practically every ward in the City of Boston today and find property that is assessed for \$8,000 or \$10,000, property which might be bought for \$1,500 or \$2,000. Are we going to stand idly by while these property owners are not given an opportunity to fight for their rights? In God's name, let us help them. They have property that has been assessed perhaps for \$10,000 or more, where they would be very fortunate if they could sell it at a much lower price. Let us recognize the situation that exists, and let us do something about it. I move, therefore, that the order pass.

President HANNON—The question is on reference to the Executive Committee.

Coun. D. F. SULLIVAN—Mr. President, my request was simply to have the order referred to the Executive Committee because an order similar in nature before that committee has been placed on the table, and will come up in another week. At that time we will have present some one from the Assessing Department who can explain to the Executive Committee the facts in regard to that particular order already before the committee and also in regard to this order, which deals also with a matter upon which the Assessing Department can give us information. It would not seem that the councilor from Ward 3 (Coun. Russo) should have any objection to this matter being referred, under the circumstances, to the Executive Committee, and we can then take up with the Assessing Department the question of these applicants for abatement being informed whether their applications have been rejected or allowed. I am informed that there is nothing in the law compelling any city or town in the Commonwealth to set forth on a tax bill certain information about this or that; that the bill is simply sent out and you are supposed to pay it. The Assessing Department, I understand, has already complied with the law, in sending out the tax bills, and the question of whether anything such as the councilor wishes can be done in addition can be taken up with the Assessing Department when they appear before us. That will be the proper time for us to get information upon any of these matters. It may mean that something that will help can be placed upon the bills that are sent out. That was my reason for moving reference of this matter to the Executive Committee, and it can be considered along with the matter already before it in discussion with the Assessing Department.

Coun. TAYLOR—Mr. President, the law is very clear in regard to procedure on abatements. As I understand it, after an application is filed, if there is no action affirming or denying it, taken within a period of four months from the filing, the applicant has a period of three months in which to appeal to the Appellate Court. In other words, there is a period of seven months allowed from the date of filing the application, in which to file an appeal. If the Board of Assessors notifies the applicant that his application for abatement has been acted upon, and granted or denied, he then has sixty days from that date when the notice is sent out, to file an appeal. I have always felt that it would be a very simple matter to have something of that sort placed on the bills, in brief form, so as to bring it clearly to the attention of the taxpayer.

Coun. D. F. Sullivan's motion to refer to the Executive Committee was declared carried. Coun. RUSSO doubted the vote, and the order was declared referred to the Executive Committee by a rising vote, 9 to 2.

CONTROL OF BOSTON POLICE DEPARTMENT.

Coun. M. H. SULLIVAN offered the following: Ordered, That his Excellency the Governor be requested, through his Honor the Mayor, to support legislation, either to place the Boston Police Department under the control of the City Government, or to have the State assume the financial expense of operating the department.

Coun. M. H. SULLIVAN—Mr. President, I have submitted the order in that form because it is obvious that either of the two proposals I have suggested would be realized only if it had the support and backing of Governor Saltonstall. I feel confident that the Governor will recognize the merit and justice of this suggestion and will change the existing set-up in either one way or the other. Boston, I believe, has the only Police Department in the entire country which is paid for by a City Government and controlled by a State Government. The Boston police force at the present time is a State Department. The Police Commissioner is appointed by the Governor, is responsible and answerable only to the Governor. The police officers themselves wear the seal of the Commonwealth on their badges. Yet the expense of operating and maintaining the Police Department is paid entirely by the City Government, which under the law must provide the money for a department over which it has no jurisdiction. If the State is to continue to maintain control over the Police Department and to direct its policies, it would seem only fair that it should assume the financial responsibility for the department and pay its operating expenses. Since the Coconut Grove disaster we have heard a great deal about the need for eliminating a division in responsibility. We certainly have a division of responsibility over the Police Department, with the State responsible for the policies of the department and the city responsible for providing the funds to meet its operating needs. I believe it would be only fair that the police force be brought entirely within the jurisdiction of one branch of the government or the other. The general public, of course, consider the police force a city department, and the great majority of the people hold the City Government responsible for the Police Commissioner and his department. They do not realize that neither the Mayor nor City Council has the slightest control over the policies of the Police Department and that the only one who can dictate the policies of the Police Commissioner is the Governor of the Commonwealth. Personally, I believe the city should have home rule over its Police Department, and that it is intended as no reflection upon Governor Saltonstall, whom I consider an able and honorable public official. If the Governor feels that the State should retain its control over the police force, then he should in all fairness sponsor a bill to have the State take over financial control and responsibility as well. I hope that the Council will pass this order under suspension of the rule.

The order was passed under suspension of the rule.

RESURFACING CERTAIN WARD 15 STREETS.

Coun. KELLY offered the following: Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to resurface the following streets in Ward 15 during the present year:

Blakeville street, Longfellow street, Percival street, Stonehurst street, Speedwell street and Clarkson street.

Passed under suspension of the rule.

Adjourned, at 4.48 p. m., on motion of Coun. DWYER, to meet on Monday, January 25, 1943, at 2 p. m.

CITY OF BOSTON.

Proceedings of City Council.

Monday, January 25, 1943.

Regular meeting of the City Council in the Council Chamber, City Hall, at 2 p. m., President HANNON presiding. Absent, Coun. Foster, Goode, Linehan, Lyons.

The meeting was opened with the salute to the Flag.

COMMITTEES FOR 1943.

President HANNON—Fellow members, I will now announce the committees for 1943. In appointing these committees I have tried for the most part to retain the previous members on the same committees and to treat the members fairly on chairmanships. There are twenty-two committees and twenty-one members, and I also realize, of course, that a number of our members are in the armed services and probably cannot be present with us very much. Therefore, where I have made them chairmen of committees, I have also appointed a vice chairman who can act as chairman in their absence. The committees are as follows, the first named of each committee to be chairman:

Executive.

Taylor and all members.

Appropriations.

Dwyer, Coffey, Fish, D. Sullivan, Hurley, Lyons, Kelley.

Claims.

Langan, Fish, vice chairman, Hanley, Carey, Goode.

County Accounts.

Wickes, Carey, vice chairman, Scannell, M. Sullivan, Foster.

Finance.

Kelly, Hanley, Dwyer, Carey, Fish, Coffey, Hurley.

Inspection of Prisoners.

Kinsella, Scannell, Linehan, M. Sullivan, Goode.

Legislative Matters.

Chase, Muchnick, Linehan, Goode, M. Sullivan.

Licenses.

Coffey, Dwyer, Fish, Kelly, Kinsella, Hanley, Linehan.

Ordinances.

Fish, Taylor, Muchnick, D. Sullivan, Dwyer, Langan, Russo.

Parkman Fund.

Lyons, Chase, vice chairman, Muchnick, Langan, D. Sullivan.

Printing.

Scannell, Chase, Taylor, Foster, Wickes.

Public Lands.

D. Sullivan, Russo, Dwyer, Scannell, Coffey.

Rules.

Carey, Kelly, Langan, Fish, Chase.

Soldiers' Relief.

Russo, Langan, Goode, Sullivan, Muchnick.

Building Code.

Muchnick, Coffey, Hanley, Foster, Russo.

Constables.

Linehan, Taylor, vice chairman, M. Sullivan.

Hospitals.

Hurley, Kinsella, Kelly, Linehan, D. Sullivan.

Parks and Playgrounds.

Goode, D. Sullivan, vice chairman, Scannell, Lyons, Wickes.

Public Safety.

M. Sullivan, Kelly, Foster, Hurley, D. Sullivan.

Public Welfare.

Foster, Kinsella, vice chairman, Carey, Taylor, Russo.

Unclaimed Baggage.

Kelly, Taylor, Coffey.

Voting Machines.

Hanley, Kinsella, Coffey, Hurley, Lyons.

APPROPRIATION FOR ASSESSING DEPARTMENT.

The following was received:

City of Boston,

Office of the Mayor, January 22, 1943.

To the City Council.

Gentlemen,—Chapter 604 of the Acts of 1941 provides that in the period after the expiration of any fiscal year, and before the regular appropriations have been made by the City Council, city departments may incur liabilities for carrying on the work of the departments, and payments therefor shall be made from the treasury from any available funds therein, and charged against the next annual appropriation, provided that the liabilities incurred during such interval for regular employees do not exceed in any one month the average monthly expenditure of the last three months of the preceding fiscal year.

This provision makes it impossible to pay the salaries of the first assistant assessors on the same basis as previous years, namely, one half their annual salary during the months of January, February and March at the rate of \$300 for January, \$300 for February and \$250 for March.

In order that these employees may be paid in accordance with the established schedule, I am forwarding herewith an appropriation order for \$85,000, which will relieve this condition until the regular budget is submitted and acted upon by the City Council, and respectfully recommend immediate adoption and passage by your Honorable Body.

Respectfully,
MAURICE J. TOBIN, Mayor.

Ordered, That the sum of \$85,000 be, and hereby is, appropriated, to be expended as hereinafter specified, said sum to be raised by taxes on the polls and estates in the City of Boston, and that all orders hereinafter passed by the City Council relating to appropriations, taxes and the interest thereon, apply to the appropriations and taxes herein provided for.

Assessing Department.

A. Personal Service..... \$85,000

Referred to Executive Committee.

PETITIONS REFERRED.

The following petitions were received and referred to the committees named, viz:

Fred S. Bemis, to be reimbursed as result of accident which occurred while in performance of duty.

V. Caruso, for compensation for damage to property at 110 Bolton street, caused by main sewer being blocked.

Francis Chaisson, to be reimbursed as result of accident which occurred while in performance of duty.

John F. Daley, for compensation for damage to car by city truck.

Joseph P. Donnelly, to be reimbursed as result of accident which occurred while in performance of duty.

John C. Hodges, for compensation for damage to property at 155 and 153 M street, caused by broken water main.

Esther M. Lynch, for compensation for damage to car by city truck.

Joseph Shair, for compensation for damage to property by city truck.

Jens Anderson, to be reimbursed for clothing stolen from locker room, City Hospital.

MINORS' LICENSES.

Petitions for minors' licenses were received from eight newsboys and one bootblack. Petitions granted under usual conditions.

RECESS.

On motion of Coun. KINSELLA, the Council voted at 2.15 p. m., to take a recess subject to the call of the Chair.

PRESENTATION TO PRESIDENT HANNON.

During the recess the members were called together in the Council Chamber to greet a delegation from the House of Representatives, Massachusetts Legislature, who had assembled to do honor to their old colleague, President Hannon, who assumed the chair.

Coun. D. F. SULLIVAN—Mr. President, I move that we now take a recess, to give a number of the President's old colleagues in the House of Representatives an opportunity to greet him and to do him honor. I understand that the chairman of the visiting delegation (thirty or more members of the House of Representatives) wishes to make a presentation to our President, the chairman of the visiting delegation being Representative Frederick Willis of Saugus, a Republican.

Representative FREDERICK B. WILLIS—Last week members of the Legislators' Association learned, not only with considerable pleasure but a lot of pride, that the President of our organization had been honored by election to the presidency of the Boston City Council. Therefore, President Hannon, your colleagues feel, and the members of the Legislators' Association feel that it would be only fitting, this honor having been bestowed on you and on them, to send this delegation down here today to pay our respects to you. Tom, when you were in the House I recall that always when you made a speech you said, "Let us be fair." A lot of other remarks have been forgotten, but when you said this one thing, "Let us be fair," we knew that you meant it. In the legislative halls of Beacon Hill we knew that you were always fair, and I am sure, Tom, that in your new duties as President of the Boston City Council you will always be fair. And so we have come down here today, a large delegation, not only to honor you and to fittingly show our respect for our old colleague, but to present to you a small token of our feelings of friendship and respect, something that you will be able to use in signing papers that come before you for action. And so, Tom, I now present to you this token of our esteem from your ex-colleagues in the Massachusetts Legislature. (Applause.)

Representative WILLIS here presented, on behalf of himself and his associates, a beautiful desk set to President Hannon.

President HANNON—Well, Freddie, my old friends of the Legislature, members of the City Council, my old colleagues and friends on Beacon Hill have given me one of the happiest surprises of my life, and I am going to try to muster up the strength to say a few words to express my appreciation and my deep gratitude to you fellows with whom I have served in the House. I remember very well a few years ago, following an election to the Legislature, when a few of us tried to keep Freddie from his seat, in the interest of a Democratic member of the Body. While I have been honored many times, never have I appreciated so deeply any honor as much as that which you have conferred upon me today. Comparisons between what goes on down here and up there are superfluous. We all know the things that happen to us in public life, and we know that all we can take away in after years is our recollection of the friendships we have made. That is the deepest feeling that I have today, the appreciation I have of the friendship of you fellows. It touches me deeply, and in the years to come it will be one of my very pleasant recollections. I shall always remember you and, no matter how much I might say, it can all be summed up in these words: I thank you, fellows, from the bottom of my heart. (Applause, after which President Hannon introduced to the members of the City Council the thirty or more representatives from the Legislature.)

Following the recess the members of the Council were called together in the Council Chamber by President HANNON at 4.45 p. m.

CONFIRMATION OF EXECUTIVE APPOINTMENTS.

President HANNON called up, under unfinished business, Nos. 1 and 2 on the calendar, viz.:

1. Action on appointment submitted by the Mayor January 18, 1943, of Arnold Klevens, to be a Constable with authority to serve civil process upon filing bond.

2. Action on appointments submitted by the Mayor January 18, 1943, of Robert E. Clark, to be a Weigher of Coal; and Swen Swenson, to be a Weigher of Goods.

The question came on confirmation of the appointments. Committee, Coun. Coffey and M. H. Sullivan. Whole number of ballots, 12; yes, 12, and the appointments were confirmed.

SALE OF LAND IN DEDHAM.

President HANNON called up, under unfinished business, No. 3 on the calendar, viz.:

3. Order for the sale at public auction of a parcel of land on River and Milton streets in Dedham, formerly owned by the town of Hyde Park, and no longer required for public purposes.

On January 11, 1943, the foregoing order was read once and passed, yeas 16, nays 0.

The order was given its second and final reading and passage, yeas 18, nays 0.

EXECUTIVE COMMITTEE REPORTS.

Coun. TAYLOR, for the Executive Committee, submitted the following:

1. Report on petition of Elizabeth M. McGuire (referred December 7, 1942), to be paid annuity on account of death of her husband, Daniel E. McGuire, 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 Elizabeth M. McGuire, widow of Daniel E. McGuire, a member of the Fire Department, who died on November 15, 1942, on account of injuries received in the performance of his duty; said annuity being made up of allowances as follows:

For the widow, Elizabeth M. McGuire, 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:

Pauline M. McGuire, born April 19, 1928, the payments to date from November 15, 1942, and to be charged to the appropriation for Fire Department, Pensions and Annuities.

Report accepted; said order passed.

2. Report on petition of Margaret A. Flanagan (referred November 16, 1942) to be paid an annuity on account of death of her husband, Thomas E. Flanagan, late 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 Margaret A. Flanagan, widow of Thomas E. Flanagan, a member of the Fire Department, who died on February 12, 1942, 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 February 12, 1942, and to be charged to the appropriation for Fire Department, Pensions and Annuities.

Report accepted; said order passed.

3. Report on message of Mayor and order (referred January 18) for sale of valves by Public Works Department—that same ought to pass.

Report accepted; said order passed.

4. Report on order (referred January 18) that Mayor be requested to instruct Board of Assessors to forward notice of approval or denial of the application for abatement of taxes to every applicant prior to the expiration of the time limit—that same ought to pass.

Report accepted; said order passed.

5. Report on message of Mayor and order (referred today) for appropriation of \$85,000 for

personal service in the Assessing Department—recommending reference to the Committee on Appropriations.

The report was accepted and the question came on reference to the Committee on Appropriations.

Coun. TAYLOR—Mr. President, personally, while I believe it is the function of any committee to go into the facts of any matter that comes before them, nevertheless, I think the City Council has recognized at times when there is not a conflict and when it is apparent that hut one thing can be done in the matter, that it is proper for the Body itself to act without reference to committee. Now, in this case, I don't think it is the function of the committee to wipe out or interfere with the salaries that are being paid to certain members of the Assessing Department. There are peculiar circumstances that affect certain of these salaries, and those circumstances have in the past been recognized in this Body. The salaries of some of these men which are on a different footing from many salaries that are paid in the city, are fixed by law. The salary of the men here concerned is \$1,700 a year, and there are forty-eight of them, and they will get that salary whether we may like it or not, until the law is changed. Unfortunately a law seems to have been passed by the Legislature affecting these men, and these men alone, as employees of the City of Boston. The Legislature has worked out a law dealing with the particular circumstances in their case. The provision in regard to following the payment for the last three months of the preceding year cannot apply to these employees. They get \$1,700 a year—\$350 in January and in February, and \$250 in March, the balance being distributed through the rest of the year. The reason for that is plain. The first three months of the year are the months in which they do the bulk of their work, working every day of the week, and that is when they receive this money, the same as we would, where we are doing work at certain times and expect to receive our pay for those times. Now, what is the sense of holding up their pay? There is absolutely no legitimate reason for doing so. It is plain that these clerks get \$1,700 a year, a large part of it in January, February and March. If you say that they are to receive nothing at that time, there might be some logic in it, but as it is recognized that these are the times when they do this work, why should we delay their pay for that work? If we ourselves are to receive money for work performed or goods furnished at a particular time, we would not care to have a delay in our payment, whether it is for equipment, services, a contract, or anything else. If there is anything about this that requires investigation in regard to the expenditure of the money, that is one thing, but where the money is recognized as being provided simply for the purpose of paying these employees of the city for work that they do at a certain time, it seems to me there is no logical reason for depriving them of their money at the time when they can reasonably and properly expect it. I believe they should at the proper time receive the amounts to which they are logically entitled.

Coun. HURLEY—Mr. President, I would like to amend the present order by inserting instead of \$85,000, \$40,800. My reason for that —

President HANNON—The clerk informs me that a motion to commit to another committee takes precedence of a motion to amend. We will have to vote on the other motion before acting on your motion.

Coun. HURLEY—Mr. President, I agree with everything that the gentleman from Ward 12 (Coun. Taylor) has stated. The payment to these men is purely a matter of the law. They are hired to do a certain type of work, and they should receive their pay at the proper time, whether we may like it or not, unless the law is changed. I will never vote to prevent a man from getting the salary that is properly coming to him, at the proper time. We should not in this Body take action which will prevent their so getting their money. When they have performed their work, certainly there is an obligation on the city to pay them for it, and that is the purpose of my proposed amendment. I say that we should pay these men now instead of sending the order to the Committee on Appropriations to debate, finally bringing back before us undoubtedly the same order which we have referred to them.

Coun. D. F. SULLIVAN—Mr. President, this is something that has just come up, that has just been brought to our attention, although it seems to me it might well have been brought up the

past week or even before that. I don't know why they should wait until the last minute to send such an order in here. But they come in the last minute and holler about putting a thing right through, that it concerns some poor fellow who will not get his pay unless we pass the order immediately. Why don't they think of these things ahead and send them in in sufficient time so that we could learn something about them? But the order comes in today, and we are told that we must pass it at once for fear that they will be delayed even one day in getting their pay. Of course, we don't want employees of the city to wait for their pay, but this order might have been sent to us on the 4th, the 11th or the 18th of January. We do not have it placed before us, however, until the 25th, and we are then supposed to immediately pass it without any further consideration. This is a matter that should well be referred to a committee, and if you are going to ignore your committees in this way, you might as well abolish all of them. I hope, therefore, that this order will be sent to the Committee on Appropriations, and that all the other orders coming in here will be sent to their respective committees. That, it seems to me, is the proper procedure. If there was such great haste necessary, the order could have been sent to us, as it probably should have been, much before this. I don't see what the rush is, and I don't see why we should, in this case, vary from the proper procedure.

Coun. DWYER—Mr. President, I made the original motion to have this order referred to the Committee on Appropriations. I cannot agree with the first two speakers because I don't think they talked on the point at all. This order comes before the Body, asking for \$85,000. We had before us in the Executive Committee the chairman of the Assessing Department. I asked that gentleman how this money was going to be spent, who was going to get it for what services, and he told us in the Executive Committee that there are forty-eight first assistant assessors on the street, and that these gentlemen would do most of their work in the first three months of the year; that the Board of Assessors gave them \$350 the first month, January, \$350 in February, and \$250 for the month of March, the balance being paid to them at other times in the year when they were not working so hard; that most of their work was done in January, February and March. He went a little farther into what those gentlemen did, but not in any detail. He said he did not know how many hours a day they worked, but added that a man could do his work in his own time, and that there were no questions about it. Well, on the figures that have been given to us, the amount that would be spent on these salaries in January would be, say, \$14,400; and in February, \$14,400, and then the \$250 for the month of March would add up to about \$12,000. So, to my way of thinking, we might at this time appropriate \$40,800, \$14,400 for January, and for February an additional \$14,400, and \$250 a month each for March, or \$12,000. But, as I understand it, we are asked to appropriate \$85,000. The chairman of the Assessing Board did not tell us in committee how the additional amount asked for was to be spent. I think that you, Mr. President, in your wisdom have appointed a Committee on Appropriations, and I am sure that the Committee on Appropriations would not want to deprive any city employee of money that is due him, to which he is entitled, and certainly there is no such desire in the case of the first assistant city assessors. As I understand it, these men are not entitled to receive the money until Friday of this week. We all know that the Hall is closed on Saturday. I believe the committee is ready to have the Board of Assessors come before it this week, and I believe we have time to hear them and learn what they propose to do. I certainly would like to find out what they wish to do with the extra amount they have asked. We stand ready to come back to the Council next Monday, and we can then take steps to give these gentlemen relief. They might have to wait a day, might even have to wait until Tuesday, two days, but I hope the Council will not prevent the committee from functioning as it is entitled to do. I think we were not satisfied with the explanation of the chairman of the Board of Assessors. It has been known for some time that this matter would be coming before us and that unless some action was taken these men would not be receiving their pay for the month of January. No doubt the entire Board of Assessors

knew about that, and why didn't the Board have sent to us on the 4th, the 11th or the 18th of January this order, instead of waiting until the present time? Why did they delay until now and why are they so insistent that the \$85,000 should be immediately passed, when the \$40,800 will certainly be sufficient for the present? I hope, therefore, that action will not be immediately taken on this order but that it will be referred to the Committee on Appropriations.

Coun. CHASE—Mr. President, the question has been raised why we should vote \$85,000 when figures that have been presented to us would indicate that the total amount for the year might be \$81,600, to pay these forty-eight men. As I said in executive, I am not at any time against anybody getting his pay at the proper time for work that he has done. I have not and I do not intend to vote against any man getting his salary on the proper pay day. We are told that for the months of January, February and March the amount to be paid these men will be \$40,800, and that the total amount for the year would be \$81,600. But we know, of course, that in any budget amounts not expended in any particular item are credited against the budget for the department and in that case the additional amount might meet a necessary temporary expense. In any event, the total amount for the department would not be increased. But I certainly do not think these men should be deprived of their pay when it is due. I have no interest in the assessors of the City of Boston, or in any particular two individuals, for example, who might be in my district, any more than I would have in others, my only interest being that anybody who is doing work for the city should get his honest pay at the proper time. I would not deprive any employee of his weekly or yearly salary. I cannot understand, therefore, why the order should not be passed.

Coun. RUSSO—Mr. President, it is very easy for each and every one of us to get up here and speak favorably for action such as is proposed here, with the idea that our position may mean getting new friends. I suppose it takes courage to get up and speak against such a matter, but I cannot understand up to the present time how some of my colleagues in this Council should make it so personal, as applied to these employees, trying to make it appear that those who will not vote right off for this entire amount are acting in a manner that is prejudicial to employees of the city, that they are depriving these individuals of receiving pay to which they are entitled. How often, however, as has been stated before, we have orders presented to this Council upon which we are given perhaps but a half hour or hour's time for consideration, and are then expected to pass them immediately. I would be the last one to deprive any individual of the pay to which he is justly entitled. When a man has performed his duty for the City of Boston he should, of course, receive just compensation. But the fact remains that we have committees appointed to do certain work and to give attention to matters that are brought before the Body, concerning appropriations or otherwise. Therefore, while I do not believe that councilors should deprive anybody of the pay he should properly receive, I feel also that our committees should function as they are supposed to do upon all these matters that are presented to the Body. This is an appropriation. Therefore, when such a burden is placed upon our committees, to properly consider matters coming before us, I cannot see why we should take any action which will prevent our committees from functioning as they are supposed to do, performing the duties with which they are invested. Having that in mind, I do not believe it is the fault of the City Council if today we do not approve of this appropriation immediately, but send it to the Appropriations Committee. Perhaps that will delay payment to these men for a day or two, but in that case, I feel that they certainly can have no grouch against us. I certainly believe they will not hold any feeling against me as one of the councilors here in that case. We are merely asking what we are entitled to, so that we may have an opportunity to perform our duty properly. And therefore I do not agree with some of the things that have been said, although not referring to any particular individual. We have before us a special appropriation of \$85,000, to pay for the services of these clerks in the Assessing Department, a matter that should be considered by the proper committee, and I believe before we take any action it should be referred to the Committee on Appropriations.

Coun. KELLY—Mr. President, I am only speaking for myself. I haven't any grouch against any member of the Assessing Department, but I simply believe that we should act in the proper way on matters that come before the Body, and that, in accordance with the proper procedure, a matter of this kind should be considered by the Appropriations Committee. We members here, elected to public office, are supposed to know what we are voting upon. That is the reason why I asked Mr. Kelly, the chairman of the Assessing Department, what this \$85,000 was to be spent for, and he told us, as other members will bear me out, that it was to pay, principally for the first three months of the year, the salaries of the forty-eight first assistant assessors. That is the explanation he gave in executive session. As was brought out in executive session, the amount necessary to pay these men for the first three months would be something over \$40,000. It has been suggested that any such extra amount as has been figured out might be necessary, perhaps, for suppers, when the assessors are working at night, or possibly for temporary help. We have heard all sorts of reasons as to what the extra amount was for, but nothing definite has been stated. It is not a question here of holding up any men's salaries, and certainly if their pay is held up for a day, it is not the fault of the City Council but of the assessors, for not bringing the matter in last week or the week before, so that we would have an opportunity to look into it. It seems to me that the Committee on Appropriations can properly look into this matter and see what the money is to be spent for. It does not seem reasonable that merely by not voting immediately the \$85,000 the salaries of these men are to be held up, when the amount actually needed at the moment is much less. I certainly have no grouch against the Board or any employees of the Board, but I would like to know, having in mind the facts, as stated to us, that the immediate requirement is for only about \$40,000, what the extra \$44,000-old is for. Their pay for January is due the first of the month, which will be next Monday. If the matter is referred to the Committee on Appropriations, that committee can have a meeting this week and report back next Monday, and the men can get their pay on Tuesday. If the men are held up for one day, it certainly is not the fault of the City Council, but of the Board of Assessors, for not putting this order in last week or the week before. We all know how many times in the last four years we have had orders brought in here late, orders that could have been presented earlier, and that we have been told those orders must be passed immediately, in order that the men can get their salaries. Chairman Kelly was also asked in the executive session if any of these forty-eight men depended on this work for their sole living, and it seemed that in a number of cases it was only a side line. But if there are those who depend upon it, the matter can be referred to the Committee on Appropriations, immediately acted upon, presented to our meeting on Monday next, the first of the month, and the only delay in payment will be until Tuesday, the second of the month.

Coun. MUCHNICK—Mr. President, the real issue here seems to be, as I gather, the real or fancied prestige of the Committee on Appropriations. I have not heard anybody there say that the committee will do other than pass the requisite order, when they meet. If that is so, there is no reason why the order cannot be passed now. It was admitted in Executive Committee that the men wanted and needed the money. The Committee on Appropriations would do no more than the Executive Committee has done. If there has been some fault of the Assessing Department or other officials that can be cured, there is no reason why it cannot be cured, and pay these men the salaries to which they are entitled.

Coun. KELLY—Mr. President, will the gentleman yield for a question?

Coun. MUCHNICK—Gladly.

Coun. KELLY—Will the gentleman explain, if the Committee on Appropriations sees fit to hold a meeting this week, what additional information will the committee receive from the Assessing Department in regard to the amount that the forty-eight employees should receive today? Have you that information?

Coun. MUCHNICK—It is my impression that the Committee on Appropriations will receive the answer from the Assessing Department that this \$85,000 includes the entire yearly payment, and that the \$40,800 is to be deducted from the \$85,000 for the year; that the balance will be used for salaries from April 1st until the end of the year.

Coun. KELLY—Mr. President, I might say that that could be given to us today. I understand that the \$85,000 is the total amount for the year for the first assistant assessors and that there are forty-eight of them. So it would not be very difficult to figure out the amount that they would receive for the first three months. I might say —

President HANNON—The Chair will rule that when the floor is yielded for a question, when that question is answered, arguments are not then in order.

Coun. CAREY—Mr. President, I don't see the necessity for appropriating at this time \$85,000 when, taking the payment of these forty-eight first assistant assessors at \$1,700 a year each, the amount is but \$81,600. I don't see the necessity for passing at this time the additional \$3,800. I would move, therefore, to strike out that difference. Two wrongs do not make a thing right. I think, then, that it would be well to make the total amount, instead of \$85,000, \$81,600, and we could then pass the amount necessary for the first three months, say \$40,800, which would take care of the matter for the first three months of the year. There will then be time enough to take care of the balance, whether the whole amount is \$85,000 or \$81,600, on the basis of \$1,700 a year for each of the forty-eight men.

Coun. COFFEY—Mr. President, as a matter of fact orders are often sent in here, as in this case for \$85,000, or the amount might be \$500,000, and then, as has been well stated, we are supposed to have a little time to ask questions and to find out in regard to the proposed appropriation. But orders are not supposed to come in this way at the last minute and be acted upon without any consideration whatever. I think every order sent in here in the future should be sent to a committee, and I think that is a matter that we should live up to. We should find out the facts, and should live up to a certain strict rule. I think that was made clear at the luncheon that the President gave to us, that things should be properly considered, should be referred to their appropriate committees. In this particular case, there is not one of us who would not favor giving the money to which they are entitled to these employees, as soon as possible. In fact, we might have a meeting of the committee next Friday and have the assessors before the committee to give any information that was desired, and we could then act immediately so that these men would not be delayed unnecessarily in getting their money. But I do say that in the future the Assessing Department or any other department should not wait until it is almost too late before introducing such orders as this at the last minute. Such an order should be sent to us earlier, and we should have proper time to consider it. So I believe notice should be given to every department in the city that they should send such orders to us at least a little ahead of time, so that we may properly consider them, holding meetings if necessary, having the department heads before us and knowing something about what we are asked to pass upon before the very last minute. Under the circumstances, I think in all fairness to the men we should hold a committee meeting this week and act upon the matter at our regular meeting next Monday, so that they could get their money next Monday or possibly Tuesday. I think it would be better if they could get their money on Friday. We can hold a meeting of the committee and have an adjourned meeting of the Body so that they will be able to get their money immediately, the money that is due them for January. So let us have a meeting of the committee this week and a meeting of the Council, if necessary, acting on the January payment. Let us act upon the amount due this month as soon as possible, and then we can take up the balance. None of us wants to deprive these men of their pay for one moment longer than is necessary. It is certainly not the desire of any member of the Body to hold up the pay of city employees. I don't think anybody wants to do that.

Coun. KINSELLA—Mr. President, I think the order that came to us showed a lack of confidence in our intelligence. We have already been told, taking the first three months of 1943, that the amount of \$350 will be paid each man for January, and \$350 for February, and \$250 for March, the balance being given at different times during the year. I understand, as a matter of fact, that they then draw something like \$100 a month until December, or possibly a little less. It seems to me that the gentleman in the corner should have stated what the \$85,000 which was being asked for in advance represented, whether it was entirely for first assistant assessors, or possibly for second assistant assessors, or perhaps for one or two employees who would not appear in the budget for 1943. But instead of that we are given figures of \$40,800, say, for three months, leaving a balance of \$44,200 that is unexplained. What do they want it for? That should be stated. Certainly the item will probably not be cut before the budget hearings are held. There is no chance of that. I feel, as has been stated here several times, that from now on our committees should function as committees on matters properly coming before the Body. They should be given an opportunity to examine into matters that come before them in ordinary course. Oftentimes things come in here which members of committees know nothing about, even when the matters have nominally been heard before the committees. We have at times been informed that members were not at the meeting. In many instances they were not notified. Therefore, I do suggest that committees be given the chance to consider matters properly coming before them or, if not, that we dissolve the committees. If they do not function or are not given an opportunity to function the logical thing to do is to dissolve them. Either our committees should function or logically they should be dissolved. Of course, the Council as an open body with a quorum of twelve members is not supposed to consider in the open body things that are presented without consideration by appropriate committees. That is the reason why we appoint committees, and where we have them for heaven's sake let us use them or dissolve them.

Coun. FISH—Mr. President, I feel that all items concerning appropriations should go to the Committee on Appropriations, but I am afraid that if we do refer this matter to the committee, there will be no way of arranging things so that their pay will be given to the first assistant assessors Friday. In the future I am going to vote that every item concerning appropriations go to the Appropriations Committee. But in this instance, I am going to refrain from voting in that way, so that these men may be given their pay on Friday.

Coun. D. F. SULLIVAN—Mr. President, I hope the order will go to the Appropriations Committee. As has been stated before, either refer such orders to the appropriate committee, in this case the Committee on Appropriations, or abolish your committees. By referring orders to their proper committees, we will be able to get information we desire upon them. We have already approved the idea of referring orders that come before the Body to their appropriate committees as they come before us, and why start in now upsetting that plan? Let us refer this to the Appropriations Committee, and then notify the various departments, on matters on which they are interested, to get their communications and figures in to us at the proper time. We have seen this sort of procedure for the last three years. The cry is set up that unless we act immediately some poor unfortunate is not going to get his money on pay day. There is something rotten in Denmark if these men will not be able to get their pay on Friday. We have had the same story the past three years, and if we don't stop it now it will continue. We might as well decide definitely now that such matters shall be referred to their appropriate committees, in this case the Committee on Appropriations. I have friends who will come under this, fellows who will be seriously inconvenienced if their pay is held up one day or three or four days. But these matters should be referred to their appropriate committees, and we should start the year right. It is all right to say that they ought to have their pay and that they are friends of ours, but I think if we start out in favor of referring orders to their appropriate committees, we should stick to it. I think therefore, that this order should be referred to the Committee on Appropriations.

Coun. FISH—Mr. President, there has been a good deal of talk here, and a good many figures have been presented, supposed to be based upon the Mayor's message. We have been told about certain total amounts which do not agree and about a discrepancy of \$3,400. I would like to have the clerk read the message.

President HANNON—The clerk will read the message.

(The clerk re-read the message presented earlier in the meeting from the Mayor in regard to the proposed appropriation for the Assessing Department.)

Coun. FISH—Mr. President, I would now like to see the order go through for \$40,800, instead of for \$85,000, or, as it has been figured, \$81,600. I would like to see the order go through today for \$40,800, so as to be sure of these men getting their first pay in time. In the meantime, having in view the discrepancy of \$3,400, between what we have figured and the \$85,000, and after the passage of the order for \$40,800, I would like to have the balance go to the Committee on Appropriations, to find out about the discrepancy of \$3,400.

Coun. KINSELLA—Mr. President, I don't know that I got the first part of the message but the possibility of one or two being added to the force having been suggested, I might say that I have had intimations of the necessity of another first assistant assessor in Charlestown. What the outcome may be in regard to that, I do not know, but we will have to wait, anyway, until the regular budget comes in, and it is not necessary at the moment to act on the \$85,000, which is supposed to embrace the entire year. There has been the argument that the amount should be \$81,600, instead of \$85,000. As there seems to be a discrepancy in regard to the necessary amount for these forty-eight first assistant assessors for the year, a discrepancy of \$3,400, I would suggest that we now pass an order for \$40,800, half of the \$81,600, and further information, after the matter has been looked into may indicate that that \$3,400 should come out. Therefore, why can't we pass an order for \$40,800 at this time, and then wait until we receive the budget? The \$40,800 will cover the three months' salary, carrying us to the last day of March, and the thing can then be considered in committee, with a decision as to whether the \$85,000 is correct for the whole year, or whether the \$81,600 is sufficient. I do not feel or insinuate in any way that if the \$85,000 were given now another item would appear in the A classification of the Budget. If the total of \$81,600 is correct, and the figure of \$40,800 is correct for passage at this time, the necessary deduction can simply be made later from the A item.

Coun. TAYLOR—Mr. President, I cannot understand why the members should get so worked up about this item. The \$85,000, if that is the correct amount, is simply a part of the A item in the budget, an item which for the department will amount to hundreds of thousands of dollars. This is simply a small portion of the A item. The rest will go to the other employees of the Assessing Department. So what difference does it make at this time what the exact amount is, so long as we are dealing in the budget with the A item, which in any event will only be a certain amount? It does not touch the B, C or other items. The A item is altogether for salaries, and the only question is whether the men are to get their salaries. The total amount of the A item for this department will be the same, anyway, and only so much will be spent on this item as is necessary to meet the situation.

Coun. CHASE—Mr. President, I was going to move the previous question.

President HANNON—The Chair will be bappy to hear it.

Coun. CHASE—Mr. President, I move the previous question.

The main question was ordered, and the question was put on reference of the order to the Committee on Appropriations. The Chair being in doubt, a rising vote was ordered and the motion for the previous question was defeated, 6 to 10.

Coun. COFFEY—Mr. President, I move that the order be so amended as to read \$40,800.

Coun. D. F. SULLIVAN—Mr. President, if that amendment prevails, what happens to the balance?

President HANNON—Another message can be sent in later by the Mayor.

Coun. LANGAN—Mr. President, I have learned that the pay day of the assistant assessors is not

this Friday but today. For that reason, I sincerely hope that something will be done to take care of these men.

Coun. Coffey's amendment, to insert \$40,800 in place of \$85,000 in the order, was declared carried, and the question came on the passage of the order as amended.

Coun. SCANNELL—Mr. President, the councilor from Ward 12 (Coun. Taylor) has well stated that we are going to pass on the total A item in the budget hearings, so I don't see why we cannot go along with the order as amended. As has been well explained, the A item for the Assessing Department, the total amount, is very large and includes this item, and if we now take care of the \$40,800, sufficient for the present emergency, we can then take up the matter of the \$81,600 or \$85,000 for the year. Of course, whatever figure is adopted will simply be deducted from the A item for the budget. I do believe that these men are entitled to get their \$1,700 for the year, and I believe we can take up the question of whether the total amount is to be \$81,600 or \$85,000 for these employees later, in connection with the appropriation for the A items for 1943.

President HANNON—The question is now on the adoption of the order as amended.

Coun. M. H. SULLIVAN—Mr. President, I was going to doubt the vote on the amendment, but was not recognized by the Chair.

President HANNON—I am sorry, but I don't think the councilor now has any recourse.

Coun. KELLY—Mr. President, of course, the real question to be passed upon, as stated by Chairman Kelly of the Assessors in the Executive Committee, is the salaries of these forty-eight first assistant assessors for the months of January, February and March. As far as the rest of the year is concerned, that can be taken care of later. In view of what Councilor Langan says, that the pay day is today, I would not be a party to holding up anybody's pay. But, as has been brought out here, the Assessing Board is apparently really at fault, because this matter could have been submitted to our Honorable Body last week or the week before. If today is the pay day, of course they cannot be paid until after the pay day. It would at least have to be delayed until tomorrow. That seems to be the situation at this point.

Coun. CAREY moved the previous question. The main question was ordered, and the question came on the passage of the order as amended. The order as amended was passed, yeas 14, nays 2:

Yeas—Coun. Carey, Coffey, Fish, Hanley, Hannon, Hurley, Kelly, Kinsella, Langan, Lyons, Muchnick, Russo, M. H. Sullivan, Taylor—14.

Nays—Coun. Chase, Scannell—2.

CLAIMS OF NUTTER'S SYSTEM, INC.

President HANNON offered the following:

Resolved, That the City Council of Boston hereby approves the enactment of legislation to authorize the city to settle the claim of Nutter's System, Inc., for rental of motor trucks furnished to the city in excess of the number contracted for, provided that such legislation includes a referendum to the Mayor and City Council.

President HANNON—This is a resolution that the City Council approves the enactment of legislation to authorize the city to settle the claim of Nutter's System, Inc., for rental of motor trucks furnished to the city, provided that the legislation sought includes a referendum to the Mayor and the City Council. Just a word of explanation. I am going to follow the rules literally and refer motions, orders and resolutions to the various appropriate committees, then letting the committees function. If any member is particularly interested in any matter which requires immediate action, he can, of course, move that under suspension of the rule it take both readings when presented, instead of having one reading and then having it referred or laid over. But the underlying idea is that motions, orders or resolutions introduced by members should automatically be referred to the proper committee for action. This resolution, therefore, is referred to the Committee on Legislative Matters.

The order was referred to the Committee on Legislative Matters.

REPORT OF COMMITTEE ON CLAIMS.

Coun. FISH—Mr. President, for Coun. LANGAN, chairman of the Committee on Claims, I wish to submit these reports of that committee.

1. Report on petition of Edward M. Lynch (referred December 14, 1942) 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 one hundred fifty-two dollars and forty-three cents (\$152.43) be allowed and paid to Edward M. Lynch 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.

2. Report on petition of Arthur E. May (referred December 21, 1942) to be reimbursed in the amount of execution issued against him on account of his acts as operator of motor vehicle belonging to Park Department—recommending the passage of accompanying order, viz.:

Ordered, That the sum of three hundred thirty-three dollars and two cents (\$333.02) be allowed and paid to Arthur E. Mayo 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.

Report accepted; said order passed.

3. Report on petition of James M. Doherty (referred December 14, 1942) to be reimbursed for amount of execution issued against him on account of his acts as operator of motor truck belonging to Paving Division, Public Works Department—recommending passage of accompanying order, viz.:

Ordered, That the sum of one hundred fifty dollars (\$150) be allowed and paid to James M. Doherty in reimbursement for amount of execution issued against him on account of his acts as operator of a motor truck belonging to the Paving Division, Public Works Department, said sum to be charged to the Contingent Fund.

Report accepted; said order passed.

4. Report on petition of William J. Somerville (referred January 11) to be reimbursed for amount of execution issued against him on account of his acts as operator of motor ambulance belonging to City Hospital—recommending passage of accompanying order, viz.:

Ordered, That the sum of two hundred seventy-one dollars and sixty-five cents (\$271.65) be allowed and paid to William J. Somerville in reimbursement for amount of execution issued against him on account of his acts as operator of a motor ambulance belonging to the City Hospital, said sum to be charged to the Contingent Fund.

Report accepted; said order passed.

5. Report on petition of Charles B. Killoy (referred January 4) 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 thousand two hundred and fifty dollars (\$2,250) be allowed and paid to Charles B. Killoy 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.

6. Report on petition of Edward C. Merchant (referred January 11) 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 Edward C. Merchant 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.

ACTION ON SLOT MACHINES.

Coun. COFFEY offered the following:

Ordered, That his Honor the Mayor request the Attorney-General of Massachusetts to immediately clean out all premium-paying slot machines now operating illegally in the City of Boston, the operators of which are alleged to be paying for protection.

Ordered, That the Police Commissioner be requested, through his Honor the Mayor, to immediately clean out all premium-paying slot machines now operating illegally in the City of Boston, the operators of which are alleged to be paying for protection.

The question came on the passage of the orders.

Coun. COFFEY—Mr. Chairman, my reason for introducing these orders today in regard to slot machines is because they are being operated illegally throughout the city. I am, therefore, suggesting that the Police Commissioner and the Attorney-General take some action. As you know, this is a matter in which I have been interested for some time. Some time ago there was a court case, and we had a ruling of the Law Department in the matter. The defendant was found guilty in the lower court, and it was taken to a higher court, in which there was a difference of opinion, and since then the operators of these games have been going ahead and in many cases have been collecting more money than they should. Of course, if you hit the jackpot you are all right, but you may have twenty-two games coming to you under this nickel a game arrangement, for which the house is supposed to give you credit, but you usually are not given what you are supposed to have. That is, the machines are operating illegally. Therefore, as they are operating illegally, I think the Police Commissioner or the Attorney-General should take action in the matter and clean them out. There is certainly plenty of reason for this to be done, and I trust that immediate action will be taken. I am going along with you, Mr. President, on the general idea that all such orders should be referred to appropriate committees, but this is a case where the law is not being observed, and I believe we should have immediate action. I trust on these orders, therefore, that the rule may be suspended and that they may be forwarded to the Police Commissioner and the Attorney-General at once.

The orders were passed under suspension of the rule.

VOLUNTEER DELIVERY OF RANGE OIL.

Coun. SCANNELL offered the following:

Ordered, That the Committee on Public Safety be requested, through his Honor the Mayor, to organize a volunteer group in each district of Boston for the purpose of delivering range oil to the poor, sick and aged of our city who are unable to call at distributing points to obtain their allotments.

Coun. SCANNELL—Mr. President, it is certainly a terrible thing, on a cold morning or a cold night, to realize the sufferings of old men and women and of children. Just the other day I saw a number of poor old women trying to get a couple of gallons of oil to keep them warm, some of them mothers of boys who are protecting our shores and fighting for our country. I say it is a disgrace to have these things happen, and the answer, I believe is that pedlers distributing the oil are not patriotic enough to go out of their way to give a couple of gallons to some of these poor people when they can dispose of five gallons, ten gallons or more to more well-to-do people. I believe it is our solemn duty to do what we can to help the poor, old people, who are unable to get around actively to the points of distribution, and who could be very much helped by such volunteer service as is suggested in the order. We are, of course, confronting in these times very serious situations, where the rich are getting richer and the poor are getting poorer. I say that relief in the present situation is a matter that is really chargeable to the account of the Governor of the Commonwealth. Two weeks before election I remember his saying that the people of Massachusetts would be taken care of as far as fuel is concerned, and he took a man from my section of South Boston and made him the oil distributor. Maybe if there was a job for which a man would get paid \$10,000 a year, and for which he was to make the appointment, he would go out to Milton, Wellesley or some other town outside of Boston and give a man living there the job, for example, the position of judge in the

district court. But in this matter to which the order applies, I say something should be done, and done immediately, that we in this city who are representing the poor of the city should do what we can to have something done for those poor people in this emergency. The present practice, requiring people to go around to certain distributing points, should not be carried too far, but we should have a volunteer committee of public safety, perhaps, who would see to it that the poor unfortunates in this city, people who are unable to go to these distributing points, or to go about actively on the streets, are taken care of. Imagine the picture I have seen, a picture that would wring anybody's heart strings, where poor women are compelled to struggle along with a five-gallon oil container, in order to protect their families. Certainly that situation should be corrected. I trust, therefore, that the order will be passed, and that, in the interest of the public's protection and safety such a volunteer committee of public-spirited citizens will be appointed, who will see to it that the poor unfortunates in this city, who are so severely handicapped in their efforts to obtain fuel oil or kerosene, are taken care of. I hope that we will do something to supply these poor unfortunates. We want action. These poor women and poor, elderly people cannot be expected to struggle up and down a number of flights of stairs to get their oil, and such a volunteer group as is suggested in the order can do much to see that the poor people, their elderly folks and children, are kept warm.

Coun. HANLEY—Mr. President, it is certainly clear that some plan such as that suggested by Councilor Scannell in his order should be carried out. We owe a solemn duty to the poor of our city in the present situation. I am not defending oil pedlers or distributors, but I don't think that the blame should be placed entirely on their shoulders. We are all aware of the oil situation in Boston in these cold spells that we have been having, when the whole situation is being run from a second floor office on Beacon Hill. I suppose many dealers find it more convenient to sell the oil in larger quantities, rather than in small lots, and there is, of course, this question of distribution and delivery, which is so vital in our city, and which should be handled in a different way than it has been. There is certainly plenty of justifiable criticism of the present method. Yesterday afternoon, coming home from Mass, I saw the same spectacle that our colleague Councilor Joseph Scannell saw in South Boston. This sort of thing happens right before our eyes, and it is certainly disheartening. Therefore, I wish also to raise my voice against the methods that are at present being adopted to provide the poor of our city with this necessity of comfort and life. The former method of solicitation of customers by the pedlers has been changed because of our total war and the rationing of gasoline and kerosene, and the method which has prevailed of handling the problem through the local pedlers and local grocery store has been superseded. The result has been that the poorer people, who are not able to get around as freely as others, have been the principal sufferers. I certainly agree with Councilor Scannell that something should be done to eliminate the present situation. I believe also with Councilor Daniel F. Sullivan that the present method of handling the problem should be stopped, that the oil stations should be closed up, so that the former pedlers and distributors can, under their previous arrangement, deliver five, ten and fifteen gallon lots to our people.

Coun. SCANNELL—Mr. President, enlarging upon what I said before, I cannot for the life of me see why a pedler in the city can give to a more fortunate family fifty gallons of oil, while Mr. Kelly, with nine children and on welfare, has difficulty in getting two gallons a week. That is what I object to. I don't want to see any discrimination in this matter. I want to see those who wish two or five gallons attended to as well as those who are getting twenty-five and fifty gallons. This is a matter that should be handled in a broad way, and the poor of our city should be properly taken care of.

Coun. RUSSO—Mr. President, I agree with both councilors. I have seen the same spectacle that they refer to in my own ward, and to my mind such action as is proposed should have been taken weeks ago. I have myself endeavored to have some action taken which would remedy the present conditions. There is no question that oil in the City of Boston is not equally distributed. I don't blame entirely the pedlers, so far as distribution is

concerned. I have said before, and I say again, that it is common sense, if an individual can dispose of his allotment within half an hour, without any difficulty, he should do so. Looking at it as a matter of common sense, why should he be expected to peddle around through a community for a whole day when he can dispose of his allotment within half an hour? But we have a duty to perform in looking after the poor people of our community in times like these. At such a time the people are panic-minded, panic-stricken, and I certainly feel that the only way in which we can possibly handle the situation is to force the pedlers who are now selling oil in the streets to deliver the oil at the homes, as they have been doing in the past. When that is done, I feel that these pedlers will be just as careful to see that John Jones, who receives only five gallons, will get it, as they are to see that John Smith, who gets a much larger amount, receives his oil. In the executive session, when Colonel Sullivan was present, I asked him if the Governor of the Commonwealth could not exercise his war powers to stop the work of these gasoline stations that have gone into the oil business since the war started. He said at that time that the Governor did not have the power to do so. I still maintain that he has the power vested in him by the Legislature as a war power, and I believe he could under that power eliminate the evils of this present situation. I then asked the Assistant Corporation Counsel, who was present, if an ordinance could be enacted which would tend to remedy the situation, and he said he believed such an ordinance could be enacted. I have acted accordingly, and I have asked the chairman of the committee to call a meeting of the committee this week, so that some action may be taken. If anybody in this Body has an impression that such hardships to the poor as have been referred to here do not exist, I simply ask him to go to the South End or the West End and see what is happening. You will see mothers with children two years old in their arms waiting to receive a few gallons of oil, which they can bring back to their homes to help keep their families warm. It is a situation that appeals to the sympathies of each and every one of us, and we should do everything we can to bring this existing condition in the City of Boston to an end. I believe it can be eliminated if the oil is equally distributed. I believe that action should be taken so that the oil dealers will be required to perform their duties in a way that is fair and just to our poor people. Many have spoken to me about their difficulties in getting fuel oil—

President HANNON—I would remind the gentleman that we are getting near six o'clock when our lights go out.

Coun. RUSSO—Mr. President, I shall be very brief. But, as I say, with proper and equal distribution by the pedlers, dealers and the gas stations, the trouble we are now having can be eliminated.

The order was passed under suspension of the rule.

LEGISLATIVE BILLS TO BE FURNISHED COUNCIL.

Coun. D. F. SULLIVAN offered the following:

Ordered, That the legislative agents for the City of Boston be requested, through his Honor the Mayor, to forward to the City Council copies of all bills filed in the Senate and the House of Representatives pertaining to the City of Boston.

Passed under suspension of the rule.

APPOINTMENTS CONFINED TO GRADUATE NURSES OF CITY HOSPITAL.

Coun. D. F. SULLIVAN offered the following:

Ordered, That his Honor the Mayor instruct the trustees of the Boston City Hospital to consider only graduate nurses of the City Hospital for the positions of superintendent and assistant superintendents of nurses when such vacancies occur.

Referred to Committee on Hospitals.

LABOR REPRESENTATIVE AS HOSPITAL TRUSTEE.

Coun. D. F. SULLIVAN offered the following:
 Ordered, That his Honor the Mayor be requested to consider the advisability of appointing a member of organized labor to the Board of Trustees of the Boston City Hospital when the next vacancy occurs.

Referred to Committee on Hospitals.

CLEANING OF STREETS.

Coun. D. F. SULLIVAN offered the following:
 Ordered, That the Public Works Commissioner be requested, through his Honor the Mayor, to assign men from the Street Cleaning Department to clean up all rubbish which is dropped by contractors engaged by the city to remove ashes and garbage and to charge all expenses to the contractor.

Referred to Committee on Public Safety.

INCREASES FOR HOSPITAL EMPLOYEES.

Coun. D. F. SULLIVAN offered the following:
 Ordered, That the trustees of the Boston City Hospital be requested, through his Honor the Mayor, to make provisions in their 1943 budget for increases for all employees under their jurisdiction.

Referred to Committee on Hospitals.

REINSTATEMENT OF GEORGE L. W. REED.

Coun. CAREY offered the following:
 Resolved, That the City Council of Boston hereby approves the enactment of legislation to authorize the reinstatement of George L. W. Reed in the Police Department of said city; provided that such legislation includes a referendum to the Mayor and City Council.

Referred to Committee on Legislative Matters.

PAINTING OF HYDRANTS, CURBS, ETC.

Coun. MUCHNICK, for Coun. WICKES, offered the following:

Ordered, That the chairman of the Public Safety Committee be directed by his Honor the Mayor to formulate immediately plans for the painting with aluminous paint hydrants, curbs and cross walks and other such obstacles, and thereby lessen the hazard of accidents to pedestrians and motorists during the present dimout.

Referred to the Committee on Public Safety.

SURVEY OF WASHINGTON STREET, WARD 17.

Coun. MUCHNICK, for Coun. WICKES, offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to have an immediate survey made of Washington street, Dorchester, Ward 17 (especially from Harvard street to Codman square), and Whitfield street, Ward 17, with a view to remedying the dangerous conditions which now prevail on these streets.

Referred to the Committee on Public Safety.

ADMISSION TO COCOANUT GROVE HEARINGS.

Coun. KELLY offered the following:
 Ordered, That the Fire Commissioner be requested, through his Honor the Mayor, to admit the public and press to the hearings he is now holding in connection with the recent Coconut Grove disaster.

Coun. KELLY—Mr. President, I shall be very brief. I was surprised to read in the newspapers the other day that at the hearings now being held members of the public or of the press are not allowed to be present. I think that is strange, when we consider that the cost of the hearings will have to be borne by the taxpayers of the City of Boston, and I believe people should know what is being heard behind closed doors. I believe the hearings should be open to the public and to the press, and I move the passage of the order and the suspension of the rule.

The order was passed under suspension of the rule.

WAITING PLATFORM AT GREEN STREET STATION.

Coun. LANGAN and HANLEY offered the following:

Ordered, That his Honor the Mayor confer with the trustees of the Boston Elevated relative to the enclosure by glass of the waiting platform at Green Street Station, for the benefit of the commuters waiting for the bus.

Passed under suspension of the rule.

DELIVERY OF MONTHLY FUEL TO WELFARE RECIPIENTS.

Coun. KINSELLA offered the following:
 Ordered, That the Overseers of Public Welfare, through his Honor the Mayor, order that all monthly fuel oil or coal deliveries to welfare recipients be made within the calendar limits of any month during which these recipients are given fuel oil or coal.

Coun. KINSELLA—Mr. President, I just wish to say briefly that this order is the result of calls that have been made upon me within the last two weeks. Therefore, I ask a suspension of the rule and the passage of the order.

The order was passed under suspension of the rule.

LIGHTING OF COUNCIL CHAMBER.

Coun. D. F. SULLIVAN—Mr. President, at the present time the lights in City Hall are supposed to be put out at six o'clock. That, of course, means at least dimming the lights of this room. I am hoping to have action taken so that we can still go on without an unlighted chamber; that perhaps an auxiliary lighting system could be installed, which would enable us to continue after six. I have not prepared such an order as yet.

THE HOUR OF THE NEXT MEETING.

Coun. COFFEY—Mr. President, I move that when we adjourn it be to meet on next Monday at one o'clock.

The motion was declared lost.

Coun. LANGAN—Mr. President, I ask for a reconsideration.

Coun. COFFEY—Mr. President, the only reason why I make that motion is so that if we get into controversies along toward the latter part of the meeting, the members may have an opportunity to express their position instead of being limited in time as they are now, with our six o'clock closing. As we know, near the close of our meetings, as six o'clock approaches, we are facing the cutting off of the light. Therefore, I feel that some such order as this should be passed.

The motion to reconsider was lost by a rising vote, 3 to 3.

Adjourned, at 6:05 p. m., on motion of Coun. D. F. SULLIVAN, to meet on Monday, February 1, 1943, at 2 p. m.

CITY OF BOSTON.

Proceedings of City Council.

Monday, February 1, 1943.

Regular meeting of the City Council in the Council Chamber, City Hall, at 2 p. m., President HANNON presiding. Absent, Coun. Foster, Goode, Linehan and Lyons.

The meeting was opened with the salute to the Flag.

BUDGET FOR 1943.

The following was received:

City of Boston,

Office of the Mayor, February 1, 1943.

Honorable Council of the City of Boston.

Gentlemen,—Section 3 of the City Charter of the City of Boston, as most recently amended by chapter 604 of the Acts of 1941, provides that all appropriations, other than for school purposes, to be met from taxes, revenue or any source other than loans, shall originate with the Mayor, who, not later than the first Monday in February of each year, shall submit to the City Council the annual budget of the current expenses of the city and county for the current fiscal year. Accordingly, I herewith recommend to your Honorable Body the maintenance appropriations for the fiscal year beginning January 1, 1943, and ending December 31, 1943, for the city and county departments. There is submitted, in addition, my allowances for the revenue departments of the city which are self-sustaining, and are not provided for from tax collections but from fees charged for their services.

Previous budgets which I have submitted to the City Council have emphasized the necessity of insuring stability of, and confidence in, our financial structure by careful management of expenditures. The application of this policy has resulted in substantial annual savings. A full year of war has brought in its wake rapid and

far-reaching changes in our national economy. The mobilization of our armed forces has depleted the available manpower for purely civilian uses. Industry converted to total war effort has absorbed much of the remainder. Further depletion must be expected as the tempo increases in the effort to raise an enormous army, navy and air force and supply them with all the sinews of war.

Obviously the discharge of municipal functions must be seriously affected. Yet we cannot and must not allow the essential services of our city to become disrupted or disorganized. War priorities preclude the entering upon extended capital improvements, or indeed extensive alterations. Possible repairs to plant and equipment should be undertaken to prevent permanent deterioration and ultimate loss. The continuance of our municipal functions must be undertaken with reduced personnel and a realization that the times call for great personal sacrifice and increased effort. Increased prices have laid an unusually heavy burden upon many of our institutions, resulting in larger appropriations for food, fuel and medical supplies. This would have been serious, were it not for substantial reductions in welfare and pay roll items.

While the objective of financial stability must not be submerged, a more compelling fundamental obligation exists to preserve the integrity of our city by intelligent administration, while cooperating unreservedly with our national government. While the appropriations requested are dangerously close to the minimum requirements for maintenance, they should be sufficient in the light of anticipated needs, based upon past experience and the trend of national events.

In my annual message to your Honorable Body delivered by me on January 4, 1943, I expressed my intention to adjust the basic salaries for the uniformed forces of the Fire and Police Departments.

Further study has impressed me with the advisability of a temporary general adjustment of compensation levels for employees other than the uniformed forces of the Police and Fire Departments. Within a short period I shall request the City Council to approve an appropriation for such additional sums as due consideration for the capacity of the city to pay may warrant.

Respectfully,

MAURICE J. TOBIN, Mayor.

DEPARTMENTAL ALLOWANCES RECOMMENDED BY MAYOR FOR 1943.

CITY DEPARTMENTS.

	1942 Appropriations.	1943 Allowances.
Art Department.....	\$407 00	\$430 00
Assessing Department.....	314,217 69	* 304,545 00
Auditing Department.....	87,418 20	85,929 64
Boston Port Authority.....	48,511 48	33,534 00
Boston Retirement Board.....	33,288 26	32,295 95
Boston Traffic Commission.....	142,573 57	149,104 22
Budget Department.....	14,083 00	13,368 00
Building Department.....	175,298 83	197,601 18
Board of Appeal.....	12,940 60	11,952 30
Board of Examiners.....	5,231 60	5,313 00
City Clerk Department.....	44,742 50	42,481 61
City Council.....	87,545 00	92,110 00
City Council Proceedings.....	10,250 00	10,250 00
City Documents.....	10,000 00	9,000 00
City Planning Board.....	28,479 30	26,300 73
Collecting Department.....	133,639 63	126,143 50
Election Department.....	257,303 13	215,713 79
Finance Commission.....	50,000 00	50,000 00
Fire Department.....	4,018,938 00	4,213,188 00
Wire Division.....	88,209 15	84,895 38
Health Department.....	906,742 51	906,553 70
Hospital Department.....	3,424,300 00	3,578,337 00
Sanatorium Division.....	683,918 00	692,368 00
Institutions Department:		
Central Office.....	44,198 60	42,824 40
Child Welfare Division.....	355,650 88	389,666 33
Long Island Hospital.....	772,699 27	826,913 00
Steamer "Stephen J. O'Meara".....	41,473 96	44,035 00
Law Department.....	175,385 97	175,914 58
Library Department.....	1,274,380 00	1,277,011 00
Licensing Board.....	57,594 85	59,751 00
Market Department.....	15,668 17	15,608 17
Mayor, Office Expenses.....	89,705 00	91,417 08
Park Department.....	894,361 10	896,701 00
Cemetary Division.....	42,226 00	40,201 00

* Includes \$85,000 previously submitted to City Council.

DEPARTMENTAL ALLOWANCES.—Continued.

	1942 Appropriations.	1943 Allowances.
Police Department.....	\$5,964,755 00	\$5,949,985 00
Public Buildings Department.....	452,187 00	473,484 82
Public Welfare Department:		
Central Office.....	9,299,445 00	7,367,165 14
Temporary Home.....	9,820 00	9,615 00
Wayfarers' Lodge.....	11,467 00	11,352 00
Public Works Department:		
Central Office.....	31,686 37	31,725 00
Bridge Service.....	411,262 26	407,671 26
Ferry Service.....	233,439 44	229,183 82
Lighting Service.....	937,783 00	966,535 75
Paving Service.....	894,786 00	882,626 00
Sanitary Service.....	2,146,968 75	2,597,919 77
Sewer Service.....	384,575 50	356,394 50
Registry Department.....	61,391 16	70,806 00
Sinking Funds Department.....	2,705 00	2,705 00
Soldiers' Relief Department.....	647,924 47	673,501 67
Statistics Department.....	8,898 00	8,733 00
Street Laying-Out Department.....	146,555 00	136,192 24
Supply Department.....	57,861 38	61,855 50
Treasury Department.....	90,985 35	95,717 10
Weights and Measures Department.....	45,985 42	45,186 53

SPECIAL APPROPRIATIONS.

Work Relief Program.....	929,082 05	—
Bridges, Repairs, etc.....	25,000 00	25,000 00
Contingent Fund.....	325,000 00	325,000 00
Conventions and Entertainment of Distinguished Guests.....	20,800 00	18,000 00
Ferry Improvements, etc.....	23,000 00	28,000 00
Public Celebrations.....	48,000 00	48,000 00
Public Ways, Construction of.....	146,078 29	—
Reserve Fund.....	125,000 00	125,000 00
Snow Removal.....	325,000 00	400,000 00
Long Island Hospital, Special Improvements and Repairs.....	7,000 00	20,000 00
Head House, South Boston, Repairs, etc.....	25,000 00	—
Head House Pier, South Boston, Repairs, etc.....	20,000 00	—
Health Unit, Dorchester.....	15,000 00	—
Central Library Roof.....	105,000 00	—
Sewerage Works.....	—	* 146,613 84
Sidewalks, Construction and Reconstruction of.....	—	50,000 00
Civilian Defense Activities.....	313,350 00	159,800 00
Emergency Compensation Allotment.....	1,079,000 00	924,000 00
	<u>\$39,713,142 79</u>	<u>\$37,389,226 50</u>

COUNTY DEPARTMENTS.

	1942 Appropriations.	1943 Allowances.
Suffolk County Courthouse, Custodian.....	\$350,162 66	\$326,141 85
County Buildings.....	86,050 36	85,288 97
Jail.....	234,208 50	237,561 76
Supreme Judicial Court.....	56,765 96	55,708 46
Superior Court, Civil Session, General Expenses.....	428,117 24	372,181 89
Superior Court, Civil Session, Clerk's Office.....	193,321 13	193,810 19
Superior Court, Criminal Session.....	496,838 54	491,253 64
Probate Court.....	30,685 00	30,300 00
Municipal Court, City of Boston.....	526,612 24	523,131 11
Municipal Court, Charlestown District.....	33,121 25	32,371 25
East Boston District Court.....	31,228 54	29,856 88
Municipal Court, South Boston District.....	35,661 40	34,331 45
Municipal Court, Dorchester District.....	47,658 33	46,197 83
Municipal Court, Roxbury District.....	125,272 00	121,276 96
Municipal Court, West Roxbury District.....	44,021 90	42,497 81
Municipal Court, Brighton District.....	23,188 00	23,056 75
Boston Juvenile Court.....	30,023 19	30,275 66
District Court of Chelsea.....	42,288 92	38,693 84
Registry of Deeds.....	189,579 69	189,862 86
Index Commissioners.....	24,840 90	24,899 68
Insanity Cases.....	38,110 00	38,110 00
Medical Examiner Service, Northern Division.....	24,802 65	24,872 77
Medical Examiner Service, Southern Division.....	17,460 40	17,893 32
Associate Medical Examiner Service, Northern Division.....	2,055 00	2,055 00
Associate Medical Examiner Service, Southern Division.....	1,955 00	1,955 00
Miscellaneous Expenses:		
Auditing.....	16,869 48	14,340 61
Budget.....	6,094 48	5,697 75
Collecting.....	800 00	800 00
Sheriff.....	4,625 00	4,625 00
Treasury.....	5,625 00	5,625 00
Granite Avenue Bridge.....	2,896 70	11,128 57
Penal Institutions:		
Office Expenses.....	36,501 87	35,993 20
House of Correction.....	460,610 00	429,503 87
Steamer "Michael J. Perkins".....	54,674 71	53,726 82

* Previously submitted to City Council.

COUNTY DEPARTMENTS ALLOWANCES.—Continued.

	SPECIAL APPROPRIATIONS.	
	1942 Appropriations	1943 Allowances
Social Law Library.....	\$1,000 00	\$1,000 00
Eastern Avenue Wharf, Repairs, etc.....	8,000 00	5,000 00
Jail Improvements.....	25,000 00	—
Work Relief Program.....	21,700 00	—
Emergency Compensation Allotment.....	69,000 00	72,800 00
Totals.....	\$3,827,426 04	\$3,653,827 75

	REVENUE DEPARTMENTS.	
	1942 Appropriations.	1943 Allowances.
Printing.....	\$370,022 12	\$380,015 30
Departmental Postage and Stationery.....	117,000 00	118,000 00
City Record, Publication.....	25,716 00	27,820 00
Public Works — Water Division.....	1,052,140 00	1,027,291 00
Summer Traffic Tunnel.....	274,397 00	262,759 00
Collecting — Water Division.....	103,657 19	96,928 87
Auditing — Water Division.....	425 00	575 00
Foreclosed Real Estate Division.....	45,268 00	65,640 00
Totals.....	\$1,988,655 31	\$1,979,029 17

GRAND SUMMARY.		
City Departments.....	\$39,713,142 79	\$37,389,226 50
County Departments.....	3,827,426 04	3,653,827 73
Totals.....	\$43,540,568 83	\$41,043,054 25
Revenue Departments.....	1,988,655 31	1,979,029 17
Grand Totals.....	\$45,529,224 14	\$43,022,083 42

APPROPRIATIONS AND TAX ORDERS FOR THE FINANCIAL YEAR 1943.

Ordered, That to meet the current expenses payable during the financial year beginning with the first day of January, 1943, 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 11, chapter 297, of the Acts of 1929, as amended by chapter 74 of the Acts of 1935; and the appropriation for the Foreclosed Real Estate Division be met by the income of said division, exclusive of proceeds from the sale of foreclosed property, and any excess over income from taxes; that the other appropriations hereinafter specified be met out of the money remaining in the treasury at the close of business on December 31, 1942, 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, 1943, 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 1943, 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 1943; that interest shall be charged on all taxes remaining unpaid after the first day of November, 1943, 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, 1943, 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.

Referred to Committee on Appropriations.

APPROPRIATION FROM INCOME OF CEMETERY DIVISION.

The following was received:
City of Boston,
Office of the Mayor, February 1, 1943.
To the City Council.

Gentlemen,—In the preparation of the 1943 budget, provision was made, as in previous years, 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.

City of Boston,
Park Department, January 26, 1943.
Hon. Maurice J. Tobin,
Mayor of Boston.

Dear Sir,—By vote of the Board of Park Commissioners, you are respectfully requested to issue an order on the City Council that the sum of \$60,000 be appropriated from the income of the Cemetery Fund to be expended under the direction of the Park Commissioner for Cemetery Division maintenance and improvement. This sum to be appropriated under the provisions of chapter 117 of the Acts of 1913.

When making up the budget estimates for the Cemetery Division for the year 1943, a sum equal to \$60,000 was deducted from Item A-1, Permanent Employees, with the understanding that this deduction was to be replaced by the sum of \$60,000 taken from the Cemetery Fund.

Respectfully yours,
WILLIAM P. LONG, Chairman.

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.

Referred to Committee on Appropriations.

NEW BUILDING CODE.

The following was received:

City of Boston,
Office of the Mayor, January 29, 1943.
To the City Council.

Gentlemen,—I herewith submit, in the form of a proposed ordinance amendments to chapter 479 of the Acts of 1938, commonly referred to as the Building Code.

This proposed ordinance is the result of a study commenced in February of 1940 by a highly competent committee composed of experts in real estate, architecture and engineering. The report of this committee is attached hereto, and is more or less self-explanatory.

The proposed ordinance covers Part 1 to Part 4, inclusive, of the new building code. Further amendments will be submitted within a short time covering the entire code.

I recommend early and earnest consideration of this proposed ordinance by your Honorable Body.

Sincerely yours,
MAURICE J. TOBIN, Mayor.

City of Boston,
Building Department, January 15, 1943.
Hon. Maurice J. Tobin,
Mayor of Boston.

Honorable Sir,—On February 5, 1940, Mr. James H. Mooney, Building Commissioner of the City of Boston, appointed an Advisory Committee to consider amendments to chapter 479 of Acts 1938.

The following citizens accepted appointments to this committee:

John C. Kiley, 15 Bosworth street, Real Estate architect. (Deceased.)

P. W. Donoghue, 342 Newbury street, sanitary engineer. (Deceased.)

Francis V. Bulfinch, 1 Court street, architect engineer.

C. Clark Macomber, 38 Chauncy street, builder.
A. B. MacMillan, 80 Federal street, engineer builder.

Burtis Brown, 45 Franklin street, engineer.
John J. Tobin, 11 Beacon street, assistant Corporation Counsel.

Joseph P. Graham, 11 Beacon street, Assistant Corporation Counsel. (Now in armed service.)

Charles D. Maginnis, Jr., Stalder Building, architect. (Now in full time war production outside of Boston.)

This committee met on February 5, 1940, to start its work and has been working since that time and will continue its work until a full report has been submitted to you, unless requested before that time to disband.

We submit to you herewith recommended amendments of Part 1 to Part 4, inclusive. Amendments to Section 310 and Section 409 are not submitted herewith by reason of technical detail not yet completed by the committee. Recommended amendments of these two sections we expect to submit to you in a few days.

We also expect to submit to you subsequent recommended amendments shortly for the entire code. Substantially all of the research work has been done on the whole code and rechecking of amendments as codified is now under way.

We call to your attention Part 3 to Part 12, inclusive, of the Proposed Code, which deals with special requirements or particular group occupancy. All occupancies are classed in one of the ten groups, particularly delineated in the code. If there is any question as to the proper grouping of occupancy, provision is made for the commissioner to mandatorily place it in the occupancy best suited.

Extreme care has been exercised by your committee in analyzing the special requirements for the group occupancy. It seems wise to us to call particularly to your attention the limited scope of a Building Code as such. This limited scope, was outlined to the City Council, December 17, 1942, in a statement read to the City Council Code Committee on that date by one of our committee members and indorsed by the full committee in individual testimony. This limited scope is outlined as follows:

1. The proposed code applies primarily to new construction.

2. The proposed code applies to existing structures only as they are altered or as their type of occupancy changes or as they are structurally unsound.

3. The proposed code does not apply to fixtures such as counters, show cases, bars, etc., to non-structural items, such as wall padding, ceiling hangings, etc.

4. The proposed code does not provide for any general safety inspection or enforced improvement of existing conditions.

In our opinion this limited scope is proper for a building code which in our opinion should deal primarily with structures. It is our belief that the non-structural items, examples of which are cited above, belong within the scope of general public safety regulations and that a building code is a distinct part within such public safety regulations and should not itself be all inclusive. In the study of suggested amendments and in the sections of the code recommended without amendment you should bear in mind the conditions indicated above as a definite analytical premise.

The actual structural parts of buildings are, we believe, excellently clarified in chapter 479 and the amendments recommended by your committee.

Exits and egresses have received very careful consideration. The types of doors, swing of doors, the hardware controlling doors, the use of revolving doors, etc., have been carefully analysed.

It should be noted that in chapter 479 as passed by the Legislature there is provided special egress requirements for every room or group of rooms housing more than seventy-five occupants. We mention this particular fact because your Honor in his address to the City Council on January 4 used the figure one hundred persons, as follows. We quote—

"There is no doubt in my mind of the compelling necessity for the incoming Legislature to so change and extend the law which is now applicable to theaters and halls, so that similar provisions of law shall be applicable to so-called night clubs and all other places where the public, in excess of one hundred persons, gather for any purpose whatsoever."

In conclusion we wish to state that in our opinion, the limitations to the proposed building code enumerated above are proper limitations, since the code properly deals primarily with structures. Safeguards for non-structural items and related factors have their proper but separate place in general public safety regulations, which should be specifically applicable to so-called

night clubs and all other places where the public gather for any purpose whatsoever.

Respectfully submitted,

JAMES H. MOONEY, Chairman.
JOHN C. KILEY.
FRANCIS V. BULFINCH.
C. CLARK MACOMBER.
A. B. MACMILLAN.
BURTIS BROWN.
JOHN J. TOBIN.

In accordance with the provisions of chapter 479 of the Acts of 1938 as amended by chapter 217 of the Acts of 1939, as Building Commissioner of the City of Boston I recommend the adoption of the following ordinance.

JAMES H. MOONEY,
Building Commissioner.

An Ordinance Altering, Amending, Extending or Rendering Ineffective Provisions of 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.

Be it ordained by the City Council of Boston as follows:

Section 1. Section 105 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out in the fifth line the words, "as provided in section one hundred and ten", so as to read as follows:

Section 105. *Effective Date.*—This code shall take full effect upon its acceptance by vote of the city council of the city of Boston, subject to the provisions of its charter. If an application for a permit is filed before said effective date, and a permit is issued thereon, and the work is actually commenced within ninety days after the issuance of the permit, the applicant notwithstanding any provision to the contrary in section one hundred and seven, may elect to be governed in the entire operation covered by the permit either by the building laws as they existed when the application was filed or by this code.

Section 2. Section 106 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out in the fourth line of the first paragraph of paragraph (a) the words "qualifying words or" and by adding the letter "s" to the word "indicate" in the fifth line of the first paragraph, so as to read as follows:

Section 106. *Definitions.*—(a) For the purposes of this code the words and phrases defined in this section shall be construed as so defined except when the context clearly indicates that another meaning is intended.

Section 3. Said section 106 is hereby further amended by striking out paragraph seven of paragraph (a) as so appearing and inserting in place thereof the following:

"Area of a building", see "Building, area of".

Section 4. Said section 106 is hereby further amended by inserting after the word "assemble" in the third line of the eighth paragraph of paragraph (a) the words, "in a manner as permitted in Group B, Part 4", so as to read as follows:

"Assembly hall", a hall or room, including the balconies thereof, if any, in which persons may assemble in a manner as permitted in Group B, Part 4.

Section 5. Said section 106 is hereby further amended by striking out paragraph nine of paragraph (a) as so appearing and inserting in place thereof the following:

"Attic", finished or unfinished story situated within a sloping roof, the area of which at a height of four feet (4) above the level of its finished floor does not exceed two-thirds (2/3) of the area of the story immediately below it. There shall be only one attic in any building, and it shall be considered as a half story.

Section 6. Said section 106 is hereby further amended by inserting after the word "lectures" in the third line of the tenth paragraph of paragraph (a) the words, "athletic or sports events", so as to read as follows:

"Auditorium", an assembly hall in which persons may assemble to hear or see concerts, plays, lectures, athletic or sports events or similar performances.

Section 7. Said section 106 is hereby further amended by striking out the first sentence in the twelfth paragraph of paragraph (a) and inserting in place thereof the following: "Balcony", within an auditorium, is a floor, inclined, stepped, or level, above the main floor, the open side or sides of which shall be protected by a rail or railings", so as to read as follows:

"Balcony", within an auditorium, is a floor, inclined, stepped, or level, above the main floor, the open side or sides of which shall be protected by a rail or railings. Where a balcony of an auditorium has exits at two or more levels opening into separate foyers, one above another, each portion thereof served by such a foyer shall be considered a separate balcony for the purpose of this code.

Section 8. Said section 106 is hereby further amended by inserting after the word "ground" in the second line of the fifteenth paragraph of paragraph (a) the words, "within the property lines", so as to read as follows:

"Building, area of", the maximum horizontal projected area of a building, above ground, within the property lines, including exterior walls one or more of which may be party walls and including covered porches but excluding terraces, steps and cornices.

Section 9. Said section 106 is hereby further amended by striking out paragraph sixteen of paragraph (a) as so appearing and inserting in place thereof the following:

"Building, height of", in linear measure, the vertical distance of the highest point of the roof, excluding pent houses and roof structures, above the mean grade of the sidewalk at the line of the street or streets on which the building abuts; and, if the building does not abut on a street, above the mean grade of the ground around and contiguous to the building; and provided, further, that for the purposes of establishing said mean grade, the ground bounded by the lot lines and contiguous to the building and within twenty feet of it, shall be considered to slant toward the building not more than one foot upward or downward in two horizontal feet. In stories, the number of stories above the floor of the first story.

Section 10. Said section 106 is hereby further amended by striking out in the first line of the seventeenth paragraph of paragraph (a) the words "building, existing" and inserting in place thereof the words "building, pre-code", so as to read as follows:

"Building, pre-code", a building already erected on the effective date of this code, or thereafter erected, as provided in section one hundred and five, under permit for its construction subject to the provisions of law in effect prior to such effective date.

Section 11. Said section 106 is hereby further amended by striking out in the first line of the eighteenth paragraph of paragraph (a) the words "building, new" and inserting in place thereof the words "building, post-code", so as to read as follows:

"Building, post-code", a building erected after the effective date of this code and subject to the provisions thereof.

Section 12. Said section 106 is hereby further amended by striking out in the fourth line of the thirty-first paragraph of paragraph (a) the words "to a public street", so as to read as follows:

"Exit, path of", the continuous series of doorways, connecting rooms, corridors, passages, stairways, ramps and the like, which leads from any exit from a room through an exit from the building.

Section 13. Said section 106 is hereby further amended by striking out in the first line of the thirty-third paragraph of paragraph (a) the word "well"; and by adding at the end of said paragraph the following sentence: "A fire division may not be larger than a maximum unit of occupancy and may be further limited by the application of requirements of Table A, (2), section thirteen hundred and two.", so as to read as follows:

"Fire division", a portion of a building so separated from the rest by separations as specified in Part 13, that it may be erected to the maximum height and area allowed for its principal occupancy and type of construction, independently of adjoining occupancies. A portion of a building separated from the rest

by fire walls. A fire division may not be larger than a maximum unit of occupancy and may be further limited by the application of requirements of Table A, (2), section thirteen hundred and two.

Section 14. Said section 106 is hereby further amended by adding after the thirty-third paragraph of paragraph (a) the following new paragraph:

"Fire division, area of", the maximum horizontal projected area of the division within the property lines including exterior walls, one or more of which may be party walls, and in the case of separation walls within the property lines to the center of the separation wall.

Section 15. Said section 106 is hereby further amended by striking out in the second line of the thirty-fourth paragraph of paragraph (a) the word "specified" and inserting in place thereof the word "described", so as to read as follows:

"Fire door", a door of fire-resistive construction as described in Part 22.

Section 16. Said section 106 is hereby further amended by adding after the word "device" in the first line of the thirty-fifth paragraph of paragraph (a) the words "the contents of which are", so as to read as follows:

"Fire extinguisher", a portable device, the contents of which are for extinguishing a fire.

Section 17. Said section 106 is hereby further amended by striking out in the second line of the thirty-seventh paragraph of paragraph (a) the words "of a building or fire division, the area thereof, including exterior walls, at the given floor level", so as to read as follows:

"Floor area", of a room, the area of the floor contained within the walls.

Section 18. Said section 106 is hereby further amended by striking out the thirty-ninth paragraph of paragraph (a) as so appearing.

Section 19. Said section 106 is hereby further amended by inserting after the sixty-third paragraph of paragraph (a) the following new paragraph:

"Plan or plans". The word plan or plans shall be construed to mean drawing or drawings illustrating the work involved.

Section 20. Said section 106 is hereby further amended by striking out the eighty-sixth paragraph of paragraph (a) as so appearing and inserting in place thereof the following:

"Wall, non-bearing", a wall which supports only its own weight.

Section 21. Section 107 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out in the fifth line of paragraph (b) the word "existing" and inserting in place thereof the word "pre-code", so as to read as follows:

(b) The provisions of sections one hundred and eight, one hundred and fourteen, one hundred and sixteen, one hundred and eighteen, one hundred and nineteen, one hundred and twenty-two, and one hundred and twenty-three shall apply to pre-code buildings.

Section 22. Said section 107 is hereby further amended by striking out in the first line of paragraph (c) the words "an existing" and inserting in place thereof the words "a pre-code", so as to read as follows:

(c) A pre-code building may be altered, repaired, enlarged, moved, or converted to other uses, only in conformity with the following provisions of this section and subject to permit as hereinafter provided.

Section 23. Said section 107 is hereby further amended by striking out in the first line of paragraph (d) the words "an existing" and inserting in place thereof the words "a pre-code"; and by striking out in the fifth line the word "new" and inserting in place thereof the word "post-code"; and by striking out in the sixth line the words "an existing" and inserting in place thereof the words "a pre-code"; and by striking out in the fifteenth line the words "except buildings of Group I, Division 1, of Type VI construction"; and by striking out in the sixteenth and seventeenth lines the sentence "For the purposes of this section physical value shall be determined by the commissioner", and inserting in place thereof the following sentence: "For the purposes of this paragraph physical value shall mean the reproduction cost of the building less physical deterioration as determined by the building commissioner.", so as to read as follows:

(d) A pre-code building which is altered or repaired within any period of twelve months, said alterations or repairs costing in excess of fifty per cent of its physical value, shall be made to conform to the requirements of this code for post-code buildings. A pre-code building damaged by fire or otherwise in excess of fifty per cent of its physical value before such damage shall be made to conform to such requirements, if repaired. If the cost of such alterations or repairs or the amount of such damage is more than twenty-five but not more than fifty per cent of the physical value of the building it shall be made to conform to such requirements in the portions so altered or repaired to such extent as the commissioner may determine. For the purposes of this paragraph physical value shall mean the reproduction cost of the building less physical deterioration as determined by the building commissioner.

Section 24. Said section 107 is hereby further amended by striking out paragraph (c) and inserting in place thereof the following new paragraph (e):

(e) When occupancy of a pre-code building, or portions thereof separated from the remainder as required in Part 13, is so changed that the hazard is increased, the commissioner may require that said pre-code building or said portions thereof be made to conform with the provisions of this code, which will specifically eliminate said increased hazard.

1. All buildings altered or repaired shall, in the opinion of the building commissioner, provide structural safety, adequate resistance to the spread of fire, and safe egress in the event of fire to the occupants.

2. Structural safety shall be construed to mean that a building or parts thereof shall sustain twice the loads and stresses subjected therein or thereupon by actual normal use. Owners, if directed to do so by the building commissioner, shall demonstrate such structural safety by actual load tests made as directed by him.

3. Adequate resistance to the spread of fire shall be construed to mean protection to adjacent properties and protection to egress enclosures keeping them free from fire long enough to permit the occupants to evacuate the building. The resistance of various materials and constructions to fire shall be assumed to be as stated in this code or as otherwise satisfactorily demonstrated to the commissioner.

4. Safe egresses not less than two in number shall be construed to mean egress facilities sufficient to evacuate the building in three minutes. Owners of buildings shall, if directed by the building commissioner, demonstrate the time required to evacuate the occupants by actual test conducted under the direction of the commissioner.

5. An electrical fire alarm system shall be installed, if it is necessary in the opinion of the commissioner to meet the above egress requirements.

Section 25. Said section 107 is hereby further amended by striking out in the first line of paragraph (f) the words "an existing" and inserting in place thereof the words "a pre-code", so as to read as follows:

(f) A pre-code building which is enlarged in floor area or in number of stories shall be made to conform throughout the entire building to the requirements of this code in respect to egress and fire protection.

Section 26. Said section 107 is hereby further amended by striking out in the first line of paragraph (g) the words "an existing" and inserting in place thereof the words "a pre-code"; and by striking out in the eleventh line the word "new" and inserting in place thereof the word "post-code", so as to read as follows:

(g) A pre-code building to which repairs and alterations are made which are not covered by the preceding paragraphs of this section, may be repaired or altered with the same kind of materials as those of which the building is constructed, providing such alterations or repairs will not increase an existing non-conformity or hazard; but not more than twenty-five per cent of the roof covering of a building shall be replaced in any period of twelve months unless the entire roof covering is made to conform with the requirements of this code for post-code

buildings. New roofing meeting the requirements of this code may be placed over existing roofing providing that it be properly supported and securely fastened.

Section 27. Said section 107 is hereby further amended by striking out in the first line of paragraph (h) the words "an existing" and inserting in place thereof the words "a pre-code," so as to read as follows:

(h) A pre-code building when moved to another location shall conform to the requirements of this code relative to the fire limits, to location on the lot and to exterior walls.

Section 28. Section 108 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out in the twelfth line the word "existing" and inserting in place thereof the word "pre-code"; and by striking out in the twelfth line the word "new" and inserting in place thereof the word "post-code," so that said section will read as follows:

Maintenance.—All buildings or structures, and all parts thereof, shall be maintained in a safe condition. All devices or safeguards which are required by this code in a building when erected, altered or repaired, shall be maintained in good working order, except as otherwise provided in section twenty-seven A of chapter one hundred and forty-eight of the General Laws. Except as otherwise provided in paragraph (d) of section one hundred and six, the owner shall be responsible for the maintenance of all buildings and structures. This section shall apply to pre-code as well as to post-code buildings.

Section 29. Section 110 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by inserting after the word "code," in the ninth line of paragraph (a) the words "or to install an"; and by inserting at the end of said paragraph (a) the following:

"No engine, dynamo, boiler or furnace shall be placed in any building without a permit from the commissioner. Every application for such permit shall be in writing, shall be filed with the commissioner and shall set forth the character of the building, the size, power and purpose of the apparatus, and such other information as the commissioner may require. The commissioner may, after an examination of the premises described in the application, and after hearing the applicant and any objectors, issue a permit for placing a boiler or furnace on such premises, upon such conditions as he shall prescribe, or he may refuse such permit. If the application is for anything other than a boiler or furnace, the applicant shall publish in at least two daily newspapers, published in the city of Boston, and on at least three days in each, and, if so directed by the commissioner, shall also post conspicuously on the premises a copy of the application, and shall deliver copies thereof to such persons as the commissioner may designate.

If no objection is filed with the commissioner before the expiration of ten days after the time of the first publication of notice, or within ten days of the delivery and first posting of the notice, if such delivery or posting is required, the commissioner shall if the arrangement, location and construction of the proposed apparatus is proper and in accordance with the provisions of this code, issue a permit for the same. If objection is filed, the application shall be referred to the board of appeal which may in its discretion require the deposit by the objector of a reasonable sum as security for the payment of the costs.

After such notice as the board shall order it shall hear the same and shall direct the commissioner to issue a permit under such conditions as it may prescribe, or to withhold the same. If the permit is refused, the applicant and if it is granted the objectors shall pay such costs as the board may order.

The commissioner may, from time to time, after public notice and hearing, prescribe the conditions on which furnaces, boilers, or other steam generators and hot water heaters may be maintained in buildings, and, if any person interested objects to such conditions and appeals from his decision establishing the same, the appeal shall be referred to the board of appeal, and thereupon said board shall prescribe the conditions," so as to read as follows:

(a) Whoever desires in the city of Boston to erect, enlarge, alter, substantially repair, move, demolish or change the occupancy of a building or structure, or to install, alter or substantially repair plumbing, gasfitting, fire extinguishing apparatus or elevators, or to install a steam boiler, furnace, heater, or other heat producing apparatus the installation of which is regulated by this code, or to install an engine or dynamo, or to cause any such work to be done, shall first make application to the building commissioner and obtain a permit therefor.

No engine, dynamo, boiler or furnace shall be placed in any building without a permit from the commissioner. Every application for such permit shall be in writing, shall be filed with the commissioner and shall set forth the character of the building, the size, power and purpose of the apparatus, and such other information as the commissioner may require. The commissioner may, after an examination of the premises described in the application, and after hearing the applicant and any objectors, issue a permit for placing a boiler or furnace on such premises, upon such conditions as he shall prescribe, or he may refuse such permit. If the application is for anything other than a boiler or furnace, the applicant shall publish in at least two daily newspapers published in the city of Boston, and on at least three days in each, and, if so directed by the commissioner, shall also post conspicuously on the premises a copy of the application, and shall deliver copies thereof to such persons as the commissioner may designate.

If no objection is filed with the commissioner before the expiration of ten days after the time of the first publication of notice, or within ten days of the delivery and first posting of the notice, if such delivery or posting is required, the commissioner shall if the arrangement, location and construction of the proposed apparatus is proper and in accordance with the provisions of this code, issue a permit for the same. If objection is filed, the application shall be referred to the board of appeal which may in its discretion require the deposit by the objector of a reasonable sum as security for the payment of the costs.

After such notice as the board shall order it shall hear the same and shall direct the commissioner to issue a permit under such conditions as it may prescribe, or to withhold the same. If the permit is refused, the applicant and if it is granted the objectors shall pay such costs as the board may order.

The commissioner may, from time to time, after public notice and hearing, prescribe the conditions on which furnaces, boilers, or other steam generators and hot water heaters may be maintained in buildings, and, if any person interested objects to such conditions and appeals from his decision establishing the same, the appeal shall be referred to the board of appeal, and thereupon said board shall prescribe the conditions.

Section 30. Said section 110 is hereby further amended by striking out paragraph (h) and inserting in place thereof the following:

(h) The commissioner shall examine each application for permit and the plans and computations filed therewith and shall ascertain by examination whether the construction indicated and described is in accordance with the requirements of this code and of all other pertinent laws or ordinances.

Section 31. Said section 110 is hereby further amended by inserting after paragraph (h) the following new paragraph (i):

(i) The commissioner may accept an application for a permit accompanied by plans and computations and an affidavit filed therewith by a competent architect or engineer to the effect that said plans and computations are in accordance with the requirements of this code and of all other pertinent laws or ordinances.

Section 32. Section 111 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out in the second line of paragraph (c) the words, "and for small buildings" as so appearing, so as to read as follows:

(c) Permits for ordinary repairs, for minor alterations not involving vital structural changes,

may be issued upon presentation of an application on a special form, to be furnished by the commissioner, and payment of the required fee.

Section 33. Said section 111 is hereby further amended by striking out in the second line of paragraph (f) the word "both" as so appearing and inserting in place thereof the word "duplicate", so as to read as follows:

(f) When the commissioner issues a permit he shall endorse in writing, or stamp, duplicate sets of plans "Approved". One set of plans so approved shall be retained by the commissioner and the other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection at all reasonable times by the commissioner or his authorized representative.

Section 34. Said section 111 is hereby further amended by striking out in the second line of paragraph (i) the letter "(i)" and inserting in place thereof the letter "(z)", so as to read as follows:

(h) Whenever a permit is to be issued in reliance upon an affidavit as provided in paragraph (i) of section one hundred and ten or whenever the work to be covered by a permit involves construction under conditions which, in the opinion of the commissioner, are hazardous or complex, the commissioner shall require that the architect or engineer who signed the affidavit or made the plans or computations shall supervise such work, be responsible for its conformity with the approved plans, and forthwith upon its completion make and file with the commissioner written affidavit that the work has been done in conformity with the approved plans and with the structural provisions of this code. In the event that such architect or engineer is not available a competent person whose qualifications are approved by the commissioner shall be employed by the owner in his stead.

Section 35. Section 112 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by adding at the end of paragraph (a) the following: "as amended by chapter 173 of the Acts of nineteen hundred and thirty-nine", so as to read as follows:

(a) Whoever applies for a permit shall pay, at the time of filing his application, the fee established under authority of chapter two hundred and ninety-seven of the Acts of nineteen hundred and thirty-one as amended by chapter 173 of the Acts of nineteen hundred and thirty-nine.

Section 36. Section 114 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out in the first line the word "existing" and inserting in place thereof the word "pre-code"; and by striking out in the second line the word "new" and inserting in place thereof the word "post-code", so that said section will read as follows:

Section 114. *Posting Floor Loads.*—No pre-code or post-code building shall be occupied for any purpose which will cause the floors thereof to be loaded beyond their safe capacity as specified in this code; provided, that the commissioner may permit occupancy of a building for mercantile, commercial or industrial purposes, by a specific business, when he is satisfied that such safe capacity will not thereby be exceeded, even though the class of occupancy of such business, under this code, requires a greater load capacity. In every such case the safe floor loads, as determined by the commissioner, shall be marked on metal plates of approved design which shall be supplied and securely affixed by the owner of the building in a conspicuous place in each story to which they relate. Such plates shall not be removed or defaced, and if lost, removed or defaced shall be replaced by such owner. No such owner shall place or permit to be placed or to remain on any floor of a building a greater load than the safe load so determined and posted.

Section 37. Section 115 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out in the second line of the first paragraph the word "February" and inserting in place thereof the word "May" so that said paragraph will read as follows:

Section 115. *Annual Report.*—The commissioner shall annually, not later than May first, submit a report to the mayor, covering the work of the department during the preceding calendar

year, and shall incorporate in said report a summary of the decisions of the board of appeal, a summary of the proceedings of the board of examiners and of the board of examiners of gas-fitters, during said year, and his recommendations as to desirable amendments of this code.

Section 38. Section 116 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out in the third line of paragraph (d) the words "and every building which exists, or is being used or occupied, in violation of any provision of this code, which in accordance with section one hundred and seven applies to said building, shall be made to conform to such provision"; so as to read as follows:

(d) Every building of which the exits are insufficient shall be provided with exits satisfactory to the commissioner; and every building which is dangerous or unsafe shall be made safe or removed; or every such building shall be vacated forthwith on order of the commissioner, with the approval of the mayor. Such order shall be in writing and shall be addressed and delivered, or mailed, postage prepaid, to the owner or tenant, if he is known and can be found, or otherwise by posting an attested copy of the order in a conspicuous place upon an external wall of the building, and shall state the conditions under which the building may again be used or occupied. An attested copy so posted shall not be defaced or removed without the approval of the commissioner. If in the opinion of the commissioner 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, or land on which it stands, or the abutting land or buildings, with such assistance as he may require, and make safe or remove said unsafe or dangerous building or other structure and may protect the public by a proper fence or otherwise as may be necessary, and for this purpose may close a public or private way.

Section 39. Said section 116 is hereby further amended by striking out paragraph (f) as so appearing and inserting in place thereof the following:

(f) The owner of the real estate to which a lien has attached, as provided in paragraph (e), within ninety days after the statement of said lien was filed in the registry of deeds or with said assistant recorder, as the case may be, may appeal to the municipal court of the city of Boston, which shall hear and determine after a hearing whether the amount of the claim is more than the amount actually expended to make safe or remove the building or structure, if amount is more, said court may reduce the amount of the claim to the amount so actually expended.

Section 40. Said section 116 is hereby further amended by striking out in the second line of paragraph (g) the words "an existing" and inserting in place thereof the words "a pre-code", so as to read as follows:

(g) Any requirement necessary for the strength or stability of a pre-code or proposed structure or for the safety of the occupants thereof, not specifically covered by this code, shall be determined by the commissioner subject to appeal to the board of appeal.

Section 41. Said section 116 is hereby further amended by striking out in the second line of paragraph (k) the word "existing" and inserting in place thereof the word "pre-code"; and by striking out in the second line of said paragraph the word "new" and inserting in place thereof the word "post-code", so as to read as follows:

(k) The provisions of this section shall apply to pre-code as well as post-code buildings.

Section 42. Section 119 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out in the fifth line of paragraph (a) the words "and would be contrary to the spirit and purpose of this code" and inserting in place thereof the words "provided that the decision of the board shall not conflict with the spirit of any provision of this code", so as to read as follows:

(a) The board of appeal, when so appealed to and after a hearing, may vary the application of any provision of this code to any particular case when in its opinion the enforcement thereof would do manifest injustice, provided that the decision of the board shall not conflict with the spirit of any provision of this code.

Section 43. Said section 119 is hereby further amended by adding at the end of paragraph (f) the following new paragraph:

"The person filing the petition shall file a bond with sufficient surety, to be approved by the court, for such sum as shall be fixed by the court, to indemnify and save harmless the person or persons in whose favor the decision was rendered from all damages and costs which they may sustain in case the decision of said board is affirmed. In case the decision of the board is affirmed the court, on motion, shall assess damages, and execution shall issue therefor.", so as to read as follows:

(f) A person aggrieved by a decision of said board, whether previously a party to the proceeding or not, or a municipal officer or board, may, within fifteen days after the filing of such decision in the office of the commissioner, bring a petition in the supreme judicial court for the county of Suffolk for a writ of certiorari to correct errors of law in such decision, and the provisions of section four of chapter two hundred and forty-nine of the General Laws shall, except as hereinbefore provided, apply to such petition.

The person filing the petition shall file a bond with sufficient surety, to be approved by the court, for such sum as shall be fixed by the court, to indemnify and save harmless the person or persons in whose favor the decision was rendered from all damages and costs which they may sustain in case the decision of said board is affirmed. In case the decision of the board is affirmed the court, on motion, shall assess damages, and execution shall issue therefor.

Section 44. Section 120 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out paragraph (a) as so appearing and inserting in place thereof the following new paragraph:

(a) There is hereby established in the city of Boston a board of examiners to consist of three members appointed by the mayor. The board shall consist of an engineer or architect with at least five years experience in the city of Boston, a contractor or person well qualified in the supervision of construction work with at least five years experience in the city of Boston, and a lawyer or other person with proper legal qualifications. Said board shall exercise the powers and perform the duty herein provided. Upon the expiration of the term of office of a member of said board in office on the effective date of this code, his successor shall be appointed for the term of three years; and subsequent appointments to said board shall be for terms of three years each. Vacancies shall be filled by appointments by the mayor for the remainder of the unexpired term. Each member shall receive ten dollars (\$10) for every day, or part thereof of actual service, but not more than one thousand dollars (\$1,000) in any one year.

Section 45. Said section 120 is hereby further amended by adding at the end of paragraph (f) the following: "as amended by chapter 173 of the Acts of nineteen hundred and thirty-nine", so as to read as follows:

(f) Said board, on payment of the required fee, shall issue a license to each person so certified by it to the commissioner. Each license shall expire one year from the date of its issuance. Said board shall renew a license, upon the expiration thereof and upon payment of the required fee therefor, for the further period of one year from the date of renewal. The fees to be paid to said board for such licenses and renewals shall be as provided in chapter two hundred and ninety-seven of the Acts of nineteen hundred and thirty-one, as amended by chapter 173 of the Acts of nineteen hundred and thirty-nine.

Section 46. Section 121 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by adding at the end of paragraph (f) the following sentence: "A permit for gasfitting in buildings shall be issued only to licensed master gasfitters.", so as to read as follows:

(f) Except as otherwise provided in this section all gasfitting in buildings shall be done by licensed master gasfitters, either themselves or through licensed journeymen gasfitters employed by them. A firm or corporation employing journeymen gasfitters shall be deemed to be

licensed for the purpose of this section if a member of the firm or an officer of the corporation is duly licensed as a master gasfitter. A permit for gasfitting in buildings shall be issued only to licensed master gasfitters.

Section 47. Section 124 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out in the first line of paragraph (c) the words "an existing" and inserting in place thereof the words "a pre-code", so as to read as follows:

(c) A pre-code building which cannot be definitely classified as one of the types defined in sections one hundred and twenty-five to one hundred and thirty-one, inclusive, shall be deemed for the purpose of this code to belong to the less fire-resistive of the two types to which it most nearly conforms.

Section 48. Section 132 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out in the second line of paragraph (a) the word "existing" and inserting in place thereof the word "pre-code"; and by striking out in the second line the word "new" and inserting in place thereof the word "post-code"; and by striking out under the heading "Group H" the words "Dwellings, large" and inserting in place thereof the words "Unlimited habitations and large dwellings"; and by striking out under the heading "Group I" the words "Dwellings, small" and inserting in place thereof the words "Limited habitations and small dwellings", so as to read as follows:

(a) Every building, whether pre-code or post-code, shall, for the purpose of this code, be classified according to its principal occupancy, as follows:—

- Group A. Theatres.
- Group B. Halls.
- Group C. Schools.
- Group D. Hospitals and detention buildings.
- Group E. Commercial buildings of hazardous occupancy.
- Group F. Offices and commercial buildings.
- Group G. Commercial buildings of non-hazardous occupancy.
- Group H. Unlimited habitations and large dwellings.
- Group I. Limited habitations and small dwellings.
- Group J. Miscellaneous structures.

Section 49. Section 133 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out in the fifth line the words "an existing" and inserting in place thereof the words "a pre-code", so as to read as follows:

Section 133. *Change of Occupancy.*—The occupancy of a building shall not be changed unless such building conforms or is made to conform with the requirements of this code for the group in which it is to be classified, except that the occupancy of a pre-code building may be changed as provided in section one hundred and seven.

Section 50. Section 303 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out the words "Class B fire doors or fire windows" in the sixth line of paragraph (a) and inserting in place thereof the words "fire windows or Class B fire doors"; and by striking out the words "Class B fire doors or fire windows" in the ninth and tenth lines and inserting in place thereof the words "fire windows or Class B fire doors", so as to read as follows:

(a) Exterior walls or parts of walls, except where fronting on a street, which are less than five feet from a property line, shall be without openings, except that openings in such walls at the ends of courts shall be allowed when protected by fire windows or Class B fire doors. Openings in such walls or parts of walls which are five feet or more but less than ten feet from a property line shall be protected by fire windows or Class B fire doors.

Section 51. Said section 303 is hereby further amended by striking out in the fifth and sixth lines of paragraph (b) the words "Class B fire doors or fire windows" and inserting in place thereof the words "fire windows or Class B fire doors", so as to read as follows:

(b) In an exterior wall, every opening which faces, at a distance of less than twenty feet, the

further side of a street or a combustible wall or roof or an unprotected opening in a wall or roof of another building on the same lot, shall be protected by fire windows or Class B fire doors.

Section 52. Section 305 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by inserting after the word "gates" in the first line of paragraph (k) the words "in any path of exit", so as to read as follows:

(k) All exit and entrance doors or gates in any path of exit shall swing in the direction of egress and if provided with latches, such latches shall be of self-releasing type such as panic bolts or similar devices, of non-corrodible metal, which will permit the door to open when pressed against. All doors shall be so installed as not in any position to decrease the width of any doorway (except that in which it is installed), stairs, landing, passageway or corridor below the width required.

Section 53. Said section 305 is hereby further amended by striking out paragraph (l) as so appearing and inserting in place thereof the following:

(l) No mirrors, false doors or windows shall be so placed as to give the appearance of a doorway or exit, hallway or corridor.

Section 54. Said section 305 is hereby further amended by striking out the words "of metal or hard wood" in the second line of paragraph (o), so as to read as follows:

(o) All stairways shall have, on both sides, strong hand rails firmly secured about three feet high above the upper tread at each riser, except that stairs less than three feet wide need have a rail only on one side.

Section 55. Said section 305 is hereby further amended by striking out the words "of metal or hard wood" in the second line of paragraph (p); and by striking out the last three sentences of paragraph (p) and inserting in place thereof the following: "Where hand rails are fastened to walls, there shall be a minimum clearance of two inches between the rail and the wall, and the upper ends of wall hand rails shall be returned to wall or posts. At the head of each flight of stairs there shall be a post or standard at least six feet high, to which the intermediate rail or rails shall be fastened.", so as to read as follows:

(p) Stairways over eight feet wide shall be provided with a central rail, not less than two inches in diameter, placed at a height of about three feet above the upper tread at each riser, firmly supported on metal standards. Stairways over twelve feet wide shall have such intermediate rails dividing the stairs into equal runs not over six feet wide. Where hand rails are fastened to walls, there shall be a minimum clearance of two inches between the rail and the wall, and the upper ends of wall hand rails shall be returned to wall or posts. At the head of each flight of stairs there shall be a post or standard at least six feet high, to which the intermediate rail or rails shall be fastened.

Section 56. Section 306 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out the first two sentences of paragraph (d) as so appearing and inserting in place thereof the following: "The main floor of auditoriums shall have a cross-over aisle, either open or enclosed, at the rear extending from side to side of auditorium. Furthermore, if there are more than thirty-five rows of seats, there shall be in addition at least one cross-over aisle extending from side to side of the auditorium, and in no case shall there be more than thirty-five rows of seats between cross-over aisles. Balconies with more than five rows of seats shall have at least one cross-over aisle extending from side to side of balcony, and in no case shall there be more than twenty rows of seats between cross-over aisles.", so as to read as follows:

(d) The main floor of auditoriums shall have a cross-over aisle, either open or enclosed, at the rear extending from side to side of auditorium. Furthermore, if there are more than thirty-five rows of seats, there shall be in addition at least one cross-over aisle extending from side to side of the auditorium, and in no case shall there be more than thirty-five rows of seats between cross-over aisles. Balconies with more than five rows of seats shall have at least one cross-over aisle extending from side to side of balcony, and in no case shall there be more than twenty

rows of seats between cross-over aisles. Cross aisles shall be not less than three feet wide in the clear and shall lead to exits that are easily accessible. Vomitories shall be considered entrances and exits.

Section 57. Section 307 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by inserting after the word "doorway" in the second line the words "in any path of exit", so as to read as follows:

Section 307. *Exit Lights*.—Over every exit doorway in any path of exit, on the inside, and over every opening to a fire escape, on the inside, there shall be an illuminated sign bearing the word "EXIT" or "FIRE ESCAPE", respectively, in letters not less than four inches high. Each sign shall be provided with two electric lamps.

Section 58. Section 308 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out the word "convenient" in the fifth line of paragraph (b) and inserting in place thereof the word "approved", so as to read as follows:

(b) Light shall be electric. Auditorium lights shall be on circuits separate from those of the stage and the remainder of the building, and shall be so arranged that they can be turned on from the stage and from at least one other approved point in the front of the house, with approved indicators to show when the lights are on.

Section 59. Said section 308 is hereby further amended by striking out the word "convenient" in the sixth line of paragraph (c) and inserting in place thereof the word "approved", so as to read as follows:

(c) Lights in foyers, stairways, corridors and other paths of exit shall be on circuits separate from those of the stage, auditorium and the remainder of the building and shall be so arranged that they can be turned on from the stage and from at least one other approved point in the front of the house, with approved indicators to show when the lights are on.

Section 60. Said section 308 is hereby further amended by striking out the word "lamps" in the first line of paragraph (d) and inserting in place thereof the word "lights", so as to read as follows:

(d) Exit sign lights and selected lights in foyers, auditoriums, stairways, corridors and other paths of exit sufficient to provide illumination for egress of the audience in case of emergency shall be wired on separate circuits, and these lights, hereinafter referred to as emergency lights, shall be kept lighted when the building is occupied, except that outside balconies and fire escapes need not be lighted before sunset nor auditorium lights during a performance. The emergency lights may also include lights on switchboards, in projection rooms, in boiler rooms and at other critical points. Emergency lights shall be protected from possible physical damage.

Section 61. Said section 308 is hereby further amended by striking out the period at the end of sub-division (3) of paragraph (e) and inserting in place thereof a comma; and by adding after the word "battery" in sub-division (3) the word "or", and by inserting at the end of paragraph (e) the following new sub-division: "(4) Illuminating gas.", so as to read as follows:

(e) The emergency lights shall be provided with a second or emergency source of current and a transfer switch which will automatically disconnect the normal service and instantly connect the emergency service when the voltage of the normal service falls below fifty per cent of the nominal lamp voltage and which will also automatically disconnect the emergency service and instantly connect the normal service when the voltage of the latter is restored to eighty per cent of the nominal lamp voltage. The emergency source of current shall be either:—

- (1) A separate feeder from a substation of the service company other than that from which the normal service is taken, or
- (2) A separate feeder from a reliable generating plant independent of that from which the normal service is taken, or
- (3) An approved storage battery, or
- (4) Illuminating gas.

Section 62. Section 401 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out paragraph (a)

as so appearing and inserting in place thereof the following new paragraph:

(a) Group B shall include places where persons may assemble for such and similar purposes as are indicated in the following list of categories, where the main floor exceeds nine hundred square feet in area or where the total floor area, including a balcony, exceeds one thousand square feet.

- (1) Churches in the commonly accepted sense of religious societies.
- (2) Rooms and halls where people may engage in any form of dancing.

(3) Auditoriums, Entertainment and Exhibition Halls without gridiron equipped stages as defined in Group A.

(4) Moving picture theatres without gridiron equipped stages as defined in Group A.

(5) Gymnasiums and sports events halls.

(6) Meeting and gathering places of fraternal, social, civic, and philanthropic organizations.

Section 63. Said section 401 is hereby further amended by striking out the table under paragraph (b) as so appearing, and inserting in place thereof the following:

Type of Construction.	Stories.	Maximum Area of Unit (Square Feet).
I.....	Not hereby limited.	Not hereby limited.
II.....	4 1	18,000 Not hereby limited. Maximum distance in path of exit, 175 feet.
III.....	4 1	17,000 Not hereby limited. Maximum distance in path of exit, 150 feet.
IV.....	3 1	12,000 Not hereby limited. No structure of combustible material to support seats or aisles to be superimposed on the floor construction. Maximum distance in path of exit, 100 feet.
V.....	Not allowed.	Not allowed.
VI.....	1	5,000

Section 64. Section 403 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out the words "Class B fire doors or fire windows" at the end of the first sentence of paragraph (a) and inserting in place thereof the words "fire windows or Class B fire doors"; and by striking out the words "Class B fire doors or fire windows" at the end of the second sentence and inserting in place thereof the words "fire windows or Class B fire doors", so as to read as follows:

(a) Exterior walls or parts of walls, except where fronting on a street, which are less than five feet from a property line, shall be of four-hour fire-resistive construction without openings, except that openings in such walls at the ends of courts shall be allowed when protected by fire windows or Class B fire doors. Such walls or parts of walls which are five feet or more, but less than ten feet from a property line shall be of at least two-hour fire-resistive construction and all openings therein shall be protected by fire windows or Class B fire doors.

Section 65. Said section 403 is hereby further amended by striking out the words "Class B fire doors or fire windows" at the end of paragraph (b) and inserting in place thereof the words "fire windows or Class B fire doors", so as to read as follows:

(b) Every portion of an exterior wall which faces, at a distance of less than twenty feet, the further side of a street, or a combustible wall or roof or an unprotected opening in a wall or roof of another building on the same lot, shall be of at least two-hour fire-resistive construction, and all openings in such portions shall be protected by fire windows or Class B fire doors.

Section 66. Said section 403 is hereby further amended by striking out paragraph (d) as so appearing.

Section 67. Section 405 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out paragraph (f) as so appearing and inserting in place thereof the following:

(f) Doorways from a room leading into a stair enclosure shall have single acting, self-closing doors opening in the direction of any path of exit.

If doors in exit door ways in any path of exit have latches, such latches shall be panic bolts or similar approved devices, of non-corrodible metal.

Section 68. Section 406 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out the first two sentences of paragraph (d) as so appearing and inserting in place thereof the following: "The main floor of auditoriums shall have a cross-over aisle, either open or enclosed, at the rear extending from side to side of auditorium. Furthermore, if there are more than thirty-five rows of seats, there shall be in addition at least one cross-over aisle extending from side to side of the auditorium, and in no case shall there be more than thirty-five rows of seats between cross-over aisles. Balconies with more than five rows of seats shall have at least one cross-over aisle extending from side to side of balcony, and in no case shall there be more than twenty rows of seats between cross-over aisles.", so as to read as follows:

(d) The main floor of auditoriums shall have a cross-over aisle, either open or enclosed, at the rear extending from side to side of auditorium. Furthermore, if there are more than thirty-five rows of seats there shall be in addition at least one cross-over aisle extending from side to side of the auditorium, and in no case shall there be more than thirty-five rows of seats between cross-over aisles. Balconies with more than five rows of seats shall have at least one cross-over aisle extending from side to side of balcony, and in no case shall there be more than twenty rows of seats between cross-over aisles. Cross aisles shall be not less than three feet wide in the clear and shall lead to exits that are easily accessible. Vomitories shall be considered extraneous and exits.

Section 69. Said section 406 is hereby further amended by inserting after the word "shall" in the second line of paragraph (f) the word "either"; and by striking out in the third line the word "adequate" and inserting in place thereof the word "approved"; and by striking out in the third line the words "by eights or otherwise", so as to read as follows:

(f) In a hall or balcony seating more than one hundred and fifty persons, seats shall either be fastened to the floor or approved means shall be provided so that the relative position of seats shall be maintained. In smaller halls or balconies, unless the seats are so secured, the aisles shall be four inches wider than as provided in paragraph (a) of this section.

Section 70. Section 407 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by inserting after the word "doorway" in the second line the words "in any path of exit", so as to read as follows:

Section 407. *Exit Lights.*—Over every exit doorway in any path of exit on the inside, there shall be an illuminated sign bearing the word "EXIT" in letters not less than four inches high. Each sign shall be provided with two electric lamps.

Section 71. Section 408 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by adding after paragraph (d) the following new paragraph (e):

(e) The emergency lights shall be provided with a second or emergency source of current and a transfer switch which will automatically disconnect the normal service and instantly connect the emergency service when the voltage of the normal service falls below fifty per cent of the nominal lamp voltage and which will also automatically disconnect the emergency service and instantly connect the normal service when the voltage of the latter is restored to eighty per cent of the nominal lamp voltage. The emergency source of current shall be either:

- (1) A separate feeder from a substation of the service company other than that from which the normal service is taken, or
- (2) A separate feeder from a reliable generating plant independent of that from which the normal service is taken, or
- (3) An approved storage battery, or
- (4) Illuminating gas.

Section 72. Section 411 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out said section as so appearing and inserting in place thereof the following:

Section 411. *Fire Extinguishing Apparatus.*—

(a) Cellars and basements, stages with proscenium walls, accessible areas—other than the Assembly Hall, entrances and exits, and projection rooms shall be equipped with Automatic Sprinklers. Attics, the space under stages and other such spaces, if available for storage, shall be equipped with Automatic Sprinklers.

(b) In buildings where Group B occupancy is located above occupancy of other grouping or groupings, the areas of the other grouping or groupings shall be equipped with Automatic Sprinklers.

(c) In every Assembly Hall where stage shall have a proscenium wall as required by section 409 (b), the proscenium opening shall be equipped with a water curtain as specified in Part 3.

(d) A portable fire extinguisher of approved type shall be provided outside of every projection room near each projection room door.

(e) In buildings more than two stories high, either portable extinguishers, not less than one for every two thousand square feet of floor area, or first aid standpipes, shall be provided in spaces other than projection rooms, but first aid standpipes shall not be provided in assembly halls, corridors, foyers, exits and other rooms used by persons assembled in such halls.

(f) Fire department standpipes and first aid standpipes shall be provided in buildings more than seventy feet high.

Section 73. Section 412 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out the words "granolithic, tile or terrazzo" in the second line and inserting in place thereof the words "incombustible material," so as to read as follows:

Section 412. *Projection Room.*—A projection room shall have a floor of incombustible material supported on a concrete base not less than three inches in total thickness which may be supported by a floor of the same type of construction as that of the building, or of other materials having equivalent fire-resistance. A projection room shall have walls and ceiling of not less than one-hour fire-resistive construction of incombustible materials. In other respects a projection room shall conform to the requirements of sections seventy two to eighty-eight, inclusive, of chapter one hundred and forty-three of the General Laws, and to the

regulations established thereunder by the commissioner of public safety of the commonwealth of Massachusetts.

Referred to Committee on Building Code.

INCREASED LIMITS, FIVE-CENT FARE ZONES.

The following was received:

City of Boston,
Office of the Mayor, February 1, 1943.
To the City Council.

Gentlemen,—I transmit herewith communication from the trustees of the Boston Elevated Railway relative to your order of January 11, 1943, concerning the increase of the limits of the present five-cent fare zones in Ward 14 and the increase of the number of such five-cent fare zones.

Respectfully,
THOMAS J. HANNON, JR.,
Acting Mayor.

Boston Elevated Railway,
January 19, 1943.

Mr. William T. Doyle,
Chief Clerk, Mayor's Office.

Dear Sir,—The trustees have previously given consideration to the request contained in order of the City Council received with your letter of January 13, and what is requested would not be consistent with their policy with respect to local fares, which is to permit relatively short rides for a five-cent fare.

Yours very truly,
EDWARD DANA,
President and General Manager.

Placed on file.

RESURFACING OF CERTAIN WARD 15 STREETS.

The following was received:

City of Boston,
Office of the Mayor, February 1, 1943.
To the City Council.

Gentlemen,—I transmit herewith communication from the Commissioner of Public Works relative to your order of January 18, 1943, concerning the resurfacing of certain streets in Ward 15 during the present year.

Respectfully,
THOMAS J. HANNON, JR.,
Acting Mayor.

City of Boston,
Public Works Department,
January 22, 1943.

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 January 18:

"Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to resurface the following streets in Ward 15 during the present year:

1. Blakeville St. 2. Longfellow St. 3. Percival St. 4. Stonchurst St. 5. Speedwell St. 6. Clarkson St."

Due to restrictive regulations of the War Production Board, it is impossible for me to determine at the present time the extent or scope of the street construction and reconstruction program to be conducted by the department during the current year.

In view of this, I can give no definite assurance that the above-referenced streets will be resurfaced, but every reasonable effort will be made to comply with the provisions of this order.

Respectfully yours,
GEORGE G. HYLANO,
Commissioner of Public Works.

Placed on file.

APPOINTMENTS BY THE MAYOR.

Subject to confirmation by the Council, the Mayor submitted the following appointments, viz:

Constable for term ending April 30, 1943, without power to serve civil process and to serve without bond, *vice* Charles McGrath, resigned; James F. Mahoney, 667 East Broadway, Ward 6.

Weighers of Coal: B. F. C. Whitehouse, 195 Common street, Belmont, Mass.; A. B. Wiley, 166 Woodside avenue, Winthrop, Mass.; W. Earle Forman, 83 Thurston street, Somerville, Mass.; Frances E. Marriott, 2 Orr street, Revere, Mass.; Edward Cayon, 37 White street, East Boston, Mass.; George C. Roy, 61 Park Drive, Boston, Mass.

Severally laid over a week under the law.

PETITIONS REFERRED.

The following petitions were received and referred to the committees named, viz.:

Claims.

Bernard V. Cook, for compensation for injuries caused by an alleged defect in Exeter street.

Ruth A. Coyle, for compensation for damage to car by fire apparatus.

Robert I. Ectman, for compensation for damage to car caused by an alleged defect in Cambridge street.

Margaret and Dorothy Gillis, for compensation for injuries caused by ambulance.

Mary A. McGee, for compensation for damage to car by car of Fire Department.

Mary F. O'Brien, for compensation for injuries caused by an alleged defect at 36 Cliff street.

Nicholas Renda, for compensation for damage to car caused by an alleged defect in Prince street.

Ethel B. Small, for compensation for injuries caused by an alleged defect in City Hall avenue.

Edward J. Stone, for compensation for damage to car caused by an alleged defect in North Beacon street.

Oscar Telander, for compensation for injuries caused by an alleged defect in Eutaw street.

Mabel E. Trask, for compensation for damage to clothing caused by an alleged defect in City Hall avenue.

SIDEWALK ASSESSMENTS.

Communications were received from the Commissioner of Public Works together with orders assessing half-cost of construction of sidewalks against owners of estates bordering thereon, viz.:

Half-Cost.

Duncan street and Fenton street,	
Ward 15.....	\$1,395 04
Washington street, Ward 19.....	511 15

The orders were passed under suspension of the rule.

LEAVE OF ABSENCE FOR STANLEY WOLLASTON.

Coun. DWYER offered the following:

Ordered, That Stanley Wollaston, stenographer-clerk, who has entered the service of the United States, be given a leave of absence for the duration of his service, beginning February 3, 1943.

Passed under suspension of the rule.

INCREASED SALARIES FOR CITY AND COUNTY EMPLOYEES.

Coun. DWYER, COFFEY and FISH offered the following:

Resolved, That the City Council hereby favors the granting of immediate general salary increases by his Honor the Mayor to all city employees to meet the increased cost of living, so that the City of Boston may be foremost in the ranks of cities and towns throughout the Commonwealth in recognizing the need for such increases, and that his Honor the Mayor be requested to recommend to duly elected county officials the granting of similar increases to all county employees.

Passed under suspension of the rule.

CONTRIBUTIONS TO UNITED WAR FUND DRIVE.

Coun. KINSELLA offered the following:

Ordered, That city department heads, through his Honor the Mayor, be instructed to inform employees in the various departments as to their

private rights in the matter of contributing to the United War Fund Drive and to similar drives and offering guarantees that no reprisals will be instituted against any employee who decides for himself the amount of his contribution.

Coun. KINSELLA—Mr. President, one year ago on the floor of the chamber I rose and took to task the operators of the drive to secure funds for the United War Fund. I said at that time that it was being put not on a voluntary but on what appeared to be a mandatory basis, and at that time I uttered my complete disapproval of that, and I am now taking the same position that I took a year ago. It has come to my attention that within a week or so a certain department head of the city has been stating to employees of his department that a 50 per cent contribution of a week's salary, for instance, was expected,—that is, that they were expected to make the usual 50 per cent or two-thirds contribution. It seems to me these drives are beginning to be put on a mandatory basis, and I believe the tactics of the people who are conducting the drives should be brought out in the light of day. Let us understand whether they are to be voluntary or mandatory. I don't believe anybody should be made to contribute more than he or she feels that he can contribute. Therefore, I move a suspension of the rule and the passage of the order.

The order was passed under suspension of the rule.

SOLDIERS' RELIEF.

Coun. RUSSO, 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 February.

Report accepted; said order passed.

SNOW-REMOVAL FORCE.

Coun. SCANNELL offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to keep the present force of snow shovelers at work and to put on additional men for the purpose of cleaning the crosswalks and opening up catch-basins throughout the city.

Coun. SCANNELL—Mr. President, in presenting this order I do so to see if we cannot remedy a condition that exists in this city. I have received various calls in my district in regard to conditions in South Boston, conditions that probably also exist throughout the City of Boston. I understand that the Public Works Commissioner, through his channels, put thirty men to work in the South Boston district to take care of the results of the recent snow storm. About eighteen inches of snow fell, and they put thirty men at work. I know a parish priest over my way called me up, in an effort to try to get the snow in front of his church cleaned up. At one church, where a funeral was being conducted, they had to drive the hearse with the casket over three or four feet of snow. I realize, of course, that we are in a war, and that we cannot always get the help that is needed on such occasions. But I know of some young men who have done a good job in shoveling snow and who have been looking for employment, who might have been used. But the Public Works Department over there stopped with thirty men. You may say that that represents economy on the part of the Public Works Commissioner, but I certainly do not think economy should be carried to that extent, interfering with the convenience of the public. Certainly the Public Works Commissioner should put more than thirty men on this work in a district like South Boston, and in times like this. I understand also that in the area around the South Station a larger number of men, thirty-five, were put at work. I don't know what the city is coming to, but I certainly do not think the Public Works Commissioner can imagine that he is "kidding" the people when he does this sort of thing. I think it is about time that the Public Works Commissioner and the engineers in his department should give the people of this city a fair break. This is certainly no time to talk of economy, with conditions as they are, when people are unable to walk across or along the streets. I ask a suspension of the rule and the passage of the order.

Coun. CAREY—Mr. President, I think it is impossible to put too much emphasis today on

the condition of our streets, and certainly the order introduced by the councilor from South Boston has a great deal of merit. I saw the condition of our streets as I was coming downtown today, and I must say incidentally that I don't blame the Public Works Commissioner. I think he is doing a very difficult job very well, taking into consideration the handicaps under which he works. In many places conditions are such that you cannot cross the streets. I believe the people living in my district and having to travel more or less on the streets day and night, the same as people in other districts of the city, are entitled to some consideration. I don't know why the people of the several outlying sections—Dorchester, Roxbury, Brighton, West Roxbury—should have to wade ankle deep in 12 or 14 inches of snow and ice. In fact, some people are unable to cross a street, because the crossings are not made available for pedestrians. I don't know whether it is true or not, but I understand that there are only seventeen men hired in the Highland street yard. I personally have seen little or no shoveling while I have been going about. I know that the conditions in Ward 10 are bad, as well as in other sections of the city. I know that from what I observe as I go about. I don't know whether it is a case of trying to save money or not, but I don't think it is a time to save money when we have 15 to 18 inches of snow on the ground, with all the discomfort and interference with the activities of our citizens. Garbage collections, and so forth, can be and should be well conducted, and conditions should be brought about which will have that result. The crosswalks have not been taken care in the outlying sections of the city. I believe they should be and that if the city force is not large enough to do it, additional men should be hired to keep the streets and crossings clear.

Coun. KINSELLA—Mr. President, confining my remarks strictly to Charlestown, last Saturday I called Mr. Hyland's attention to what the Elevated people were doing at street intersections. I watched Friday night and saw what was happening, that the work that was being done by contractors and trucks at intersections was being handicapped by the Elevated plows. They did not raise their blades at the intersections, but went right on, with the result that they threw back a lot of snow at those points which greatly impeded traffic. That was my personal observation, that tons of snow were being pushed back on the crosswalks and intersections, with the result that the work of the trucks in helping to clear the way was being negated. Trucks would remove the snow and ten minutes later a snowplow of the Elevated would come along and knock the snow right into the opening. I think that the councilor from Ward 10 (Coun. Carey) takes the right view of this matter, and that the view of the gentleman from South Boston (Coun. Scannell) is entirely justified. I believe work done by the School Department has been to a great extent negated, and there has also been great inconvenience caused to a number of churches. Any work done in connection with those places has been more or less superficial, there possibly having been some plowing in connection with funerals, but nothing more than that, certainly so far as I have observed. I don't think there is anybody to blame, in view of the present emergency, in many respects, but certainly the Elevated is to blame for the condition of crosswalks, as I have stated.

Coun. SCANNELL—Mr. President, in reference to the remarks of the gentleman from Ward 10 (Coun. Carey) that you cannot blame the Public Works Commissioner, I think you can blame him when he has in the Southampton street yard only thirty men, and when there are in the Sanitary Division only thirty more. In such an emergency as we have had, instead of thirty men, there should have been 100 to 200 men put on the job. I certainly cannot see why our Public Works Commissioner should put only thirty men on in a section where there are 18 inches of snow. So far as the plows are concerned, in reference to the remarks of the councilor from Ward 2 (Coun. Kinsella), I was told by men operating the Elevated plows that they were told not to plow at the side streets, because the City of Boston would pay for that plowing. But when there is not cooperation between the Elevated plows and the city employees, something is wrong and somebody should look into the matter so that there may be proper cooperation between our public utilities,

the street railway and others, and those working for the city. I think the Public Works Commissioner should plan to have probably 100 men on such work, where there are thirty, but I understand he refused to put on more than thirty in a district.

Coun. D. F. SULLIVAN—Mr. President, last Friday evening I had occasion to observe the work that was being done out in my district over quite a large territory. On Thursday and Friday they had seventeen men from the Paving Department to take care of that large area, with forty-five men who had been hired, making a total of sixty-two men. In the meantime, there were schoolboys who would have been glad to work and who could have been employed, and it seems to me that many more snow shovelers should have been employed. I trust that the gentleman who is responsible for the order (Coun. Scannell) will not press for suspension of the rule, under the circumstances, but will be willing that the order should be referred to the Executive Committee, so that it may be properly looked into and we may find out just what should be done.

Coun. SCANNELL withdrew his motion to suspend the rule, and the order was referred to the Executive Committee.

PURCHASE OF AMERICAN-MADE MATERIALS.

Coun. D. F. SULLIVAN offered the following: Ordered, That his Honor the Mayor instruct all department heads to specify in their requisition for merchandise that it be "Made in America" and to absolutely refuse any and all merchandise bearing the labels of enemy countries.

Coun. D. F. SULLIVAN—Mr. President, in a visit to the City Hospital, going through the tunnel, I passed a truck, one of the refuse trucks taking up a collection in the hospital, and saw the label on one of the containers that had dropped off, saying "Made in Japan." It was on a package that had contained metallic hair brushes which had been delivered to the City Hospital on January 27. Here we have an important department of the City of Boston buying these hair brushes made in Japan, a country which at the present time is one of our worst enemies. Therefore, I ask a suspension of the rule and the passage of the order.

Coun. TAYLOR—Mr. President, I did not quite get this. I would ask whether they were bought since the war started with Japan?

Coun. D. F. SULLIVAN—Mr. President, that was last January 27 that this was received at the Boston City Hospital, with the Japan label right on it.

Coun. TAYLOR—Mr. President, the gentleman does not know when that material was purchased, whether or not it was bought before the time when we had trouble with Japan.

Coun. D. F. SULLIVAN—I don't know, of course, when it was bought, although I assume that it was bought since December 7, 1941. But I believe we should have no dealings whatever with such a country as Japan, when our boys and all good Americans are making the sacrifices they are making at the present time in our war with that enemy.

Coun. FISH—Mr. President, I would like to know whether this purchase was made through the Supply Department or by the hospital authorities, if you happen to know that?

Coun. D. F. SULLIVAN—Mr. President, that question I cannot answer. I suppose it was through the Supply Department.

The rule was suspended, and the order was declared passed.

Coun. RUSSO—Mr. President, I move a reconsideration.

President HANNON—Councilor Russo moves a reconsideration.

Coun. RUSSO—Mr. President, speaking on reconsideration, it is very fine, so far as our speeches are concerned, to be actuated by patriotism, but we also have to bear in mind, to my way of thinking, that, even though a thing may be labeled as made in Japan, a nation with which we are today at war, nevertheless, I wonder if at times it is not proper and right to use up whatever merchandise we have in this country which, although it has been manufactured in other countries, we have in our possession. I am wondering if Japan would not use whatever scrap iron she may have obtained from us before hostilities were declared, to help

kill our boys from America. Of course, it is popular on these matters, sometimes to speak as if such a procedure was not patriotic. But here is probably merchandise that we already have, and why should it not be used? In any event, I would like to have this matter referred to the Executive Committee, to find out from the department that purchased this particular merchandise what the circumstances were in regard to its purchase, and we can then pass judgment accordingly.

Coun. KINSELLA—Mr. President, I would just like to ask the councilor who introduced the order a question or two. Are these things that have been referred to at the hospital?

Coun. D. F. SULLIVAN—I assume so.

Coun. KINSELLA—Is there a company engaged in the manufacture of those items which is purely American and that might be dealt with instead of Japanese concerns?

Coun. D. F. SULLIVAN—Mr. President, that I could not answer.

Coun. FISH—Mr. President, in view of the fact that there are these questions, looking for information, that are being asked of the councilor who introduced the order, I think the reference of the order to the Executive Committee, where members might ask any questions they wish, is the wise action to take.

Coun. Russo's motion to refer to the Executive Committee was carried.

FREE USE OF TUNNEL BY EAST BOSTON RESIDENTS.

Coun. COFFEY offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to allow automobiles owned by residents of East Boston to pass through the Summer Tunnel without the payment of a toll.

Coun. COFFEY—Mr. President, this order is not as far-fetched as it may seem. In one of the local papers last week, I saw that the Department of Public Utilities recommended the raising of the tunnel tolls not only to 20 but possibly to 25 cents. I am going to be brief on this, but I wish to say to the members of the Council that when East Bostonians wish to come into the city they have no way of getting into town with automobiles except by the tunnel, unless they wish to take a very roundabout route through other towns. I believe, therefore, that they should be given a free tunnel toll. My argument is based on this. When people from the Dorchester section or other outlying sections of Boston, aside from East Boston, wish to drive into the heart of Boston they can do so without paying any tunnel toll and, in fact, in most cases do not even have to use the tunnel at all. But the people of East Boston wishing to come into the heart of the city, people paying taxes and perhaps doing business in the downtown section, have to pay a tunnel toll for their cars; although, as I say, people from Dorchester, Hyde Park, Roslindale, West Roxbury and Brighton have a right to come into downtown Boston without paying a toll. East Boston is the only section that has to pay a toll to drive into the City Proper. The argument may be advanced that the people of Winthrop and Revere are also obliged to do so. But my answer is that that is not the case. They have to make only a very slight detour so that on the average they can come into Boston without paying a toll. The people of East Boston, however, if they want to drive into the City Proper, have to go around by way of Chelsea, Revere and Charlestown to get to the City Proper.

Coun. TAYLOR—Mr. President, I fail to follow the logic of the councilor from East Boston (Coun. Coffey). East Boston is a part of Boston, and residents of other parts of the city have to go to East Boston to do business at times, and when they do so they are forced, when they drive through the tunnel, to pay the tunnel fee. Why should the people of East Boston have more privilege in this respect, coming from East Boston to the City Proper, than people from other sections have who want to go to East Boston. It does not appear to me to be logical. This tunnel was built as an artery to allow people living on either side of the channel to drive to their destination in quicker time. They still have means to cross by the old route that was used before the tunnel was built, and I certainly can see no logic in the

argument of the councilor from East Boston that those who live on the other side should be given more privileges than people who live on this side of the tunnel.

Coun. MUCHNICK—Mr. President, I would like to ask a question. How did the people of East Boston get to and fro before the tunnel was built?

Coun. COFFEY—Mr. President, they used the ferries, which are not now available. Speaking of the ferries, we have one ferry now, and that has been broken down in the past year. At one time we had five or six ferryboats taking people to and from East Boston, but most of those boats are no longer running. They used to run from eight o'clock in the morning until six in the evening, providing transportation. But that service has broken down. My answer to the gentleman from Ward 12 (Coun. Taylor) is that we have as much right to get to business in Boston as the people from any other part of the city. People can come from other outlying parts of Boston to the city to do business, by bridges, roads and otherwise, without any difficulty, by direct route. But the people of East Boston have no such direct route. In order to drive in from East Boston to the City Proper, we have to go through the tunnel, or take a long, roundabout route. People from outside the city don't have to use the tunnel. So the people of East Boston are discriminated against, and I believe now that they should have a free toll when driving through the tunnel so that they will not have to drive through Chelsea and Charlestown, the only other way to enter the city with an automobile. In order to do so at the present time, as I say, they have to go outside the City of Boston. If a man who is a citizen of East Boston and who has to pay taxes wants to come into town with his car, why shouldn't he have a right to come in town free through the tunnel, the same right that people driving from other outlying sections into Boston now have? I see no logic in the argument of the gentleman from Ward 12 (Coun. Taylor), because at the present time we in East Boston are the only ones so discriminated against in coming to downtown Boston.

President HANNON—This being a subject that involves legislation, I believe it should be referred to the Committee on Legislative Matters.

The order was referred to the Committee on Legislative Matters.

OPPOSITION TO TAKING OF WORLD WAR MEMORIAL PARK.

Coun. COFFEY offered the following:

Resolved, That the City Council of Boston hereby opposes the taking of World War Memorial Park for the proposed enlargement of the Commonwealth Airport at East Boston, particularly because of the loss of bathing facilities by residents of that section.

Coun. COFFEY—Mr. President, in opening my remarks I want to give thanks to his Honor the Mayor of Boston for opposing this proposed project. In his wisdom he saw fit to say that the Governor of the Commonwealth was taking practically the best section of East Boston to fill up in this way so that those interested in commercial aviation might benefit, as against the interests of the people of East Boston who now use that area for park and bathing facilities. About three weeks ago I received a call from the Public Works Department to introduce an order by which Porter street might be made a direct route from the East Boston side of the tunnel to the airport. That came from the State Public Works Department, apparently from people who are simply vitally interested in the airport itself. Now, without notice being given to the people of East Boston, a hearing was held in the Legislature, nobody being notified about it, nobody being given advance notice. I understand that the Mayor's office was not even consulted about it. But the Mayor had his legislative agent on the job and opposed the encroachment of the airport on the World War Memorial Park section. I believe it would mean the dredging from East Boston down to Governor's Island. There is a statement in one of the local papers to this effect:

"The plain truth is that the airport should never have been located at Jeffries Point. It was opposed in the beginning by the late John N. Cole, one-time Speaker of the Massachusetts House of

Representatives, and for several years thereafter chairman of the commission in charge of the development of Boston Harbor. He said the location was the best on any United States coast for big dock development. He was so strong in his opposition that the petitioners for the first appropriation of \$25,000 said they would get out as soon as necessary. The time has come to get out and take their real estate supporters with them. A big dock development at Jeffries Point would be of more value to the city than the airport as is or as expanded."

The people of East Boston are opposed to this project, because it is interfering with their bathing and park facilities, but apparently there is a desire to go ahead and put it through by eminent domain whether the people of East Boston want it or not. Mr. McDonald who owns the land development company is interested in this matter. Practically every foot out there is swamp land. Attempts have been made to take the land for an oil farm, encroaching on Wood Island Park, with its gymnasium, tennis courts and bandstand, affording these splendid facilities to the people of our section of Boston, some of the best facilities in the state or in the country. There are the gymnasium and other facilities, and this will mean the destruction of the small bathing beach, which is used by the people of East Boston and of other parts of the city. It is proposed to extend along towards Winthrop, taking away another section of natural beach. When the Governor asked to have Wood Island or World War Memorial Park used, it was supposed at the time that it was to be used in connection with the war effort, but it has since appeared that it is simply proposed in the interest of commercial aviation, and in carrying that out the place is to be ruined for bathing and park purposes. This is an encroachment upon a fine residential section, practically the best in East Boston. Therefore, I am asking the members here to go along with me on this matter, passing the order under suspension of the rule, and putting the Council on record as opposed to the taking of World War Memorial Park for the proposed enlargement of the Commonwealth Airport at East Boston, particularly because of the loss of bathing facilities by residents of the section. If the Legislature does pass this project, as suggested by the Governor, it will blot out beyond Governor's Island about thirty acres, and will very seriously interfere with the bathing and park advantages now enjoyed by the people of East Boston. All we ask is fair treatment and non-interference with our bathing facilities.

The order was passed under suspension of the rule.

WITHHOLDING OF PAYMENTS TO COLEMAN BROTHERS CORPORATION.

Coun. FISH offered the following:

Ordered, That the Mayor of Boston instruct the City Auditor and Treasurer to withhold any outstanding payments due to the Coleman Brothers Corporation for the ash and garbage removal.

Coun. FISH—Mr. President, I could talk on this matter going on for hours and hours, but I would like to suggest a few vital points. In some sections of my ward—and I understand that this is true of the whole district—the garbage has not been collected for a period of over three weeks. The auditor tells me that it would be a drastic thing to withhold payment, but, after all, the health of our people is greatly dependent on the removal of garbage, and it is up to the contractor who is supposed to remove that garbage to do so, preventing any possible spread of disease. This is not something that has happened simply since the snowfall. It cannot be attributed to that. For three weeks it has been going on, and the snowfall was only a few days ago. Therefore, I would like to know why this concern, even though they were awarded a contract for snow removal in the district, has fallen so far behind in its collection of garbage. As I say, it cannot be attributed to the snowfall, because entirely independent of that they have not carried out the garbage and ash removal which they contracted to do. According to their own statement, they may have lost a little last year—which, however, I doubt. But we did have one man who handled ash and garbage collection in past years, a man by the name of Biggs, who handled it satisfactorily in that particular section, and who placed a bid for collection of \$28,000 for the month of

January, grading down in each month of the coming year as conditions would warrant. But the Coleman Brothers concern was awarded that contract. Biggs' bid was put in in good faith and the contract was awarded to Coleman and at his price. When a man is treated by the City of Boston in such a generous manner, he should at least give up the idea of getting snow removal work, where he can make some added money, and pay attention to his contract. As I say, I came here unprepared but I could go into this matter for hours. I think the other councilors from that district have had to put up with similar inconveniences. I don't ask for a suspension of the rule on this order. I do ask that it be referred to a committee, not the Executive Committee, but to another committee before which we can have the Public Works Commissioner and find out why this man was given the contract on the terms on which it was given. I would like to have it referred to a committee which can go into the matter and conduct a full investigation.

The order was referred to the Committee on Public Safety.

AUXILIARY BRANCH OFFICES FOR REVENUE RETURNS.

Coun. HANLEY offered the following:

Ordered, That his Honor the Mayor consider the advisability of requesting the Collector of the Boston Internal Revenue Office to establish, at a centrally located point in all wards of Boston for two weeks prior to March 15, 1943, auxiliary branch offices, the purpose of which would be to furnish information, administer oaths and to collect payments, thus relieving congestion and confusion that will most certainly come at the Federal Building in Boston.

Passed under suspension of the rule.

JURORS DRAWN.

Jurors were drawn, under the law, Coun. HANLEY presiding at the jury box in the absence of the Mayor, as follows:

Eighty-six traverse jurors. Superior Criminal Court, to appear March 1, 1943:

Salvatore Gallo, Ward 1; Gerardo Labella, Ward 1; Charles E. Lyons, Ward 1; Angelo A. Mastrangelo, Ward 1; Charles Puelo, Ward 1; Philip Rossetti, Ward 1; George A. Murray, Ward 2; Joseph Nigro, Ward 2; Frederick E. Tegen, Ward 2; Frederick J. Guinzali, Ward 3; Benjamin Harfield, Ward 3; Joseph Raffa, Ward 3; Ralph M. Bacon, Ward 4; William E. Downey, Ward 4; George F. Paul, Ward 4; Julian H. Hatch, Ward 5; William J. Burke, Ward 6; James J. Keohane, Ward 7; Herbert Leafquist, Ward 7; John J. Walsh, Ward 7; John F. Donahue, Ward 8; Herbert C. Lingley, Ward 8; Joseph F. McLaughlin, Ward 8; William S. Mulford, Ward 8; Richard O'Keefe, Ward 8; Carl E. Brown, Ward 9; Thomas H. Curry, Ward 9; Frank G. Carmody, Ward 10; John R. Davis, Ward 10; James E. Doody, Ward 10; Michael Walsh, Ward 10; Herman P. Kasper, Ward 11; Charles F. Matthews, Ward 11; Thomas Walker, Ward 11; John R. Bush, Ward 12; John Joseph Cameron, Ward 12; Joseph J. Casey, Ward 12; Ernest W. Christopher, Ward 12; Jacob Glass, Ward 12; Morris H. Glauser, Ward 12; Timothy J. Collins, Ward 13; Woodbury Mallard, Ward 13; George J. Rowlinson, Ward 13; Michael M. Seymour, Ward 13; Benjamin Goldman, Ward 14; Edward Shwartz, Ward 14; Charles Elliot Draper, Ward 15; Joseph P. Granville, Ward 15; George F. Moriarty, Ward 15; Frank K. Rablin, Ward 15; John W. Hunter, Ward 16; Benjamin J. Parrotta, Ward 16; Elmer C. Bartlett, Ward 17; Edward Lowin, Ward 17; Albert F. Martel, Ward 17; William F. Martin, Ward 17; James Milne, Ward 17; Samuel Shedusky, Ward 17; J. Warren Truesdale, Ward 17; Adolf Andersen, Ward 18; Joseph Baldini, Ward 18; Gustave H. Baasner, Ward 18; John L. Bartlett, Ward 18; Fred E. Bellows, Jr., Ward 18; Edward J. Browne, Ward 18; William A. Farrell, Ward 18; Francis L. Fraser, Ward 18; Robert J. Greim, Ward 18; Thomas F. Sullivan, Ward 18; Robert L. White, Ward 18; Albert J. Anderson, Ward 19; Bertrand T. Muller, Ward 19;

Frederick L. Vegkley, Ward 19; George E. Ware, Ward 19; David C. Murphy, Ward 20; George R. O'Connell, Ward 20; Edward Weithaas, Ward 20; Patrick P. Cavanaugh, Ward 21; James H. Collins, Ward 21; Max Cooper, Ward 21; John Lee, Ward 21; Everett C. Mayo, Ward 21; Morris M. Ober, Ward 21; Isaac Weinstein, Ward 21; William T. Williams, Ward 21; Joseph P. Keely, Ward 22.

One hundred eighty-three traverse jurors, Superior Civil Court, to appear March 1, 1943:

Joseph J. Ciccolo, Ward 1; George F. DeGregorio, Ward 1; Domenick DiRocco, Ward 1; Paul Gillespie, Ward 1; Peter Guarini, Ward 1; Russell J. Hawes, Ward 1; Charles W. Hay, Ward 1; John Lepore, Ward 1; John J. Murphy, Ward 1; John Quatrone, Ward 1; Jeremiah L. Shea, Ward 1; Edward Sofrini, Ward 1; John L. Staff, Ward 1; Charles Cooper, Ward 2; Mark F. Davis, Ward 2; William H. Hally, Ward 2; Samuel Hingston, Ward 2; George K. Manashi, Ward 2; Francis E. Murphy, Ward 2; James E. Quinlan, Ward 2; Thomas J. Waters, Ward 2; John R. Connor, Ward 3; George C. Betsis, Ward 4; George R. Bradton, Ward 4; Harrison M. Drisko, Ward 4; Daniel P. McKeever, Ward 4; Arthur E. Miller, Ward 4; James J. Slavin, Ward 4; Earl E. Watson, Ward 4; Paul Kenneth Baker, Ward 5; Samuel Bennett, Ward 5; Ralph M. Block, Ward 5; Edward Fitzgerald, Ward 5; William W. Malley, Ward 5; Joseph W. McDonald, Ward 5; Lester E. Nickerson, Ward 5; Isadore Radonsky, Ward 5; Chester J. Underhill, Ward 5; Elmer L. Burbank, Ward 6; Alfred Gaston, Ward 6; Howard L. Lee, Ward 6; George M. Morrell, Ward 6; Carl M. Madsen, Ward 7; Charles P. Monroe, Ward 7; Thomas J. Picard, Ward 7; Charles P. Bevilacqua, Ward 8; Thomas W. Chapin, Ward 8; William P. Dunn, Ward 8; Orrin N. Eldridge, Ward 8; Chester R. Elliott, Ward 8; Harold W. Granger, Ward 8; John I. Johnson, Ward 8; Charles B. McCarron, Ward 8; Louis F. Meier, Ward 8; Joseph S. Murray, Ward 8; Jasper C. Rowe, Ward 8; William W. Walsh, Ward 8; Fred B. D'Amore, Ward 9; Walter L. Gumprecht, Ward 9; George W. Hayes, Ward 9; Richard H. Pitts, Ward 9; Frank J. Bowen, Ward 10; Charles P. Davis, Ward 10; John L. Day, Ward 10; John Kennedy, Ward 10; Cornelius Tansey, Ward 10; James C. Andrews, Ward 11; William F. Craven, Ward 11; Paul Dorrwachter, Ward 11; Frank H. Flynn, Ward 11; R. Foster Gardner, Ward 11; Joseph W. Gately, Ward 11; Joseph L. Goode, Ward 11; George M. Harkins, Ward 11; Allan A. Harris, Ward 11; Cleveland J. McGorison, Ward 11; Thomas J. Lawler, Ward 11; Edmund F. Mitchell, Ward 11; John S. Muir, Ward 11; Amos C. Roulston, Ward 11; Alex Simboli, Ward 11; Edwin J. Wilfert, Ward 11; William Bonin, Ward 12; Elmer C. Fuller, Ward 12; Herbert L. Jackson, Ward 12; James W. Lanigan, Ward 12; Barnett Newman, Ward 12; Benjamin Snyder, Ward 12; John P. Doherty, Ward 13; Charles Jordan, Ward 13; Garabed H. Kefevan, Ward 13; Richard J. Murphy, Ward 13; Alfred William Needham, Ward 13; Thomas F. O'Brien, Ward 13; Ole S. Schow, Ward 13; Robert J. Cann, Ward 14; Amos M. Clark, Ward 14; Thomas M. Fitzgerald, Ward 14; William J. Fitzgerald, Ward 14; David B. Knopf, Ward 14; Archibald M. Knowles, Ward 14; Ralph P. Lane, Ward 14; William J. McGee, Ward 14; Leo Molan, Ward 14; Edward I. Neustadt, Ward 14; George Schwartz, Ward 14; Benjamin Wolf, Ward 14; Charles P. Burke, Ward 15; Guy L. Dixon, Ward 15; James Harrington, Ward 15; John J. Hayes, Ward 15; George R. Hicks, Ward 15; Alexander R. P. Hogue, Jr., Ward 15; Arthur E. Hyder, Ward 15; Albert P. Kiburis, Ward 15; Hulbert J. Lydon, Ward 15; James A. O'Conner, Ward 15; William J. Wittenaer, Ward 15; Charles C. Bowser, Ward 16; John J. Colhane, Ward 16; John P. Doran, Ward 16; Arthur L. Downing, Ward 16; Johannes Larson, Ward 16; John McIntyre, Ward 16; Edwin H. Nash, Ward 16; William M. Neville, Ward 16; Maria Frank Santa, Ward 16; Thomas E. Sweet, Ward 16; Charles J. Thompson, Ward 16; Bertram C. Arey, Ward 17; Joseph L. Carter, Ward 17; Charles David Golub, Ward 17; Michael Hart, Ward 17; Harry E. Hawksworth, Ward 17; Morris Kracov, Ward 17; William J. Manning, Ward 17; William F. Meehan, Ward 17; Albert O'Sullivan, Ward 17; Robert A. Bruce, Ward 18; John F. Cregg, Ward 18; James Hallett, Ward 18; Frank H. Klueken, Ward 18; Vincenzo Mammona, Ward 18; James Duncan Milnic,

Ward 18; Williant J. Mitchell, Ward 18; John L. Rnehione, Ward 18; Henry M. Smith, Ward 18; Samuel G. Smyth, Ward 18; Arthur L. Albee, Ward 19; William L. Carpenter, Ward 19; Harry L. Cote, Ward 19; Franklin E. Davis, Ward 19; John L. Fallon, Ward 19; Gilbert E. McCulloch, Ward 19; Albert E. Sprague, Ward 19; Michael J. Sullivan, Ward 19; William L. Ackroyd, Ward 20; Frank F. Cameron, Ward 20; Thomas F. Downey, Ward 20; Joseph L. Fowler, Ward 20; Charles H. Haskell, Ward 20; Ammon B. Heckler, Ward 20; Roy B. Hobbs, Ward 20; Robert O. Maynard, Ward 20; John E. O'Mara, Ward 20; George S. Reinhardt, Ward 20; Carl W. Simmons, Ward 20; Thomas A. Taaffe, Ward 20; John J. Tierney, Ward 20; Leverett W. Barnes, Ward 21; Joseph Barron, Ward 21; William E. Farrell, Ward 21; Roger A. Griffin, Ward 21; Hollis S. Harrington, Ward 21; Joseph J. Hoar, Ward 21; Edward F. Murphy, Ward 21; Samuel Schwartz, Ward 21; Michael D. Farrell, Ward 22; Henry J. Harrington, Ward 22; Thomas King, Ward 22; Charles W. Ling, Ward 22; Angus J. MacDonald, Ward 22; Earl B. Thrasher, Ward 22.

RECESS.

On motion of Coun. RUSSO, the Council voted to take a recess at 3.30 p. m., subject to the call of the Chair. The members reassembled in the Council Chamber and were called to order by President HANNON at 4.30 p. m.

EXECUTIVE COMMITTEE REPORTS.

Coun. TAYLOR, for the Executive Committee, submitted the following:

1. Report on order (referred today) to keep present force of snow shovellers at work and to put on additional men to clean crosswalks and open catch-basins — that same ought to pass.

Report accepted; said order passed.

MEMORIAL TABLETS FOR FIRE AND POLICE MEN.

Coun. HANLEY, HANNON, COFFEY and D. F. SULLIVAN offered the following:

Ordered, That his Honor the Mayor consider the advisability of having erected on front lawn of City Hall two tablets — one for deceased members of the Fire Department and one for deceased members of the Police Department, who have been killed or who have died from injuries in the performance of their duty, the name and dates of death to be inscribed thereon in chronological order, the above tablets to be illuminated during the nighttime (pending dimout regulations); be it further

Ordered, That his Honor the Mayor conduct dedicatory services with public officials together with the heads of both Fire and Police Departments together with any members of each department who may be excused from duty.

Coun. HANLEY — Mr. President, down through the centuries of time, man has recorded his words, deeds and actions, and one salient fact gleaned from reading ancient, medieval and modern history is that human nature does not change. The frailties of our human nature, such as ingratitude, selfishness and forgetfulness, have and will recur, unless men of good will set up barriers that will withstand and overcome the attacks of these human frailties. The Bard of Avon, William Shakespeare, recognizing these human frailties, wove into the fabric of his immortal masterpiece, "Julius Caesar," and utilizing the tongue and lips of Mark Antony he uttered the following quotation, "The evil that men do lives after them, the good is oft interred with their bones." Let us, the members of the Boston City Council, contradict this statement not only by words, but by actions. Let us honor these men posthumously, who dedicate their lives in both peace and war for the protection of our lives, limbs and property. Gallant men who, in the performance of their duty, secure the tranquility and peace of our families against encroachment by conflagration and evildoers. Through their love for their fellowman and fidelity to their duty they sometimes are found in the

unbreakable embrace of death. No clumsy word or phrase of mine can ever relate or describe their tales of heroism. Let us cherish their memory, let us respect and honor the ideals they died to uphold. "They have fought the good fight. They have achieved Victory. May they now, and forevermore enjoy everlasting peace and happiness," for, "No greater love hath man than that he lay down his life for his friend."

Referred to Committee on Parks and Playgrounds.

President HANNON—Before adjourning, the Chair would ask the various committees to get together this week. The Chairmen will kindly get the members together so as to clean up the matters before us. I think we should clean up as we go along, week after week, and see if we cannot get ahead rapidly.

Adjourned at 4.35 p. m., on motion of Coun. MUCHNICK, to meet on Monday, February 8, 1945, at 2 p. m.

CITY OF BOSTON.

Proceedings of City Council.

Monday, February 8, 1943.

Regular meeting of the City Council in the Council Chamber, City Hall, at 2 p. m., President HANNON in the chair. Absent, Coun. Foster, Kelly, Linehan, Lyons and Wickes.

The meeting was opened with the salute to the Flag.

APPOINTMENTS BY THE MAYOR.

Subject to confirmation by the Council, the Mayor submitted the following:

Weighers of Coal: John E. Smith, 24 Bolton street, Somerville, Mass.; Walter H. McDermott, 221 Kelton street, Allston, Mass.; Swen Swenson, 167 George street, Medford, Mass.

Weigher of Goods: John E. Smith, 24 Bolton street, Somerville, Mass.

Constables, for the term ending April 30, 1943, without power to serve civil process and to serve without bond: William E. Davis, 304 Warren street, Ward 12, vice James Riley, resigned; Thomas F. McCready, 33 Lourdes avenue, Ward 11, vice Paul McCarthy, resigned.

Laid over for one week under the law.

REPAYMENT OF ELEVATED DEFICIT.

The following was received:

City of Boston,

Office of the Mayor, February 8, 1943.

To the City Council.

Gentlemen,—I transmit herewith communication from the trustees of the Boston Elevated Railway relative to your order of January 11, 1943, concerning the payment to the fourteen cities and towns its proportionate share of all surplus after the usual dividends are paid.

Respectfully,

MAURICE J. TOBIN, Mayor.

Boston Elevated Railway,
February 2, 1943.

Office of the Mayor, City Hall, Boston, Mass.
Attention: Mr. William T. Doyle, Chief Clerk.

Gentlemen,—In answer to the order of the City Council dated January 11, 1943, requesting the trustees "to pay to the fourteen cities and towns its proportionate share of all surplus after the usual dividends are paid," I have been instructed by the Board of Public Trustees to say that the Public Control Act and the Governor Square Extension Act, as amended, together provide for the disposition of any excess over cost of service charges as of December 31 in any year.

Very truly yours,

EDWARD DANA,

President and General Manager.

Placed on file.

APPROPRIATION FOR GRAVE OF COLONEL THOMAS CASS.

The following was received:

City of Boston,

Office of the Mayor, February 1, 1943.

To the City Council.

Gentlemen,—Acting under the provisions of section 5, clause 12, of chapter 40, of the General Laws and amendments thereto, I submit an order providing for an appropriation within the Contingent Fund of five hundred dollars (\$500) for the purpose of erecting a stone on the grave of Colonel Thomas Cass in the Mount Auburn Cemetery. Colonel Cass was a prominent citizen of Boston, serving as a member of the School Committee for a number of years and organized the famous old 9th Regiment which rendered outstanding service to the country during the Civil War. He served as colonel of this regiment until the battle of Malvern Hill, Virginia, July 1, 1862, when he was

mortally wounded. The original stone placed on his grave was destroyed by the hurricane of 1938, and since that time his grave has remained in a neglected condition. I am advised that his living relatives and family are not in a position financially to erect a new stone to his memory.

In view of his services to his city and country, I feel it only fitting and proper that public funds should be used to restore his grave to a satisfactory condition. I therefore recommend approval by your Honorable Body of the accompanying order.

Respectfully,

MAURICE J. TOBIN, Mayor.

Ordered, That the sum of five hundred dollars (\$500) be, and hereby is, appropriated, to be expended, under the direction of the Mayor, for the erection of a suitable stone and other necessary improvements at the grave of Colonel Thomas Cass in the Mount Auburn Cemetery, Cambridge, said sum to be charged to the Contingent Fund when made.

Referred to Executive Committee.

PETITIONS REFERRED.

The following petitions were received and referred to the committees named, viz.:

Claims.

American Red Cross, for compensation for damage to car by city truck.

John S. Edgehill, for compensation for damage to car caused by an alleged defect at 18 Huntington avenue.

George F. Gleavy, to be reimbursed for accident which occurred while in performance of duty.

Catherine M. Gosselin, for compensation for damage to property at 15 M street, caused by sewer being blocked up.

Max Jacobs, for compensation for injuries and damage to car by city truck.

Addie Jennings, for compensation for injuries caused by an alleged defect at 594 Dudley street.

Lillian Kroetzsch, for compensation for damage to property at 127 Howard avenue, Dorchester, caused by snowplow.

Mrs. Michael L. Logan, for compensation for damage to property at 22 Eulita terrace, Brighton, caused by snowplow.

Mary McAuliffe, for compensation for injuries caused by an alleged defect in Irving street.

Guy M. Mitchell and C. N. Wheeler, for compensation for damage to property at 11 Warren square, caused by city truck.

Marciano Penta, for compensation for damage to property at 10 Fleet street, caused by broken waterpipe.

Mr. and Mrs. Pucillo, for compensation for damage to property at 18 Ashley street, East Boston, caused by defective water pipe.

Frank J. Rohinson, for compensation for damage to property at 72 Myrtle street, caused by snowplow.

Technology Garage, for compensation for damage to car by city truck.

John B. Thompson, for compensation for damage to car caused by an alleged defect at 1891 River street.

Executive.

Petition of Grace L. O'Dea, to be paid annuity on account of death of her husband, William H. O'Dea, late member of the Fire Department.

Petition of Catherine V. Noonan, to be paid annuity on account of death of her husband, Dennis J. Noonan, late member of Fire Department.

APPOINTMENTS BY THE MAYOR.

Notices were received of the following appointments by the Mayor:

James L. Trudcu, 1887 Commonwealth avenue, Brighton, to be member of the Boston Port Authority, for term ending in 1946, vice Louis E. Kirstein, deceased.

Patrick E. Murray, 16 Chilton road, West Roxbury, to be a member of the Overseers of Public Welfare, for the term ending April 30, 1943, vice William J. Finn, deceased.

Severally placed on file.

SOLDIERS' RELIEF.

Coun. RUSSO, 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, 1943.

Report accepted; said order passed.

PAYMENT OF CLAIMS.

Coun. CHASE offered the following:

Resolved, That the City Council of Boston hereby approves the enactment of legislation, on the petition of the Mayor of Boston, to authorize the payment of a sum of money not exceeding \$38.06 in settlement of the claim of Automotive Distributors Company, Inc., for material furnished to the Penal Institutions Department; provided that such legislation includes a referendum to the Mayor and City Council.

Resolved, That the City Council of Boston hereby approves the enactment of legislation, on the petition of the Mayor of Boston, to authorize the payment of a sum of money not exceeding \$12.95 in settlement of the claim of the Boston Ring and Gasket Company for material furnished to the Penal Institutions Department; provided that such legislation includes a referendum to the Mayor and City Council.

Severally referred to Committee on Legislative Matters.

PAYMENT TO JOHN A. CURLEY.

Coun. HURLEY offered the following:

Resolved, That the City Council of Boston hereby approves the enactment of legislation to authorize the City of Boston to pay an amount of money to John A. Curley, a former employee of the Boston City Hospital, in compensation for a permanent disability incurred by him in the performance of his work at said hospital; provided that such legislation includes a referendum to the Mayor and City Council.

Referred to Committee on Legislative Matters.

BOULEVARD OVER NARROW GAUGE ROADBED.

Coun. COFFEY offered the following:

Ordered, That his Honor the Mayor be requested to take up with the Metropolitan District Commission the matter of constructing a metropolitan boulevard over the old roadbed of the Narrow Gauge Railroad from Porter street in East Boston to Winthrop and to continue along the roadbed to the city of Lynn.

Coun. COFFEY—Mr. President, the petition before you is a health measure long urged for East Boston. The only stretch of seashore left to this district is now in danger of destruction by filling in the area with a veritable "sea of foul-smelling mud" which will stench in the nostrils of several thousand householders for the next ten years along the shoreline of Harbor View, Orient Heights and the fair town of Winthrop. Winthrop is part of Suffolk County. The Army, and to some extent, the Federal Administration, have expressed themselves against further enlargement of the airport for defense or commercial development within the inner hasin areas. The Army is now husy among the islands of the harbor at Squantum, Calf Island and the outer Brewsters along airdrome and other defense lines as the proper place for extension. The best interests of the general public will be best served if this strandway is built now. Tax values will be enhanced, owners of the flats will get value received by abatements and allotments for takings. At other hearings on the same project the Health Department has approved, the Park Department has recommended and the Public Works Department has urged that connections be made for better North Shore traffic between Maverick square, the traffic tunnel, the ferries and the present airport, because all existing lanes are strained to the peak, and because all of them are bottlenecked in the Day square sector where Bennington, Saratoga and Chelsea streets. The Army has several times approved plans for a shore route outside the congested areas mentioned herein. Demands of war

necessity are false and far-fetched. East Boston serves as a hottleneck approach for the whole North Shore entering Boston Proper. There should be at least one more outlet for peace-time, post-war industrial activities which will come with a rush. This strandway measure with your approval has a good chance of passing the Legislature because of the necessity, the health of the people and because World War Memorial Park, a monument to the veterans of the World War, should be forever preserved for the five thousand boys who have already left East Boston and Winthrop to serve their country. Don't consign them to a "Sea of Mud."

The order was passed.

DEFERRED PAYMENTS TO ASH AND GARBAGE REMOVAL CONTRACTORS.

Coun. D. F. SULLIVAN offered the following:

Ordered, That the City Treasurer be instructed, through his Honor the Mayor, to hold up the payments due contractors who are removing ashes and garbage for the City of Boston until such time as the city has been reimbursed for the men and trucks assigned by the Public Works Department to assist any contractors in fulfilling their contracts; and be it further

Ordered, That these men be paid the difference between their city pay and the pay which the contracts calls for by the contractor.

Coun. M. H. SULLIVAN—Mr. President, I think that the Committee on Public Safety completed its hearing on the matter referred to the committee last week asking the Mayor to instruct the City Auditor and Treasurer to withhold any outstanding payments due to Coleman Brothers Corporation for the ash and garbage removal, and I would ask at this time that this order be referred to the Committee on Finance.

Coun. FISH—Mr. President, I don't know where the gentleman got an idea that the hearing had been concluded. As a matter of fact, the matter was laid on the table at my request.

Coun. M. H. SULLIVAN—I think this is a matter that should be referred to the Committee on Finance. I believe it is a proper matter for that committee to consider.

President HANNON—The Chair will rule that, inasmuch as the Committee on Public Safety has already held, although apparently it is not completed, a hearing on this matter, these orders should be referred to the Committee on Public Safety.

The orders offered by Coun. D. F. Sullivan were referred to the Committee on Public Safety.

CONGRESSIONAL MEDAL OF HONOR SUGGESTED FOR PRESIDENT ROOSEVELT.

Coun. HANLEY, for Coun. WICKES, offered the following:

Resolved, That the Boston City Council, in meeting assembled, this eighth day of February, in the year nineteen hundred and forty-three, unanimously proclaims and commends the outstanding leadership, patriotism and heroism of our Commander-in-Chief, Franklin Delano Roosevelt, President of the United States of America, whose exemplary conduct as an American citizen has been and is an inspiration to all American citizens, and further commends his recent and hazardous fight to the Casablanca Conference. "Unchanged will stand, tomorrow and for centuries to come, the thrilling fact that . . . an American President in time of war and at great risk, entered the actual combat zones . . . because he felt that only by his presence could he accomplish the best results at the meeting of the Allied minds, gathered to hasten the day of victory; be it further

Resolved, That, in view of the foregoing considerations, we, the members of the Boston City Council, urge the Congress of the United States of America to bestow appropriate recognition upon the inspiring acts of our Commander-in-Chief by decorating him with "the highest award granted for valorous deeds beyond the call of duty"—the Congressional Medal of Honor.

Referred to the Committee on Legislative Matters.

The following remarks, prepared by Coun. WICKES, were also submitted by Coun. HANLEY:

Gentlemen.

As you will have observed by the interpolation of the quoted phrases from the Boston Post of February 5, used in the context embodied in the foregoing resolution, the resolution is most timely. Although the Post editorial, captioned "Fitting Honor" is primarily responsible for the origin of this resolution at this time, it is my personal desire to acquaint you with the fact that, in common with most of the people of our great country, my opinion of Mr. Roosevelt's character has, for years, been founded upon the tremendous, potential reserves of courage, daring and humanitarianism which have made his one of the most outstanding personalities in the history of our country and in the history of the world. In confirmation of the fact that my sentiments regarding Mr. Roosevelt are of long standing, allow me to quote the lyrics of a song entitled "He's a Great American," which my friend and collaborator, Mr. Roger Magee, and I—in a spirit of prophecy—wrote in 1940:

Great things are told of heroes of old,
That's all very well in its way.
But let's not withhold what now can be told
About a hero of today.
He's a Great American, perfect gentleman,
Roosevelt, we're all for you!
We are trusting you, too, with the "Red, White
and Blue"—
You're America's friend, you're a friend to the
end—

Ev'ry real American knows that you're the man
Guiding our destiny!
When the world's at peace again, cheers will ring
again,
Roosevelt and Liberty!

There's our great George Washington, Lincoln,
Jefferson,
Noblemen ev'ry one. They are three of the best
who were put to the test.
They were tried and were true as the "Red,
White and Blue"—
But of all our countrymen's finest noblemen,
Standing amongst these few,
Is the man we love the best, more than all the rest,
Roosevelt, that man is you!

Let us keep America for Americans.
Roosevelt's the man we need.
For the flag that we love, flying high up above
Is a challenge and dare while our President's there
To all kinds of treachery from across the sea.
Roosevelt will keep us free!
And two words that long shall be known to History,
"Roosevelt" and "Victory!"

These words, inadequate though they may be, constitute a sort of America credo to me,—a credo whose potentialities are but now emerging from the restative period, and are being reborn—through strife and conflict—into a social era which, having discarded the shackles of "old tyrannies," shall furnish a new and fitting environment for the rebirth—world-wide—of those untarnished ideals of Democracy which sired the birth of our own great country. As an exemplification of all of the virtues implicit in the foregoing remarks, Mr. Roosevelt is, indeed, more than worthy of our modest efforts to effect a fitting tribute to such distinguished qualities as he possesses. Therefore, in conclusion, allow me to thank each and every member of our Honorable Body for the common agreement of principal which will result in the unanimous and expeditious passage of this resolution. I thank you, gentlemen.

President HANNON—The remarks will be included in our minutes.

PROVISIONS OF PUBLIC CONTROL ACT AFFECTING SURPLUS.

Coun. TAYLOR and FISH offered the following: Ordered, That the Corporation Counsel be requested, through his Honor the Mayor, to inform the City Council of the provisions contained in the Public Control Act and the Governor Square Extension Act which affect the disposition of any excess over cost of service charges.

Coun. TAYLOR—Mr. President, some time ago I submitted an order to the Council, which

was passed, pertaining to the excess profits of the Elevated and the disposition of them by the Elevated Trustees. We have received an answer today, transmitted by the Mayor, in a letter signed by Edward Dana, President of the Boston Elevated Street Railway Company, in which Mr. Dana states:

"In answer to the order of the City Council dated January 11, 1943, requesting the trustees 'to pay to the fourteen cities and towns its proportionate share of all surplus after the usual dividends are paid,' I have been instructed by the Board of Public Trustees to say that the Public Control Act and the Governor Square Extension Act, as amended, together provide for the disposition of any excess over the cost of service charges as of December 31 in any year."

I don't think that means anything to any of us. Therefore, I am submitting this order for the purpose of having the Corporation Counsel explain to the members of the City Council the provisions of this act and whether or not the City of Boston receives any of this money back. I hope that the Council acts with dispatch in the matter, because I think this is something that vitally affects the interests of the city at this time. I move the passage of the order and the suspension of the rule. The order was passed under suspension of the rule.

AUDITING OF BOSTON ELEVATED BOOKS BY STATE AUDITOR.

Coun. MUCHNICK and FISH offered the following:

Resolved, That the Boston City Council favors the enactment of House Bill 471, namely, that the Department of the State Auditor be required to audit the books of the Boston Elevated Railway Company.

Coun. MUCHNICK—Mr. President, there seems to be no reason at all why the State Auditor should not audit the books of this quasi-public corporation, but, on the other hand, there seems to be every reason why those books should be audited. If there is nothing to be hidden on the part of the Elevated in the matter of disposition of funds, the carrying out of this order would clearly help the Elevated; if there is anything to be hidden, the people served by this corporation and who have to pay the bills are entitled to know it. I ask, therefore, a suspension of the rule that the resolution may be passed.

Coun. FISH—Mr. President, I had prepared an identical order here that I was going to offer, and I am glad to be considered one of the co-officers of this resolution. There are many reasons why such a resolution should be passed, and why the proposed action should be taken. The Legislature right now has no alternative, as a matter of fact. In 1941 the Governor filed a request for \$125,000 to conduct an investigation. The Legislature of that year approved \$75,000. The following year the Mayor of Boston and the City Council appropriated \$50,000. Now, what will the people think of the Governor, the Legislature, the Mayor and Council, if no action looking to an audit of the books of the company is taken? The Legislature now has a chance to do a real service to the people in this matter. There is no question in my mind that the amount of money set aside for this purpose will be wisely spent, and that it will materially help the State Auditor in his audit.

The order was passed under suspension of the rule.

STATE HOLIDAY ON LINCOLN'S BIRTHDAY.

Coun. FISH offered the following:

Whereas, The observance of Friday, February 12, the birthday of Abraham Lincoln, as a state holiday, would not only serve as a fitting tribute to his memory, but would also, in this year 1943, serve to greatly relieve the present suffering due to the oil shortage, by the closing down of all business not vital to our war effort; and

Whereas, Many thousands of homes now being adversely affected by the shortage would be greatly benefitted by such remembrance of his memory; be it

Resolved, That the Boston City Council in meeting assembled request his Excellency the

Governor, by use of his Emergency War Powers, to proclaim Friday, February 12, a state holiday; be it also

Resolved, That he request all business not engaged in the output of vital war essentials to close on this day wherever possible, to remain closed until Monday, February 15; be it further

Resolved, That a copy of the resolution be immediately forwarded to his Excellency Governor Leverett Saltonstall.

Coun. FISH—Mr. President, this resolution merely requests his Excellency the Governor, under his emergency war powers, to proclaim Friday, February 12, the birthday anniversary of Abraham Lincoln, a state holiday, not only further serving as a fitting tribute to the memory of Abraham Lincoln, but also helping to relieve the present suffering due to oil shortage, by the closing down of all business not vital to our war effort. I feel that it is only right that the proposed action should be taken, not only as a tribute to the memory of Lincoln but also to help out in our present serious oil shortage. I trust, therefore, that the resolutions will be passed and that a copy will be immediately forwarded to his Excellency the Governor.

The resolution was passed.

REPORT OF COMMITTEE ON LEGISLATIVE MATTERS.

Coun. CHASE, for the Committee on Legislative Matters, submitted the following:

1. Report on order (referred January 25) that Council approves enactment of legislation to authorize reinstatement of George L. W. Reed in Police Department, provided such legislation includes referendum to Mayor and City Council—that same ought to pass.

Report accepted; said order passed.

2. Report on order (referred January 25) that Council approves enactment of legislation to authorize the city to settle the claim of Nutter's System, Inc., for rental of motor trucks furnished to city in excess of number contracted for, provided that such legislation includes referendum to Mayor and Council—that same ought to pass.

Report accepted; said order passed.

3. Report on resolve (referred February 8) that Council approves enactment of legislation to authorize city to pay amount of money to John A. Curley, former employee of City Hospital, in compensation for permanent disability incurred by him in the performance of his work at said hospital, provided that such legislation includes referendum to Mayor and Council—that same ought to pass.

Report accepted; said order passed.

4. Report on resolve (referred February 8) that Council approves enactment of legislation on petition of Mayor to authorize payment of sum of money not exceeding \$38.06 in settlement of claim of Automotive Distributors Company, Inc., for material furnished to Penal Institutions Department, provided such legislation includes referendum to Mayor and Council—that same ought to pass.

Report accepted; said order passed.

5. Report on resolve (referred February 8) that Council approves enactment of legislation on petition of Mayor to authorize payment of sum of money not exceeding \$12.95 in settlement of claim of Boston Ring and Gasket Company for material furnished to Penal Institutions Department, provided such legislation includes referendum to Mayor and City Council—that same ought to pass.

Report accepted; said order passed.

SUBWAY TO HAYMARKET SQUARE.

Coun. KINSELLA offered the following:

Resolved, That the City Council of Boston hereby favors the enactment of legislation authorizing the City of Boston to borrow money for the construction of a subway from Sullivan square to Haymarket square in said city, provided same includes a referendum to the Mayor and City Council.

Coun. KINSELLA—Mr. President, I trust that this resolution will be passed and that such legislation as is proposed will also be enacted by the

Legislature. I would like to say that if this work could be done in Charlestown it would reclaim fully a mile of territory in Charlestown that is now in a deplorable condition. The banks will not lend a dime on any of the property there, and the construction of such a proposed subway will enable people in that section to see the light of day when this present overhead 18-foot structure is removed. I ask, therefore, the passage of the resolution under suspension of the rule.

The resolution was passed under suspension of the rule.

CONFIRMATION OF EXECUTIVE APPOINTMENTS.

President HANNON called up, under unfinished business, Nos. 1 and 2 on the calendar, viz.:

1. Action on appointment submitted by the Mayor February 1, 1943, of James F. Mahoney to be a Constable without authority to serve civil process and to serve without bond.

2. Action on appointments submitted by the Mayor February 1, 1943, of B. F. C. Whitehouse, A. B. Wiley, W. Earle Forman, Frances E. Marriott, Edward Cayou, George C. Roy, to be Weighers of Coal.

The question came on confirmation. Committee, Coun. Coffey and M. H. Sullivan. Whole number of ballots 12; yes 12 and the appointments were confirmed.

ENLARGEMENT OF COMMITTEE ON HOSPITALS.

President HANNON announced the appointment of two additional members to the Committee on Hospitals, Coun. Russo and Scannell, making the number of the committee seven instead of five.

REPORT OF COMMITTEE ON PUBLIC SAFETY.

Coun. M. H. SULLIVAN, for the Committee on Public Safety, submitted the following:

1. Report on order (referred January 25) that Commissioner of Public Works be requested to have immediate survey made of Washington and Whitfield streets, Ward 17, with view to remedying dangerous conditions now existing—that same ought to pass.

Report accepted; said order passed.

2. Report on order (referred January 25) that Public Works Commissioner be requested to assign men from Street Cleaning Department to clean up all rubbish dropped by contractors engaged by city to remove ashes and garbage and to charge all expenses to contractor—that same ought to pass.

Report accepted; said order passed.

SMOKING ON STREET CARS.

Coun. M. H. SULLIVAN offered the following:

Ordered, That the trustees of the Boston Elevated be requested, through his Honor the Mayor, to take all necessary steps to enforce the "No Smoking" regulations on all buses and street cars.

Coun. M. H. SULLIVAN—Mr. President, I have particularly in mind at the present time lines of the Elevated running through the Brighton district, largely patronized by war workers and others where such action should be taken in the interest of the comfort of patrons of the buses and street cars. Many of the cars that are being used are old cars, which have not been used for a number of years, which are dirty, crowded, and could easily become fire traps. They are now being used along the Western avenue line and are crowded by numbers of defense workers, who take out pipes, cigars and cigarettes, and violate the "No Smoking" regulation on the buses and cars. The smoke conditions are very disagreeable. I have traveled on these conveyances myself, and have noticed how objectionable they are. In fact, it is also a fire hazard, under the circumstances. I trust, therefore, that the order will be passed.

The order was passed under suspension of the rule.

RECESS.

On motion of Coun. MUCHNICK, the Council took a recess at 2.55 p. m., subject to the call of the Chair. The members reassembled and were called to order by President HANNON at 3.10 p. m.

EXECUTIVE COMMITTEE REPORTS.

Coun. TAYLOR, for the Executive Committee, submitted the following:

1. Report on petition of Mary H. Brophy (referred March 31, 1941) to be paid annuity on account of death of her husband, Frederick R. Brophy, late 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 Mary H. Brophy, widow of Frederick R. Brophy, a member of the Fire Department, who died on February 17, 1941, 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 February 17, 1941, 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) that \$500 be appropriated to be expended for erection of suitable stone and other improvements at grave of Colonel Thomas Cass in Mount Auburn Cemetery—that same ought to pass.

Report accepted; order passed, yeas 13, nays 0.

TRAFFIC LIGHTS, EGLESTON SQUARE AND GREEN STREET.

Coun. HANLEY offered the following:

Ordered, That his Honor the Mayor request the Traffic Commissioner to restore the traffic lights at Egleston square and Green street to their original regulations and to remove the dimout paint from the lens of the above lights, in view of the fact the present lighting increases hazards to pedestrians and autoists.

Coun. HANLEY—Mr. President, I wish to speak very briefly on this order, which asks the Mayor to request the Traffic Commissioner to restore the traffic lights at Egleston square and Green street to their original condition and to remove the dimout paint from the lens of the light, in view of the fact that the present lighting increases hazards to pedestrians and autoists. I believe that is one of the most dangerous intersections in the entire city, in view of the autos, buses and cars continually going by, making a very heavy traffic load on the street, which is a thoroughfare very much used by people wishing to get into the city proper. About two months ago the Traffic Commissioner saw fit to dim those lights, incidentally greatly jeopardizing the safety of travelers in the district. I ask, therefore, that the order be passed under suspension of the rule.

The order was passed under suspension of the rule.

CAR STOP, NEW HEATH STREET AND COLUMBUS AVENUE.

Coun. HANLEY offered the following:

Ordered, That his Honor the Mayor request the trustees of the Boston Elevated to restore the south bound car stop before the intersection of New Heath street and Columbus avenue instead of its present position of after the above-named intersection, in view of the fact that the present car stop jeopardizes the lives and limbs of the commuters; and the mobility and speed of trucks and automobiles cannot be adjusted to sudden stop after passing the intersection.

Referred to the Committee on Public Safety.

PRICE OF FOOD IN EATING ESTABLISHMENTS.

Coun. HANLEY offered the following:

Ordered, That his Honor the Mayor request the Regional Office of the O. P. A. to compel all eating establishments to reduce the price of their food

in proportion to the rationing of food as is now contemplated by the Restaurant and Hotel Association.

Coun. HANLEY—Mr. President, according to the morning newspapers the Hotel and Restaurant Association contemplates reducing the size of meat orders that you will receive and are proposing that 105 cups of coffee be made from a pound of coffee, which to my mind would simply result in dishwasher. We hear a good deal nowadays about reducing the amounts of food, but practically nothing about reducing the price that people shall pay for that reduced amount of food. Therefore, I think it proper that the Mayor should request the Regional Office of the O. P. A. to compel all eating establishments to reduce the price of their food in proportion to the rationing of food as now contemplated by the Hotel and Restaurant Association.

Coun. KINSELLA—Mr. President, I am glad to see somebody in Boston getting after the O. P. A. I am reminded of something I read in the papers awhile ago that I think should be of interest to the American people. I saw that a couple of ships shipping from the port had gone to some other ports to pick up some bacon and tea to go to England, so that the English people could have their four o'clock tea in the afternoon and their bacon in the morning. I wonder how many of the people of America, who are being so regimented at the present time, would like the idea of being neglected themselves in order to take care of the English in this way. I certainly feel that the Hotel and Restaurant people who are talking of putting this action into effect should, when they reduce the size of the portions served, also reduce the price. Many a vessel going out of this country is loaded with nothing more nor less than delicacies for the civilian population of England, and that is coming out of our own people. Certainly the O. P. A. should take action to help out the people of America in this matter, instead of giving preference to the English, and I hope that the order will pass.

The order was passed under suspension of the rule.

LABOR REPRESENTATIVE ON HOSPITAL BOARD.

Coun. D. F. SULLIVAN offered the following:

Resolved, That the City Council of Boston hereby approves the enactment of legislation known as House Bill No. 781 to increase the membership of the Board of Trustees of the Boston City Hospital from five to six members and one member of said board to be a representative of organized labor.

Referred to Committee on Legislative Matters.

RETURN OF CERTAIN OIL COUPONS.

Coun. KELLY offered the following:

Ordered, That the Overseers of Public Welfare be requested, through his Honor the Mayor, to notify oil dealers in the possession of oil coupons issued to recipients of old age assistance, aid to dependent children and welfare aid in Ward 15 to return these coupons to said recipients immediately.

Coun. KELLY—Mr. President, I don't know what good it is for me to get up on the floor of the Council today in support of such an order, which proposes that the Overseers of Public Welfare be requested, through his Honor the Mayor, to notify all oil dealers in the possession of oil coupons issued to the recipients of old age assistance, aid to dependent children and welfare aid, in Ward 15, to return those coupons to the recipients immediately. Certainly something should be done. I have been amazed to receive the complaints I have received over the weekend, and as far back as January 4. It has been understood that 75 gallons of oil could be purchased for a ticket representing \$6.67, but as a matter of fact the dealers, or some of the dealers, have been furnishing only 50 gallons. In the meantime, the oil dealers are in possession of oil coupons issued to the recipients of old age assistance, aid to dependent children and welfare aid, and that is the way they are acting upon those coupons. They have been supposed to deliver this oil, by truck, but the amount delivered has been shrinking between the truck and the home. In fact, they have been telling people who were en-

titled to fuel oil to come to them and get it, in many cases. I know of cases where there was sickness in the house and it was impossible for the occupant to go, but they took the \$6.67 ticket, which was supposed to be good for 75 gallons, and delivered only 50 gallons; and there have been cases where people were helpless, under the care of a doctor, and have been told that the company would be glad to deliver if the people came over to their yard for the oil, also. I say it is about time that these people who are holding these coupons should be required to return them immediately to the recipients. They can then make some other arrangement with people who will deliver a proper amount of oil to them. I am going to ask that this be referred to the proper committee, I suppose the Committee on Public Welfare, and that the officials of the Welfare Department be invited into a hearing on the matter. It is about time that coupons given up by recipients to these different companies should be properly recognized,—some of these recipients of old age assistance, aid to dependent children and welfare aid have been suffering because they could not get sufficient oil for three or four weeks. If these poor people are not properly treated by those holding the coupons the coupons should be returned to the recipients, so that they can make some arrangement with other people. I trust, therefore, that the order will be referred to the Committee on Public Welfare.

Coun. D. F. SULLIVAN—Mr. President, I would like to inform my colleagues that these old age assistance recipients are not going to receive fuel checks from now on, starting, I believe, the first of the month. A letter has been sent out by the Welfare Department to that effect. In other words, the recipients will receive, we will say, \$40 a month for rent and \$7 for fuel, receiving \$3.50 on the first of the month and the other \$3.50 on the 15th. While they can use the fuel money to buy from any fuel concern they wish, it will probably be in their interest to buy the fuel from companies that the city has contracted with in the different districts. The letter setting forth the amount in each case is quite confusing to some of the old people. They will not understand it, and so I think it would be well, in order that proper information may be forthcoming, that the matter be referred to the Committee on Public Welfare, who can get in touch with the officials of the department and make the situation clear to everybody.

The order was referred to the Committee on Public Welfare.

ASH AND GARBAGE CONTRACTS.

Coun. KELLY offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, when drawing up ash and garbage contracts, to insert a clause in each contract prohibiting the assignment of moneys received from said contract for any other purpose than to pay for work done under such contract during the current year.

Coun. KELLY—Mr. President, the committee had a meeting last week and it was brought out at the hearing that a certain contractor—namely, Coleman Brothers—was assigning moneys to be received under the contract to others than the ones who as sub-contractors had done work for them under the contract of last year. There was, for example, the question of paying eleven out of fourteen who had done work and who were hired from some other contractor. Where there is, say, \$7,500 withheld for awhile after the performance of the contract, if Coleman Brothers can prove that they owe that money to the First National Bank, naturally the treasurer of the City of Boston will allow the money to be turned over to the First National Bank. So I am introducing this order to protect small contractors who may otherwise have trouble in getting it, and so as to enable them, where they are justly entitled to it, to receive it in the current year.

The order was referred to the Committee on Public Safety.

MILK STATIONS IN VARIOUS WARDS.

Coun. KELLY offered the following:

Ordered, That the Overseers of Public Welfare be requested, through his Honor the Mayor, to establish milk stations for the distribution of milk to recipients of Mothers' Aid, in the various wards of the city, so that the purchase of same would be made easier for those affected.

Coun. KELLY—Mr. President, I have had quite a few calls on the telephone during the last week about different recipients of welfare, mothers' aid and child welfare who have milk coupons by which the recipients are supposed to get milk under a cash-and-carry system for six cents a quart, 30 coupons representing \$1.80, that when they go to bakers or other dealers in milk they are told that no arrangement has been made with them to honor these coupons, and so they do not get the milk. Therefore, although they have 30 coupons, we will say, representing 30 quarts of milk at six cents a quart, or \$1.80, they are not able to obtain the milk that they need. Certainly it is about time that we should be informed as to what is going on in these matters, and I trust that the matter will be referred to the Committee on Public Welfare. My order proposes that the Overseers of Public Welfare be requested, through the Mayor, to establish milk stations for the distribution of milk to recipients of mothers' aid in the various wards of the city, so that the purchase of the milk will be made easier for those affected.

The order was referred to the Committee on Public Welfare.

INVESTIGATION OF POST-WAR PROJECTS, ETC.

Coun. LANGAN offered the following:

Ordered, That his Honor the Mayor consider the advisability of appointing a commission to look into and investigate prospective post-war projects, improvements and rehabilitation.

Passed under suspension of the rule.

Adjourned at 3.45 p. m., on motion of Coun. MUCHNICK, to meet on Monday, February 15, 1943, at two o'clock p. m.

CORRECTION.

On January 25, 1943, in the debate on the question of appropriating \$85,000 for personal service in the Assessing Department, in the first column of page 26 of the Minutes, Coun. CHASE was credited with making these remarks, which were made by Coun. M. H. SULLIVAN:

Coun. SULLIVAN—Mr. President, the question has been raised why we should vote \$85,000 when figures that have been presented to us would indicate that the total amount for the year might be \$81,600, to pay these forty-eight men. As I said in executive, I am not at any time against anybody getting his pay at the proper time for work that he has done. I have not and I do not intend to vote against any man getting his salary on the proper pay day. We are told that for the months of January, February and March the amount to be paid these men will be \$40,800, and that the total amount for the year would be \$81,600. But we know, of course, that in any budget amounts not expended in any particular item are credited against the budget for the department and in that case the additional amount might meet a necessary temporary expense. In any event, the total amount for the department would not be increased. But I certainly do not think these men should be deprived of their pay when it is due. I have no interest in the assessors of the City of Boston, or in any particular two individuals, for example, who might be in my district, any more than I would have in others, my only interest being that anybody who is doing work for the city should get his honest pay at the proper time. I would not deprive any employee of his weekly or yearly salary. I cannot understand, therefore, why the order should not be passed.

CITY OF BOSTON.

Proceedings of City Council.

Monday, February 15, 1943.

Regular meeting of the City Council, in the Council Chamber, City Hall, at 2 p. m., President HANNON in the chair. Absent, Coun. Foster, Goode, Kelly, Langan, Linehan, Lyons, Wickes.

The meeting was opened with the salute to the Flag.

APPOINTMENTS BY THE MAYOR.

Subject to confirmation by the Council, the Mayor submitted the following appointments, viz.:

Weighers of Coal: Emily Louise Collins, 415 Main street, Everett, Mass.; Marion McGinnis, 29 John street, Chelsea, Mass.; Donald E. La-Crosse, 6 Lewis place, Roxbury, Mass.

Severally laid over a week under the law.

EXCESSIVE SPEEDS OF CERTAIN BUSES IN EAST BOSTON.

The following was received:

City of Boston,
Office of the Mayor, February 15, 1943.

To the City Council.

Gentlemen,—I transmit herewith communication from the Boston Police Commissioner relative to your order of January 18, regarding the taking of drastic steps to protect the lives and property of residents of East Boston by preventing out-of-town buses from travelling through that section at excessive rates of speed.

Respectfully,
MAURICE J. TOBIN, Mayor.

City of Boston,
Police Department, February 6, 1943.

William T. Doyle,

Chief Clerk, Mayor's Office.

Dear Sir,—In reply to your communication of January 20, inclosing City Council order of January 18, which reads as follows:

"Ordered, That the Police Commissioner be requested, through his Honor the Mayor, to take drastic steps to protect the lives and property of residents of East Boston by preventing out-of-town buses from travelling through that section at excessive rates of speed",—

please be advised that investigation has been made of this matter.

The commanding officer of Division 7, East Boston district, reports that there are no out-of-state buses operating through East Boston. Buses operate between Winthrop and East Boston, and buses of the Eastern Massachusetts Railway Company run from Boston, through the Summer Tunnel, and thence to Lynn and Salem.

Both day and night officers of Division 7 have been instructed to pay particular attention to buses operating through the district and if any were found to be violating the automobile laws to make prosecution.

Since the receipt of this complaint, officers have reported no violations, but the matter will continue to receive our close attention.

Very truly yours,

JOSEPH F. TIMELY,
Police Commissioner.

Placed on file.

TRANSFER FROM PARKMAN FUND INCOME.

The following was received:

City of Boston,
Office of the Mayor, February 15, 1943.

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 passage by your Honorable Body.

Respectfully,
MAURICE J. TOBIN, Mayor.

City of Boston,
Park Department, February 11, 1943.

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 1943, 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 1943, 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 Committee on Parks and Playgrounds.

SALE OF GATE VALVES.

The following was received:

City of Boston,
Office of the Mayor, February 15, 1943.
To the City Council.

Gentlemen,—I am in receipt of a communication from the Commissioner of Public Works, in which he requests authority to sell two 24-inch gate valves to the Federal Works Agency for \$1,160. The two valves are needed by the United States Navy Department, and will be transferred to that department by the Federal Works Agency.

These two valves are in addition to the three which your Honorable Body authorized to be sold during the month of January of this year. In view of the fact that these valves are urgently needed in the war effort, I recommend passage by your Honorable Body of the accompanying order.

Respectfully,
MAURICE J. TOBIN, Mayor.

City of Boston,
Public Works Department,
February 10, 1943.

Hon. Maurice J. Tobin,
Mayor of Boston.

Dear Mr. Mayor,—In accordance with an order of the City Council approved by your Honor on January 27, this department has sold to the Federal Works Agency, for the sum of \$1,635, three 24-inch Boston style gate valves, which were urgently needed for some important Government construction and which were no longer needed for use in the city's water system.

This office has received another request from the Federal Works Agency for the sale of two more of these valves, which this agency needs for the Navy Department. The Water Division has these valves in stock and they will not be further required for use by that division and may be sold to the Federal Works Agency for \$550 each.

I attach an order which I respectfully recommend be sent to the City Council for obtaining authority for the sale of these two valves for the sum of \$1,160.

Yours respectfully,
 GEORGE G. HYLAND,
 Commissioner of Public Works.

Ordered, That the Commissioner of Public Works be, and hereby is, authorized to sell to the United States Government, through the Federal Works Agency, for the sum of \$1,160, two 24-inch Boston style gate valves, which are no longer needed for use in the city's water system.

Referred to Executive Committee.

PETITIONS REFERRED.

The following petitions were received and referred to the committees named, viz.:

Claims.

Betty Baggs, for compensation for injuries caused by an alleged defect at Broadway and Shawmut avenue.

Margaret Barrett, for compensation for damage to fence at 14½ Shepherd avenue, Roxbury, caused by bulldozer.

John F. Clark, to be reimbursed as result of accident which occurred while in performance of duty.

Helena J. Crowley, for compensation for injuries caused by an alleged defect in Vernon street.

Katherine A. Dullea, for compensation for injuries caused by an alleged defect at 10 Magazine street.

Minot, Williams and Bangs, for compensation for damage to property at Washington and West streets, caused by break in water main.

Newburyport Five Cents Savings Bank, mortgage, for compensation for damage to property at 382-386 Newbury street, caused by defective water main.

Karl Bressler, for compensation for damage to car by city car.

Executive.

Petition of Ella V. Magner, to be paid annuity on account of death of her husband, John J. Magner, late member of Fire Department.

Petition of Mary Larson, to be paid an annuity on account of death of her husband, Andrew F. Larson, late member of the Fire Department.

PETITION GRANTED.

The petition of Harold B. Simpson for children to appear at Lee Auditorium on February 23 was received and granted.

APPOINTMENT OF LIBRARY TRUSTEE.

Notice was received of appointment by the Mayor of Abraham E. Pinanski as trustee of Public Library for term ending April 30, 1944, vice Louis E. Kirstein, deceased.

Placed on file.

ASSIGNMENT OF HEALTH INSPECTORS.

Notice was received from the Health Commissioner of assignment of inspectors of Sewer Division of Public Works Department to Health Department to assist in inspection work of Housing and Sanitary Division:

William Armstrong, John J. Dunneican, Richard Doyle, Joseph M. Buckley, Patrick T. McGann, John J. McNulty, George Gleavey, George Mitchell, John F. Mehan, Thomas Canfield, Leo A. Rull, James A. Santosuosso.

The notice was placed on file.

APPROVAL OF CONSTABLE'S BOND.

The constable's bond of Arnold Klevens, having been approved by the City Treasurer, was submitted. Approved by the City Council.

REPORT OF COMMITTEE ON HOSPITALS.

Coun. HURLEY, for the Committee on Hospitals, submitted the following:

1. Report on order (referred January 25) that Mayor instruct Hospital Trustees to consider only graduate nurses of the City Hospital for positions of Superintendent and Assistant Superintendent of Nurses when such vacancies occur — that same ought to pass.

Report accepted; said order passed.

2. Report on order (referred January 25) that Hospital Trustees make provision in their 1943 budget for increases for all employees under their jurisdiction — that same ought to pass.

Report accepted; said order passed.

3. Report on order (referred January 25) that Mayor consider advisability of appointing a member of organized labor to Board of Trustees of City Hospital when next vacancy occurs — that same ought to pass.

Report accepted; said order passed.

REPORT OF COMMITTEE ON PUBLIC SAFETY.

Coun. M. H. SULLIVAN, for the Committee on Public Safety, submitted the following:

1. Report on order (referred February 8) that Commissioner of Public Works insert clause in ash and garbage contracts prohibiting assignment of moneys received from said contract for any other purpose than to pay for work done under such contract during the current year — that same ought to pass.

Report accepted; said order passed.

2. Report on order (referred February 8) that Elevated restore southbound car stop before intersection of New Heath street and Columbus avenue — that same ought to pass.

Report accepted; said order passed.

REPORT OF COMMITTEE ON APPROPRIATIONS.

Coun. DWYER, for the Committee on Appropriations, submitted the following:

Report on message of the Mayor and order (referred February 1) appropriating \$60,000 from income of Cemetery Fund to be expended for Maintenance and Improvement, Cemetery Division — that same ought to pass.

Report accepted; said order passed, yeas 12, nays 0.

UNANIMOUS CONSENT REFUSED.

Coun. KINSELLA—Mr. President, I ask unanimous consent to make a statement.

President HANNON—Councilor KinSELLa asks unanimous consent to make a statement. Is there any objection?

Coun. TAYLOR objected.

INCREASED SALARIES FOR HEALTH DEPARTMENT NURSES.

Coun. HANLEY and D. F. SULLIVAN offered the following:

Ordered, That his Honor the Mayor consider the advisability of increasing the salaries of the Boston Health Department nurses, said increase to be incorporated in the special budgetary message that will be forthcoming from his Honor the Mayor.

Coun. HANLEY—Mr. President, I ask that that order be referred to the Executive Committee, so that we may allow a delegation of the nurses to inform the Council as to their wishes in regard to an increase in their salaries.

The order was referred to the Executive Committee.

APPROVAL OF SPEECH OF CONGRESSMAN CURLEY.

Coun. KINSELLA and FISH offered the following:

Resolved, That the Boston City Council, in meeting assembled, records its unanimous ap-

proval of the statements made in National Congress by the Hon. James M. Curley with regard to the "Aid to China Speech."

Coun. KINSELLA—Mr. President, some time last week, in his maiden speech in Congress, the Congressman from the Eleventh District of Massachusetts, the Hon. James M. Curley, recounted the terms of the Lease-Lend bill, and during the course of his remarks he pointed out to the American people the fact that out of several thousands of shiploads of goods sent to our allies under the Lease-Lend program, only fifty-seven boatloads had been sent to China, the rest being sent to England and other allies. Of course, we all recall that China has been doing a wonderful work in resisting Jap invasion since 1937, in spite of the fact that the newspapers are constantly telling us of the toughness of the Japanese as a foe. We can readily imagine how much we owe to the fact that the Chinese have softened up the Japanese considerably for those of our boys who are now engaged in conflict with them, and I believe, as does Congressman Curley, that the United States of America owes to the Chinese a debt of gratitude that we can hardly repay because of the wonderful resistance that they have been putting up. We should certainly do all that we can to aid and to be helpful to them, and I feel, under the circumstances, that the fifty-seven boatloads of material that we have sent to them cannot be considered a fair amount out of the thousands of shiploads of goods that have been sent abroad to our other allies. They have done wonderful work in resisting the forces of Japanese barbarism, and I believe it should be the duty of those in the national Congress to correct at once this situation. I need not call to your attention the fact that the Chinese nation, of 400,000,000-odd people, have put up a splendid fight in the face of overwhelming military superiority, and I believe it is our duty to give more favorable and generous attention to shipping to the Chinese a much greater amount of material.

The order was passed under suspension of the rule.

MEMBERSHIP OF COUNCIL COMMITTEES.

Coun. FISH offered the following:

Ordered, That on each regular and special committee which includes in its membership one or more members of the Council who are in the military or naval service of the United States the President be hereby authorized to appoint additional members equal in each case to the number of members of the committee who are in the service.

Coun. FISH—Mr. President, there has been considerable trouble on the Finance Committee and other committees because of the fact that men in the military service who are members of the committees cannot be present at the meetings. This order, if approved by the Body, will give the authority, Mr. President, to appoint another man to serve on the committee where there is such trouble from absences on account of our members being in the military service. Of course, this would not take away at all from the rights of a service man to be on a committee if he finds it possible to be there.

The order was referred to the Committee on Rules.

SERVICES OF HON. JOSEPH B. KENNEDY.

Coun. FISH offered the following:

Ordered, That the Boston City Council, in meeting assembled, petition the President of the United States to invite and accept the services in some advisory capacity of Hon. Joseph B. Kennedy, former Chairman of Securities Exchange Commission, former Chairman of the United States Maritime Commission, and former Ambassador to Court of St. James.

Coun. FISH—Mr. President, I don't think I could, in the very few words I shall have to say, even attempt to do justice to a great man like Joe Kennedy. We all know that he is a versatile man, who can serve in any capacity in which he is asked to serve. He was former Chairman of the Securities Exchange Commission, former Chairman of the United States Maritime Commission, and former Ambassador to the Court of St. James, and he has several sons now in the service. I think that he, because of his versatility, could serve in any capacity to which the President could

assign him. While I do not in any way intend to criticize those who may represent various civilian organizations in this country and who are doing just as well as they can do, I sincerely believe that Joe Kennedy is one of the smartest men in the nation, and for that reason I would like to see him serve in a responsible way on one of these civilian defense organizations, whatever they may be called, in an advisory capacity to the administration.

The order was passed under suspension of the rule.

LETTER OF HENRY F. LONG RE WAR FUND CONTRIBUTIONS.

Coun. KINSELLA offered the following:

Ordered, That his Honor the Mayor seek of the Governor of the Commonwealth some explanation of the letter of February 9, 1943, signed by Henry F. Long, relative to contributions to the United War Fund.

Coun. KINSELLA—Mr. President, two weeks ago today I rose to my feet and objected to what I called the bludgeoning tactics of certain people in public office with regard to bringing pressure to bear on men in their departments. One week later this letter [*holding up letter*] came into my possession. It undoubtedly emanates from the State Department of Corporations and Taxation, perhaps not bearing precisely his signature, but it certainly must have been written with his knowledge and sanction. From this point on I will read the letter.

"Commonwealth of Massachusetts,
Department of Corporations and Taxation,
State House, Boston, Mass.,
February 9, 1943.

"Last week I wrote calling to your attention our requirements for a War Fund. We have a very definite quota. Most have paid the quota at a great deal of sacrifice. You have not. If one like yourself does not pay the full quota, we either are behind the requirements, or some one else has to make up the difference. I am not going to be a party to asking some one else to pay the proportionate part you should pay in order to make the quota.

"The quota has been carefully gone over, and there is no other possible way of getting it. There can be argument here, there and elsewhere as to what you are obligated to do and why it is discomforting for you in respect to reaching your quota, but unless you can get some one else in the department to pay your proportionate part of the quota it is suggested that you make arrangements to fill the quota so that Mr. Hennigan will have a 100 per cent record. The time has gone in which argument can be had or in which discussion of the general underlying principles can be engaged in. The facts are perfectly clear, and I am going to take it as an indication of lack of loyalty to the Department of Corporations and Taxation if you refuse upon receipt of this letter to fulfill your requirement either by sending a pledge or a cash subscription to Mr. Hennigan."

At this point let me stop for one moment to say that the next paragraph deals with the real idea of this letter. I will now read the last paragraph of the letter.

"I have ways of dealing with people who are not loyal to the department and what it is obligated to do. The opportunity is not very far distant since the question of compensation and assignment to work is always constantly before me.

"It is not pleasing to me that I have to write you in this way. It would be much more pleasing if I had money enough myself so that I could subscribe what you feel you are unable to give. I know of the sacrifice that many people have made, and I am perfectly certain that I am correct in saying that your circumstances are not nearly so bad as some of the others, and that you can do this. In any event, you should make a pledge. As to whether you can pay it or not, subsequent developments will determine. If you cannot make payment now, give a pledge to Mr. Hennigan, and if later funds are not made available to you in order to make payment, then perhaps some adjustment can be made, but it is surely not my purpose to make additional compensation available to you unless you are willing to go along with the department so that it will meet the level of what the other departments are doing."

I think none of us will fail to grasp the significance of that,—“It is surely not my purpose to make additional compensation available to you unless you are willing to go along with the department so that it will meet the level of what the other departments are doing. You should communicate immediately with Mr. Hennigan upon receipt of this letter.”

Cordially yours,
HENRY F. LONG,
Commissioner of Corporations and Taxation.”

I don't say that Mr. Long wrote that letter. I am not sufficiently conversant with his handwriting. But I do say that it is on the stationery of the Commissioner of Corporations and Taxation, and no one would dare indite his signature unless he had authority to do so. That statement gives the lie to critics of mine who have said that no one would dare to send out such a letter. The burden of proof is no longer upon me. It is upon the author of that letter which says that “it is not my purpose to make additional compensation available to you unless you are willing to go along with the department. In any event you should make a pledge. As to whether you can pay it or not, subsequent developments will determine. If you cannot make payment now, give a pledge to Mr. Hennigan and if later funds are not made available to you in order to make payment, then perhaps some adjustment can be made. But it is surely not my purpose to make additional compensation available to you unless you are willing to go along with the department so that it will meet the level of what the other departments are doing.”

“I have ways of dealing with people who are not loyal to the department and what it is obligated to do. The opportunity is not very far distant, since the question of compensation and assignment to work is always constantly before me.”

You can interpret that to your own satisfaction.
Coun. HANLEY—Mr. President, for the past four years I have been associated with the Greater Boston Community War Fund, and during that time I have had opportunities to speak on various platforms, asking the people to give subscriptions or pledges voluntarily in order to alleviate sorrow, misery and suffering, and during that time everybody has been instructed not to use intimidation or coercion. It seems to me, therefore, that the letter that Councilor Kinsella has now read, under the pen name of Henry F. Long, is an insult to the intelligence of the entire population of Greater Boston. At no time has any man, high or low, in connection with the Greater Boston Community War Fund, attempted or approved of coercion of any individuals or any group of individuals in public or private life, or has taken it upon himself to exercise such coercion upon his subordinates. Nothing of the sort has certainly happened within my organization, and I commend Councilor Kinsella for bringing this matter to the attention of the Council members. Certainly no man, executive or otherwise, has any right or power under our democratic processes of law to thus intimidate any man who may be placed under him, within the confines of the United States of America.

President HANNON—The Chair will refer the matter to the Committee on Rules.

APPROVAL OF HOUSE BILL 1156.

Coun. D. F. SULLIVAN and HANLEY offered the following:

Resolved, That the City Council of Boston, in meeting assembled, hereby approves the enactment of legislation known as House Bill 1156 for a study to be made by the State Planning Board and the Transit Department of the City of Boston for the removal of the “El” structure between the southerly entrance of the Washington Street Tunnel and Forest Hills Station and the cost of a tunnel, subway or any other means of rapid transit as would be an adequate substitute for the “El” structure.

Referred to Committee on Legislative Matters.

THE NEXT MEETING.

Coun. HURLEY—Mr. President, I move that when the Council adjourns, it be for two weeks,

meeting again a week from next Monday, on account of next Monday being Washington's Birthday.

The motion was declared carried.

FINANCE COMMITTEE REPORTS.

Coun. HANLEY, for the Committee on Finance, submitted the following:

1. Report on message of Mayor and order (referred January 4) for \$146,613.84 for sewerage works—recommending that the order ought to pass. The report was accepted, and the order was passed, yeas 13, nays 0.

2. Report on communication and loan order from the Mayor (referred January 4) requesting appropriation of \$1,000,000 for construction of sewerage works—recommending passage of accompanying new draft, viz.:

Ordered, That under the provisions of section 1 of chapter 178 of the Acts of 1930, and section 5 of chapter 224 of the Acts of 1936, the sum of \$500,000 be, and the same hereby is, appropriated, to be expended, under the direction of the Commissioner of Public Works, for the construction of sewerage works, and that to meet this expense 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.

The report was declared accepted. Coun. SCANNELL doubted the vote, and a rising vote was taken, 10 to 2 in favor of accepting the report. The question then came on the adoption of the amendment recommended by the committee for \$500,000 rather than \$1,000,000.

Coun. SCANNELL—Mr. President, the reason why I voted against the acceptance of the report of the committee is this, that I want an explanation from the committee or the chairman of that committee as to why a loan order providing for a loan of \$1,000,000 has been cut to \$500,000. There seems to be something wrong with this, because if they do cut this appropriation of one million dollars, there will be ten cents added to the tax rate for 1944. I understand that this money is for salaries of city employees, and I also understand that next year the Mayor will come back for another \$500,000 loan order, which would add another ten cents to the tax rate. I would certainly like an explanation from the chairman of the Finance Committee as to why the million dollar loan order was cut to \$500,000.

Coun. TAYLOR—Mr. President, I was not present at the meeting of the Finance Committee, but it is rather surprising to me that the million dollar loan order for such an important purpose as for sewerage service should be cut down to \$500,000. I don't know whether any evidence was submitted to the committee to show that an appropriation order of one million dollars can be cut down and carried out to the extent of \$500,000. It seems to me, from the extremely drastic cut, that it would cause an almost impossible situation. We are either going to have the work done, or we are not going to have it done. If we don't have the work done, there is no question but what it is going to be detrimental to the health of the people of Boston. If we are going to have the work done, it seems to me that we should vote the whole amount. I don't believe the administration, on the matter of a loan of this kind, should act too hastily in cutting down this one million dollars. I read an article in a newspaper a short time ago showing that a certain organization had called upon the Mayor to reduce the indebtedness of this city many, many millions. So, if the Mayor in his wisdom, feels that we ought to have one million dollars in order to furnish the public services required in this matter, and he is having welfare cut down and other loan orders cut down, to the extent of millions, he must feel, in view of the fact that he is acting in good faith, that he is doing so for the public good. But I don't believe the members of the Council have the information at hand. I certainly believe that before we do vote to reduce the amount here the Council should be given information, either here or in the Executive Committee, as to the reason why this amount should be cut from one million dollars to \$500,000.

Coun. M. H. SULLIVAN—Mr. President, I am against the proposed reduction of the loan order, not only from the economic standpoint, although that enters into the discussion, but on general practical principles. We all know in our districts

the need for the appropriation of money for this purpose. Of course, we all feel that we should do what we can to improve such conditions in the districts we represent. There are many needed improvements, and I for one believe that the \$1,000,000 provision should be adopted. I don't believe any man in this Body wants to go back to his constituents in the future and ring door bells next November, stating to the people that as a member of this Body he was against a loan order for \$1,000,000, when he knew that such an amount was necessary in order to properly take care of our streets. I know that in my ward as well as in other wards of the city there are a number of unaccepted streets, and I don't want my constituents coming to me and saying, "Why didn't you vote for \$1,000,000 for this purpose this year, when such and such streets in the ward have not been improved?" So I say that it is not only a political question, but it is something that is of the greatest concern to the people whom we all represent. It is also true that if you do not raise the money this year, but have to come in again another year, there will be the ten cents still to be put on to the tax rate, because if you simply pass \$500,000 for this year, that will add to the tax rate, and in another year you will again have ten cents. So it doesn't help the taxpayer in that respect, besides the fact that the taxpayer wants to see his district improved. I am, therefore, opposed to the reduction in this loan order.

Coun. DWYER—Mr. President, half an hour ago the chairman of the Committee on Finance telephoned that he was unable to get here today, being stuck out of town, sick, and asking to have the second ranking member of the committee file this order for him as the report of the committee. I attended the hearings before the Committee on Finance on this order, and the Public Works Commissioner appeared on two occasions. The second time he had the head of the Sewer Division with him. Mr. President, on January 1st of this year the Sewer Division had a balance of \$78,000-odd. The Council has just voted \$146,600 to the Sewer Division, and this report of the Committee on Finance recommends a loan of half a million dollars. If they get this half-million-dollar loan, with the \$78,000-odd that they had on January 1st and the \$146,600 that you have just given them, that will amount to \$725,000 that they will have to spend this year. Last year Commissioner Hyland did expend \$80,000 for sewerage works, a bare \$80,000, Mr. President, and when he was asked at the first hearing how much money he needed to spend this year he thought he might do \$75,000 of work. His pay roll for 1943 was \$289,000, coming out of the loan. In 1944 he proposes to take \$289,000 out of the loan. If my figures are correct, that makes \$578,000. He proposes to do \$40,000 of work in 1943 and \$60,000 in 1944, coming out of the loan. That makes \$100,000, the \$40,000 and the \$60,000. He proposes to do new sewer work in the next two years. So there is \$578,000 of salaries to come out of this loan in 1943 and 1944, and \$100,000 for proposed work, making \$678,000 that he is to spend. This money he has on hand. He admits that he has \$34,000-odd available from last year. We gave him \$146,613.84, and if he has half a million dollars more that makes \$680,613.84 that he has available to pay his salaries. The proposed work costs \$678,000, leaving a balance of practically \$3,000. The Commissioner has himself admitted that if he had this \$500,000 he would have more than enough to take care of his salaries and the proposed work. This is the first time \$1,000,000 has ever been asked for in one year in the last seven years, and the figures show that he does not need it. The figures I have given show the amount that the Public Works Department has to operate under and make it clear that the million dollars is not needed. It is also a fact that money from the A item is being used in other departments to pay contractors. That is also being done in this department. So I hope, Mr. President, that this matter will be referred to the Executive Committee and that we send for and have before us in committee the facts and figures before we vote upon the matter. I move reference to the Executive Committee.

Coun. RUSSO—Mr. President, before speaking on the motion I would like to refer to a matter of public record, what Councilor Dwyer has just stated. I happened to be in the Finance Committee meeting, although not a member of the

committee, and I am only wondering about one thing, which I would like to get squarely settled in my mind.

Coun. HURLEY—Mr. President, I rise to a point of order. Hasn't that matter been referred to the Executive Committee?

President HANNON—Yes, and I hope the brother will be brief in his remarks, which I have allowed as a matter of courtesy, because the matter has gone to the Executive Committee.

Coun. HURLEY—Mr. President, I had intended to speak on the matter, but the motion to refer was made and was carried, and so I did not speak.

President HANNON—Well, of course, I tried to be fair with everybody. But I trust that the gentleman from Ward 3 (Coun. Russo) will be brief.

Coun. RUSSO—Mr. President, I shall be as brief as I can. I have been wondering in this case whether it is advisable to take steps which will add another ten cents to the tax rate. I realize, of course, that under a loan order which makes a loan of a million dollars, we will say, for thirty years, at one and a half or two per cent, whatever it is, we have to pay the interest and principal during those thirty years, until the loan has been wiped out, and I am only wondering how far we should go on these matters, having always in mind keeping the expense to the city of these loan orders as low as possible. Let us look into it further. I certainly believe that even the payment of an extra ten cents on the tax levy this year, or next year, is much better than to have a loan to run thirty years.

Coun. FISH—Mr. President, on the matter of reference to the Executive Committee, as all the members of the Body cannot be present, I would like to know whether we have to act on this before the sixty days elapse?

President HANNON—I am informed that the time will elapse on March 5.

Coun. FISH—How many votes are required?

President HANNON—Fifteen votes.

Coun. DWYER—Mr. President, I withdraw my motion to refer to the Executive Committee.

Coun. TAYLOR—Mr. President, I object to the withdrawal.

President HANNON—Councilor Taylor objecting to the withdrawal of the motion, the motion stands.

The matter was referred to the Executive Committee.

CONFIRMATION OF EXECUTIVE APPOINTMENTS.

President HANNON, under unfinished business, called up Nos. 2 and 3 on the calendar, viz.:

2. Action on appointments submitted by the Mayor, February 8, 1943, of Thomas F. McCready to be a Constable without authority to serve civil process and to serve without bond.

3. Action on appointments submitted by the Mayor, February 8, 1943, of John E. Smith, Walter H. McDermott, Swen Swenson, to be Weighers of Coal; and John E. Smith, to be a Weigher of Goods.

The question came on confirmation. Committee, Coun. Hanley and Taylor. Whole number of ballots 14, yes 14, no 0, and the appointments were confirmed.

VICTORY GARDENS IN FRANKLIN PARK.

Coun. HANLEY and D. F. SULLIVAN offered the following:

Ordered, That his Honor the Mayor request the Park Commissioner to allocate, plow and harrow a portion of Franklin Park for "Victory Gardens," said portion to be used by the school children in planting vegetables; and be it further

Ordered, That his Honor the Mayor request the United States Department of Agriculture for a gift of vegetable seeds to be distributed to the above school children. (This allocation of Franklin Park ground shall be only for the emergency.)

Coun. HANLEY—Mr. President, this is only asked for during the emergency. Throughout the entire length and breadth of the country these gardens are being carried on, and I believe it would be a good thing to allocate for this purpose a part of the land in Franklin Park, which contains some of the finest farming land on the New England coast, and I believe it is most fitting and proper at this time that we should go on record as favoring such action, asking his Honor the Mayor

to request the Park Commissioner to allocate, plow and harrow a portion of Franklin Park for Victory Gardens, to be used by the school children in planting vegetables, and also request the United States Department of Agriculture for a gift of vegetable seeds to be distributed to the school children. They, of course, can later harvest their crop and utilize them for the good of the district.

The order was referred to the Committee on Parks and Playgrounds.

ACCEPTANCE OF BUILDING LAW CODIFICATION.

Coun. MUCHNICK 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, be, and hereby is, accepted.

Referred to the Committee on Building Code.

SUSPENSION OF RULE 33, POLICE DEPARTMENT.

Coun. MUCHNICK offered the following:

Ordered, That the Police Commissioner be requested, through his Honor the Mayor, to suspend for the duration of the present emergency Rule 33, section 3, of the Rules and Regulations of the Police Department, namely:

"A member of the force shall devote his whole time and attention to the service of the department, and he is expressly forbidden to follow any private calling; to engage in any other business or to acquire or retain a financial interest in any occupation or business licensed by the licensing board of police commissioner."

Coun. MUCHNICK—Mr. President, I have spoken with many policemen of varying ranks, who have favored the introduction of this order. In view of the current rate of pay that is received by policemen, they have found it imperative, in view of present living conditions, in order to meet their obligations and try to keep somewhat near to their standard of living, to do outside work when the opportunity offers and when they are able to engage in it. That is, these men on their day off or when they do have time off wish an opportunity to do such jobs as driving cabs or acting as watchmen, in order to earn enough money to support their families in a proper way. Under the circumstances, it seems to me it would be a wise thing to have the rule referred to suspended in this city, as has been done in other places, in order to afford this opportunity to these men. Therefore, I ask a suspension of the rule so that the order may pass at this time. It is in line with what is being done in other cities.

Coun. COFFEY—Mr. President, I wonder if the councilor would be willing that that order be amended so as to apply to all city employees. I would like to have it amended so as to include all city departments.

President HANNON—The proposed amendment would go beyond the scope of the order.

Coun. COFFEY—Mr. President, I would just like to explain my stand. I know of several city employees to whom I believe such consideration should be shown, giving them an opportunity to do outside work at times when the heads of the city departments have no control over them. I think it would be well, therefore, to adopt an amendment so that the order will take care of all city departments.

President HANNON—The Chair thinks that that should be the subject of a separate order.

The order was passed under suspension of the rule.

REPORT OF COMMITTEE ON LEGISLATIVE MATTERS.

Coun. CHASE, for the Committee on Legislative Matters, submitted the following:

Report on resolution (referred February 8) commending actions of President Roosevelt and urging Congress to bestow Congressional Medal of Honor on him — that same ought to pass.

Report accepted; resolution adopted.

COLLECTION OF OIL COUPONS.

Coun. HANLEY, for Coun. FOSTER, offered the following:

Ordered, That his Honor the Mayor be requested to confer with the O. P. A. officials in Boston in an effort to put an immediate stop to the practice of gasoline station operators and oil dealers in collecting coupons valued at nine gallons each from customers who purchase range oil in five-gallon lots.

The following statement, prepared by Coun. FOSTER, was submitted by Coun. HANLEY:

Coun. FOSTER—Mr. President, it has been the practice of certain unscrupulous gasoline station operators and oil dealers in the West End section of Boston to collect nine-gallon coupons from customers who purchase range oil in five-gallon lots without giving them any receipt or voucher which might be good for the difference of four gallons at a later date. When the customers complain they are told that they are lucky to get the oil and shouldn't squawk. Now, Mr. President, you don't have to be a mathematician to figure that for each 1,000 gallons of range oil sold, the gasoline station operators and oil dealers collect coupons valued at from 1,500 to 1,800 gallons. With the reduction in the amount of fuel oil allowed when the coupons were first issued, together with the subsequent reduction in the unit value of the coupons, a very serious situation will be created later on when these unfortunate consumers find that they will be unable to get any range oil, not because of the oil shortage, but because all of their coupons will have been used. I feel that something should be done immediately to stop this practice and hope that my order will be passed under a suspension of the rule.

The order was passed under suspension of the rule.

RECESS.

On motion of Coun. FISH the Council voted to take a recess at 3.40 p. m. The members reassembled and were called to order by President HANNON at 5.10 p. m.

EXECUTIVE COMMITTEE REPORTS.

Coun. TAYLOR, for the Executive Committee, submitted the following:

1. Report on order (referred today) that salaries of Boston Health Department nurses be increased—recommending passage of order in new draft, viz.:

Ordered, That his Honor the Mayor be requested to direct the Manpower Commission to make an immediate study of the salaries paid to the nurses in the Health Department of the City of Boston with a view to increasing said salaries at least to the level paid by the School Committee to School Department nurses.

The report was accepted and the order was passed.

2. Report on order (referred today) authorizing Commissioner of Public Works to sell to United States Government, for sum of \$1,160, two 24-inch Boston style gate valves—that same ought to pass.

Report accepted; order passed.

3. Report on order (referred today from Finance Committee) for loan order of \$500,000 for sewerage works—that same ought to pass.

The report was accepted.

Coun. TAYLOR—Mr. President, I doubt the presence of a quorum.

Coun. D. F. SULLIVAN—Mr. President, I move, when we adjourn, through lack of a quorum, that we decide upon the time of our next meeting.

President HANNON—The doubting of a quorum takes precedence.

Coun. D. F. SULLIVAN—Mr. President, referring to our rules, I would rise to a point of order.

President HANNON—What is the point of order?

Coun. D. F. SULLIVAN—Mr. President, I believe that under our rules when the question of a quorum is raised, a motion to adjourn to a specified time may be entertained before adjournment.

President HANNON—The Council has already voted to meet two weeks from today. However, I will say for the information of the Council that the President can call a special meeting at any time, and that the President is going to avail

himself of that power in case we adjourn for lack of a quorum, because the members of the Body are expected to attend to their duties and should perform their duties.

Coun. COFFEY—Mr. President, that is enough for me.

President HANNON—The presence of a quorum is doubted, and that is the question before the house.

Coun. FISH—Mr. President, we have already acted on a couple of orders before the doubting of a quorum was raised. Shouldn't the quorum have been doubted before acting upon those orders?

President HANNON—The business of the Council can be continued up to the point where a quorum is doubted, even if a quorum is not present.

Coun. HANLEY—Mr. President, I rise to a point of information. I realize that the question of a quorum or a motion to adjourn takes precedence of anything before the house, but I think under the circumstances the member owes it as a courtesy to his brother members of the Council to withdraw his motion.

Coun. COFFEY—Mr. President, I would ask the gentleman to withdraw his motion until we have acted on the very important matter before us.

Coun. FISH—Mr. President, I also would join with the other members of the Council in asking the withdrawal of the motion, particularly in view of the fact that we have already passed upon two orders since we came together after the recess.

President HANNON—The only matter before the Body is the doubting of a quorum.

Coun. COFFEY—Mr. President, if I should offer a motion, will it take precedence of that?

President HANNON—No. No motion is in order.

Coun. COFFEY—No motion to reconsider the postponement for two weeks?

President HANNON—That is out of order, under the circumstances.

Coun. COFFEY—Another question, Mr. President. Can I ask a reconsideration of the vote that our next meeting shall take place two weeks from today?

President HANNON—No, not now, until the question of a quorum is decided.

Coun. D. F. SULLIVAN—Mr. President, I rise to a point of information. I would like to have the clerk read the rule relative to this matter.

(The rule on "Quorum," Rule 1-A, was read, as follows:

"A quorum of the City Council shall consist of twelve members. If, at the time any meeting is called to order, or during a meeting, on a vote of the adoption of a motion or order, or on a point of order raised by a member, a roll call shows less than a quorum present, the President shall declare the meeting adjourned; provided, however, before adjournment is declared, he may entertain a motion to adjourn to a specified time and said motion may be adopted by a majority vote of the members then present, and a meeting held in accordance therewith, if otherwise valid, shall be a legal meeting of the City Council.")

Coun. D. F. SULLIVAN—Mr. President, due to the fact that there was a motion passed earlier in the meeting to adjourn for two weeks, is it in order now to make a motion that when we adjourn now it be until two o'clock Wednesday afternoon?

President HANNON—Not until the question of the absence of a quorum has been disposed of.

Coun. D. F. SULLIVAN—Mr. President, the Chair rules that when a quorum is doubted, and it is found that a quorum is not present, the Council automatically adjourns, and that no further motion will be accepted?

President HANNON—The Chair will rule that, according to the language of the rule, "provided, however, before adjournment is declared, he may entertain a motion to adjourn to a specified time," if it should be decided that a quorum is not present a motion will be entertained to adjourn to a specified time.

Coun. KINSELLA—Mr. President, I rise to a point of information.

President HANNON—The gentleman will state his point of information.

Coun. KINSELLA—Mr. President, if it is found that a quorum is absolutely lacking, I would ask how the lack of a quorum affects the action taken on two orders that were acted upon after we came back from our recess?

President HANNON—A quorum is not absent until the question has been raised, and it has been decided that a quorum is not present. Up to that time the business done by the Body is valid.

Coun. RUSSO—Mr. President, I rise to a point of information. Did I understand you correctly to say that you will call a special meeting?

President HANNON—The Chair will, if it is decided that a quorum is not present, and before the declaration of adjournment is made, under the rule that has been quoted, entertain a motion which will provide for the time of our next meeting.

Coun. COFFEY—Mr. President, I wish to make a motion.

President HANNON—No motion is in order at this time. The Chair must decide the question of a quorum, and if it is found that no quorum is present, it devolves upon the Chair to accept a motion that when we adjourn it be to a specified time. The Chair will then entertain such a motion.

Coun. COFFEY—Can I make a motion now?

President HANNON—No. The question now is the absence of a quorum, and the clerk will call the roll.

The clerk called the roll, showing that the following members were present: Coun. Carey, Coffey, Dwyer, Fish, Hanley, Hannon, Kinsella, Russo, Scannell, D. F. Sullivan, Taylor—11.

President HANNON—Only eleven members being present, there is not a quorum, but before declaring adjournment, the Chair will entertain a motion that we adjourn to a specified time.

Coun. TAYLOR—Mr. President, I rise to a point of order. I raise the question that we ought to have a quorum here in order to transact any business.

President HANNON—The Chair has already made a decision, and the rule has been read.

Coun. TAYLOR—Mr. President, on the question of entertaining further business, I contend that to do so after the absence of a quorum has been declared is contrary to the provisions of our charter, regardless of our rules or otherwise. I contend that it is against the provisions of the charter.

President HANNON—The Chair is simply interpreting the rules of the Body, which seem clear in this matter. The rule declares that when it has been decided that a quorum is not present, the Chair may entertain a motion to adjourn to a specified time and that said motion may be adopted by a majority vote of the members then present. Under that rule, it seems clear that the Chair may entertain a motion to adjourn to a specified time, and the Chair will so rule.

Coun. TAYLOR—Mr. President, while our rules may state the action to be taken pertaining to adjournment of a meeting, nevertheless, I believe what is here attempted is specifically against the provisions of our charter. I trust, therefore, that the President will consult the charter before he renders any decision in the matter.

President HANNON—While the Chair gives full credence to the councilor's statement, the Chair has no reason for believing that our rules in any way contradict the City Charter.

Coun. D. F. SULLIVAN—Mr. President, may I ask, through you, who drew up the rules governing the City Council?

President HANNON—I am advised that the present rules of the Council are the result of the experience of many previous City Councils.

Coun. D. F. SULLIVAN—One more question, Mr. President. Has any legal advice been given to the members of the previous year in regard to rules and regulations of the City Charter?

President HANNON—Answering the brother from Ward 9, the Chair would advise that any committee needing legal advice would undoubtedly get that advice.

Coun. COFFEY—Mr. President, am I allowed now to move a reconsideration of the vote we have already taken on adjournment?

President HANNON—I don't think any reconsideration is needed. A motion may be made to meet a week from tomorrow at 2 p. m., or on any day that the Council wishes.

Coun. TAYLOR—Mr. President, I would like to know whether or not any rules for 1943 have been accepted or adopted by the Council?

President HANNON—The Chair rules that none have been accepted, but that up to the present time we have been proceeding under the rules of 1942, as has always been done in a succeeding year, until rules for the year are adopted.

The Chair is also advised by the City Clerk that the rules of 1942, as adopted by the Council, were adopted for two years, unless otherwise ordered by the Council.

Coun. FISH—Mr. President.

President HANNON—The question is on adjourning to meet a week from tomorrow at 2 p. m.

Coun. FISH—Mr. President, would that give sufficient time to pass on the two orders that we have had before us, which require, I understand, a lapse of two weeks between votes?

President HANNON—Not on the original order, but plenty of time on the \$500,000.

Coun. FISH—What about the original order?

President HANNON—That must be rejected. If not rejected before March 5, it automatically becomes law.

Coun. FISH—How many votes are required to reject the order?

President HANNON—Any vote less than the fifteen required to pass it.

Coun. FISH—Mr. President, I move ———

President HANNON—The only motion that can be entertained at this time is a motion to adjourn to a specific time.

Coun. FISH—Mr. President, I would like to amend the motion to adjourn to have a special meeting, possibly on Wednesday of this week.

Coun. COFFEY—Mr. President, I withdraw my motion.

Coun. TAYLOR—Mr. President, do I understand that we cannot have a motion from the floor until we have had reconsideration?

President HANNON—Reconsideration of what?

Coun. TAYLOR—Reconsideration of our previous motion to adjourn to two weeks from today.

President HANNON—No other motion is in order until we have settled the question before us.

Coun. TAYLOR—Mr. President, I rise to a point of order. I understand that when we adjourn today we adjourn until two weeks from today?

President HANNON—The question before us is the question of a lack of quorum, and that is the question that must first be settled. Then, under the rule which has been read, the Chair will allow a motion to adjourn to a specific time. That under the rule is the proper procedure.

Coun. FISH—Do I understand that it is the right of the Chair to call a meeting for Wednesday of this week?

President HANNON—The Chair would rather have the motion to adjourn to a specific time come from the floor.

Coun. COFFEY—Then, Mr. President, I move that we meet on Wednesday of this week at 2 p. m.

Coun. TAYLOR—Mr. President, I rise to a point of order—whether we have a right to meet on a special day other than the regular day?

President HANNON—The rule says that the Council shall meet on Monday unless otherwise ordered.

Coun. SCANNELL—Mr. President, I rise to a point of order. Can't an order supersede the rule?

President HANNON—The Chair has already ruled on that.

Coun. TAYLOR—Mr. President, do I understand that an order now to adjourn to an earlier date does not conflict with the previous order to adjourn to a week from Monday?

President HANNON—The Chair has stated the situation. The question now comes on the motion to adjourn to Wednesday at 2 p. m.

The motion to adjourn to Wednesday at 2 p. m. was declared carried. Coun. TAYLOR doubted the vote and asked for a roll call.

President HANNON—We will first solve the doubt by a rising vote.

The Council stood divided, 9 to 2, and the motion that the Council adjourn to Wednesday, February 17, 1943, at 2 p. m., was declared carried.

Coun. TAYLOR further doubted the vote and asked for the yeas and nays.

The clerk called the roll, and the motion that the Council adjourn to Wednesday, February 17, 1943, at 2 p. m. was carried, yeas 9, nays 2:

Yeas—Coun. Carey, Coffey, Dwyer, Fish, Hanley, Hannon, Kinsella, Russo, D. F. Sullivan—9.

Nays—Coun. Scannell, Taylor—2.

Adjourned at 5.25 p. m. to meet on Wednesday, February 17, 1943, at 2 p. m.

CITY OF BOSTON.

Proceedings of City Council.

SPECIAL MEETING.

Wednesday, February 17, 1943.

Adjourned regular meeting of the City Council in the Council Chamber, City Hall, at 2 p. m., President HANNON in the chair.

The meeting was opened with the salute to the Flag.

President HANNON—The hour to which the Council adjourned having arrived, the Council will be in order. The clerk will call the roll to ascertain the attendance of a quorum.

The clerk called the roll, with the following result:

Present: Coun. Carey, Chase, Coffey, Dwyer, Fish, Hanley, Hannon, Kelly, Russo, D. F. Sullivan.

President HANNON—Ten members being present, or less than a quorum —

Coun. FISH—Mr. President, before you decide to adjourn because we lack a quorum, I merely want to say that there are two matters before us today that are very important to the people. One is the million dollar sewer loan, and the other is the question of a deficiency in the pay roll of the Assessing Department. I want to ask if you will not grant a delay of ten or fifteen minutes before announcing the result of the roll call, to see if we cannot get a quorum.

President HANNON—The Chair will not announce the result of the roll call for another ten or fifteen minutes.

After the delay stated, the President said:

The Chair will now announce the result of the roll call. There being but ten members, or less than a quorum present, the Chair will declare the Council adjourned to a week from next Monday, March 1, at 2 p. m. The Chair wishes to thank those members who did show up.

Adjourned at 2.54 p. m., to Monday, March 1, 1943, at 2 p. m.

CITY OF BOSTON.

Proceedings of City Council.

Wednesday, February 24, 1943.

Special meeting of the City Council in the Council Chamber, City Hall, at 1 p. m., pursuant to the following call:

City of Boston,

City Council, February 23, 1943.

Sir,—You are hereby requested to attend a special meeting of the City Council to be held in the City Council Chamber on Wednesday, February 24, 1943, at one o'clock p. m.

The purpose of said meeting is to take action on the budget appropriation for salaries in the Assessing and Park Departments, and to take action on such other business as may come before the City Council.

Respectfully,
THOMAS J. HANNON, JR.,
President.

The call was placed on file.

By direction of the President, the clerk called the roll and the following members responded: Coun. Carey, Chase, Coffey, Dwyer, Fish, Hannon, Kelly, Kinsella, Muchnick, Russo, D. F. Sullivan.

Coun. KELLY—Mr. President, I move that we adjourn.

President HANNON—The Chair has not announced the result of the roll call. The Chair understands that there are members on the way and will suspend calling the meeting to order until 1.40 p. m.

At 1.40 p. m. Coun. M. H. Sullivan entered the chamber and President HANNON rapped to order and said:

Gentlemen, there is a quorum present. The Council will rise and now salute the Flag.

The meeting was opened with the salute to the Flag.

Coun. M. H. SULLIVAN—Mr. President, I rise to a point of order. Of course, the presence of a quorum is necessary for a meeting of the Body, and there is some question about this meeting, anyway.

President HANNON—The clerk will read the call for the special meeting.

(The clerk read the call, as appears above.)

Coun. M. H. SULLIVAN—Mr. President, I doubt the presence of a quorum.

Coun. KINSELLA—Mr. President.

President HANNON—No debate is in order at this time. The clerk will call the roll to ascertain the presence of a quorum.

Coun. D. F. SULLIVAN—Mr. President, I rise to a point of order. The member who raised the point that there was no quorum immediately absented himself.

President HANNON—Your point is that the gentleman who raised the question of a quorum cannot do so and then immediately absent himself?

Coun. D. F. SULLIVAN—Yes.

Coun. FISH—Mr. President, does it mean that if there is no quorum here we cannot vote on the salaries of the employees?

President HANNON—It does.

Coun. D. F. SULLIVAN—How is it, Mr. President, when the gentleman who raises the question of a quorum immediately proceeds to absent himself when the roll call is to be taken?

President HANNON—The Chair will declare a brief recess for the purpose of investigating.

Coun. COFFEY—Mr. President, may I be recognized for the purpose of making a statement?

President HANNON—The councilor may proceed.

Coun. COFFEY—Mr. President, when the notice was read, calling us here today, there were twelve members present, but Councilor Hurley refused to answer, and presently he had gone out of the chamber. We heard the statement made here by Councilor Chase last week in regard to a sinister atmosphere hanging over the chamber. I would like to know what he meant, and what he was getting at when he made the statement. At times I have made charges myself, but when I have I have always named names, and I never

made charges without naming names. When I have made charges I have not pulled any punches. I would ask now, therefore, that our proceedings be held up until we get a statement from Councilor Chase on this floor, telling what he meant, on this floor. I am not pulling any punches now, either, and if anything sinister is going on, I think we should know about it. When the appropriation or proposed appropriation for his department came before the Committee on Finance, Commissioner Hyland came before the committee, and I happened to be present. Six out of nine of the committee can verify this. According to the commissioner's own statement, \$500,000 would be enough to carry him through this year and next year, and we decided to make the amount \$500,000. That was based on the commissioner's own statement. We did not favor the \$1,000,000, because of the commissioner's own statement that \$500,000 would be sufficient for this year and next year, and therefore we favored reducing the amount to \$500,000. But there seems to be something funny here, as I have said, and I am against the commissioner getting five cents this year unless we have an investigation of the charges made by Councilor Chase. I think a frank statement to this Council is due from the councilor.

Coun. KINSELLA—Mr. President, we have witnessed here the spectacle of a young man becoming the tool of those who have dominated him in the Council, and who have always dominated him. We had a quorum here, and this member doubted the presence of a quorum and then absented himself, so that there would not be a quorum. I wonder if he thinks he is properly holding a seat in the Body? He is evidently on the other side from the Mayor. The people have elected twenty-two of us as members of the Body, and we are extremely fortunate in being here from the different wards of the city and should perform our duty now that we are here. I wonder if he will return in November, and what his excuse may be for having deliberately lent himself to one of the shabbiest tricks that has ever been played during the existence of the Council. I have been bitterly condemned and criticized in the past because I could not see things as others saw them, but I have never consciously lent myself to anything publicly or privately that would result in casting aspersions upon this Body as an official body; and I do not think there is any justification for a man acting as we have good reason for believing from unimpeachable witnesses this gentleman has acted in lending himself, more or less willingly, to be the tool of those in the minority here who would obstruct such important measures as the one now before us. I don't care what department may be concerned, but I am vitally concerned when members, actuated by a desire for personal publicity, will come into this chamber and allow themselves to be recorded as present, and immediately throw a monkey wrench into the machinery, so as to break a quorum, absenting themselves from the meeting upon a roll call at a meeting of which they have received adequate notice. The only members who perhaps may be excused are those who have jobs in private industrial establishments. For instance, Councilor Hanley did not receive the notice until this morning, at which time undoubtedly he had gone to work.

(Coun. Hanley entered the chamber at this moment.)

President HANNON—The clerk will call the roll to ascertain the presence of a quorum.

The clerk called the roll with the following result: Present: Coun. Carey, Chase, Coffey, Dwyer, Fish, Hanley, Hannon, Kelly, Kinsella, Muchnick, Russo, D. F. Sullivan—12.

President HANNON—A quorum is in attendance, and the Council will be in order. The order of business is as follows:

1. Communications from his Honor the Mayor.
2. Presentation of petitions, memorials and remonstrances.
3. Reports of city officers, etc.
4. Unfinished business of preceding meetings.
5. Reports of committees.
6. Motions, orders and resolutions.

At this point Coun. Hurley, Scannell, M. H. Sullivan and Taylor entered the chamber.

Coun. KELLY—Mr. President, I want to make a report for the Committee on Finance.

President HANNON—There being no matters before us under the first three items of the order of business the question is first under unfinished business on the passage of the million-dollar

sewerage loan order. Those in favor will say "yes," those opposed "no," and the clerk will call the roll.

Coun. TAYLOR—Mr. President, if I may be allowed, I wish to speak on the order.

President HANNON—Councillor Taylor.

Coun. KELLY—Mr. President, I did not suppose that anybody was to be allowed to speak on the order at this time. I had the floor, but I did not understand that I was at liberty to speak. I was going to speak on the order.

President HANNON—The Chair misunderstood. If the gentleman from Ward 15 (Coun. Kelly) wishes to speak, I am sure that the gentleman from Ward 12 (Coun. Taylor) will yield.

Coun. TAYLOR—Yes, Mr. President.

Coun. KELLY—Mr. President, as chairman of the Committee on Finance, I might say that there was referred to us early in January a loan order for \$1,000,000. I called two different meetings on the loan order. At the second hearing the Commissioner of Public Works was present, and I asked him what the salaries were out of the \$1,000,000. He told me \$239,000 a year. To clear up any doubt in my own mind, I asked the Commissioner of Public Works if the committee saw fit to cut the million down to \$500,000, he would have enough to cover all salaries for 1943 and 1944, and all the work that was going to be done for the year 1943, and he assured me, as chairman of the committee and also the other members of the committee and members of the Council who were present, that that would be sufficient, that if the loan was cut from a million to \$500,000, the \$500,000 would be enough.

Again, later on in the meeting, in order to be sure that I understood what he said correctly, I questioned him a second time, whether there was any doubt in his mind, if the committee saw fit to cut the million dollars down to \$500,000, that he would have enough money to pay the salaries in the Sewer Division for 1943 and 1944, and also for any work that would be done on sewers for 1943, and he assured me for the second time, as chairman of the Committee on Finance and also other members of the committee present and members of the Council who were present, that \$500,000 would be sufficient money for those purposes, the salaries for 1943 and 1944 and the work to be completed in 1943. So, after the meeting adjourned, I polled the committee and they voted six to one to cut the million-dollar loan order down to \$500,000, and that report came into the Council a week ago Monday, when I was unable to be here.

Coun. TAYLOR—Mr. President, it is hard for me to understand, when cold mathematics are presented to an intelligent body of men, why the mathematics should be entirely excluded and why other issues should enter into the controversy. The Mayor sent in a million-dollar loan order for the Sewer Division. I do not know what transpired in the Finance Committee; I only know what the Commissioner of Public Works stated in the executive session. He informed the members of the Executive Committee that he submitted to each and every member of the Finance Committee a detailed statement of what that money would be used for and what expenditures would have to take place in each year. It is true that the million dollars will not be expended in one year. But that is not the issue at the present time. Under the law, whenever we issue a loan order, by statute there is a ten-cent charge per \$1,000 assessed upon every home and building in the City of Boston. If the amount is reduced to \$500,000, the same charge is made upon the taxpayer. So when the \$500,000 is used up, once again they must come before this Body asking for a loan, and another ten cents is added upon the taxpayer's tax bill. That is plain and pure mathematics. Now, if a million dollars is raised by loan, by bonds issued, that million dollars can only be used for that specific purpose so that no money will be spent out of that loan until it is absolutely necessary and no bonded indebtedness will be issued until the money is to be spent. The money will lie in the city treasury and no bonds will be issued until it becomes necessary to expend the money. Why should it be necessary, under the rules of plain common sense, to charge the taxpayers of the City of Boston, your constituents and mine, ten cents extra, when it is not required, when it is not necessary? Aren't they paying enough already in taxes and other expenses? Of course, if you want to let your petty grievances enter into the matter, well and good.

If you have an ax to grind with the Public Works Commissioner, if you want to tread on his toes, I suppose you will go ahead. But you are doing no harm to him. It is no money out of his pocket. But why should you be actuated by some personal reason to do him harm or an injustice? If, however, you want to spread this amount over one, two or three years, there is that additional expense and the taxpayers will pay it. Is there any common sense in that?

Coun. COFFEY—Mr. President, I rise to a point of order, that the gentleman should stop talking about petty grievances. I don't know what he means by that.

Coun. TAYLOR—Well, if you have any hostility against a man, it would come under that definition.

Coun. COFFEY—Mr. President, I rise to a point of order, that we haven't any hostility against anybody, and I don't think the gentleman is in order in suggesting that that is so.

President HANNON—The point of order is well taken.

Coun. TAYLOR—I said, if there was any hostility, but I didn't say whether or not there was.

President HANNON—I think we would be far better off if the members did not indulge in this sort of statement.

Coun. TAYLOR—Well, Mr. President, that is not the point I am making. I say that the Mayor has sent in a loan bill for \$1,000,000, and that if we split this up, passing two separate bills, for instance, it will not only mean the payment by the taxpayer of ten cents per thousand on the tax rate, but that that expenditure will be multiplied in accordance with the splitting up of the amount. For a one-million dollar bill, for example, it will be ten cents, for two \$500,000 bills twenty cents, and so on.

Coun. COFFEY—Mr. President, I think the gentleman should be ruled out of order. I say, if the \$500,000 loan order is necessary, pass it, and if before the first of the year another \$500,000 is necessary, that also can be passed without increasing the tax levy.

Coun. TAYLOR—Well, if this complete loan order is not passed in one year, but part of it is passed on to a subsequent year, \$500,000 this year and \$500,000 next year, twenty cents will go on the tax levy. Of course, if you want to take action which will require that additional ten cents on the tax levy, for absolutely no reason, it is the responsibility of those who take that action, and I, for one, am not going to be a party to it.

Coun. MUCHNICK—Mr. President, I rise to a point of information, before speaking.

President HANNON—State your point of information, councillor.

Coun. MUCHNICK—Mr. President, if this loan order takes its first reading today, does it have to wait fourteen days for a second reading and, if that is so, how can the action be completed before March 5?

President HANNON—There would have to be an interval of fourteen days before it is finally acted upon.

Coun. MUCHNICK—But, under the circumstances, how can that be so?

President HANNON—There must be fourteen days between the two readings.

Coun. MUCHNICK—Well, does it have to be finally acted upon before March 5?

President HANNON—No, but there must be fourteen days between the first and second readings.

Coun. MUCHNICK—We received notice of a special meeting which is being held today. At least, I did, when I got home last night. It stated that "the purpose of said meeting is to take action on the budget appropriations for salaries in the Assessing and Park Departments, and to take action on such other business as may come before the City Council." I think those who sent out the notice knew at the time that it was proposed to act upon this matter.

Coun. RUSSO—Mr. President, I believe the question before the Body is on the question of a million-dollar loan—

(A number of members addressed the Chair.)
President HANNON—The Council will be in order.

Coun. MUCHNICK—As was stated in the notice—

President HANNON—The councillor will address the Chair, please.

Coun. MUCHNICK—Mr. President, as has been stated, we received a notice which stated as the purpose of the meeting the things I have

just enumerated, and added, "and to take action on such other business as may come before the City Council." I think those who sent out the notice—

Coun. RUSSO—Mr. President, I rise to a point of order. I trust that the councilor will speak on the matter before us.

President HANNON—The point of order is well taken. The councilor will confine his remarks to the million-dollar loan order.

Coun. MUCHNICK—Mr. President, we have before us a loan order under which we are asked to vote today a million dollars, which is claimed to be essential for the proper running of this city at the least cost, a loan order which we all know will be killed today. I object very strongly to being called in here under a subterfuge, so that I will be held accountable for failing to vote for the salaries of men who have worked—

Coun. COFFEY—Mr. President, I rise to a point of information. I would like to know what the gentleman calls "subterfuge"?

President HANNON—The Chair wishes the gentleman to confine his remarks to the sewer loan.

Coun. MUCHNICK—Mr. President, the sewer loan, in my opinion, in its present state, as it appears before us today, is part of an entire picture. It is impossible to discuss merely the merits of a part of a picture without going into the entire picture. If the President feels that it will be injurious for the councilor from Ward 14 (himself) to state his opinion of the picture that is presented to us here today, the councilor from Ward 14 is willing to be silent. Otherwise, I would like to proceed in my own way.

President HANNON—The Chair wishes to be fair to everybody who takes the floor here in the Council, but at the same time must insist that the members also be fair to the Chairman. I desire to proceed in an orderly manner, as long as I am here I wish to preserve order and to follow proper parliamentary procedure. The subject before the Body is the million-dollar sewer order, and I trust that the members will confine themselves to the matter before the Body and will not indulge in personalities. Councilor Muchnick may proceed.

Coun. MUCHNICK—The councilor from Ward 14 (himself) wishes to state that under the circumstances it seems impossible to discuss the whole picture confronting us at this time, under the Chair's ruling.

Coun. RUSSO—Mr. President, as I stated at the last meeting, when this million-dollar sewer loan order came before us, and as Councilor Kelly has well outlined, the Commissioner of Public Works appeared before a meeting of the Finance Committee and made certain statements, when other members of the City Council besides myself were present, even though not necessarily members of that particular committee. Naturally, when I heard the Public Works Commissioner say that \$500,000 was not going to hamper his department—

Coun. MUCHNICK—Mr. President, I rise to a point of order. I think I am right in saying that at a special meeting the purposes stated in the call of the meeting are to be taken up first, and other business comes up afterwards.

President HANNON—The best the Chair can do is to refer the gentleman to Rule 25.

(Rule 25 is as follows:

"At every regular meeting of the Council the order of business shall be as follows:

1. Communications from his Honor the Mayor.
2. Presentation of petitions, memorials and remonstrances.
3. Reports of city officers, etc.
4. Unfinished business of preceding meetings.
5. Reports of committees.
6. Motions, orders and resolutions."

Coun. MUCHNICK—Mr. President, I rise to a point of order. Having looked at Rule 25, in accordance with the President's suggestion, I notice that it says "at every regular meeting." The notice we have received refers to a special meeting.

President HANNON—The Chair would say that there are no special rules for a special meeting as opposed to a regular meeting, and would therefore say that the rules apply to every meeting, regular or special.

Coun. RUSSO—Mr. President, I as a councilor naturally made up my mind when I heard the words of the commissioner, to the effect that

\$500,000 was sufficient for the employees for this year and next year, and sufficient for the work that was proposed for this year. I took the floor last week and stated my position. Since that time it seems to me that some individuals are trying—they may not use the exact words, but are trying to make us believe that those who are opposed to the million-dollar loan and favor cutting it to \$500,000 are mistaken. I am not using the exact words, but that is about the meaning of it. Now, if the Public Works Commissioner can come down here and contradict the loan order sent in by the Mayor for a million dollars, from whom are we going to form our judgment? According to the individual, the head of the department, who is directly responsible to the Mayor, the man whom he has appointed to carry on the work of that department, half a million dollars is sufficient. So, if there is any mistake, it is not on the part of the City Council. There is an old saying that I have known for a long time, that when a fish starts to smell it is from the head down, and not from the tail up. Therefore, if the Mayor and the Public Works Commissioner cannot get together, how in the name of God can anybody expect the Council to get together? I am given to understand that if more money than the \$500,000 is needed, they can come in later in the year and ask the City Council for the additional \$500,000 that may be needed without putting the additional ten-cent burden on the taxpayers, or even one cent. That additional amount on the tax bill will only result if subsequent action is taken another year. Therefore, are we not acting with good judgment and helping out the Mayor and the Public Works Commissioner in passing at this time a loan order for \$500,000, particularly when the commissioner himself agrees that \$500,000 will carry it through the year and next year, and then perhaps later this year, not waiting until next year, if it is necessary, passing another loan order for \$500,000, an action which will impose no further tax liability on our citizens? Having been a member of the City Council for three years, and now in my fourth year, I have never once dodged on my vote, but have always acted as my conscience and as my mind dictated. I have been with the Mayor in many instances, and I don't see why the position I am now taking is against the Mayor.

Coun. MUCHNICK—Mr. President, I rise to a point of order, that the gentleman is not confining himself to the question, which is on the million-dollar loan.

President HANNON—The point of order is not well taken.

Coun. RUSSO—Mr. President.

Coun. TAYLOR—Mr. President, I rise to a point of order. I understood that the President ruled me out for mentioning the Mayor's name, but I understand that the gentleman is not out of order when he mentions the Mayor.

President HANNON—The point of order is not well taken. Councilor Russo has the floor.

Coun. TAYLOR—A while ago I understood that I could not mention the name of the Mayor.

President HANNON—No, that was not the Chair's ruling.

Coun. RUSSO—Mr. President, I simply want it understood that I am not dodging and never have dodged, in my vote. I have always voted according to my conscience, and I propose to do so while I remain on the floor of this Body. But this order came to us asking for a million dollars, and it afterwards appeared, through the Commissioner of Public Works, that \$500,000 is sufficient. I am not going to vote for a million dollars when \$500,000 is sufficient. I cannot go to my constituents and explain a vote of that kind. Of course, if later in the year another \$500,000 is needed and that request is made of the City Council, we can vote for it. But I want to be satisfied that that \$500,000 is needed at the present time before I cast my vote for it. And I would now stress the point that it is up to you, gentlemen of the Council, to bring dignity back to the City Council, because we have a right to expect to be treated with the dignity which goes with our membership in this Body. If others expect us to treat them with dignity, they should do likewise with us. I trust, therefore, that the million-dollar loan order will not prevail, but that the \$500,000 loan order will be passed.

Coun. D. F. SULLIVAN—Mr. President, I move the previous question.

President HANNON—The question is on ordering the previous question. Those in favor say "aye," opposed "no."

Coun. TAYLOR—Mr. President, I rise to a point of order.

President HANNON—The gentleman will state his point of order.

Coun. TAYLOR—Mr. President, I would like to move that this lie on the table.

President HANNON—That is not a point of order and the gentleman is out of order. No motions can be made while the vote on the previous question is being taken.

Coun. HURLEY—Mr. President, I rise to a point of information. Does the motion for the previous question prevent any further discussion?

President HANNON—Yes, if it is carried.

Coun. HURLEY—It stops any more debate on the matter?

President HANNON—Yes.

Coun. MUCHNICK—Mr. President, I would ask unanimous consent to make a statement.

President HANNON—The question is on the previous question, and that question must be decided without debate.

Coun. M. H. SULLIVAN—Mr. President, I rise to a point of order. The postal authorities—

President HANNON—That does not pertain to the subject under discussion.

Coun. M. H. SULLIVAN—Mr. President, I rise to a point of order, that what I have to say deals with the legality of this meeting.

President HANNON—The question before us is the previous question, and that is the only matter before us at this time. Are you ready?

Coun. CHASE—Mr. President, I rise to a point of order, that members here should not be shut off. If you don't want debate, we will walk out.

Coun. TAYLOR—Mr. President, I would call your attention to Rule 15, where it says:

"When a question is under debate the following motions only shall be entertained, and shall have precedence in the order in which they stand arranged:

"1. To adjourn.

"2. To lay on the table.

"3. The previous question."

and so forth. I would like to know why my motion to lay on the table is out of order.

President HANNON—The vote was being taken on the previous question before the gentleman attempted to make his motion.

Coun. D. F. SULLIVAN—Mr. President, I ask unanimous consent to make a statement.

President HANNON—The Chair objects.

Coun. D. F. SULLIVAN—Mr. President, I withdraw my motion for the previous question.

President HANNON—Is there objection? The Chair hears none.

(Several members left the chamber.)

Coun. D. F. SULLIVAN—The same fellows ran out before.

Coun. HURLEY—Mr. President.

President HANNON—For what purpose does the gentleman rise?

Coun. HURLEY—To a point of order, Mr. President. I don't think the gentleman should indulge in personalities.

President HANNON—The Chair is in agreement.

Coun. D. F. SULLIVAN—Mr. President, remarks were made here this afternoon relative to a department head and the Mayor. On January 25 there was an appropriation order sent in here for \$85,000 for the Assessing Department, and I would like to inform the City Council—

Coun. MUCHNICK—Mr. President, I rise to a point of order; that I think that has nothing to do with the sewer loan that is before us.

Coun. D. F. SULLIVAN—Mr. President, I am leading up to the sewer loan.

President HANNON—Don't take too long.

Coun. MUCHNICK—Mr. President, I rise to a point of order. When I suggested to the Chair that I was leading up to the subject matter, the Chair ruled against me. I suggest now that the Chair make the same ruling against the speaker, in all fairness.

President HANNON—The gentleman does not state his point of order.

Coun. D. F. SULLIVAN—Mr. President, we came here to the meeting of the City Council today under a call asking that an appropriation be made for salaries in the Assessing and Park

Departments, and to take action on such other business as may come before the City Council. I think this matter should go to the Committee on Appropriations—

Coun. TAYLOR—Mr. President, I rise to a point of order. I ask that the Chair make the same ruling as to the present speaker that he has made as to other speakers on the floor, that he is not discussing the subject before the Body, not talking on the subject that is before the Body at the present time.

President HANNON—Thank you. The point is well taken.

Coun. D. F. SULLIVAN—Mr. President, cannot my remarks lead up to the million-dollar loan, a privilege that has been given to others who have spoken this afternoon? I think, as a matter of personal privilege, I should be given that right.

Coun. TAYLOR—Mr. President, I rise to a point of order, that the councilor is not speaking to the question before the Body.

President HANNON—The Chair will ask the gentleman to confine his remarks, please, to the million-dollar sewer loan order.

Coun. D. F. SULLIVAN—Mr. President, I believe as a member of the Body I have a right to exercise the personal privilege of leading up to the million-dollar sewer loan order.

President HANNON—The gentleman rises to a question of personal privilege?

Coun. D. F. SULLIVAN—Mr. President, I ask the personal privilege of stating the purpose of my remarks.

President HANNON—Is there any objection?

Coun. TAYLOR—Mr. President, I object.

Coun. D. F. SULLIVAN—Then, Mr. President, I will talk on the million-dollar loan order. As we all know, this is a matter that has been considered by the Finance Committee, the Appropriations Committee and the Executive Committee.

The Commissioner of Public Works appeared before the Finance Committee and was perfectly willing that the million dollars should be cut in half, stating that that would give him what he wanted in connection with the sewer pay roll for 1943 and 1944, and also for the work that was contemplated for 1943. As has been said, as a result, the million dollars was cut in half. The order was then referred to the Executive Committee. There is no need of repeating the history of the thing here. The Commissioner of Public Works has appeared before committees and has made a statement that \$500,000 was sufficient to carry this year and next year. On the question of a quorum, we have seen what has happened here, that one of our members raised the point of no quorum and then left the chamber, breaking the quorum. That is, he came here and ran out.

Coun. TAYLOR—Mr. President, I rise to a point of order, that the gentleman is indulging in personalities.

President HANNON—The gentleman will confine his remarks to the loan order.

Coun. D. F. SULLIVAN—Well, if the gentleman does not have at heart the interests of his constituents, the taxpayers of the city—

Coun. TAYLOR—Mr. President, I rise to a point of order. I don't think that the gentleman from Ward 9 (Coun. D. F. Sullivan) is speaking to the order before the Council, and he certainly does not seem to be interested in the welfare of his constituents.

Coun. D. F. SULLIVAN—Mr. President, I believe what I am saying has something to do with the interests of our constituents, and I want to say also that the gentleman himself took a run-out powder—

Coun. TAYLOR—Mr. President, I rise to a point of order. I think the councilor himself took a run-out powder on the question of election of President.

President HANNON—The gentleman will state his point of order.

Coun. TAYLOR—I don't think the gentleman is talking on the subject.

Coun. D. F. SULLIVAN—Mr. President, in answer to the gentleman from Ward 12 (Coun. Taylor), I will say that I have not taken a run-out powder, as some of the members here have done, at any time, and I would also say for the information of the gentleman from Ward 12 that I was in the chair when the quorum was doubted.

Coun. TAYLOR—Mr. President, I rise to a point of order. I don't think the gentleman is speaking on the question.

Coun. D. F. SULLIVAN—Mr. President, I think the gentleman—

President HANNON—A point of order has been raised. Let me say that I don't think we are doing ourselves any good, or the city any good, by the way we are acting. We have a serious subject before us, an order that concerns the welfare of the city, and it is not a time for personalities. Our action should be based on the facts that are confronting us. The Chair does not believe in wasting time in useless debate. I believe, so far as voting is concerned, that the minds of the members are pretty well made up. I would, therefore, ask the members in all seriousness and fairness to themselves and to the city to confine themselves to the subject before us and not to indulge in personalities or remarks that have nothing to do with the subject in hand.

Coun. D. F. SULLIVAN—Mr. President, you have been elected President of the Body, and it is true that it is your duty to guide the proceedings. But it is also true that we have a right to information upon matters that come before us. It is important to the city that we act upon the A items in the Assessing and the Park Departments, and also attend to other business of the Body, and that is the reason why we are here today.

Coun. MUCHNICK—Mr. President, I rise to a point of order. I don't think the gentleman is speaking on the subject before the Body.

President HANNON—The gentleman will confine himself to the question before the Body.

Coun. TAYLOR—Mr. President, I also rise to a point of order. I believe we have certain rules in this Body, and I do not believe, either, that the gentleman is speaking on the order before us.

President HANNON—Councillor Sullivan will please confine his remarks to the order under discussion.

Coun. D. F. SULLIVAN—All I can say, Mr. President, is that my remarks are leading up to what I was trying to bring out. But I will take my seat.

Coun. HURLEY—Mr. President, I am one of the members of the Committee on Finance and I attended both meetings that have been referred to, and know what took place. When Mr. Hyland was before the committee on the million-dollar sewer appropriation, he was asked to break it down so that the members would understand how it was to be spent, and he sent a letter containing facts and figures. At the last meeting of the Council he was called before the Executive Committee and asked whether he said this or said that, and the commissioner at that time in a letter placed the facts and figures before the committee. I have had no chance to carefully examine the figures. Of course, there has been a lot of dispute about them. I read the letter from the commissioner carefully, and I understood his remarks before the committee to mean that he would not spend over \$500,000 this year and the coming year, anyway. As a result of this confusion, I am going to ask that the matter be referred to the Executive Committee and that the Commissioner of Public Works be brought down here this afternoon, to see if he cannot clarify this whole thing, so that we can act fairly and squarely upon it.

(Several members addressed the Chair.)

President HANNON—Has Councillor Hurley finished his remarks?

Coun. HURLEY—No, Mr. President. I believe if this is referred to the Executive Committee and Mr. Hyland is brought before the committee today, we will have more light upon it. I understand it is true that if we raise \$500,000 this year and then raise \$500,000 another year, it will mean an increase of ten cents on the tax levy—

Coun. RUSSO—Mr. President, will the gentleman yield for a question?

Coun. HURLEY—When I get through. That is the situation as I understand it, that if we raise a part of the total loan this year and then come in another year and want to raise more, it will mean an increase of ten cents per thousand in the tax rate, which our taxpayers will have to pay and that will make an additional burden to which Mayor Tobin will have to subject the taxpayers when he sends the matter before the Council.

(Several members addressed the Chair.)

Coun. HURLEY—I don't want to be ruled out of order, Mr. President, and if necessary I am willing to shut up. In fact, I will listen to your advice and will shut right up. I think everyone here

has a lot of confidence in the man downstairs, his Honor the Mayor, and I don't think anybody questions his integrity.

Coun. D. F. SULLIVAN—Mr. President, I raise a point of order that the gentleman is out of order in his remarks in regard to the gentleman on the second floor. That has nothing to do with this order.

President HANNON—And I say to the gentleman that he should confine himself to the sewer loan.

Coun. HURLEY—I believe we should second the action of the Mayor in this matter, in sending up here an order for a million dollars. I believe he did so in good faith and figured on saving the taxpayers the extra ten cents that would be charged in the city tax rate if this loan were dealt with partially, something this year and something next year. That would certainly impose a hardship, a burden on the poor people in my district as well as in other sections of the city. If we deal with this matter piecemeal from year to year, it will mean each time an increase of ten cents in the tax rate, and that is something that will hurt my people and will hurt people in other sections of Boston. That is the feeling I have in this matter. I believe we should do everything we can to help out the taxpayers, and that has been my position since I have been in this Body, for the last three years. That is my whole interest, the interest of the people of the district, and that is the reason why I want the million-dollar sewer order to go through, knowing that it will not cost the city in the future a dime in their tax rate if they do not use it. Bonds will simply be issued for what is needed and the rest will not be called on unless it is needed. It will simply be authorized and can be used when required, and possibly not more than two or three or four hundred thousand dollars will be spent. Certainly the rest will not be spent unless it is needed, but we will simply be authorizing it. I will now again ask that this matter be referred to the Executive Committee and if that motion prevails, we can have the Commissioner of Public Works before us and he will help us to do a good job for the entire people of Boston. He can certainly give some good advice to the Council, and he can also say whether he was right or wrong in his statement of a week ago.

Coun. KELLY—Mr. President, talking on the matter before the Body, I don't think there is any confusion in anybody's mind as to what was said at the meeting of the Finance Committee. I have reiterated what was said here on the floor earlier today. I asked the Commissioner of Public Works what would happen if the Council saw fit to give him \$500,000. He said it would be sufficient for his pay roll for this year and next year, and would be enough to do the work that was expected to be done in 1943, and he reiterated that statement later when I asked him if \$500,000 would be plenty of money to take care of the salaries of the Sewer Division for 1943 and 1944 and do the work that was expected to be done in 1943. He said yes. I don't want any doubt in anybody's mind on this matter. That is what the commissioner stated. I don't think there is any confusion.

Coun. HURLEY—Mr. President, I would like to ask the gentleman another short question, if he will yield.

Coun. KELLY—I shall be glad to yield, Mr. President.

Coun. HURLEY—Did you talk with the Commissioner of Public Works since the last meeting of the City Council?

Coun. KELLY—I have talked with him once in the hall, Mr. Councilor.

Coun. HURLEY—You did?

Coun. KELLY—Yes.

President HANNON—The Chair would rule that a question may be asked, but that no cross-counter debate is in order.

Coun. KELLY—Well, Mr. President, I am glad to answer any question, personal or otherwise.

President HANNON—The Chair does not object to a question, but does not believe in bickering or cross-questioning. Councillor Kelly has the floor, and I understand that he has been willing to yield the floor for a question, but not for cross-questioning or debate.

Coun. HURLEY—Well, I would like to ask a question, Mr. President.

Coun. KELLY—Mr. President, I am not a lawyer, but I am perfectly willing to answer the ordinary questions, personal or otherwise.

President HANNON—Well, what is the question?

Coun. HURLEY—What I am trying to get at—

President HANNON—Don't waste time. What is the question? Ask the question.

Coun. HURLEY—Mr. Councilor, is it true that Mr. Hyland talked with you and that he was satisfied with the statement of the conversation as you understood it at the hearing?

Coun. KELLY—I will be glad to answer the question, Mr. President. Commissioner Hyland talked with me, the subject being the conversation at the meeting of the Finance Committee. He asked what I understood to be his statement at the meeting of the Finance Committee. I told him, and then I asked him, if the committee saw fit to cut the loan down to \$500,000, if that would be enough for the salaries in the department for 1943 and 1944 and for the work that he intended to do in the year 1943, and he said it was enough money. Does that answer the councilor's question?

Coun. TAYLOR—Mr. President, I would like to ask one question, if the gentleman will answer.

Coun. KELLY—I shall be glad to, Mr. President.

Coun. TAYLOR—Did you have before you a paper given you by the Commissioner of Public Works, pertaining to the expenditures, as referred to?

Coun. KELLY—I had it before me, and I have it before me, councilor.

Coun. TAYLOR—May I ask this question—Did those figures in front of you show that the \$500,000 was sufficient to take care of two years?

Coun. KELLY—Mr. President, evidently the councilor misunderstood the statement I have made on the floor. I asked the commissioner, if the committee saw fit to cut down the million-dollar loan to \$500,000, would that be enough for the salaries in the department for 1943 and 1944, and also enough for any work that he intended to do in the current year, 1943? I did not ask him about any work he intended to do in 1944, because I realized that my term of office as a City Councilor would run out this year and I did not want to ask anything about what was going to be done next year. I asked specifically, if the loan were cut down from one million to \$500,000, whether it would cover the salaries of the division for 1943 and 1944 and also any work that he intended to do in 1943, and he told me that it would, definitely. Of course, in my opinion, there will be very little sewer work done in 1943, on account of the war going on. I was only interested in this current year, and in his statement that \$500,000 would be enough for the salaries of the men in the division for 1943 and 1944 and for the work that he expected to do in 1943. I was satisfied with that.

Coun. DWYER—Mr. President, I hope that we will not have the Commissioner of Public Works up here again. The Committee on Finance, as you know, and the Executive Committee of the Council held meetings on the sewer order. The Commissioner of Public Works was present at each meeting, and the Executive Committee of the Council had the Commissioner of Public Works before them. I think he gave us all the information he can give us, and I think the point that was brought out earlier by you, Mr. President, that all the members of the Council are familiar with this order and know what they are going to do about it, was a proper one. I think now we should expedite things and get along with the work we are supposed to do, and I am going to move the previous question.

(After a few moments, Coun. Dwyer withdrew his motion.)

Coun. CAREY—Mr. President, I have sat back here for the last two weeks and have certainly been surprised at the position taken by some of my colleagues. I want to say that the law requiring that taxpayers be assessed ten cents on each thousand dollars of valuation in connection with the issuing of these loan orders was passed in 1936. I, as a member of the Council, voted for a \$500,000 loan for sewerage works in 1938 and for \$450,000 sewerage division loan in 1941. In other words, \$450,000 I voted for was in July of 1941, twenty months ago, or close to two years ago. Adding that to the \$500,000 that the Council voted in 1938 makes a total of \$950,000 that the Council has authorized for sewerage works in five years. The \$500,000 voted in 1938 was in April. I want to be fair with the Mayor and I don't

want any member of the Council questioning any motive of mine in casting votes in this Body. I am sick and tired of some members of the Council who think they are going to steamroller the Body by their tactics. I don't think personalities should be brought into this, but that members should confine themselves to the questions before the Body.

President HANNON—The gentleman will confine himself to the question before the Body.

Coun. CAREY—Mr. President, I have been a member of the Council for six years, and I think I have a right to explain my stand. I have tried to be fair on every vote I have cast here and in every speech I have made.

Coun. TAYLOR—Mr. President, I rise to a point of order. As I understand it, reference to a steam roller necessarily implies that the gentleman from Ward 10 (Coun. Carey) is indulging in personalities.

President HANNON—The Chair is trying to be fair to all the members of the Council and hopes that the member from Ward 10 (Coun. Carey) is not impugning the motives of other members of the Body.

Coun. TAYLOR—Mr. President, I would like to know whether I am in order or not.

President HANNON—The gentleman will state his point of order.

Coun. TAYLOR—That the gentleman is not speaking on the question, and is indulging in personalities.

President HANNON—The Chair thinks the point is not well taken. The question is on reference to the Executive Committee, and the gentleman is trying to explain the way he intends to vote upon it.

Coun. CAREY—Mr. President, if the members of the Council do not have all the information they want in order to vote intelligently upon this matter, I suppose there is no objection to reference to the Executive Committee. We are all at all times anxious to receive all the information we can to help us in our votes in this Body. When this matter was first before the committee, I was inclined to vote for the entire million dollars, up to the time when the Commissioner of Public Works sent a letter to the Council in which he stated that at the present time the engineers of the Sewer Division felt that \$500,000 would be sufficient for the salaries in the division for this year and next year, and for the work that would be done this year, having in mind the war program. In a letter submitted by the Commissioner of Public Works he said:

"At the present time the engineers of the Sewer Division are engaged in the preparation of a post-war construction program consisting of a study, recommendations and plans for the purpose of modernizing the Calf Pasture pumping station and its pumping equipment, also a modern sewage treatment plant at Moon Island, Squantum, which will require the expenditure of about \$3,000,000. It is believed that the necessary plans and cost estimates will be ready in time to take immediate advantage of any Federal assistance that may be available for public works construction following the end of the present war."

As I view this matter, Mr. President, if the war continues for two years or more, I am sure—that is, I feel in my own mind—that \$500,000 will be ample. If, on the other hand, the war ends in the next year and a half, as we all hope, and the Public Works Commissioner comes before the Council for an appropriation for a Calf Pasture pumping station, the taxpayers will have to pay ten cents per thousand on the next year's tax bill. I may be wrong, but it is my right, and the right of all of us, to study every question presented to us and vote accordingly, as individuals. If some of the members don't want to vote for \$500,000, but wish to vote for a million, that is their business, but I don't think the rest of us should be impugned if we have a different point of view, I try to be fair in all my actions in this Body, and when the time comes to register my vote on the \$500,000 or the \$1,000,000, I shall try to vote intelligently and conscientiously, and in no other way.

Coun. CHASE—Mr. President, as I understand this matter before us today, if we vote to appropriate \$500,000 this year, there will be a ten-cent assessment per thousand on the tax rate, and then if next year we appropriate another \$500,000 we will have another ten-cent assessment in the tax rate. In view of all the controversy here and the difference of opinion, I think we should study the question much more

fully, I am very much in favor of getting the Public Works Commissioner before our Executive Committee and trying to get further enlightenment from him, because I desire to vote on the matter in a just way. I want to vote the way that the citizens of Boston would want us to vote, and I suggest that, since the order now before us involves one million dollars, it would do no harm to have the Public Works Commissioner come before our Body again so as to obtain further enlightenment. I say that because the last time we met him the information we received was not very enlightening. Some of the members and the commissioner were in a "huff," and everybody was more or less unnerved. I think the Public Works Commissioner is a very efficient gentleman, an able man, and I believe it would be well to have him come before us again on this matter.

Coun. HANLEY—Mr. President, I certainly would appreciate it very much if the member would speak of the order before us rather than eulogizing the Public Works Commissioner.

President HANNON—The question is on reference to the Executive Committee.

Coun. CHASE—Mr. President, I believe that the Commissioner of Public Works, who has sponsored this measure, is a good department head, and has always been diligent in attending to the municipal business, from having sidewalks cleaned to having streets repaired. That has been generally so, in my district, anyway, and I have always found him willing and glad to do what he can.

Coun. HANLEY—Mr. President, I believe that is what the Public Works Commissioner receives a salary for.

President HANNON—The question is on reference to the Executive Committee.

Coun. CHASE—Mr. President, the reason why I bring these things in at this time is because of what took place in executive session. I have reason to believe that the difference of opinion we have seen here is because of what took place between the Public Works Commissioner and some of the members of the Council.

President HANNON—What you are saying, counselor, has no bearing on the question before us which is reference to the Executive Committee. I am going to ask every counselor here to give credit to the honesty of every other counselor, and I trust that the speakers will confine themselves always to the question before the house. The question now is on reference to the Executive Committee, and the question of the qualifications of any office holder in the City of Boston is not before us.

Coun. CHASE—Mr. President, the order is sponsored by the Public Works Commissioner, a gentleman who, to my mind, has always given the greatest of consideration to any job with which he was concerned, and a gentleman who uses a great deal of judgment in connection with the running of his department. Of course, if the taxpayers of the City of Boston are to be forced to pay an additional ten cents per thousand on their tax bills because of our cutting this order from one million dollars to \$500,000, I am sure you will agree with me that we should hesitate before acting and should give considerable thought to the matter. That is why I believe it to be well to have this order go to the Executive Committee again and to call in the Public Works Commissioner. Bear in mind that I am not saying how I shall vote. I have not yet received satisfactory evidence which would at the present moment warrant me in stating how I shall vote. I realize the merits of the arguments in favor and I realize the merits of the arguments against, and, because of the fact that there are merits of the arguments for and against, I think we should not render a hasty judgment. With that in mind, Mr. President, I would like to move that the order lie on the table, in order that I may introduce an order to call on the Finance Commission to study the \$1,000,000 sewerage loan and give its opinion to the City Council. I have that in mind, sir, because I realize that that body is an impartial body and that it is created for the purpose of dealing with and advising upon matters such as this, in order to assist the Body in its work. Therefore, I see no harm in seeking their opinion on the matter, and I move, sir, that the matter lie on the table.

President HANNON—The question is on laying the matter on the table.

Coun. MUCHNICK—Mr. President, does that motion refer to the original order?

President HANNON—It refers to the million-dollar sewerage loan order.

Coun. D. F. SULLIVAN—Is the motion to lay on the table in order at this time?

President HANNON—It takes precedence of the motion to refer to a committee.

Coun. RUSSO—Mr. President, speaking on the motion to lay on the table—

President HANNON—There is no debate on the motion.

Coun. RUSSO—Mr. President, I rise to a point of order. If the motion prevails, does that automatically give a free field for the million-dollar loan order against any other action that might be taken in the Council?

President HANNON—The Chair will rule that action to lay on the table is not final, but that the matter can be taken from the table at the option of the Council at the next meeting, or at any time. The question comes on laying on the table.

Coun. CHASE—Mr. President, I sincerely object.

President HANNON—For what purpose does the gentleman rise.

Coun. CHASE—To talk on the motion.

President HANNON—There is no debate allowed on this motion.

The motion to lay on the table was declared lost and the vote was doubted.

Coun. TAYLOR—Mr. President, I rise to a point of order.

President HANNON—We are now solving a doubt. The question is on laying on the table, and the clerk will call the roll.

The motion to lay on the table was lost, yeas 6, nays 10.

Yeas—Coun. Chase, Hurley, Muchnick, Scannell, M. H. Sullivan, Taylor—6.

Nays—Coun. Carey, Coffey, Dwyer, Fish, Hanley, Hannon, Kelly, Kinsella, D. F. Sullivan, Russo—10.

President HANNON—The question now comes on reference to the Executive Committee. (Several members addressed the Chair.)

Coun. MUCHNICK—Mr. President, not having spoken—

President HANNON—You have had the floor before.

Coun. MUCHNICK—Not on this motion.

Coun. D. F. SULLIVAN—Neither have I on this motion, Mr. President. I hope the order is not referred to the Executive Committee, because we may afterwards find ourselves as we did a week ago last Monday without a quorum. I hope, therefore, that the order will not be referred to the Executive Committee.

Coun. MUCHNICK—Mr. President, speaking on the original motion, the counselor from Ward 3 (Coun. Russo) gave an inkling as to what was going on in connection with this million-dollar loan order. It was stated, as I remember, by the Commissioner of Public Works in executive session—

Coun. D. F. SULLIVAN—Mr. President, I rise to a point of order, that the gentleman is not speaking on reference to the Executive Committee.

President HANNON—Not yet.

Coun. MUCHNICK—Mr. President, speaking directly on the question of reference to the Executive Committee, it was stated by the counselor from Ward 3 (Coun. Russo) that at the last meeting of the Executive Committee there were some words between the commissioner and some members of the Council.

Coun. RUSSO—Mr. President, I didn't say anything as far as that was concerned.

President HANNON—Why can't you talk on the merits of the matter?

Coun. MUCHNICK—I will try to, Mr. President. If I have misquoted the gentleman from Ward 3 (Coun. Russo) I am sorry. That was my impression from his remarks. I heard some remarks myself from which it might seem that the dignity of this Council was in question. It seems to me that no good can come from having the same questions and answers put again. I remember distinctly at the meeting of the Executive Committee that has been referred to, where the commissioner appeared, that the commissioner stated that it would not require more than half a million dollars to cover the pay rolls for 1943 and 1944 and to cover the expected expenditures for 1943, and apparently there was no point in having the pay roll for 1944 allowed if the expenditures for 1944 could not be included

in the loan order. That is, there is no point in having men there and no work to give them. If we refer this matter to the Executive Committee and have the commissioner present, I am sure that he will simply tell us what he told us before. Therefore, I see no point in referring the matter to the Executive Committee, but suggest that we go on with the business of the Council at this time and that we do not go into executive.

Coun. KINSELLA—Mr. President, I still hope that this will not go into executive. I didn't happen to be present at the time spoken of, but I am willing to take the word of those who were. I did, however, hear loud talking. It has always been my opinion that a department head should know better than anybody else what the requirements of his department are. I did not hear the Commissioner of Public Works say that he could get along with \$500,000, but the opinion seems prevalent here that he did say that. But we have been told what he did say, and it would seem that he ought to know what the department needs.

Coun. FISH—Mr. President, I have no particular objection to this going to the Executive Committee, although I shall vote against it for this reason. We have had it before us in executive, and I have attended a meeting where the commissioner was present, and made his statements, and I don't believe any more information can be given to me than I have already received. I am going to speak on the merits of the order, as I see them, as to whether the amount should be \$1,000,000 or \$500,000. I don't believe either figure is correct. If he asked for an appropriation of \$1,000,000 and included in that post-war work, he would then have to come back to the Council which would add the ten cents per thousand that councilors have said they are trying to save. I believe if we gave him a quarter of a million dollars plus the \$146,000 and the \$30,000 he has left, he would have more than sufficient for this year. I have talked with many people in regard to this loan, hoping that I might have an opportunity to vote as they would wish. Their feeling in this matter is simply this. They are exceedingly troubled by the high cost of living, and they trust that, in our wisdom, we will not horrow except where the necessity exists. If \$500,000 will carry us through two years, regardless of post-war work, I would be inclined to go along with that. If \$500,000 would do it, I would take his figures. But I don't believe this Council should authorize \$1,000,000 unless it has something to do with post-war work. I do not believe we should authorize the horrowing of too much money in this high market. I believe we should scratch the bottom of the harrel to take care of the help, but that we should scratch the bottom on strictly necessary work. For that reason, I hope we will appropriate just enough money for the pay roll and not scratch the bottom to a point that is not necessary at this time.

Coun. SCANNELL—Mr. President, speaking on this order, the purpose for which I am here today is in order that men may earn their salaries and that necessary work may be done. Speaking on the appropriation for the sewer loan, I believe I am right in saying that if we appropriate one million dollars we will pay ten cents on the tax rate, and if we appropriate \$500,000 this year and then next year, 1944, appropriate another \$500,000, we will be adding twenty cents to the tax rate instead of ten cents.

Coun. FISH—Mr. President, will the gentleman yield?

Coun. SCANNELL—Yes, Mr. President.

Coun. FISH—Mr. Councilor, in the event that we appropriate \$1,000,000, and then next year, after the termination of the war—as I hope—the commissioner comes in and gets some money for post-war work, so that he would have, say, \$3,000,000 in hand to work with, would he then have to come in for more money?

Coun. SCANNELL—The gentleman from Ward 16 is prophesying?

Coun. FISH—I am hoping.

Coun. SCANNELL—Well, you may prophesy the ending of the war in 1943, but whether or not the prophecy is correct, it is as plain as the paper on this table that if you horrow \$500,000 this year you will have to pay ten cents a thousand on the tax levy; and if you borrow \$500,000 more in 1944 you will have to pay another ten cents, and if you go on horrowing a million or two million beyond that, the same way, you will have to pay ten cents more on the tax rate. If that goes on

for three years, you will be adding thirty cents to the tax rate. That is the reason why I am going to go along with the one million dollar loan order today.

Coun. RUSSO—Mr. President, speaking on the motion to refer to the Executive Committee, I am not opposed to the matter going into executive because I am timid, afraid that the members will not come back here to the Council and go on with their session, but I believe we can go along here with the information that we have, and perform our duty. Of course, certain members have their opinions and others of us have ours, but I believe we should go ahead here and perform our duty to the best of our ability and in the interest of the citizens and taxpayers of Boston. If nothing is done, I understand that the order will automatically pass.

Coun. M. H. SULLIVAN—Mr. President, I rise to a point of order, that the gentleman is not speaking on the subject.

President HANNON—The question is on reference to the Executive Committee, and the gentleman will kindly confine himself to that question.

Coun. RUSSO—Mr. President, the only thought in my mind is that we shall proceed to act. The reason why I am against going into executive is because I believe the question before us is understood by all of us at the present time. I feel that some of the members are simply trying to make liars out of us—

President HANNON—The gentleman will confine himself to the question before the house.

Coun. CHASE—Mr. President, I sincerely trust that the Council will vote to refer the matter to the Executive Committee. I am at the present time prepared to vote to cut the loan order to \$500,000. Then, if necessary, we can come in in the month of December, 1943, and vote an additional \$500,000 or two or three millions, if necessary, without increasing the tax rate one cent because of the fact that we have thrown the action over into another year.

Coun. TAYLOR—Mr. President, I wonder if the councilor from Ward 4 (Coun. Chase) would answer a question.

President HANNON—Will the gentleman yield?

Coun. CHASE—Certainly, Mr. President, for a question.

Coun. TAYLOR—Mr. President, would he say that that would be true if the war should end in the early part of 1944?

Coun. CHASE—As I understand it, the ten-cent assessment would be placed on the tax rate of Boston no matter if the loan is \$500,000, \$1,000,000, \$2,000,000 or \$3,000,000, if the loan is made this year, no matter how those loan orders come before us, or whether they come before us all at once or in various months. Then, if the war should end in 1944, or towards the latter part of this year, we can take whatever action is necessary, as suggested by the department head. However, in face of all the evidence, I am prepared to vote to refer the matter to executive, in justice to the members of the Council who desire to have the Commissioner or Public Works explain the matter more fully. However, I would have the members hear in mind, further, that after they retire from executive session, they should come back here and vote, so that we can keep the meeting going and can take action, after receiving the information that is desired.

President HANNON—The question is on reference to the Executive Committee.

Coun. FISH—Mr. President, so far as reference to the Executive Committee is concerned, the question has just been asked about now certain councilors might feel if we should pass this order and the war should end in 1944. As has been stated here, if the war should end in 1944, or in 1943, there would be no question of adding ten cents to the tax levy if we took subsequent action this year, now appropriating \$500,000 and later in the year appropriating \$500,000. But, of course, if the war should end and the commissioner wanted to carry on a post-war program he might then have to come before the Council in 1944 and ask for the passage of a loan for one, two or three million dollars, which, under the circumstances, I would be glad to vote to approve at that time.

Coun. TAYLOR—Mr. President, would the gentleman feel the same way if the war should end late in 1944, before the department could get started on any other program?

Coun. FISH—There would necessarily, of course, be the questions which might arise in connection with a post-war program. If the commissioner needed a certain amount, whatever it might be, a million, two million, \$250,000 or

\$300,000, I think there would be enough available for the commissioner to plan whatever work was necessary, and there is no doubt that the members of the Council would go along on the matter.

Coun. KELLY—Mr. President, I haven't any reason for wishing not to go into executive session except that I don't think we can get any more information than what we already have about the matter by so doing. My principal reason for not wishing to go into executive session is that certain gentlemen may do the disappearing act when we come back here, and we will not have a quorum. That is what has happened before. That is my reason for not wishing to go into executive.

Coun. TAYLOR—Mr. President, I move to lay on the table.

President HANNON—The motion is out of order at this time. The question is on reference to the Executive Committee.

The motion to refer to the Executive Committee was declared lost. Coun. TAYLOR doubted the vote, and asked for the yeas and nays.

The clerk called the roll, and the motion on reference to the Executive Committee was lost, yeas 4, nays 12:

Yeas—Coun. Carey, Chase, Hurley, Taylor—4.
Nays—Coun. Coffey, Dwyer, Fish, Hanley, Hannon, Kelly, Kinsella, Muchnick, Russo, Scannell, D. F. Sullivan, M. H. Sullivan—12.

President HANNON—The vote is 4 to 12 and the motion to refer to the Executive Committee is defeated. The question now comes on the passage of the million-dollar loan.

The clerk called the roll for the passage of the million-dollar sewer loan, with the following result:

Yeas—Coun. Hurley, Muchnick, Scannell, M. H. Sullivan, Taylor—5.

Nays—Coun. Carey, Chase, Coffey, Dwyer, Fish, Hanley, Hannon, Kelly, Kinsella, Russo, D. F. Sullivan—11.

President HANNON—Less than the required two-thirds votes having been received, the order is rejected.

Coun. D. F. SULLIVAN—Mr. President, I move a reconsideration.

The reconsideration was declared lost. Coun. TAYLOR doubted the vote and asked for the yeas and nays.

Reconsideration was refused, yeas 5, nays 11:

Yeas—Coun. Carey, Chase, Hurley, D. F. Sullivan, M. H. Sullivan, Taylor—5.

Nays—Coun. Carey, Coffey, Dwyer, Fish, Hanley, Hannon, Kelly, Kinsella, Muchnick, Russo, Scannell—11.

The question came on the passage of the \$500,000 order reported by the committee.

Coun. M. H. SULLIVAN—Mr. President, I have fought constantly and long for an appropriation of \$1,000,000 for sewerage works. I come from one of the higher wards of the city. In the lower wards there are very few unaccepted streets. Prior to acceptance of a street, sewerage must be installed—

Coun. D. F. SULLIVAN—Mr. President, is the gentleman impugning the motives of those coming from the lower wards?

President HANNON—The Chair did not hear the gentleman, but hopes that he will not impugn the motives of any members of the Body.

Coun. M. H. SULLIVAN—Mr. President, I am not impugning their motives, but rather justifying them. I have the highest respect for the gentleman from Ward 9 (Coun. D. F. Sullivan) and feel that he is perfectly justified in his position, from his point of view. But in the higher wards, the number of unaccepted streets is much greater, and an improvement in those wards in that respect will in the long run mean the improvement of the city at large. So far as the amount necessary for sewers and for the construction of new streets is concerned, \$500,000 will not be adequate in those sections where there are many unaccepted streets. Moreover, I fear that a question may be raised in regard to the bonds sold under this proposed loan order, in view of the possible questionable legal position of the order if we should pass it today. I feel that there may be some doubt of the legality of the \$500,000 loan, if this order should pass today, because of the question of the existence of a quorum in attendance at the first of the meeting, and because of the insufficiency of time for calling the meeting, under our rules. In the first place, under the rules, if a vote shows that there is not a quorum present, the rule

provides that the President shall thereupon declare the meeting dissolved, and any subsequent meeting cannot be called within less than twenty-four hours, without the consent of all the members. At the first of the meeting there were but eleven members present. Subsequently there was a quorum in attendance, but there was not at the first of the meeting, and the meeting should then have been dissolved.

President HANNON—At the first of the meeting there were twelve members present, but one of them left the room, so that at the moment there were not twelve in attendance. The Chair therefore waited for a short while and then directed the clerk to call the roll, and there were twelve members in their seats. The Chair will, therefore, ask the member what his object now is in addressing the Chair?

Coun. M. H. SULLIVAN—Mr. President, I am stating why I think it is inadvisable to appropriate \$500,000 for sewer loan under the present conditions. As I have stated, when the roll was first called, the roll showed only eleven members present.

President HANNON—When the roll was first called, the member did not answer, but left the room.

Coun. M. H. SULLIVAN—My second point is that I think the loan order itself, if passed, may be declared illegal under the circumstances, on account of the way in which the meeting was called. As I say, under Rule 1 no special meeting of the City Council, except to draw jurors, shall be called, except with the consent of all the members, upon less notice than twenty-four hours from the time the notices are mailed or dispatched by special messenger. I have been in touch with the post office department in regard to this matter. The letters were postmarked at 5 p. m. The post office department informs me that there are hourly collections from City Hall. In view of the fact that the postmark was at five o'clock p. m., and in view of the fact that it takes less than one hour to transport mail and to have it canceled, according to the post office authorities, it would seem that there was not sufficient time, as provided for under our rules, to reach the members. Therefore, sufficient time for the calling of the meeting was not provided under our rules.

Coun. D. F. SULLIVAN—Mr. President, what has this got to do with the \$500,000 sewer appropriation order?

President HANNON—The gentleman from Brighton is trying to bring out the fact that there is something illegal here in connection with the loan order, and therefore the Chair will allow the gentleman to continue.

Coun. D. F. SULLIVAN—Mr. President, I don't believe the gentleman should be allowed to go further, because a quorum is present.

President HANNON—I believe that is a matter within the discretion of the Chair. The Chair is trying to be fair with everybody, and if the gentleman thinks that there is some illegality connected with the proceedings here today, the gentleman may proceed.

Coun. D. F. SULLIVAN—Mr. President, I rise to a point of order. If the gentleman from Ward 22 (Coun. M. H. Sullivan) thought this was an illegal meeting, why did he vote on the matter?

President HANNON—The gentleman is not stating a point of order.

Coun. D. F. SULLIVAN—Mr. President, I rise to a point of order, that the gentleman from Ward 22 is trying to declare that this meeting is illegal.

Coun. M. H. SULLIVAN—That is not so, Mr. President.

Coun. D. F. SULLIVAN—He assumes that this meeting is illegal. If that is so, if he feels that way about it, why did he vote on the million-dollar loan order?

President HANNON—That is not a point of order.

Coun. M. H. SULLIVAN—Mr. President, that is not what I was intending to do. I am merely leading up to the fact that this may be an illegal loan order. If we are illegally convened and then pass this order this afternoon, the result may be very far-reaching. I spoke to the postal authorities and told them that the letters that were sent out giving notice of the meeting were postmarked at 5 p. m. I was informed by the post office department that there are hourly collections from City Hall. In view of the fact that the postmark was at five o'clock p. m. and in view

of the fact that it takes less than one hour to transport mail and have it canceled, according to the post office authorities, it would seem that there was not sufficient time for the notices to reach the members, under our rules. The collection was about four o'clock, and it takes about one hour to transport the mail and to have it canceled, as I am informed.

Coun. RUSSO—Mr. President, I rise to a point of order. I don't believe the gentleman is speaking on the order which is before the house.

President HANNON—The Chair has allowed a great deal of latitude to members here in the course of the debate and hopes that the councilor will complete his remarks.

Coun. M. H. SULLIVAN—Mr. President, in the event that we are illegally convened—

Coun. RUSSO—Mr. President, I rise to a point of order. I would like to know whether we are in a meeting that is legal or illegal?

President HANNON—The point of order is well taken. The Chair will rule that the meeting is legal.

Coun. M. H. SULLIVAN—Mr. President, still speaking on the question of whether the \$500,000 order is illegal, in the event that the notice was insufficient, the appropriation of \$500,000, if made, would be illegal.

President HANNON—I think that under the circumstances as they have occurred and as they have been set forth, there is no question of the presence of a quorum. The Chair, in answer to the gentleman from Brighton, will state that there are sixteen members present at this meeting. That is so according to the City Clerk.

Coun. M. H. SULLIVAN—But not according to the rules of the City Council.

Coun. COFFEY—Mr. President, may I ask at what time yesterday you decided to call the meeting?

President HANNON—For the information of the members let me say that after a conference with the City Clerk and the Assistant City Clerk, I decided early Tuesday to call the meeting, and Mr. Leavey, in the presence of many of the members, who I am sure will testify as to the truth of the statement, mailed the letters at 12.40 and gave verbal notice to those present that he was mailing them at 12.40.

Coun. M. H. SULLIVAN—Mr. President, I have no doubt of the absolute veracity of the President and of the attachés of the Council. But, nevertheless, there may well be a question raised as to the legality of the notice under the rule, and it might have a serious effect on the loan itself, if passed. However, in view of the fact that there is a question of legality, in view of the fact that under the rules, where a special meeting is called, twenty-four hours' notice must be given to the several members, and in view of the fact that the question of legality might be attached to the proposed \$500,000 order, I would ask unanimous consent to have the order read for \$750,000, instead of \$500,000.

President HANNON—The Chair will, of course, state to the councilor that if there is any question of illegality it would apply, regardless of the amount.

Coun. TAYLOR—Mr. President, I think it would be proper at this time to adjourn to executive session so that we might invite the Corporation Counsel to attend our executive meeting and advise the members of the Body as to whether or not we are conducting a legal meeting today. From the information I can gather, the roll was called and there were only eleven members present to answer, as I understand the rules of the Council.

President HANNON—For the benefit of the councilor, as the councilor well knows, when a vote is taken, it is not official until it is declared by the Chair, and when the roll call was made immediately members arose in their places to points of order, which the Chair in all fairness had to rule on, and before the vote was declared a member of the Council who had appeared disappeared. Before the vote was declared, there were twelve men present, a quorum.

Coun. TAYLOR—Do I understand correctly, Mr. President, that when the roll is called and only eleven members declare themselves as present, the meeting automatically becomes adjourned?

President HANNON—No. As the councilor well knows, under the rules of the Council a vote or a roll call is not declared until the President declares it.

Coun. TAYLOR—Do I understand then that the President can sit here all day and wait for

some one to come in? The Chair would interpret it that way if he was so inclined. He might put that interpretation upon it.

Coun. SCANNELL—Mr. President, what has this got to do with the amendment of \$500,000? President HANNON—Not a thing, but the Chair is trying to clear up any doubt in the minds of the members.

Coun. TAYLOR—Mr. President, I am trying to explain that it has considerable to do with it, because if we vote today for a loan order of \$500,000 and subsequently learn, through any action that may be taken by the taxpayers of the City of Boston, if the treasurer should endeavor to issue the bonds for the \$500,000, that our meeting here lacked legality, to my mind the bond issue would be valueless. There is some doubt in my mind of the legality of the possible bond issue, in view of the fact that there may be some grave question as to the legality of this meeting. So I say the question of the legality of the meeting is a serious question so far as the issue of bonds is concerned because I, for one, would not care to purchase bonds when there was such a doubt cast upon them. So there is not only the question of adding an additional ten cents per thousand on the tax bills of the City of Boston, but we should be very careful in negotiating bonds to avoid any question of legality, which might make the bonds of no value. Somebody is going to be subjected to a law suit, I am afraid, and I wouldn't want to be a defendant in such a law suit. For these two reasons—first, that I don't want to unnecessarily increase the tax rate of the taxpayers, and because I believe we should be very cautious about placing the city in a position where it is issuing illegal bonds, I feel that I should vote against the \$500,000 issue.

President HANNON—To clarify the matter, I might say that today's reading will be the first reading. It will be necessary to wait at least fourteen days before the order would take a second reading, and in the intervening space of time members of the Council can enlighten themselves on the question.

Coun. COFFEY—I am agreeable to voting \$500,000 instead of the \$1,000,000 on the proposed loan order. Commissioner Hyland said that \$500,000 would be enough, and if we pass today and two weeks from today give a second reading, to a \$500,000 order, and then if the Mayor decides, with the Public Works Commissioner, that another \$500,000 is necessary later on, I will gladly go along also with the other \$500,000, and if it is issued this year there will be no additional burden on the taxpayers.

Coun. M. H. SULLIVAN—In the event that there would be unanimous consent in favor of the \$750,000 order, the meeting would be legal, there would be \$250,000 more allowed for the work, and the bond buyers would be satisfied, I am quite sure, and no question of legality would be raised.

Coun. KINSELLA—Mr. President, I don't know exactly what the rules may provide, but in view of the President's statement it seems to me that the question which has been raised is silly and baseless, in view of the fact that the member was simply trying to raise the question of a quorum, when it seems clear that a quorum is present.

President HANNON—The Chair will rule, although feeling that the interruptions and objections that have been raised are specious and facetious, that there is no ground for the question of a quorum or for the claim of illegality of the meeting. The Chair is trying to be fair and to treat all members with due courtesy. The Chair feels that members should act in a way which will not only protect the interests of their district but will be a credit to the Council. The question is on Councilor Maurice Sullivan's amendment that the amount be \$750,000.

Coun. M. H. Sullivan's proposed amendment to make the amount \$750,000 was declared lost. Coun. M. H. SULLIVAN doubted the vote.

Coun. FISH—Mr. President, I suppose it is too late for me to inquire how the \$750,000 is to be spent.

President HANNON—Yes, councilor.

The proposed \$750,000 amendment was rejected, yeas 4, nays 8, by a rising vote. The question then came on the \$500,000 loan order. The roll call on its passage was as follows:

Yeas—Coun. Carey, Chase, Coffey, Dwyer, Fish, Hanley, Hannon, Hurley, Kelly, Kinsella, Russo, Scannell, D. F. Sullivan, M. H. Sullivan—14.

Nays—Coun. Muchnick, Taylor—2.

President HANNON—The vote is 14 to 2, and the order is rejected, not receiving the necessary two thirds.

Coun. M. H. SULLIVAN moved a reconsideration, which was declared refused. Coun. M. H. SULLIVAN doubted the vote, and reconsideration was refused by a rising vote, 1 to 9.

Coun. M. H. SULLIVAN further doubted the vote and asked for the yeas and nays, and the motion to reconsider was lost, yeas 6, nays 10:

Yeas—Coun. Chase, Hannon, Hurley, Muchnick, Scannell, M. H. Sullivan—6.

Nays—Coun. Carey, Coffey, Dwyer, Fish, Hanley, Kelly, Kinsella, Russo, D. F. Sullivan, Taylor—10.

REPORT OF COMMITTEE ON APPROPRIATIONS.

Coun. DWYER, for the Committee on Appropriations, submitted the following:

Report recommending passage of the following order, viz.:

Ordered, That the sum of \$49,700 be, and hereby is, appropriated, to be expended as hereinafter specified, said sum to be raised by taxes on the polls and estates in the City of Boston, and that all orders hereinafter passed by the City Council relating to appropriations, taxes and the interest thereon, apply to the appropriations and taxes herein provided for.

Assessing Department.

A. Personal Service.....\$44,200

City Planning Board.

A. Personal Service..... 5,500
\$49,700

The report was accepted.

President HANNON—The question is on the passage of the order, and the clerk will call the roll.

Coun. SCANNELL—Mr. President, does this include the appropriation for salaries in the Assessing Department?

President HANNON—Yes.

Coun. SCANNELL—Mr. President, I would like to have the chairman of the Appropriations Committee explain to me and the other members of the Council why two weeks ago the \$85,000 was not passed, and they now come in here with this report.

Coun. DWYER—Mr. President, for the benefit of the gentleman from South Boston, let me say that two weeks ago when the Assessing Department came in here for a \$85,000 loan order for salaries, that order did not come before the Appropriations Committee, but was referred to the Executive Committee. The chairman of the Executive Committee sent for Mr. Kelly, the chairman of the Assessing Department, and he appeared before the entire Executive Committee. He was asked what he wanted the \$85,000 for, and said he wanted it to take care of the salaries of first assistant assessors during the months of January, February and March, forty-eight in all. He sent to the department to get an itemized list, with their names, and the list included only forty-seven names, but we gave him what he wanted for forty-eight names. The amount claimed to be needed by the department for salaries amounted to \$40,800 and the Executive Committee thought that the Assessing Department should be allowed \$40,800 to cover the first assistant assessors for these three months. In the meantime, the budget had been submitted, including the Assessing Department budget, and that was before the Committee on Appropriations. The Assessing Department now finds that the \$85,000 was for the salaries of the whole department and came before the Committee on Appropriations this morning, and we decided to vote to give them the money that they asked for. If the chairman of the board had given the proper explanation at the time when the question of salaries for the entire department was up, I am sure that the committee would have voted at that time to pass the entire \$85,000.

Coun. CHASE—Mr. President, I don't like to come here and accomplish nothing. I regret the action taken—

Coun. D. F. SULLIVAN—What is the gentleman talking on, Mr. President.

President HANNON—On the appropriations now before the Body. The Chair believes he should be given a chance to state his position.

Coun. CHASE—Mr. President, I trust that in the future the twenty-two individuals who make up this Body will be more careful in regard to the action they take. We are not here as "yes" men or as ciphers, rubber stamps, for any man. I always endeavor to so govern my actions that I can go back to my constituents with a good chance of convincing them that I did the right thing; and I hope, sir, that the members will learn to discard this unnecessary bickering and prolongation of Council meetings over a lot of immaterial things. I think the actions of the members here have been disgraceful and have not brought credit upon the Body. How long is this sort of action to continue? I hope that in the future the members will get onto themselves and will act like men of twenty-one years of age, men of intelligence.

Coun. KINSELLA—Mr. President, I don't think I have ever disagreed seriously with the gentleman from Ward 4 (Coun. Chase) before, but, if I remember correctly the \$85,000 order, it was distinctly said that it was to cover the first assistant assessors' salaries until the regular appropriation had passed, and we understood from the assessors that the balance required for the salary of the first assistant assessors for January, February and March would be \$40,800. Accordingly, we voted. Any subsequent action is because of new facts made apparent to the Committee on Appropriations or the Committee on Finance, or whatever committee handled it. I don't think that our conduct has been so disgraceful as it has been needless. But we have simply acted on the facts as presented to us.

Coun. RUSSO—Mr. President, I believe that the remarks of the councilor from Ward 4 (Coun. Chase) do not hit me. Nevertheless, there occurred to me the same remark that I made a few moments ago in regard to fish smelling from the head down. If the Mayor and the head of a department contradict each other, how, in God's name, can we vote intelligently? We vote according to what we hear from the Mayor and the heads of departments.

Coun. HURLEY—Mr. President, will the gentleman yield for a question?

Coun. RUSSO—When I get through, Mr. President. I don't think the heads of departments always give the right answers and the right opinions when we are seeking information in regard to these matters. We were confronted, as Councilor Dwyer has outlined, with the head of the Assessing Department, who came before the Body. He was asked what the \$85,000 was to be used for, and the answer was that it was for the first assistant assessors for the first three months, until the time when the Council had passed upon the regular budget. Now we are confronted again with the same proposal that was handed to us at the beginning, and it all comes back to the fact that we are not always given proper information. I hope that in the near future we will receive the information to which we are entitled in order to act fairly, in the interest of all.

Coun. MUCHNICK—Mr. President, there has been some question raised as to legality of this meeting. I don't know personally whether this meeting is or is not legal, and the only way, if we are to pass this budget and to be sure it is properly passed is to have a unanimous vote on it. That was my reason for voting against the loan, because of the fear that there might be a doubt and that there would not be unanimity. So I say again, if we are going to pass this order we should bear in mind that, unless it is done by unanimous vote, there may be trouble.

Coun. SCANNELL—Mr. President, my reason for the question in my mind in connection with this controversy is that I wanted to find out from the chairman of the Committee on Appropriations why definite action was not taken before this. It has now been explained to me, and so I move the previous question.

President HANNON—The clerk will call the roll. The question is on the passage of the \$49,700, including \$44,200 for personal service in the Assessing Department, and \$5,500 for personal services of the City Planning Board.

The order was passed, yeas 15, nays 0:

Yeas—Coun. Carey, Coffey, Dwyer, Fish, Hanley, Hannon, Hurley, Kelly, Kinsella, Muchnick, Russo, Scannell, D. F. Sullivan, M. H. Sullivan, Taylor—15.

Nays—0.

STATUS OF NURSERIES IN HEALTH CLINICS.

Coun. KINSELLA offered the following:

Ordered, That the Public Health Department, through his Honor the Mayor, make known to the City Council the status of the nurseries conducted in the health clinics, after Friday, February 26, 1943, because of the announced intention of the Federal Government to abolish W. P. A. projects on Friday, February 26, 1943.

Coun. KINSELLA—Mr. President, there are many children of less than school age who are now taken care of in these nurseries conducted in the health clinics, and I don't know what position will be taken in regard to them in view of the announced intention of the Federal Government to abolish W. P. A. projects on February 26. Therefore, I ask the suspension of the rule and the passage of the order.

The order was passed under suspension of the rule.

REPORT OF COMMITTEE ON PARKMAN FUND.

Coun. CHASE, for the Committee on Parkman Fund, submitted the following:

Report on message of Mayor and order (referred February 15) appropriating \$25,000 from Parkman Fund income—that same ought to pass.

The report was accepted and the order was passed, yeas 15, nays 0:

Yeas—Coun. Carey, Chase, Coffey, Dwyer, Fish, Hanley, Hannon, Hurley, Kelly, Kinsella, Russo, Scannell, D. F. Sullivan, M. H. Sullivan, Taylor—15.

Nays—0.

APPROPRIATION FOR COUNTY FUNDS IN CLOSED BANKS.

Coun. RUSSO offered the following:

Ordered, That his Honor the Mayor be requested to provide an appropriation, in accordance with chapter 46 of the Acts of 1941, for county funds in closed banks, amounting to \$250.30, for replacement of balance of cash bail held by the clerk of the East Boston District Court and deposited by him in 1931 in the Federal National Bank.

Coun. RUSSO—Mr. President, Alphonse Cantillo in 1931, in the East Boston Court, turned over a certain amount of bail, which was deposited in the Federal National Bank. In the meantime, the Federal National Bank failed, and he has received from time to time approximately \$229.70. There is a balance of \$250.30, which he has not received. The clerk acted in good faith in placing the money on deposit, and I feel that he should be reimbursed. I hope the order will pass.

The order was passed under suspension of the rule.

CLEARING OF WARD 3 STREETS.

Coun. RUSSO offered the following:

Ordered, That the Public Works Commissioner be requested, through his Honor the Mayor, to clear the streets of snow and ice in the Ward 3 section of Boston.

The order was passed under suspension of the rule.

OPINION OF CORPORATION COUNSEL RE LEGALITY OF MEETING.

Coun. TAYLOR offered the following:

Ordered, That the City Clerk be requested to furnish a copy of the minutes of this meeting to the Corporation Counsel, and that the Corporation Counsel advise the City Council whether or not a legal meeting of the City Council was held Wednesday, February 24, 1943; and that the Corporation Counsel be requested to be present at the next meeting to render his opinion personally.

President HANNON—The question is on the adoption of the order.

Coun. D. F. SULLIVAN—Mr. President, I move that we do adjourn.

(Coun. Sullivan withdrew his motion temporarily.)

Coun. TAYLOR—Mr. President, this is simply an order which will clear up the question of the legality or illegality of this meeting. Under this order I ask to request the City Clerk to furnish a copy of the minutes of the meeting to the Corporation Counsel, so that he may advise us whether or not the meeting is held legally, also requesting the Corporation Counsel to be present at the next meeting to render his opinion personally.

Coun. CAREY—Mr. President, I would move to amend, that the Corporation Counsel also be sent a copy of the rules of the City Council, especially Rule 1.

Coun. TAYLOR—Mr. President, I have no objection to that.

The order was amended by adding at the end "and that copy of the City Council rules be furnished to the Corporation Counsel," and the question came on the passage of the order as amended.

Coun. M. H. SULLIVAN—Mr. President, I am in favor of the order, so that the members of the Body may be properly informed of the legal status of the action that has been taken. In the event that the meeting has been held illegally this afternoon, the proposed loan order is still before us for action, and another vote at another meeting would be necessitated.

On motion of Coun. RUSSO, the order was referred to the Committee on Rules.

Adjourned at 4:13 p. m., on motion of Coun. D. F. SULLIVAN, to meet on Monday, March 1, 1943, at 2 p. m.

CITY OF BOSTON.

Proceedings of City Council.

Monday, March 1, 1943.

Regular meeting of the City Council in the Council Chamber, City Hall, at 2 p. m., Coun. DWYER, Senior Member, in the chair. Absent, Coun. Foster, Goode, Hannon, Linehan, Lyons.

APPOINTMENTS BY THE MAYOR.

Subject to confirmation by the Council, the Mayor submitted the following appointments, viz.:
Weighers of Coal: Helen Concannon, 143 Norwell street, Dorchester; Donald Dunkleberger, 1 Fountain place, Roxbury; Thomas Finley, 505 Nahatan street, Norwood.

Constable, for term of one year, beginning with first day of May, 1942, without power to serve civil process and to serve without bond, *vice* Gerard Gifun, resigned: Michael C. Penta, 492 Sumner street, Ward 1.

Severally laid over a week under the law.

ERECTION OF RAILINGS BY ELEVATED.

The following was received:

City of Boston,
Office of the Mayor, March 1, 1943.
To the City Council.

Gentlemen,—I transmit herewith communication received from Edward Dana, President and General Manager of the Boston Elevated Railway, relative to your order of December 28, 1942, and concerning the erection of railings or other safeguards at the Dudley street and Egleston square stations.

Respectfully,
MAURICE J. TOBIN, Mayor.

Boston Elevated Railway,
February 12, 1943.

Mr. William T. Doyle,
Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—The request contained in order of the City Council received with your letter of January 7, that the railway erect railings or other safeguards at the Dudley street and Egleston square stations to prevent possible accidents to passengers boarding surface cars at those stations, was presented to the Board of Trustees at their regular meeting, and I have been directed to advise you of the consideration which has been previously given to this subject.

Many studies have been made of different types of barriers designed to prevent accidents, but all of them have been rejected and the conclusion reached that any feasible installation would tend to create greater elements of danger rather than a means of protection to the traveling public.

As far back as 1919 a very careful report was made to the Legislature by the Public Service Commission, which then consisted of the Hon. Frederick J. MacLeod, now a Justice of the Superior Court of this Commonwealth, the Hon. Joseph B. Eastman, now Director of Defense Transportation in Washington, and the Hon. Everett E. Stone, later a member of the State Department of Public Utilities, which succeeded the Public Service Commission.

This report stated that when the Tremont Street Subway was originally constructed, the Railroad Commission considered the question, and came to the conclusion mentioned above; that when the Elevated lines first opened to public use the subject was again considered, and again in 1902 a special investigation and report on this subject was made to the Board of Railroad Commissioners by its Consulting Engineer, Mr. E. K. Turner.

In 1911 the Board of Railroad Commissioners again considered the subject, and stated "the installation of guard rails would in itself introduce

to some degree an element of danger by reason of their proximity to the cars, and also by tending to congest traffic in the spaces where the guard rails must of necessity be opened to move traffic."

The report of the Public Service Commission also states that "In New York, guard rails originally installed at a number of stations on the elevated lines were removed because of the belief of the management that they increased the danger of accident. Guard rails were also at one time experimentally installed upon certain portions of the elevated lines in Chicago, but as seven or eight passengers were rolled between the platform and the cars during the first few weeks of operation, the rails were taken down."

The Public Service Commission found that "Upon all the evidence available, the commission is of the opinion that the installation of guard rails would not be likely to conduce to the greater safety of the traveling public, and that the addition of guard rails or other structures which would restrict the platform area and thus tend to impede the free movement of traffic and to produce congestion, would be likely to interfere with safe and efficient operation."

In subsequent years many studies have been made by our own engineers, but the conclusion was reached that none of them would accomplish the desired purpose without introducing greater elements of danger than now exist.

The management of this railway at all times gives special attention to the matter of safety, and in 1942 for the sixth time won national recognition for safety by being awarded the American Transit Association Plaque for "high achievement in traffic and passenger safety in 1941." This award crowns a twenty-five-year safety record unequalled by any other transit company, and because of its repeated national successes in the field of safety, this railway has been barred from further competition for the award.

Yours very truly,
EDWARD DANA,
President and General Manager.

Placed on file.

TRAFFIC LIGHTS AT EGGLESTON SQUARE AND GREEN STREET.

The following was received:

City of Boston,
Office of the Mayor, March 1, 1943.
To the City Council.

Gentlemen,—I transmit herewith communication from William P. Hickey, Commissioner, Boston Traffic Commission, relative to your order of February 8, 1943, and concerning the restoration of traffic lights at Egleston square and Green street.

Respectfully,
MAURICE J. TOBIN, Mayor.

City of Boston,
Traffic Commission, February 15, 1943.
Hon. Maurice J. Tobin,
Mayor of Boston.

Dear Sir,—This is in reply to Council order dated February 8, 1943, which reads as follows:

"Ordered, That his Honor the Mayor request the Traffic Commissioner to restore the traffic lights at Egleston square and Green street to their original regulations and to remove the dimout paint from the lens of the above lights in view of the fact the present lighting increases hazards to pedestrians and autoists."

On December 27, 1942, his Excellency, Governor Siltson, by Executive Order No. 40, ordered that all essential traffic signals be shielded in accordance with methods approved and designated by the Department of Public Works of the Commonwealth of Massachusetts.

In accordance with this order we have shielded about 800 lenses on signalized intersections in the suburban areas. The lenses that we placed in position were in accordance with the design of the State Department of Public Works. Since that time they have issued a new order to have a larger opening in these shields and we are awaiting the delivery of this new type shield. As soon as they are received we will make the change of all these so-called old type shields.

Very truly yours,
WILLIAM P. HICKEY, Commissioner

Placed on file

APPROPRIATION FOR VICTORY GARDENS.

The following was received:

City of Boston,
Office of the Mayor, March 1, 1943.

To the City Council.

Gentlemen,—I submit herewith an order providing for an appropriation of thirty-five thousand dollars (\$35,000), to be expended under the direction and supervision of the Park Commissioner, for the establishment and development throughout the city of Victory Gardens. The Park Commissioner in this project will be assisted by the Boston Victory Garden Committee, consisting of outstanding citizens of the community who, because of their interest and belief in this movement, are devoting all of their spare time and energy to assure the success of the movement in Boston.

During the last World War, Victory Gardens were an important factor in civilian life. Recognizing this fact, the Secretary of Agriculture has requested that during the coming spring and summer seasons, municipalities throughout the country do everything possible to encourage and assist their citizens in growing foodstuffs, the ordinary supply of which has been radically curtailed by the demands of the armed forces of the country and the Lend-Lease program.

The Boston Victory Garden Committee will make a survey of the entire city for the purpose of locating vacant land and lots which will be suitable for cultivation. Arrangements will be made to make these areas available upon application to citizens who indicate a desire to participate in the program. Instruction and advice will be given as to the best type of seeds and fertilizer, proper planting methods, necessary work to be performed during the growing season, together with practical demonstrations and instruction in canning processes. In view of the stringent rationing regulations effective as of this date, it is imperative that every step be taken within our means to augment the food supply of the community. The development of Victory Gardens is clearly a movement of this character.

I therefore respectfully recommend adoption of the accompanying order by your Honorable Body.

Respectfully,

MAURICE J. TOBIN, Mayor.

Ordered, That the sum of \$35,000 be, and hereby is, appropriated, to be expended as herein-after specified, said sum to be raised by taxes on the polls and estates in the City of Boston, and that all orders hereinafter passed by the City Council relating to appropriations, taxes and the interest thereon, apply to the appropriations and taxes herein provided for.

Park Department.

Civilian Defense Activities.....\$35,000
Referred to Committee on Appropriations.

PETITIONS REFERRED.

The following petitions were received and referred to the committees named, viz.:

Edward J. Hogan, for compensation for damage to property at 45 Addington road, caused by construction of granolithic sidewalk.

Walter P. Boyce, for compensation for injuries caused by an alleged defect in City Hospital.

Neal Brown, for compensation for injuries caused by an alleged defect between 40 Court street and Tremont street.

Checker Taxi Company, for compensation for damage to car by city truck.

Mary E. Chippendale, for compensation for damage to property at 92 Sunnyside street, caused by overflow of sewer.

Vincenzo Christiani, for compensation for damage to property at 59 Warwick street, caused by sanitary truck.

Andrew F. Foley, to be reimbursed for collapse of water boiler at 15 Dean street, caused by water being shut off.

Victor A. Foresta, for compensation for injuries caused by an alleged defect at Havre and Sumner streets.

Louis Franklin, for compensation for damage to car caused by an alleged defect at Massachusetts and Columbus avenues.

George M. Freeman, to be reimbursed as result of accident which occurred while in performance of duty.

Harriet D. Gorman, for compensation for injuries caused by an alleged defect at Hollis and Washington streets.

Honora G. Griffin, for compensation for damage to property at 450 Massachusetts avenue, caused by city car.

Michael Lennon, for compensation for injuries caused by snow truck.

George Levine & Sons, to be reimbursed for loss sustained on microscope which was stolen from Boston school.

Marshall-Horner Company, for compensation for damage to truck by city truck.

Mary A. McGoldrick, for compensation for injuries caused by an alleged defect at Newbury street, near Massachusetts station.

Edwin J. McLaughlin, for compensation for damage to car by city car.

Anna E. McMorrow, for compensation for damage to car caused by an alleged defect at 280 Belgrade avenue.

Howard A. McViney, for reimbursement for execution issued against him.

Howard A. McViney, to be reimbursed for execution issued against him.

Herbert F. Philpott, for compensation for injuries caused by an alleged defect at Massachusetts avenue and Tremont street.

John E. Sullivan, for compensation for damage to property at 52 Beaumont street, caused by water being shut off.

Joseph F. Tims, for refund on used car dealer's license.

Elizabeth White, for compensation for loss of clothing at City Hospital.

Harold D. Williams, for compensation for damage to car by fire apparatus.

Committee on Licenses.

Petition of Ferdinand R. Kirchgassner for driveway opening at 419 Harrison avenue.

APPOINTMENT OF INSPECTORS,
HEALTH DEPARTMENT.

Notice was received from the Health Department of appointment of the following:

John F. Nevins, 21 Bowdoin street, Dorchester (transferred from Public Works Department, assistant drawtender), as Inspector of Housing and Sanitation.

Frederick J. Graham, 33 Pinekney street, Boston, dairy inspector.

Severally placed on file.

SIDEWALK ASSESSMENTS.

Communications were received from the Commissioner of Public Works together with orders assessing half-cost of construction of sidewalks against owners of record of estates bordering thereon, viz.:

	Half-Cost.
Burney street, Ward 10.....	\$295 01
Addington road, Ward 20.....	2,665 55
Vermont street, Ward 20.....	2,160 05
Guilford street, Ward 21.....	248 98

The orders were severally passed.

BORROWING CAPACITY OF CITY.

The following was received:

City of Boston,
Board of Commissioners of Sinking Funds,
February 11, 1943.

To the City Council.

Gentlemen,—In accordance with the provisions of chapter 93, Acts of 1891, chapter 267, Special Acts of 1916, and chapter 225, Acts of 1931, it is estimated that the amount which the city will be able to borrow during the present municipal year within the debt limit established by law, is \$12,488,122.28, as per schedule annexed.

Respectfully,

GUY W. COX,
WILLIAM E. HANNIGAN,
MICHAEL H. CORCORAN,
WILLIAM B. CAROLAN,

Board of Commissioners of Sinking Funds.

CHARLES J. FOX, City Auditor.

JAMES J. MCCARTHY, City Treasurer.

DEBT-INCURRING POWER IN 1943.

Total debt-incurring power within the debt limit (2½ per cent of \$1,460,074,903, the average assessed valuation for three years, less abatements).....		\$36,501,872 58
Debt incurred:		
Total funded debt, city and county.....		\$143,044,450 00
Funded debt outside the debt limit (debt exempted from the operation of the law limiting municipal indebtedness):		
City debt.....	\$30,707,750 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.....	1,548,000 00	
Rapid Transit debt.....	55,896,700 00	
	<u>\$107,652,450 00</u>	
Funded debt for Public Works Administration projects, issued under authority of chapter 366, Acts of 1933, as amended by chapter 21, Acts of 1934.....		4,813,600 00
		<u>112,465,450 00</u>
Funded debt within the debt limit.....		\$30,579,000 00
Offsets to funded debt:		
Sinking funds.....	\$24,297,141 17	
Less sinking funds for debt outside the debt limit:		
City.....	\$3,944,548 50	
Rapid Transit.....	15,357,366 65	
Traffic Tunnel.....	1,211,019 06	
Traffic Tunnel, "Series B".....	519,416 98	
Traffic Tunnel, "Series C".....	68,135 78	
	<u>21,100,486 97</u>	
Offsets to funded debt within the debt limit.....		3,196,654 20
Net indebtedness within the debt limit December 31, 1942.....		\$27,382,345 80
Loans authorized but not issued (within the debt limit).....		660,000 00
Used debt-incurring power within the debt limit.....		<u>28,042,345 80</u>
Unused debt-incurring power within the debt limit January 1, 1943.....		\$8,459,526 78
Estimated increase during the year by:		
Interest on sinking fund investments.....	\$102,572 50	
Appropriation for sinking funds for debt within the debt limit.....	92,023 00	
Serial bonds redeemable during year.....	3,834,000 00	
	<u>4,028,595 50</u>	
Estimated amount of indebtedness that may legally be incurred within the debt limit during the municipal year.....		<u>\$12,488,122 28</u>

Placed on file.

SOLDIERS' RELIEF.

Conn. RUSSO, 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.

EAST BOSTON RELIEF STATION.

Conn. COFFEY offered the following:
Ordered, That the trustees of the Boston City Hospital be requested, through his Honor the Mayor, to include in their 1943 budget sufficient funds to reopen the East Boston Relief Station on a twenty-four-hour a day basis.
Referred to the Committee on Hospitals.

MONTHLY PAYMENT OF CLERKS OF COURT.

Conn. COFFEY offered the following:
Ordered, That the City Auditor be requested, through his Honor the Mayor, to confer with the clerks of the courts paid by the County of Suffolk to ascertain whether or not it is feasible and advisable to arrange that they be paid on a monthly pay roll based on their annual salary.
Referred to Committee on County Accounts.

SALARIES IN HEALTH DEPARTMENT.

Conn. COFFEY offered the following:
Ordered, That his Honor the Mayor be requested to consider the advisability of increasing the maximum salary of the clerks in the Health Department from \$1,600 to \$1,800 a year.
Referred to the Executive Committee.

TAKING OF EAST BOSTON LAND FOR AIRPORT.

Conn. COFFEY offered the following:
Ordered, That the Committee on Public Lands be requested to investigate the taking of land in East Boston for the proposed enlargement of the airport.

Conn. COFFEY—Mr. President, in regard to this order, dealing with the proposed taking of land for the enlargement of the East Boston airport, there have been a couple of bills before the Legislature in regard to the matter, and I see by the papers that the Commissioner of Public Works of the State has agreed, in taking over this land for the airport, that he would not touch Wood Island Park. Information has come to me recently, however, that there is a proposition to take land in the Wood Island Park section for enlargement of the airport. I understand also that it is proposed to take by eminent domain certain land in East Boston for a public oil farm. Of course, where a taking is made by eminent domain we have very little to do about it, but I find that the McDonald Company, the East Boston Development Company, which has owned land over there for twelve or more years, owes \$312,000 in taxes, and that the company has been paid \$298,000 in cash by the Government. The Boston Finance Commission saw fit to hold up the transaction, because of the taxes owed by the McDonald Company, but it seems that there has been an agreement by which they are allowed to pay one-third of the taxes and the other two-thirds is still outstanding. I have introduced an order, which has been sent to the Committee on Public Lands, for an investigation of the matter by that committee. There will be a hearing this week, if possible, to look into the matter and make public the facts, bringing in the assessors' books over a period of years, to find out definitely how much McDonald owes and should pay in taxes. That will show who the beneficiaries are and also what

the Finance Commission has found in regard to the matter. So far as the airport is concerned, the people of East Boston never wanted the airport and don't want it now, and do not favor its enlargement. If land is wanted for the airport, there is plenty of land, for example, out in Newton, near where the Governor lives, which would afford a better place for an airport, with no such bottleneck as we now have because of the tunnel and the three bridges to the city proper. It is my own opinion, and I am not afraid to state it, that there is something shady in connection with the McDonald Company and the large amount of taxes which it has owed for years, as I have stated. There is something wrong when that sort of thing can happen, when a company like that can get out of paying its taxes for twelve or fifteen years, and then be able to make an arrangement when the land is taken over by which it profits in any such way and the interests of the city are completely neglected. As I say, I have had the matter referred to the Committee on Public Lands for a hearing, and I hope the Governor himself will send somebody down here to hear the facts. The Governor wants to enlarge the airport and surely should be represented by somebody from the State Public Works Department, so that there may be a thorough understanding of the matter.

The order was referred to the Committee on Public Lands.

ADDITIONAL APPROPRIATION FOR CLEANING STREETS.

Coun. CAREY offered the following:

Ordered, That his Honor the Mayor be requested to immediately initiate an additional appropriation for personal service in the Sanitary and Street Cleaning Divisions of the Public Works Department sufficient to enable the division to properly clean the streets of the city and remedy the present deplorable conditions.

Coun. CAREY—Mr. President, we do not need to tell anybody in this Body about the deplorable condition of the streets throughout the city, although in this connection I would not charge it to the Commissioner of Public Works personally, because I don't feel that he is to blame. We all know that for approximately a year now the city's forces have been engaged, first in a scrap collection, and then in other activities in which the Government is concerned. We all know how much work has been put into the collection of scrap and sorting it for several months, and we have had a monthly collection of tin, if I am correctly informed. These collections have been made by the city and in general by the Public Works Department, and the facilities of the Public Works Department have been used to that end. Consequently, of course, there has been neglect of other ordinary functions of the department. With that sort of thing we have no fault to find, because we realize how practically necessary it is for the prosecution of the war. But we all realize also how important it is that our streets should be cleaned, in the interest of traffic and business, because when the streets are allowed to go along in any such way it naturally is an injury to both small and large business. If we should have heavy rains at the present time, it would be impossible to keep the several thousand catch-basins in the city clear, and if they should become clogged it would mean a cost of thousands of dollars to the city. The Commissioner of Public Works and the men in his department have been called upon to perform these unusual functions that I have referred to and, of course, such work interferes with their usual occupation of cleaning and taking care of the streets. As a result, there has necessarily been an unavoidable serious neglect of the streets. That neglect cannot be laid at the door of the Public Works or any other department. It simply means that there has been a shortage of men to do the work that is ordinarily performed by the city in this line. To properly clean the streets necessarily means the use of men and money, and I trust that the Mayor will within a few days see his way clear to submit to the City Council an appropriation which will remedy the present disgraceful condition. Therefore, I move a suspension of the rule and the passage of the order today.

The order was passed under suspension of the rule.

USE OF HIGH SCHOOL BOYS IN CLEANING STREETS.

Coun. D. F. SULLIVAN offered the following: Ordered, That the Public Works Commissioner be requested, through his Honor the Mayor, to use registered high school boys for the purpose of cleaning the streets of Boston.

Coun. D. F. SULLIVAN—Mr. President, the remarks just made by the gentleman from Ward 10 (Coun. Carey) cover the situation very well. The reason why I have introduced this order requesting the Public Works Commissioner, through the Mayor, to use registered high school boys for the purpose of cleaning the streets of Boston, is because of the shortage of manpower in the Public Works Department, which is unable at the present time to engage a sufficient number of men to remove ashes throughout the city. I have called this matter to the attention of his Honor the Mayor and asked him to use these boys, and he assured me that something would be done about having the streets of Boston cleaned. The high school boys have no school this week, and I think it would be a good idea to use those boys in order to clean the streets and also give them a chance to make a few extra dollars. I ask a suspension of the rule and the passage of the order.

The order was passed under suspension of the rule.

RELAXATION OF DIMOUT REGULATIONS.

Coun. TAYLOR offered the following:

Whereas, The Racing Commission has approved the operation of the Wonderland Dog Track during the coming year; be it

Ordered, That his Honor the Mayor request the Commissioner of Public Safety for Boston to consult with J. Wells Farley, head of the Department of Public Safety of the Commonwealth of Massachusetts, for the purpose of relaxing the dimout laws now affecting business men and residents of the City of Boston.

Coun. TAYLOR—Mr. President, I read in the newspapers this past week that the operation of the Wonderland Dog Track during the coming year has been approved by the Racing Commissioner, and I wondered how it was going to affect the dimout regulations now in force, having in view the lighting used at those tracks. Day after day the police are cruising throughout the city and requiring business men, as well as the residents of the city, to comply with the dimout rules 100 per cent. As a result, many business men have been fined for not complying with those rules, and the same strict regulation has been applied to citizens of Boston in their homes, because of using lights which have been reflected on the streets. The resulting darkness has been a source of danger and inconvenience to people crossing or walking along the streets. I am just wondering to myself why the dog tracks should claim to be an exception to the rule. Those of you who have witnessed dog racing know that when they run the races they must have bright lights on the tracks, and people who have ridden in airplanes over the dog tracks in the nighttime know how the lights from the dog tracks show up, and that it would be the easiest thing in the world for a bombing plane to drop bombs on the dog tracks. So, for the life of me, I cannot understand why legitimate business men, who pay the taxes of the City of Boston, must be deprived of a right which is given to these tracks. It is hard to understand why these horse and dog track people should be given privileges which are denied to the great body of legitimate business men of our city, and therefore I have introduced this order. Certainly something should be done to put a stop to that sort of thing. If these tracks are to be allowed to go on with their bright lights, certainly a proper opportunity should be afforded to business houses to run their business in a reasonable way.

The preamble and order were referred to the Committee on Public Safety.

USE OF SCHOOL LAND, DORCHESTER, FOR COMMUNITY GARDEN.

Coun. FISH offered the following:

Ordered, That the School Committee of the City of Boston be requested, by his Honor the Mayor, to plow the 44,455 square feet of land

under their jurisdiction located at 891-911 Adams street, Dorchester, for the purpose of being used as a community garden.

Coun. FISH—Mr. President, very briefly, I think there is an appropriation pending of \$35,000 for this kind of work. I ask that this order go to the School Committee, for the purpose of calling their attention to this particular piece of land.

The order was passed under suspension of the rule.

PLAYGROUND, LOWER MILLS SECTION, DORCHESTER.

Coun. WICKES offered the following:

Ordered, That his Honor the Mayor be requested to direct the proper authorities to make a survey of the vacant lot of land, which is owned by the city, at the corner of Gallivan Boulevard and Washington street, Dorchester. Said survey to be conducted with a view to the converting of said property into a playground for the convenience of the children of the Lower Mills section of Dorchester.

Passed under suspension of the rule.

CONFIRMATION OF EXECUTIVE APPOINTMENTS.

Chairman DWYER called up, under unfinished business, No. 1 on the calendar, viz.:

1. Action on appointment submitted by the Mayor February 15, 1943, of Emily L. Collins, Marion McGinness, Donald E. LaCrosse, to be Weighers of Coal.

The question came on confirmation of the appointments. Committee, Coun. Coffey and Wickes. Whole number of ballots 14, yes 13, no 1, and the appointments were confirmed.

RELEASE OF EASEMENT IN ROXBURY.

Chairman DWYER called up, under unfinished business, No. 2 on the calendar, viz.:

2. Whereas, The City of Boston, by instruments dated February 26, 1897, and September 28, 1897, and recorded respectively with Suffolk Deeds, Book 2427, page 472, and Suffolk Deeds, Book 2480, page 577, acquired the right to lay water pipes in a strip of land called Colony place in the Roxbury district of Boston, and to do and perform in and upon said land all acts which might be convenient or necessary for laying, maintaining and repairing said pipes, and furnishing water through the same; and

Whereas, The Commissioner of Public Works of the City of Boston, being the officer of the City of Boston now having charge of the easement and right so acquired, has notified the City Council that, in his opinion, said easement and right is no longer required for public purposes; now, therefore, it is hereby

Ordered, That his Honor the Mayor of the City of Boston be, and he hereby is, authorized to abandon said easement and right, and to execute and cause to be recorded in the Registry of Deeds for Suffolk County in the name and on behalf of the City of Boston, a declaration, in a form satisfactory to the Law Department of the City of Boston, that said right and easement is abandoned; and it is hereby further

Ordered, That his Honor the Mayor of the City of Boston be, and he hereby is, further authorized to transfer, release and convey to the General Baking Company in the name and on behalf of the City of Boston, simultaneously with the abandonment of said easement and right and upon the payment to the City of Boston of the sum of one dollar and by an instrument in writing satisfactory to the Law Department of the City of Boston, the water pipes situated in said Colony place in the Roxbury district of Boston.

On January 18, 1943, the foregoing order was read once and passed, yeas 16, nays 0.

The order was given its second and final reading and passage, yeas 16, nays 0.

JURORS DRAWN.

Coun. COFFEY—Mr. President, I move that the Council go into executive session.

Chairman DWYER—Before going into recess, let me say that the Chair has just received a venire for jurors and will ask the City Messenger to notify the Mayor of the same.

(The City Messenger retired from the chamber to notify the Mayor.)

Coun. M. H. SULLIVAN—Mr. President, I would like to speak.

Chairman DWYER—We are now proceeding to draw jurors.

(City Messenger Leary presently returned and said that the Mayor was absent.)

Chairman DWYER—In the absence of the Mayor, the Chair will call on Councilor Hurley to draw the jurors.

Jurors were drawn under the law, Coun. HURLEY presiding at the box in the absence of the Mayor, as follows:

Eighty-five traverse jurors, Superior Criminal Court, to appear April 5, 1943:

John J. Gillespie, Ward 1; Calvin S. Gross, Ward 1; Charles Ventre, Ward 1; Franklin H. Whipple, Ward 1; John Carey, Ward 2; John Doherty, Ward 2; Clarence E. Thurston, Ward 2; Samuel Davis, Ward 3; Anthony Ferullo, Ward 3; Harry Greenberg, Ward 3; Edmund J. LeBlanc, Ward 3; Joseph Sicuro, Ward 3; Ralph Samuel DeGroot, Ward 4; William A. Dorr, Ward 4; Jacob Good-Shot, Ward 4; Patrick Higgins, Ward 4; Curtis L. Hayford, Ward 5; Jacob Kagan, Ward 5; Samuel J. Ahern, Ward 6; Raymond W. Brown, Ward 6; Oscar R. Carlson, Ward 6; John Maher, Ward 6; George S. Eiffer, Ward 7; Warren H. Journay, Ward 7; John H. Lewis, Ward 7; Harold S. McMahan, Ward 7; William H. Tilt, Ward 8; Thomas H. Williams, Ward 8; Henry A. Jaworeski, Ward 9; Joseph J. Merritt, Ward 9; Charles A. Foley, Ward 10; Ambrose Joseph Francis, Ward 10; Jacob Tannabaum, Ward 11; Daniel J. Leonard, Ward 12; Henry Levine, Ward 12; Clarence Burton Cripps, Ward 13; Andrew McGonagle, Ward 13; James F. McNally, Ward 13; Carl Aleh, Ward 14; Seymour Julius Fisher, Ward 14; Henry Fredey, Ward 14; Louis Gillette, Ward 14; Eli Israel, Ward 14; Timothy F. Leary, Ward 14; Joseph Needleman, Ward 14; Charles Waldstein, Ward 14; Leo F. Walker, Ward 14; Wayne R. Carver, Ward 15; James H. Doyle, Ward 15; James E. Dolan, Ward 16; Henry J. Driscoll, Ward 16; Albert R. Mackinnon, Ward 16; Joseph F. Maloney, Ward 16; Patrick J. O'Donnell, Ward 16; Otis Seary, Ward 16; Frederick J. Beszger, Ward 17; Edward J. Durkin, Ward 17; Donald W. MacDonald, Ward 17; William S. Mason, Ward 17; Charles Posner, Ward 17; James D. Coveney, Ward 18; William F. Dick, Ward 18; John P. Killilea, Ward 18; Frederick D. Lamb, Ward 18; Thomas Joseph Gibbons, Ward 19; August H. Haffenreffer, Ward 19; Patrick J. Walsh, Ward 19; Edmund B. DeFreytas, Ward 20; John J. Dailey, Ward 20; Frank J. Sauer, Ward 20; John J. Sherry, Ward 20; Kenneth J. Soderstrom, Ward 20; Herbert H. Stedman, Ward 20; Peter J. Cavanaugh, Ward 21; John F. MacKay, Ward 21; Olof E. E. Sandberg, Ward 21; Michael J. Shea, Ward 21; Louis Swartz, Ward 21; Ernest E. Appleby, Ward 22; Philip J. Eon, Ward 22; Norman J. Keefe, Ward 22; Michael J. Lavin, Ward 22; Wallace F. MacLeod, Ward 22; Leo Maloney, Ward 22; Albert G. Mitchell, Ward 22.

One hundred eighty-nine traverse jurors, Superior Civil Court, to appear April 5, 1943, April Sitting:

Louis Aceto, Ward 1; Anthony Almeda, Ward 1; Joseph Celesta, Ward 1; Andrew A. Daley, Ward 1; John J. D'Craio, Ward 1; Carlo Follo, Ward 1; William A. Lewis, Ward 1; Donald W. MacPherson, Ward 1; George B. McClellan, Ward 1; Anthony Monaco, Ward 1; James A. Muldoon, Ward 1; Edward A. Murphy, Ward 1; Christi C. Paris, Ward 1; Anthony Patti, Jr., Ward 1; William E. Riley, Ward 1; Herbert L. Britton, Ward 2; John J. Butler, Ward 2; Dennis F. Crowley, Ward 2; Samuel Hawkins, Ward 2; John Somerville, Ward 2; Edward J. Ayube, Ward 3; John C. Berlandi, Ward 3; William S. Kenny, Jr., Ward 3; James J. O'Toole, Ward 3; John Spinale, Ward 3; Frederick A. Taylor, Ward 3; Michael W. Ventre, Ward 3; Edward H. Whelpley, Ward 3; John W. Barker,

Ward 4; Richard F. Cavanaugh, Ward 4; John Curtis, Ward 4; Max Goldberg, Ward 4; Kenneth L. Hamilton, Ward 4; James E. Killion, Ward 4; Leroy C. Lyon, Ward 4; Edgar M. Lynch, Ward 4; Joseph F. MacCullum, Ward 4; Frank G. Pierce, Ward 4; John J. Tobin, Ward 4; James M. Walsh, Ward 4; Henry B. Arundalo, Ward 5; Louis Blair, Ward 5; James F. Burke, Ward 5; George R. Garden, Ward 5; James L. Ham, Ward 5; Howard S. Hayward, Ward 5; Holmes C. Hurlb, Ward 5; William T. Parry, Ward 5; Earle W. Sherburne, Ward 5; Maurice Spiegel, Ward 5; Francis A. Sullivan, Ward 5; George W. Woodworth, Ward 5; Charles H. Atwood, Ward 6; Thomas E. Hagan, Ward 6; Thomas J. McCann, Ward 6; Edwin Bruce Myers, Ward 6; Joseph A. Herr, Ward 7; James O'Neill, Ward 7; William J. Buckley, Ward 8; Arthur Cotter, Ward 8; Clayton I. Estes, Ward 8; Albert A. Lester, Ward 8; Philip J. O'Hearn, Ward 8; James S. Snyder, Ward 8; Anthony Van Gernert, Ward 8; Herbert J. Wilson, Ward 8; John J. Halloran, Ward 9; Kenneth W. Hurd, Ward 9; Clemmoth W. Kirton, Ward 9; George D. Needham, Ward 9; Charles A. Newton, Ward 9; Harry C. Pressey, Ward 9; George D. Stewart, Ward 9; Charles F. Warren, Ward 9; Albert L. Farley, Ward 10; Robert E. Jones, Ward 10; Patrick Anthony Hughes, Ward 10; Patrick J. Lynch, Ward 10; Thomas F. McCarthy, Ward 10; Francis W. McElwain, Ward 10; William H. Tobin, Jr., Ward 10; Patrick D. Barry, Ward 11; Denis Cabalane, Ward 11; Patrick J. DiAngelo, Ward 11; William J. Gallagher, Ward 11; Joseph M. Hennessey, Ward 11; Robert L. Koenig, Ward 11; Francis X. Linse, Jr., Ward 11; Thomas D. McManus, Ward 11; George Murphy, Ward 11; William H. Reams, Ward 11; Joseph Epstein, Ward 12; Ralph Halliburton, Ward 12; Ivan MacFaun, Ward 12; Thomas Madden, Ward 12; John G. McDowell, Ward 12; Samuel Role, Ward 12; John W. Van Namee, Ward 12; Charles A. Armstrong, Ward 13; Frank H. Kenney, Ward 13; John J. McDonough, Ward 13; George H. Noble, Ward 13; William G. Teague, Ward 13; Saul Bearse, Ward 14; Samuel Bronstein, Ward 14; George W. Carey, Ward 14; Benjamin Greenberg, Ward 14; James F. Hegarty, Ward 14; Samuel T. Kramer, Ward 14; Maurice Rottenberg, Ward 14; Philip Zief, Ward 14; Alfred E. Bandera, Ward 15; Frank Coleman, Ward 15; Herman J. Fromm, Ward 15; Christian O. G. Sandberg, Ward 15; Curtis S. Collins, Ward 16; James E. Collins, Ward 16; Frank M. Curley, Ward 16; Thomas A. Dervan, Ward 16; Joseph E. Donovan, Ward 16; Edward M. Hamilton, Ward 16; Henry F. Patten, Ward 16; Raymond E. Ferry, Ward 16; Carlo Rizzi, Ward 16; Charles Block, Ward 17; Edward Galiano, Ward 17; Cecil W. Hancock, Ward 17; George R. Hennessey, Ward 17; Thomas J. Heny, Ward 17; Charles R. Ketchum, Ward 17; Edward L. MacNeil, Ward 17; Frank J. Maguire, Ward 17; Dennis W. O'Brien, Ward 17; John F. O'Keefe, Ward 17; Arthur L. Promer, Ward 17; William Rich, Ward 17; Frank J. Troy, Ward 17; William E. Wilson, Ward 17; Robert Bryce, Ward 18; Walter W. Chaberek, Ward 18; Albert H. Cuneo, Ward 18; Abraham Finkelstein, Ward 18; Samuel Lubin, Ward 18; Amasa V. McLeod, Ward 18; Laurence Eugene Murphy, Ward 18; Paul J. O'Neil, Ward 18; Joseph Poley, Ward 18; Arthur H. Roberts, Ward 18; Richard J. Rothwell, Ward 18; Walter F. Tobin, Ward 18; Martin Burke, Ward 19; Joseph T. Coenen, Ward 19; John A. Curran, Ward 19; George K. Edwards, Ward 19; Albert G. Gunther, Ward 19; Benjamin F. Himmel, Ward 19; Walter E. McKinnon, Ward 19; James S. Ryan, Ward 19; Robert C. Stober, Ward 19; James E. Tobin, Ward 19; Frank G. Twiss, Ward 19; Charles H. Zimmerman, Ward 19; David F. Berkeley, Ward 20; William H. Billings, Ward 20; Charles B. Doyle, Ward 20; Charles J. Franz, Ward 20; William J. Howard, Ward 20; Carl L. Mortensen, Ward 20; Edward A. Steele, Ward 20; Lars A. Svensson, Ward 20; Harry C. Wells, Ward 20; Hilary H. Whelan, Ward 20; Lewis F. Auld, Ward 21; Frank P. Costa, Ward 21; Theodore T. Erickson, Ward 21; Max Fishman, Ward 21; Frederick G. King, Ward 21; Morris Marcus, Ward 21; Theodore L. Neidlich, Ward 21; Walter Pitts, Ward 21; Augustus Rudd, Ward 21; Harold T. Woodfin, Ward 21; Arthur H. Akers, Ward 22; James A. Barry, Ward 22; Frederick E. Greene, Ward 22; Alfred Hirschfield, Ward 22; William P. Kelley, Ward 22; Neil C. MacLeod, Ward 22; Alvin A. Robinson, Ward 22.

APPROPRIATIONS FOR POLICE AND FIRE DEPARTMENTS AND FROM REVENUE OF CERTAIN DEPARTMENTS.

The following was received:

City of Boston,
Office of the Mayor, March 1, 1943.
To the City Council.

Gentlemen,—In my annual message to your Honorable Body delivered by me on January 4, 1943, I informed you of my intention to adjust the basic salaries for members of the uniformed forces of the Fire and Police Departments. In the four weeks' interval that passed from that date until February 1, 1943, I had deeply concerned myself with the dilemma in which the employees of the municipality and of the County of Suffolk found themselves, faced with comparatively rigid compensation structure and yet beset with rising costs and demands upon their individual finances to a degree and extent without parallel in their employment experience. The cause and nature of these inroads are so obvious as not to require their enumeration and description.

On February 1, 1943, in my budget message to you I pointed out that this further study had impressed me with the advisability of some form of a temporary general adjustment for other employees as well.

In acting upon this agreement with fire and police employees, and my conclusions as to the desirability of other adjustments as well, I am transmitting herewith two appropriation orders.

One of these orders provides for a basic increase in salary for members of the uniformed force of the Police Department below the rank of captain of \$200 per annum, and also provides a \$200 basic increase in compensation for members of the fire-fighting force below the rank of district chief.

As a consequence of this adjustment, the salary levels of the group of employees so effected will be as follows:

Police.

Patrolman, old, \$1,600—\$2,100, step-rate \$100 a year from minimum to maximum; new, \$1,800—\$2,300, step-rate \$100 a year for five years from minimum to maximum.

Sergeant, old, \$2,500, new, \$2,700.

Lieutenant, old, \$2,700, new, \$2,900.

Fire.

Private, old, \$1,600—\$2,100, step-rate \$100 a year for five years from minimum to maximum; new, \$1,800—\$2,300, step-rate \$100 a year for five years from minimum to maximum.

Lieutenant, old, \$2,500, new, \$2,700.

Captain, old, \$2,700, new, \$2,900.

The second of these appropriation orders provides for a temporary emergency compensation allotment for all city and county employees other than those referred to in the first order. With the funds so made available it is my intention to grant, for the current calendar year, a temporary adjustment in compensation of \$200 to each and every city and county employee, in lieu of the smaller emergency allotment which has been paid to a portion, but not to all, of them for the past year. This is, to my way of thinking, the most equitable method to employ.

It is my intention that these increases shall be retroactive to January 1, 1943, subject, however, to adjustments on account of Emergency Compensation Allotment payments to employees since that date.

Including employees of the so-called Revenue Departments, some 12,675 city and county employees come within the scope of adjustment embodied in these two appropriation orders. The total funds required to effect the changes amount to \$2,372,900, including \$1,043,300 now provided for in the annual budget submitted to your Body on February 1st of this year, and presently under consideration by your Committee on Appropriations. Of this sum of \$2,472,900, \$126,600 will be made available from the revenue of the respective departments. The balance of \$2,246,300 will be included in the current tax levy.

While the action recommended involves an additional tax burden of some \$1,249,500, I sincerely feel that, in view of the highly conservative debt management policy in effect for the past five years, with ensuing reductions in debt service charges,

these additional compensation requirements can be initiated with but a small increase in the tax rate.

It is recommended that these orders be given immediate consideration and passage.

Respectfully,

MAURICE J. TOBIN, Mayor.

Ordered, That the sum of \$1,249,500 be, and hereby is, appropriated for the purposes hereinafter specified, said amount to be raised by taxation on the polls and estates in the City of Boston, and that all orders heretofore or 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.

Fire Department.

A. Personal Service..... \$234,800

Police Department.

A. Personal Service..... 413,500

Special Appropriation.

Emergency Compensation Allotment, 470,800

COUNTY DEPARTMENTS.

Special Appropriation.

Emergency Compensation Allotment, 130,400

\$1,249,500

Ordered, That the sum of \$80,100 be, and hereby is, appropriated for the purposes hereinafter specified in the Revenue Departments, said amount to be met from the income of said departments, and any excess over income from taxes.

Printing Department.

J. Emergency Compensation Allotment.. \$19,300

City Record, Publication of.

J. Emergency Compensation Allotment.. 300

Public Works — Water Division.

J. Emergency Compensation Allotment.. 40,000

Sumner Traffic Tunnel.

J. Emergency Compensation Allotment.. 9,700

Collecting — Water Division.

J. Emergency Compensation Allotment.. 9,900

Foreclosed Real Estate Division.

J. Emergency Compensation Allotment.. 900

\$80,100

Referred to Executive Committee.

RECESS.

The Council voted to take a recess at 3.40 p. m. subject to the call of the Chair. The members reassembled and were called to order at 4.03 p. m. by Chairman DWYER.

OPPOSITION TO WADSWORTH BILL.

Coun. M. H. SULLIVAN and SCANNELL offered the following:

Resolved, That the members of the Boston City Council, in meeting assembled, hereby petition the Massachusetts delegation in Congress to oppose the so-called Wadsworth bill which would authorize the drafting of women between the ages of eighteen and fifty for war work and other non-combat functions.

Coun. M. H. SULLIVAN—Mr. President, I think we were all pleased when Mayor Tobin a few weeks ago entered the national fight against the Wadsworth measure. I think he is to be greatly commended for the position he took, as the only public official with enough foresight and courage to oppose the Wadsworth plan. I think it is an immoral measure. I know that women are being drafted in Russia and England, both of which countries have been invaded, but I don't think the time has come when it is necessary for us to follow them in our domestic affairs. There may be a justification in Russia, which has been invaded, and

the same in England, who are threatened with invasion. But the President has not said it is necessary, and I believe this proposed Wadsworth measure is an improper one for this country. I believe this sort of thing is destructive of family life and opposed to American principles. We still have deeply at heart over here the sanctity of home life. Women have been most active in war service, and that is all right in many lines. I think, however, that they are the best judges of the service they should go into. I don't think such a measure as the Wadsworth bill is necessary. Mr. McNutt has stated that it is necessary, but I don't know any reason why we should place ourselves in the hands of Mr. McNutt, who has shown himself incompetent and inefficient. So I think the Council should go against the measure, which I feel is undemocratic.

Chairman DWYER—The resolution will be referred to the Committee on Rules.

Coun. M. H. SULLIVAN—Mr. President, I move the passage of the resolution.

Chairman DWYER—It is already referred to the Committee on Rules.

Coun. SCANNELL—Mr. President.

Chairman DWYER—The resolution is referred to the Committee on Rules.

Coun. SCANNELL—Mr. President, this is a joint order of Councilor Sullivan and Councilor Scannell, and I think I should have a right to express myself on it.

Chairman DWYER—I beg your pardon.

Coun. SCANNELL—Mr. President, I want to go on record as commending the Mayor of Boston for the stand he has taken in opposing this bill. It is certainly gratifying to me to see that a very large proportion of the people in my own section are doing war jobs. The district I represent is 100 per cent for national defense, and the women are doing their full share. I have seen these women coming and going to and from work every morning and night, and doing a really good job, as far as national defense is concerned. I believe the women of America are sacred in the eyes of this nation, and I believe that any move concerning the women of this nation, along the lines proposed by the Wadsworth bill, would be detrimental to the family life of America. I sincerely trust that the City Council will go on record as against the bill.

Chairman DWYER—The resolution has been referred to the Committee on Rules.

Coun. CAREY—Mr. President, I would like to have the Committee on Rules have a meeting upon this matter, and as chairman of the committee I will be glad to take up the resolution in the committee as soon as possible.

Coun. HANLEY—Mr. President, I, too, am heartily in sympathy with the resolution relative to this bill that is pending in Congress. I believe that there is action proposed on it for Wednesday, and I believe therefore that the resolution should be passed today.

Chairman DWYER—It is already in the Committee on Rules.

Coun. HANLEY—Mr. President, I appeal from the decision of the Chair.

Chairman DWYER—Councilor Hanley moves that we recall the resolution of Councilors Maurice Sullivan and Scannell from the committee.

The motion to recall the resolution from the Committee on Rules was declared carried, and the question came on suspension of the rule for passage of the resolution.

Coun. KINSELLA—Mr. President, I am heartily in accord with this resolution. There is so very little in this country today to respect and look up to that the idea of putting the women of the country into the services as proposed by the bill seems to me entirely opposed to everything that American principles have stood for. We are spending billions every year to educate the people and to wipe out misery and yet now we are asked to relinquish every one of the principles for which we have always stood. I believe it is time that the people register themselves unmistakably against this kind of thing. This is something that is striking down into the very roots of American home life and of American civilization as we know it today. Certainly very little wisdom is shown by this proposed action in Washington. As I opened my remarks by saying, it is getting so that there is very little going on in some ways for us to respect. We cannot respect our rulers when they indulge in such silly, crackpot legislation as is being forced on us in different lines. There are the WAACS, and the WAVES, the SPARS and the MARINES, and we have heard from J. Edgar Hoover, who knows

whereof he speaks, that juvenile delinquency within a short time has more than doubled. In America it has always been the practice for the mothers to advise and direct their families, from A to Z, and I certainly believe that times like these are not the times when we should let down the bars as far as the girls and young women of this country are concerned. Countries that are invaded or that are threatened with invasion may feel that they are forced to take certain action, but that does not apply to us up to the present time. Therefore, I wish to say that I agree most thoroughly with his Honor the Mayor in this matter, and certainly hope that the proposed crackpot legislation will not pass.

Coun. HANLEY—Mr. President, throughout the length and breadth of the country there is at the present time, I believe, a shortage of manpower, and that has led to all sorts of propositions in Washington and in other parts of the country. About a month ago Paul McNutt, the manpower chief, sent up a trial balloon and found that he did not have the power to compel labor to go into any section of the country. Since that time the radicals and crackpots have been bringing forth schemes to utilize manpower in various ways, and men in public life have presented bills to Congress which would jeopardize the tranquillity and sacredness of the American family. The bill that is particularly referred to here is the Wadsworth-Austin bill, offered jointly by Senator Wadsworth of New York and Senator Austin of Vermont, and they are now trying to juggle statistics so that the bill will be steamrollered through Congress. A few weeks ago his Honor the Mayor arose and denounced the bill as un-American. The bill, if passed, will give the Manpower Commission the right to go into all of the forty-eight states and draft the women of the nation and to interfere generally with our home life. Since the year one A. D. attempts of this kind have been made. Read Clark's history and you will see that it bears that fact out. It is an attempt to take American women away from their homes and put them into industry where they will be a means of coercion or intimidation to American labor, the thing being helped along by legislation. We know what is going to happen later, as it happened after the last war,—that the boys returning from overseas and seeking positions in private life will find, when trying to seek employment, that their places have already been filled, in many cases, by women and by machines, and that their labor is no longer required. Women replaced men after the last war, and now many, as shown by the work of the Dies Committee, are trying to utilize the cloak of war to pass bills of this kind, inimical, unjust and unfriendly. Let us not break down the family, let us not encourage encroachment upon our American life and ideals. I trust that the Massachusetts delegation in Congress will rise up and denounce this measure and will do everything they can to see that the threats to the women of this country are taken out of it. I thank you.

Coun. CAREY—Mr. President, I am very glad that this resolution has been sent to the Committee on Rules, and I can assure the Body that there will be immediate action. I am sure that the Committee on Rules will lose no time in reporting back to this Body that the resolution should pass. Only a day or two ago I saw a case where the mother of six children, the youngest three months old, went out and obtained for herself a job in a defense factory. That is what has been happening with many mothers and with many women since the introduction of the Austin-Wadsworth act, so that women have gone out and obtained for themselves jobs in defense factories rather than run the risk of being drafted into the service. The husband of this woman is also working, whether or not in a defense factory I don't know. But I simply mention this to show the feeling that has come over women and to indicate what is going on throughout the community. In the case I cite, I understand that the mother and father are away a large part of the daytime, the mother in the late afternoon and early into the evening hours, and that the father does not get home from his labors until seven at night. In the meantime there are those helpless children not able to prepare their own meals, with parents away until eight or nine in the evening. There is something wrong in a situation of this kind, Mr. President. I have no doubt of the action that will be taken by the Massachusetts representatives in Congress. I am sure that they will be affected by the feelings of the people back home here. Shame on men like Austin and Wadsworth

who should have some feeling for the American mother and who should certainly be glad to take action which will prevent American homes from being broken up. I trust that we will pass this resolution, that it will be forwarded to Washington, and that the Wadsworth-Austin bill will be overwhelmingly defeated.

Coun. SCANNELL—Mr. President, I move the suspension of the rule and passage of the resolution.

Coun. M. H. SULLIVAN—Mr. President, I move that copies of the resolution be forwarded to the Massachusetts representatives before the bill comes up for passage.

Chairman DWYER—After the resolution is passed, the City Clerk will attend to that.

The resolution was passed under suspension of the rule.

EXECUTIVE COMMITTEE REPORTS.

Coun. TAYLOR, for the Executive Committee, submitted the following:

1. Report on message of Mayor and orders (referred today) appropriating \$1,249,500 for increased salaries in city departments and sum of \$80,100 from revenue received in certain departments—that same ought to pass.

Report accepted; said orders passed, yeas 16, nays 0.

Yeas—Coun. Carey, Chase, Coffey, Dwyer, Fish, Hanley, Hurley, Kelly, Kinsella, Langan, Russo, Scannell, D. F. Sullivan, M. H. Sullivan, Taylor, Wickes—16.

Nays—0.

ASSESSMENTS ON PROPERTY OF THOSE IN ARMED FORCES.

Coun. WICKES offered the following:

Ordered, That his Honor the Mayor be requested to consider the advisability of directing the Board of Assessors to refrain from raising the assessments on the property of those in the armed forces and to reduce all assessments on said property to assessments prevailing prior to December 7, 1942.

Passed under suspension of the rule.

EMERGENCY COMPENSATION ALLOTMENT FOR SCHOOL DEPARTMENT.

Coun. FISH and HANLEY offered the following:

Ordered, That the School Committee of the City of Boston provide in its annual budget an emergency compensation allotment per annum for teachers and all employees of the School Department.

Passed under suspension of the rule.

ADDITIONAL COMPENSATION TO CITY EMPLOYEES.

Coun. D. F. SULLIVAN and COFFEY offered the following:

Ordered, That his Honor the Mayor consider the advisability of granting an additional permanent raise of \$200 over and above the bonus of \$150 to all city employees who are eligible for said bonus.

Coun. D. F. SULLIVAN—Mr. President, just a word stating the reasons for the introduction of this order. After the appropriation order was sent in by the Mayor this afternoon for increases in pay, to employees of the city, I made a statement in Executive Committee that I would not vote for the appropriation to pay workers this afternoon unless something was done for the underpaid employees of the City Hospital, the hospital at Mattapan and the hospital at Long Island, or the workers in any other department where they are in the low-paid brackets. While the employees in the higher brackets have been taken care of, even up to \$6,000 and \$10,000 a year, many of those in the lower brackets still suffer—for instance, those getting but \$900, \$1,200 and up to \$1,600. In fact, some of those in the low brackets will get an increase of only about 90 cents a week over what they have been getting the past year. So I certainly trust and hope that this will be impressed upon the mind of Commissioner Bush, and also upon his Honor the Mayor, that something will be done for those working at the City Hospital and other such

institutions as I have named. I certainly trust that they may get a deserved increase. The reason for this order is to make sure that something will be done for those in the low-paid brackets, and I ask a suspension of the rule and the passage of the order.

Coun. COFFEY—Mr. President, I am glad to go along with Councilor Dan Sullivan on this order. I have had cases brought to my attention, as, for instance, the case of a young fellow of whom I heard an hour ago, who entered the city service some years ago at \$16 a week, an unmarried man, and today has two children and, unless he receives a bonus, will be getting only \$19 a week. Can that be considered a decent living salary to support a wife and two children? Then, there is another man who ten years ago received the same salary that he receives today, \$16.50 a week. When he first entered the service he was a single man, but is now a married man with two children. There is another case of a man who has been sixteen years in the service and receives a salary of \$20, exactly the amount at which he was employed fifteen years ago, although he is now married and has three children. I think, therefore, under the circumstances that something should be done for these employees in the low brackets, particularly for those who started in at a very low salary and who are still getting a low salary, and who, even though receiving the bonus, will be still getting something that will be hard to exist on. Of course, there are some partly crippled, but still able to do a day's work and who should get a living wage. Many of these in the lower brackets, who have been in the service of the city for years, should get better salaries. Therefore, I hope something will be done for these men in the lower brackets.

The order was passed under suspension of the rule.

LIVING QUARTERS FOR RECIPIENTS OF PUBLIC ASSISTANCE.

Coun. HANLEY offered the following:

Ordered, That his Honor the Mayor request the Director of Public Welfare to instruct his subordinates to advise any recipients of "Public Assistance" that they have the inalienable right to procure living quarters in any section of the city wherein they might procure the necessities of life, befitting a "human being."

Coun. HANLEY—Mr. President, this past week a recipient of old age assistance came to my home asking for my aid. He asked me to contact the welfare authorities and request them to give him the right to change his present abode in order that he may be able to procure a more habitable place and also to procure food fit for a human being. On further questioning, he told me that because he served a sentence for drunkenness at Deer Island penal institution many years ago, he was refused permission to move. The sad story affected me to such an extent that I decided to bring it to your attention for fear that this condition may be city-wide. Whenever I hear of a person or group of persons condemning a fellow man for any frailty, it reminds me that "he who is without sin, let him cast the first stone." There seems to be certain groups whose main object in living is to destroy, judge and condemn. A few years ago in the British House of Parliament, instead of devising ways and means to protect themselves from the war that was then in the offing, they were debating on the bill called "Euthanasia," a euphonious title, literally translated from the Greek language as meaning "a good death," but translated into our language as "murder"; a bill designed to legalize the murdering of the aged, infirm, and those afflicted with an incurable disease, inaugurated by a group of vicious men who would classify in the category of morons and fools the benefactors of mankind, such as Madame Curie, Louis Pasteur and Father Damien. In our own state they tried to legalize on a public referendum a bill called "birth control," another euphonious title hiding the odious name of "murder"; a bill that, if it were in effect, would consider the birth of a poor, humble backwoodsman a detestable crime,—a man who, through his brilliance and learning, became the greatest, most loved, most judicious and most charitable man ever to ascend to the highest place in the gift of our nation; a man who beheld under the dark skin of the black man an exact replica of our Creator, and who utilized his voice and pen and

the dignity of his mighty office in breaking asunder the tentacles of physical slavery. Let me refer to the case of a man who came to me and told his story. This is practically what he got for seven days in the week,—for breakfast, oatmeal, with sugar and cream, two slices of bread, sometimes with and sometimes without butter, and a cup of tea; at noon, two frankforts or two meat balls with potato, two slices of bread, sometimes with and sometimes without butter, and a cup of tea; in the evening, at 7.30, two slices of bread, sometimes with and sometimes without butter, a cup of coffee and two cookies. This is the menu of a home now caring for thirty-five residents, in Jamaica Plain; and when he tried to move into another part of the city he was told that he could not, because he had served at one time for drunkenness in our institutions, had a public record, and therefore must live there. Even though he has served his sentence in the courts of law and the sentence was carried out under the law, he still must undergo that sort of thing for fifteen years after his crime against society was committed. I have brought this to your attention, Mr. President and gentlemen, because I believe his case may be an exact replica of what would transpire throughout the entire length and breadth of our city. I ask that this be referred to the Committee on Public Welfare, so that we may bring before the committee the Director of Public Welfare, and attempt to prevent for all time in the future any action that will deny to such a man the right to live like other human beings.

The order was referred to the Committee on Public Welfare.

ADEQUATE PERSONNEL IN ASSESSING DEPARTMENT AT NOON HOUR.

Coun. CAREY offered the following:

Ordered, That the Board of Assessors be requested, through his Honor the Mayor, to provide for adequate personnel in the Assessing Department to take applications for tax abatements during the noon hour as well as during other hours that the assessors' office is open to the public.

Coun. CAREY—Mr. President, it is a very common thing in the assessors' office as the noon hour approaches to find taxpayers sitting on the benches over there waiting to have their applications taken. I had occasion to go to the assessors' office today at about a quarter of twelve and found a lady of seventy years of age waiting there. She recognized me and asked me if anything could be done for her. She said she had been waiting for an hour or so to have her application taken. She informed me that she had come there earlier and had been told to go out and do some shopping, say for an hour and a half, and come back, when they would be glad to take up her application. After all, the taxpayers of the city are the ones who are paying your salary and mine, and the salaries in the assessors' office. I have no particular fault to find with the clerks there, because as the noon hour approaches they want to go out and get their lunch. But, in view of the fact that the office is open from nine to five, it would seem that some arrangement should be made whereby applications could be taken at any time between those hours. It is, however, a very common thing for people to go there and wait for an hour or two because the clerks are out at lunch. It seems to me that they might perhaps, with an expenditure of \$1,500 or \$2,000 a year, assign another clerk to that purpose, so that these applications could be taken when the applicants come in. As taxpayers they are certainly entitled to proper consideration. Therefore, I move a suspension of the rule and the passage of the order.

The order was passed under suspension of the rule.

LEGAL HELP FOR PERSONS RECEIVING PUBLIC AID.

Coun. KELLY offered the following:

Resolved, That the Boston City Council hereby favors the enactment of legislation entitled "An Act to Provide that Certain Persons Receiving Public Aid Shall be Represented by Counsel in Proceedings Before the Industrial Accident Board."

Passed under suspension of the rule.

Adjourned, on motion of Coun. COFFEY, at 4.37 p. m., to meet on Monday, March 8, 1943, at 2 p. m.

CITY OF BOSTON.

Proceedings of City Council.

Monday, March 8, 1943.

Regular meeting of the City Council in the Council Chamber, City Hall, at 2 p. m., President HANNON in the chair. Absent, Coun. Coffey, Foster, Goode, Langan, Linehan, Lyons. The meeting was opened with the salute to the Flag.

TEMPORARY EMERGENCY ALLOTMENT.

The following was received:

City of Boston,
Office of the Mayor, March 2, 1943.
To the City Council.
Gentlemen,—On March 1, 1943, I recommended to your Honorable Body an appropriation order for the purpose of providing a temporary emergency allotment in addition to the regular salaries of the city and county employees.

It was intended and it was so stated in the message accompanying the order that the allotment would apply to all employees of the city and county whose salaries are paid by the City of Boston.

Many of the salaries of officials and employees are fixed by statute or ordinance, or are limited by the county compensation and classification plan, and a strict construction of the laws makes any additional payment to them of doubtful legality.

To remedy this situation I have introduced a bill in the Legislature to cover the officials and employees, including the City Council, whose salaries are determined by statute.

To authorize the payment of the emergency allotment to the considerable number of officials and employees of the city and county whose salaries are limited by the ordinances or by the county compensation and classification plan requires action by the City Council, and I therefore recommend the passage of the accompanying ordinance.

Respectfully,
MAURICE J. TOBIN, Mayor.

An Ordinance Concerning Emergency Allotments for City and County Officials and Employees.

Be it ordained by the City Council of Boston, as follows:

During the continuance of the existing state of war between the United States and any foreign country and for a period of six months after its termination an emergency compensation allotment may be allowed and paid to any official or employee of the city of Boston or of the county of Suffolk notwithstanding any provisions of the ordinances of the city of Boston or of the county compensation and classification plan which determine or limit the salary of such an official or employee.

Referred to the Committee on Ordinances.

PETITIONS REFERRED.

The following petitions were received and referred to the committees named, viz.:

Claims.

Louville T. Berry, for compensation for damage to car caused by an alleged defect in Rutherford avenue.

Loretta W. Carr, for compensation for damage to property caused by fire truck.

Florence G. Chalmers, for compensation for injuries caused by an alleged defect at Washington and Franklin streets.

F. J. Manning, to be reimbursed as result of accident which occurred while in performance of duty.

Thomas Murphy, for compensation for damage to car by city truck.

Isidoro Polli, for compensation for damage to car by fire engine.

James Whitlow, to be refunded money taken from him at Police Station 4.

Nora D. Schottmiller, for compensation for garbage receiver broken by garbage collector.

Executive.

Petition of Elizabeth M. Desmond to be paid an annuity on account of death of her husband, Joseph S. Desmond, late member of Police Department.

APPOINTMENT OF ALBERT R. CHIACCHIA.

Notice was received from the Health Department of the appointment of Albert R. Chiacchia, of 70 Bromley street, Jamaica Plain, as collector of samples.

Placed on file.

ABSENCE OF MAYOR FROM CITY.

Notice was received from the Mayor of his absence from the city from Thursday, March 4, until Wednesday, March 10, 1943.

Placed on file.

RENAMING OF DEWEY SQUARE.

A communication was received from the Boston Municipal Council of the United Spanish War Veterans asking that the name of Dewey square be changed to Admiral George Dewey square.

Placed on file.

Coun. HANNON and RUSSO offered the following:

Ordered, That the open space at the junction of Summer and Federal streets and Atlantic avenue named Dewey square on June 14, 1898, be named and be hereafter known as Admiral George Dewey square.

Referred to Executive Committee.

REPORT OF COMMITTEE ON CLAIMS.

Coun. FISH, for the Committee on Claims, submitted the following:

Report on petition of Howard A. McViney (referred March 1) to be reimbursed for amount of execution issued against him on account of his acts as operator of patrol wagon belonging to the Police Department—recommending passage of accompanying order, viz.:

Ordered, That the sum of one hundred fifteen dollars (\$115) be allowed and paid to Howard A. McViney in reimbursement for amount of execution issued against him on account of his acts as operator of a patrol wagon belonging to the Police Department, said sum to be charged to the Contingent Fund.

Report on petition of Howard A. McViney (referred March 1) to be reimbursed for amount of execution issued against him on account of his acts as operator of patrol wagon belonging to Police Department—recommending passage of accompanying order, viz.:

Ordered, That the sum of one hundred ten dollars (\$110) be allowed and paid to Howard A. McViney in reimbursement for amount of execution issued against him on account of his acts as operator of a patrol wagon belonging to the Police Department, said sum to be charged to the Contingent Fund.

Reports accepted; said orders passed.

ENROLLMENT OF MADAME CHIANG KAI-SHEK AS HONORARY CITIZEN.

President HANNON offered the following:

Resolved, That the City Council of the City of Boston, Massachusetts, in meeting assembled, hereby enrolls as an Honorary Citizen of the City of Boston, the birthplace of American Independence, Madame Chiang Kai-Shek, the illustrious first lady of China, our sister republic and courageous ally in the great world struggle against aggression and barbarism; and be it further

Resolved, That Madame Chiang Kai-Shek convey the admiration and respect of all the citizens of Boston to her fellow citizens of China

for their gallant and steadfast stand against the armed might of a treacherous and cruel foe; and be it further

Resolved, That the Omnipotent God of all hear our humble prayers so that victorious peace and enduring tranquility may soon come to the long-suffering peoples of China, and to all the peoples of good will throughout the world.

Referred to Executive Committee.

(In connection with the resolutions an illuminated scroll was exhibited, making Madame Chiang Kai-Shek an honorary citizen of Boston.)

President HANNON—In conjunction with the resolutions the Chair wishes to announce that all members of the City Council are invited to attend the reception to Madame Chiang Kai-Shek in Symphony Hall this evening.

REPORT OF COMMITTEE ON RULES.

Coun. CAREY, for the Committee on Rules, submitted the following:

1. Report on order (referred February 24) that Corporation Counsel advise City Council whether or not a legal meeting was held Wednesday, February 24—that same ought to pass.

Report accepted; said order passed.

Coun. CAREY—Mr. President, in reporting back this order for the Committee on Rules, I simply want to say that they met on Wednesday and Friday of last week. The meeting on Wednesday was adjourned to Friday, and we had before us Mr. Nash of the Law Department and Wilfred J. Doyle, City Clerk. The adjournment to Friday was to give the Corporation Counsel an opportunity to digest the information given him at the meeting, and last Friday he rendered an informal opinion that the meeting was legal in every respect.

2. Report on order (referred February 15) that membership on Council committees be increased to provide for absences of members in armed services—that same ought to pass.

Report accepted; said order passed.

OPPOSITION TO BILL FAVORING WORLD FEDERATION OF STATES.

Coun. HANLEY offered the following:

Resolved, That the Boston City Council, in meeting assembled, go on record in opposition to the proposed bill now pending in the Massachusetts State Legislature which would memorialize Congress in favor of a "World Federation of States"; and be it further

Resolved, That a copy of the above resolution be forwarded to both houses of the Massachusetts State Legislature requesting them to defeat said "memorial," as it is a subterfuge and a menace that forfeits our American rights, liberties and privileges, and it would make our country a vassal state subservient to the domination of foreign nations.

Coun. HANLEY—Mr. President, our forefathers chose as their first President George Washington, who rehabilitated the war-torn country and amalgamated the people into a solid mass of real patriotic Americans. When his public career was about to end, he sought quiet on the banks of the beautiful Potomac, and, as he gazed from the veranda of his Virginia home, he visualized prophetically that the wolves of Europe, jealous of our peace and prosperity, would attempt to ensnare and inveigle us into their never-ending wars. This fatherly concern for the future of America motivated him to write the anxious and immortal words of his Farewell Address, "No foreign entanglements." These immortal words have echoed and re-echoed as the ghost of Washington walks from the Atlantic to the Pacific, from the Great Lakes to the Gulf of Mexico, admonishing us to beware of foreign entanglements; to steer clear of them, to remain strong and at peace with all nations; to insure our own tranquility and our own independence. His advice was obeyed by all succeeding Presidents until the twenty-ninth, Woodrow Wilson. After touring the entire country in 1916, with the political promise, "He kept us out of war," he was re-elected as President of the United States, and on assuming the duties of the presidency he was ensnared and inveigled and by a succession of extenuating events our country declared war against the Central Powers of Europe on Good Friday of 1917. After

defeating the mighty armies of the Kaiser, victory was achieved by our armed forces, and then the machinery of peace was set in motion. When Woodrow Wilson was approached and asked to give permission to the late Pope Benedict XV to sit in at the conclave he said, "What does he want to butt in for?" To the eternal credit of Queen Wilhelmina of Holland, she was the only one to vote for his sitting, with the result that the spiritual head of 350 million persons was absent from their deliberations. These men sat down at the table and carved up the map of the world, and with the threads of hatred, injustice and lust for power and wealth, they wove together the most iniquitous, the most uncharitable peace treaty ever penned by the hand of man. Everyone of those men but one, Lloyd George, have passed away, their bodies now decayed and food for worms, but their hatefulness and iniquities live after them. Through the instrumentality of this hypocritical Versailles peace treaty, they imposed a living death upon a defeated people, and from these hateful seeds grew up an obscure Austrian paperhanger to the pedestal of a dictator who plunged the world into the cataclysm of a world war and almost into oblivion. To the eternal credit of our United States Senate, under the inspired leadership of "the Lion of Idaho" under the late Senator Borah, that treaty was never sanctioned by the people of America and never ratified by the United States Senate. When the embers of emotionalism produced by war died, and we tried to obtain payment on the debt incurred, we were branded "Uncle Shylock," like the character in Shakespeare's "Merchant of Venice," by England. The quittance of Winston Churchill's remarks were as follows, that if the United States of America had minded its own business the war would have ended sooner, the loss of life would have been reduced, and the debt would never have been incurred. Allies in war are brought together by circumstances of expediency rather than by choice. The Soviet Republic clasped the hand of the Nazi in raping and cutting up Poland, Latvia and Esthonia. The Soviet Republic attacked the country of Finland, but yet when Germany invaded the Soviet Republic they became allies. In the last war Japan and Italy were our allies. At the present time the Soviet Republic has an agreement with Japan, and if air bases were granted to us at Vladivostok we could bomb Tokio into oblivion over night. There is a vast difference between England and Great Britain. England is a country and a nationality, but Great Britain is an imperialistic dynasty that came into being by rape, conquest and bloodshed. Ask the coolie in Singapore or Hongkong, ask the 300 million inhabitants of India, ask the Jews in Palestine under the Balfour agreement, ask the poor of Newfoundland and of the Maritime Provinces, the farmers of South Africa, ask the black-skinned Irishmen of the West Indies, descendants of the male youth of Ireland which were placed there in the old days by England, so that there are more Irish of the Negro race there than the population of a large city in Ireland, and you will obtain the answer. And yet, in spite of the Atlantic Charter, Winston Churchill said: "Let me, however, make this clear, in case there should be any mistake about it in any quarter. We mean to hold our own. I have not become the King's first minister in order to preside over the liquidation of the British Empire." Are we to join a Federation of States, cast our constitution on the scrap heap, have our flag torn down and in its stead have the tri-color, the rising sun, the Union Jack, the hammer and sickle? Is that to happen to the government that gave you and me the privilege and honor of representing our people in public life, the government that gives the Catholic, the Jew, the Protestant and the unbeliever the right to worship their God according to their own conscience; that gives to us the right to speak our minds freely, freedom of the press and freedom of assembly, that gives to the backwoodsman, to the man from the sidewalks of New York, the man from our own midst, the opportunity to become Mayor of his city, Governor of his state or President of the nation? In Great Britain a man must be a member of the Church of England to be king, must be a member of the upper class to become a member of the House of Lords. Let us not sit idly by and allow any person or group of persons to prate of Americanism and utilize the freedom of America to place in jeopardy the privileges of American citizenship. Let us not quibble or compromise. Peace at that price is not peace, but cowardice, treason and traitorship. Let us not become a vassal state

of any other nations. Let us not forget that the United States was born at Lexington, Concord and Valley Forge, and that we, the infant of nations, defeated the mighty empire of Great Britain in the American Revolution and in the War of 1812. Let us not forget that shortly after our nation was born, our seamen drove the pirates of Tripoli from the sea, and we now, in our manhood, enjoy the hard fought-for privileges and rights that we possess as a nation. Are we, under the cloak of war, under the cover of darkness, to allow others to roll in upon our shores and take our freedom away from us? Mr. President, silence is golden, but if freedom is taken from us silence is an act of cowardice. Let us be Americans first, last and always. Let the Stars and Stripes be unfurled to the breeze. Let it be placed upon the highest pinnacle of the land. Let it never dip its colors to the level of any other nation, but rather let the people of other nations escape from their lethargy, indifference and seifdom and lift their banner to the height of the Stars and Stripes. Let us carry out the advice of Washington and our forefathers, and not that of the present barterers of American freedom. Let us build a navy, an army and an airforce which will protect us from any possible aggression of foreign countries. Presidents will come and go. Men will come into this life through birth and pass through this life to death, but the principles woven into the fabric of our Constitution are eternal. They are the alpha and omega of justice and charity. When we were but an infant among the nations of the world, we defeated the mighty empire of Great Britain, and when they burned and despoiled our capital in 1812 we again drove them from the soil of America. Later we defeated the mighty armies of the Kaiser, and under the guiding genius and militaristic stratagem of General MacArthur we are again driving from the Pacific the mighty hordes of the Nipponese. Are we to forfeit our birthright for a mess of pottage? I trust that the resolutions will pass.

The resolutions were referred to the Committee on Legislative Matters.

Coun. TAYLOR—Mr. President.

President HANNON—For what purpose does the gentleman rise?

Coun. TAYLOR—I would like to speak on the resolution.

President HANNON—The resolution has been referred to the Committee on Legislative Matters. The committee will report it back here, and then everybody will have an opportunity to speak on the committee's report. If the gentleman wishes to speak, and asks unanimous consent to do so, there will be no objection.

Coun. TAYLOR—Mr. President, I refuse to ask unanimous consent. I thought it was customary when anybody presented a resolution that not only the author of the resolution should have a chance to speak, but that others should have the same opportunity, before its reference to a particular committee, and I don't think I should be compelled at this time to ask unanimous consent to speak upon this resolution. If the Chair so declares, I will sit down.

President HANNON—The Chair will certainly recognize the gentleman from Ward 12 (Coun. Taylor) at the proper time; but, in accordance with the usual procedure, the matter has been referred to the appropriate committee, and when that committee reports, the gentleman and other members will certainly be given an opportunity to talk upon it. That is now the customary procedure, and if the gentleman should now be allowed to talk, any member should be given the same privilege. If anybody asks unanimous consent to speak, and with unanimous consent is given the right to do so, that is another story. But on the matter upon which we have just acted, the sponsor, as usual, was given the opportunity to speak, and the matter was then referred to its appropriate committee. I see no reason why any different procedure should be taken at this time.

Coun. TAYLOR—As I understand it, Mr. President, the customary procedure is for the man who introduces an order or resolution to be given an opportunity to talk upon it, and then other members should be given an opportunity. Where the sponsor is given an opportunity to speak, I don't see why that opportunity should be denied to others.

President HANNON—The Chair, of course, wants to be fair. The Chair is following the rules in referring orders or resolutions which are introduced to their appropriate committees. Then, when the matter is reported, there will be an

opportunity for everybody. The sponsor of the resolution spoke, and it was then referred to the committee. If the gentleman asks for unanimous consent to speak upon it, and that consent is given, of course, he will be allowed to speak. In any event, there will be an opportunity later when the matter is reported, for everybody who wishes to do so to speak. The Chair wishes to be fair to everybody.

Coun. KINSELLA offered the following:

Resolved, That the Boston City Council, in meeting assembled, be, and hereby is, recorded in its unalterable opposition to the acceptance by the Massachusetts House and/or Senate of any Congressional Memorialization designed to bring about a consolidation of the United States of America with any foreign nation, now or ever, economically or militarily.

Coun. TAYLOR—Mr. President, I rise to a point of order. I would like to know if that is not properly a matter for the Committee on Rules?

President HANNON—The Chair will rule that it is not.

Coun. KINSELLA—Mr. President, at the hearing in the Auditorium in the State House last Wednesday, the Committee on Constitutional Law heard two House bills and a Senate resolution. The purpose was to memorialize the National Congress in the interest of what I choose to call the Tory element in Boston, Massachusetts and the nation, with the idea of helping to bring about a consolidation of the allied nations to form what we might call a province of England. We have in this country today, Mr. President, an element that has never at any time during the existence of the United States looked upon this nation as other than a colony of Great Britain. That same element has been bending every energy at its command to make us subservient to the royal family of England and to make Americans subservient to every Englishman who walks in any part of the globe. We had a little sample of their love and regard for the United States in Boston about a year ago, when an English sailor was arrested for drunkenness and for fighting, and when he made an appearance before the court the next morning he was recorded in the newspapers as saying, "I had a damned sight rather fight shoulder to shoulder with the Nazis than with an American sailor," and they can't thrust down my throat the idea that they have a great love for America. England has tried several times to conquer us, but has never done so and never could. But now they are seeking to accomplish it by getting the Tory element to fool the free, liberty-loving American citizen. If you walk through the corridors of City Hall—and I ask you particularly to do this—and in other public places, you will see these groups of banners of foreign countries, but not an honest-to-goodness United States flag. There is no replica of the United States flag, but, Mr. President, they have replicas of the flags of Great Britain, the flag of Canada, the flag of the Union of South Africa, the flag of New Zealand, and the flag of Australia. They talk about a consolidation of the different countries to meet after-the-war conditions, but it will be the same as it was in the proposed World Court some time ago, that each of the so-called independent nations or colonies of Great Britain will have a vote in the body, and the United States will have only one vote. In the meantime somewhere on the high seas unfortunate American sailors—and I am not being maudlin—are being dragged under the waters by men-eating sharks. Somewhere in the neighborhood of Guadalcanal or New Guinea and other places in the Pacific some poor unfortunate boy is having his "innards" torn out by a Jap bayonet. Did he ever think or believe, or did his folks ever think or believe, when he went into the service that he would contribute to the dissolution of our forty-eight states and to the effort to put us into the category of a British colony? I ask the direct question today of every member of this Body,—Do you know of anyone who went into the armed services of this country thinking that he was going to serve under these conditions? And if you say you do, I say you lie. You know that the idea of all the boys fighting for us, on land or sea, is that they are fighting for this free land of ours, fighting because they mean to keep it so, to keep it totally and completely independent, absolutely not subservient to anyone. We are self-sufficient now. We are in the position of a grown son who has broken away from a profligate father, who now wants to take the boy back into the fold by hook or crook. If it be said that I am an

isolationist, I am, up to a certain point, and beyond that I have no interest. My idea of isolationism would be to ring this country with steel, to have air bases and armed camps from Canada to the Mexican border, with a two-ocean navy, and to keep away from the age-old war-mongering nations of Europe,—to say, "We will not arm you, we will not feed you." Let us be for America, first, last and always, and for Americans and not for double-dealing Tories.

The resolution was referred to the Committee on Legislative Matters.

ROPING OFF STREETS, EVACUATION DAY PARADE.

Coun. SCANNELL offered the following:

Ordered, That the City Messenger be directed to rope off the streets along the route of the Evacuation Day parade to be held in South Boston on March 17, the expense of same to be charged to the City Council fund for Ropes, Flags and Stakes.

Passed under suspension of the rule.

REGULATION OF AUTOMOBILE PROPERTY DAMAGE INSURANCE.

Coun. TAYLOR offered the following:

Whereas, There is now pending before the Massachusetts Legislature a bill to give to the Commissioner of Insurance authority to regulate charges for automobile property damage insurance; be it

Resolved, That the City Council of Boston record itself in favor of enactment of said legislation.

Coun. TAYLOR—Mr. President, there is before the Legislature a bill to give to the Commissioner of Insurance authority to regulate charges for automobile property damage insurance. Those receiving bills for auto insurance this year are very happy to learn that the cost of personal injury insurance has been reduced considerably, due to the fact that automobile travel has been very much reduced, and that necessarily such insurance should be smaller. But, lo and behold, in looking up the property damage insurance, I have found that there has been only a very slight reduction in such insurance cases. All of us who know about the workings of automobile insurance companies know that the price charged in this state for automobile damage insurance is greatly exorbitant. We all know, comparing the charges with those that are made in other states, that we are paying here an exorbitant amount. The amount of \$20 which we have paid for a \$5,000 policy, now is \$18—although, incidentally, instead of \$5,000, \$1,000 would be an excessive amount of damages in most cases.

But I cannot for the life of me see why they should impose such rates in Massachusetts under present conditions, when in the city of New York the charge is \$12 and in the city of Albany \$8, and all over the country the charge is much less than it is here. The reason is that they have been milking the policy holders in this state for years, and nothing has been done about it. The Commissioner of Insurance has authority in the matter of personal damage, but he had not the authority in this matter of property damage that he has in other types of insurance. I think the time has come, when this racket—because I feel that that is what it is—should stop in the State of Massachusetts. I think those who drive automobiles and trucks should be given a break in this matter of property damage insurance. There is no reason why action should not be taken in this matter by the Commissioner of Insurance, so that he can regulate charges for automobile property damage insurance, the same as he does on personal damage. And those who commit such property damage and do not pay within sixty days should have their licenses suspended until the amount is paid. Those who injure other people's property and have no property damage insurance should be compelled to pay for the damage. But certainly such a bill as is now pending before the Massachusetts Legislature, to give to the Commissioner of Insurance authority to regulate charges for automobile property damage insurance, should be passed. I feel that the City Council should record itself in favor of

the enactment of such legislation. Why shouldn't those who injure the property of other people pay, and why should the rates for automobile property damage insurance be exorbitant, when we consider the charges I have quoted in other places? As I understand it, in practically all the other states of the Union a lower charge is made for this automobile property damage insurance than is made here, and I think something should be done about it.

The resolution was referred to the Committee on Legislative Matters.

SENATE BILL 194.

Coun. MUCHNICK offered the following:

Resolved, That the City Council of the City of Boston favors the enactment of Senate Bill 194, reading as follows:

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section five of chapter fifty-nine of the General Laws is hereby amended by inserting after clause twenty-three the following new clause:

Twenty-three A. The property of a person serving in the armed forces of the United States during the existing state of war, said property consisting of a single dwelling, occupied solely by the family of said person as a dwelling, shall be exempt, at his request, from taxation during and for six months after the end of the war, to the amount of five thousand dollars, in the case of each person; provided that the combined exemption of said person and his wife shall not exceed five thousand dollars, and provided it be certified by the person requesting exemption under this clause that such property is occupied by his immediate family and that it would be deemed a hardship to continue the full payment of such tax.

If the property of a person entitled to such exemption is taxable in more than one town, or partly without the Commonwealth, only such proportion of the five thousand dollars exemption shall be made in any town as the value of the property taxable in such town bears to the whole of the taxable property.

No exemption shall be made under this clause of the property of a person not a legal resident of the Commonwealth.

Referred to Committee on Legislative Matters.

REPORT OF COMMITTEE ON PUBLIC SAFETY.

Coun. M. H. SULLIVAN, for the Committee on Public Safety, submitted the following:

Report on order (referred March 1) re relaxation of dimout regulations in City of Boston—that same ought to pass.

Report accepted; said order passed.

REOPENING OF TYLER STREET BRANCH LIBRARY.

Coun. RUSSO offered the following:

Ordered, That the trustees of the Boston Public Library be requested, through his Honor the Mayor, to include in their 1943 budget sufficient money for the reopening of the Tyler street branch library in Ward 3.

Coun. RUSSO—Mr. President, very briefly I believe this is about the fifteenth order I have put into the Council to have that library branch reopened. I don't know what the trustees of the Public Library think when a councilor puts in an order to have a branch library reopened or whether they think any attention should be paid to such an order. We keep asking for this, and don't get it. I would call attention to the fact that in this particular section there are people of all races, all colors and all creeds, and I believe they are entitled to enjoy the same privileges that other classes in the city enjoy, particularly at this time, with our country at war, and when it is important that these people should be given an opportunity to read and study the principles upon which the American Government is founded and to get a correct idea of what the war is all about, thereby obtaining sufficient knowledge of our

government to be able to act intelligently on public questions which come before all our citizens. Therefore, in this order I have asked his Honor the Mayor to exercise his influence with the trustees of the Boston Public Library, in the hope that that library branch may be reopened, as I understand has been promised in the past.

The order was referred to the Committee on Public Welfare.

AMBULANCE AT HAYMARKET RELIEF STATION.

Coun. RUSSO offered the following:

Ordered, That the trustees of the Boston City Hospital be requested, through his Honor the Mayor, to arrange to have an ambulance with attendants on duty at all times at the old Haymarket Relief Station, in Ward 3.

Referred to the Committee on Hospitals.

RECESS.

On motion of Coun. SCANNELL, the Council took a recess at 3.04 p. m., subject to the call of the Chair. The members reassembled and were called to order by President HANNON at 3.20 p. m.

EXECUTIVE COMMITTEE REPORTS.

Coun. TAYLOR, for the Executive Committee, submitted the following:

1. Report on resolution (referred today) enrolling as Honorary Citizen of City of Boston Madame Chiang Kai-Shek and conveying admiration and respect of citizens of Boston to her fellow citizens—that same ought to pass.

Report accepted; resolution adopted.

2. Report on order (referred today) that Dewey square be named Admiral George Dewey square—that same ought to pass.

Report accepted; said order passed.

CONFIRMATION OF EXECUTIVE APPOINTMENTS.

President HANNON called up, under unfinished business, Nos. 1 and 2 on the calendar, viz.:

1. Action on appointment submitted by the Mayor March 1, 1943, of Michael C. Penta, to be a Constable without authority to serve civil process and to serve without bond.

2. Action on appointments submitted by the Mayor March 1, 1943, of Helen Concannon, Donald Dunkleberger and Thomas Finley, to be Weighers of Coal.

The question came on confirmation. Committee, Coun. Taylor and Hanley. Whole number of ballots 13, yes 13, and the appointments were confirmed.

NON-INDORSEMENT OF RESOLUTIONS OPPOSING WORLD FEDERATION.

Coun. TAYLOR offered the following:

Whereas, During today's meeting two resolutions were submitted, almost identical in nature, and both opposing the so-called "World Federation," I want it distinctly understood that I do not subscribe and cannot give even moral support to the remarks made by the sponsors of these resolutions. The opinion expressed here today in support of these resolutions are not my opinions and I have little, if any, sympathy with them. I do not consider the argument of these remarks to be any test of good Americanism; be it.

Resolved, That the great majority of the members of the Council concur with me in this resolution; and be it further

Resolved, That the members of the Council record themselves in favor of a victory of all the United Nations.

Coun. TAYLOR—Mr. President, the ideas expressed on the floor here today in regard to the matter with which my resolution deals, are rather surprising to me. I certainly do not agree with them, and I don't think the majority of the members here agree with them. This type of disunity is the type of disunity that Hitler, Hirohito and Mussolini are working for. Why should we start disunity among the Allied Nations who are on our side is something that I cannot understand. Who are we fighting, anyway? Are we fighting Britain or the Axis powers? Personally, I don't want to participate in any part of this movement toward disunity, and I don't believe it is proper or right for us to attempt to start disunity among the United Nations. I feel confident that that is the opinion of the majority of this Body.

The resolutions were referred to the Committee on Rules.

ASSESSMENTS FOR MOTH SUPPRESSION.

Coun. FISH offered the following:

Ordered, That his Honor the Mayor be requested to petition the General Court at its present session for legislation to provide that expenditures for the suppression of gypsy and brown tail moths shall be met by cities or towns from the general tax levy or by the state, and for the repeal of so much of chapter 132 of the General Laws as authorizes the levying of assessments on private property for such expenditures.

Coun. FISH—Mr. President, the law referred to, with which this order deals, is an old law, going back, I understand, to 1890, originally called a law for the extermination of gypsy and brown tail moths, and later known as a law for the suppression of moths. Originally it was intended that local inspectors would inspect premises known as infected with the moths. I don't think, as far as I recall, that there has been any such inspection by the state, certainly to any extent. They are supposed to notify the city or town, and if the property owner does not take care of the thing men are sent out from the state department, and the charge is put on the taxpayer's bill, whatever the amount involved may be.

That acts as a lien on the property. As a matter of fact, in many cases these assessments are levied when no work has been done, and at times they amount to a considerable sum. Sometimes the authorities go a little bit too far, when the property owner refuses to pay the tax because his trees have not been sprayed. I think, therefore, that there should be legislation to provide that expenditures for the suppression of gypsy and brown tail moths should be met by cities and towns for the general tax levy or by the state, and for the repeal of so much of chapter 132 of the General Laws as authorizes the levying of assessments on private property for such expenditure. I think it is an aggravating tax, in other words, and that it should be washed out.

The order was passed under suspension of the rule.

GIFT OF HISTORY TO CONGRESSMAN FISH.

Coun. FISH and HURLEY offered the following:

Ordered, That the trustees of the Boston Public Library present an American History Book to Congressman Fish of New York as a gift from the City of Boston.

Referred to Committee on Rules.

Adjourned, on motion of Coun. KINSELLA, at 3.31 p. m., to meet on Monday, March 15, 1943, at 2 p. m.

CITY OF BOSTON.

Proceedings of City Council.

Monday, March 15, 1943.

Regular meeting of the City Council in the Council Chamber, City Hall, at 2 p. m., President HANNON in the chair. Absent, Coun. Foster, Goode, Linehan, Lyons, M. H. Sullivan and Wickes.

The meeting was opened with the salute to the Flag.

APPOINTMENTS BY THE MAYOR.

Subject to confirmation by the Council the Mayor submitted the following appointments, viz.:

Weighers of Coal: William J. Grund, 289 Medford street, Charlestown; Alden Burnham, 14 Nevada avenue, Somerville; Richard E. Graves, 4 Hayden terrace, Somerville; James Burns, 266 Beacon street, Somerville; William A. O'Callaghan, 49 Paulina street, Somerville; Andrew T. Delaney, 111 Museum street, Cambridge; Albert A. Walsh, 131 Lowell street, Somerville.

Constable for term of one year, beginning with first day of May, 1942, without power to service civil process and to serve without bond, *vice* Manus Eyges, resigned: Thomas R. McArdle, 40 Elmira street, Ward 22.

Severally laid over for one week under the law.

RUBBISH DROPPED IN STREETS BY CONTRACTORS.

The following was received:

City of Boston,
Office of the Mayor, March 15, 1943.

To the City Council.

Gentlemen,—I transmit herewith communication received from the Commissioner of Public Works relative to your order of February 8, and concerning the assignment of men from the Street-Cleaning Department to clean up all rubbish which is dropped by contractors engaged in the removal of ashes and garbage.

Respectfully,
MAURICE J. TOBIN, Mayor.

City of Boston,
Public Works Department,
March 5, 1943.

Thomas P. McCusker,

Assistant Secretary, Mayor's Office.

Dear Mr. McCusker,—This is in reference to the following order that was passed in the City Council on February 8:

"Ordered, That the Public Works Commissioner be requested, through his Honor the Mayor, to assign men from the Street-Cleaning Department to clean up all rubbish which is dropped by contractors engaged by the city to remove ashes and garbage and to charge all expenses to the contractor."

Definite steps will be taken by the department to see that all refuse collection contractors live up to the provisions of the contract that pertain to the provisions of the above-referenced Council order.

Respectfully yours,
GEORGE G. HYLAND,
Commissioner of Public Works.

Placed on file.

SURVEY OF WARD 17 STREETS.

The following was received:

City of Boston,
Office of the Mayor, March 15, 1943.

To the City Council.

Gentlemen,—I transmit herewith communication received from the Commissioner of Public Works relative to your order of February 8, and

concerning an immediate survey of Washington street, Dorchester, Ward 17, and Whitfield street, Ward 17.

Respectfully,
MAURICE J. TOBIN, Mayor.

City of Boston,
Public Works Department,
March 5, 1943.

Thomas P. McCusker,

Assistant Secretary, Mayor's Office.

Dear Mr. McCusker,—This is in reference to the following order that was passed in the City Council on February 8:

"Ordered That the Commissioner of Public Works be requested, through his Honor the Mayor, to have an immediate survey made of Washington street, Dorchester, Ward 17 (especially from Harvard street to Codman square), and Whitfield street, Ward 17, with a view to remedying the dangerous conditions which now prevail on these streets."

The order apparently refers to the defective condition of the roadway surface and, in view of this, steps have already been taken to effect repairs to the roadway.

A survey will also be made to determine the necessity of reconstructing all or part of the above-referenced area during the current year, although all street reconstruction work is contingent on our being able to obtain the necessary materials.

In view of this, therefore, no definite assurance can be given at this time that the street will be resurfaced this year.

Respectfully yours,
GEORGE G. HYLAND,
Commissioner of Public Works.

Placed on file.

SMOKING ON ELEVATED CARS AND BUSES.

The following was received:

City of Boston,
Office of the Mayor, March 15, 1943.
To the City Council.

Gentlemen,—I transmit herewith communication received from Edward Dana, President and General Manager of the Boston Elevated Railway, relative to your order of February 8, and concerning the enforcement of "No Smoking" regulations on buses and street cars.

Respectfully,
MAURICE J. TOBIN, Mayor.

Boston Elevated Railway,
February 15, 1943.

Mr. William T. Doyle,

Chief Clerk, Mayor's Office.

Dear Mr. Doyle,—We hereby acknowledge receipt of a copy of the order of the City Council of the City of Boston, requesting the Public Trustees of the Boston Elevated Railway to take all necessary steps to enforce the "No Smoking" regulations on buses and street cars. The trustees have instructed me to say that the railway management is doing all that it can within its powers to prevent smoking on railway vehicles.

Yours very truly,
EDWARD DANA,
President and General Manager.

Placed on file.

REVISED BUILDING CODE.

The following was received:

City of Boston,
Office of the Mayor, March 15, 1943.
To the City Council.

Gentlemen,—I submit herewith Parts 5 to 12 of the Revised Building Code for the City of Boston, in ordinance form. This proposed revision is recommended by the Building Commissioner of the city.

Additional parts of this revision will be forwarded to your Body as rapidly as possible. I recommend consideration of the accompanying ordinance by your Honorable Body.

Respectfully yours,
MAURICE J. TOBIN, Mayor.

In accordance with the provisions of chapter 479 of the Acts of 1938, as amended by chapter 217 of the Acts of 1939, as Building Commissioner

of the City of Boston I recommend the adoption of the following ordinance.

JAMES H. MOONEY,
Building Commissioner.

An Ordinance Altering, Amending, Extending or Rendering Ineffective Provisions of 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.

Be it ordained by the City Council of Boston as follows:

Section 74. Section 501 of chapter 479 of the Acts of nineteen hundred and thirty-eight is

hercby amended by striking out in the first sentence the word "Height," so that said sentence will read as follows:

Section 501. *Group C Occupancy: Type, Area.*—

Section 75. Said section 501 is hereby further amended by inserting after the word "every" in the first line of paragraph (a) the word "post-code," so as to read as follows:

(a) Group C shall include every post-code building used wholly or in part as a school.

Section 76. Said section 501 is hereby further amended by striking out the table under paragraph (b) as so appearing and inserting in place thereof the following:

Type of Construction.	Stories.	Maximum Area of Unit (Square Feet).
I.....	Not hereby limited.	Not hereby limited.
II.....	4 1	18,000 24,000
III.....	2 1	17,000 20,000
IV.....	2 1	12,000 18,000
V.....	Not allowed.	Not allowed.
VI.....	1	5,000

Section 77. Said section 501 is hereby further amended by striking out the word "capacity" in the fourth line of paragraph (d) and inserting in place thereof the word "width"; and by striking out the words "of the width thereof" in the fifth line and inserting in place thereof the words "for each one hundred seats," so as to read as follows:

(d) Assembly halls with seating capacity of more than one hundred and fifty persons shall conform with the requirements of Part 4 and, in addition, the width of exits shall be computed in multiples of twenty inches for each one hundred seats.

Section 78. Said section 501 is hereby further amended by inserting after the capital letter "C" in the first line of paragraph (e) the word "post-code," so as to read as follows:

(e) Every Group C post-code building in the first or second fire zone shall be of Type I or Type II construction.

Section 79. Said section 501 is hereby further amended by adding after paragraph (e) the following new paragraph (f):

(f) When school usage involves special conditions such as the use of hazardous, highly inflammable or explosive materials or liquids or any other special occupancy that is a hazard, they shall also conform to the special requirements of that occupancy or hazard.

Section 80. Said section 501 is hereby further amended by adding after the new paragraph (f) the following new paragraph (g):

(g) Pre-code buildings or parts of buildings involving a change of occupancy to Group C, whether or not altered or enlarged shall conform to the general requirements of this section as they shall be interpreted by the commissioner as delineated in Section 107, paragraph (e), and they shall be limited as to type of construction (number of stories), and area of units as follows:

Type of Construction.	Stories.	Maximum Area of Unit (Square Feet).
I.....	Not hereby limited.	Not hereby limited.
II.....	4 1	18,000 24,000
III.....	5	5,000
IV.....	5	5,000
V.....	Not allowed.	
VI.....	2	4,000

Section 81. Section 503 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out paragraph (d) as so appearing.

Section 82. Section 504 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out the words "except stairways and ramps" in the second and third lines of paragraph (a), so as to read as follows:

(a) Elevator shafts, ventilating shafts, dust chutes and other vertical openings shall be enclosed.

Section 83. Said section 504 is hereby further amended by striking out the first sentence and

the first word of the second sentence in paragraph (b), so as to read as follows:

(b) Stairways and ramps which pierce only one floor shall be enclosed in the story above or below, but such stairways or ramps which serve as required exits from one story shall be enclosed in the other story. Other stairways and ramps shall be enclosed in all stories in which they occur.

Section 84. Section 505 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out paragraph (a) as so appearing and inserting in place thereof the following:

(a) All rooms used for the instruction of pupils shall have at least two means of egress;

one of which shall open into a corridor, stairway, ramp or other egress enclosure; the other shall lead to another separate corridor, stairway, ramp or other egress enclosure through intervening rooms and intercommunicating doors. The width of exit doors shall be not less than thirty-six inches nor less than twenty inches for each one hundred occupants thereof.

Section 85. Said section 505 is hereby further amended by striking out paragraph (e) as so appearing; and by striking out the letter "(f)" at the beginning of paragraph (f) and inserting in place thereof the letter "(e)"; and by striking out the letter "(g)" at the beginning of paragraph (g) and inserting in place thereof the letter "(f)"; and by striking out the letter "(h)" at the beginning of paragraph (h) and inserting in place thereof the letter "(g)," so as to read as follows:

(e) No intake for a dust or wastepaper chute shall open directly upon a corridor or enclosed exit, but may open in a closet off a corridor.

(f) All stairs shall have a handrail on each side. Stairs eighty inches or more in width shall have one or more intermediate rails dividing the stairs into width less than eighty inches but not less than forty inches; provided, that

in calculating the capacity as an exit of a stair so divided, each division shall be considered an exit. The upper end of handrails shall be returned to the wall or shall so terminate at a post as not to leave a free or projecting end.

(g) Stair landings shall have a width at least equal to that of the stairs. No run of stairs shall have more than fifteen nor less than three risers. The rise shall not exceed seven and one half inches nor shall the tread be less than ten inches. Winders shall not be permitted.

Section 86. Section 507 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out paragraph (b) as so appearing; and by striking out the letter "(c)" at the beginning of paragraph (c) and inserting in place thereof the letter "(b)," so as to read as follows:

(b) Corridors, stairways and other exits shall have artificial illumination which, if electric, shall be on circuits and control separate from other lighting in the building.

Section 87. Section 601 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out the table under paragraph (b) as so appearing and inserting in place thereof the following:

Type of Construction.	Stories.	Maximum Area of Unit (Square Feet).
I.....	Not hereby limited.	Not hereby limited.
II.....	4 1	17,000 20,000
III.....	2 1	12,000 18,000
IV.....	2 1	10,000 15,000
V.....	Not allowed.	Not allowed.
VI.....	1	2,500

Section 88. Section 605 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out the word "thirty-six" in the second line of paragraph (c) and inserting in place thereof the word "forty-two"; and by striking out the word "forty-four" in the sixth line of paragraph (c) and inserting in place thereof the word "sixty", so as to read as follows:

(c) In buildings of Division 2 exit doorways from patients' rooms shall be not less than forty-two inches wide. In such buildings corridors, stairways, ramps, doorways in stair or ramp enclosures and doorways from the building, which serve as required exits, shall be not less than sixty inches wide. In such stairways the tread shall not be less than eleven inches nor the rise more than six and one half inches; stair landings at turns shall be not less than sixty inches wide.

Section 89. Section 606 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out the entire section as so appearing and inserting in place thereof the following:

Section 606. *Light and Ventilation.*—Rooms ordinarily occupied by human beings shall be provided with light by means of windows in exterior walls or skylights in roofs, the area of which shall not be less than one-eighth of the floor area, and the same shall be ventilated by windows in exterior walls the area of which when open shall not be less than one-sixteenth of the floor area of the room, or by mechanically operated ventilating system supplying at least fifteen cubic feet of fresh air per minute per occupant or four complete changes of air each hour, whichever is greater. Rooms accommodating a bed shall be provided with light and ventilation by means of windows in exterior

walls, the area of which shall not be less than one-eighth of the floor area for light and when opened for ventilation not less than one-sixteenth of the floor area.

Section 90. Chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by inserting after Section 609 the following new section:

Section 610. *Emergency Light.*—There shall be emergency lights and they shall be provided with a second or emergency source of current and a transfer switch which will automatically disconnect the normal service and instantly connect the emergency service when the voltage of the normal service falls below fifty per cent of the nominal lamp voltage and which will also automatically disconnect the emergency service and instantly connect the normal service when the voltage of the latter is restored to eighty per cent of the nominal lamp voltage. The emergency source of current shall be either:

- (1) A separate feeder from a substation of the service company other than that from which the normal service is taken, or
- (2) A separate feeder from a reliable generating plant independent of that from which the normal service is taken, or
- (3) An approved storage battery, or
- (4) Illuminating gas.

Section 91. Section 701 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out Division 1 under paragraph (a) as so appearing; and by striking out the words "Division 2" in the first line of the second paragraph under paragraph (a) and inserting in place thereof the words "Division 1"; and by striking out the words "Division 3" in the first line of the third paragraph in paragraph

(a) and inserting in place thereof the words "Division 2"; and by striking out the words "or liquids" in the second line of Division 3, so as to read as follows:

(a) Group E shall include such occupancies as—

Division 1. Planing mills, box factories,

wood working plants, mattress factories, paint shops and dry cleaning plants.

Division 2. Buildings for the storage of hazardous, highly flammable or explosive material.

Section 92. Said section 701 is hereby further amended by striking out the table under paragraph (b) so as appearing and inserting in place thereof the following:

Type of Construction.	Height Stories.	Maximum Area of Unit in Square Feet.			
		Accessibility from Outside Walls.			
		25% or Less.	More Than 25% to 50%.	More Than 50% to 75%.	More Than 75%.
I.....	15	10,000	15,000	20,000	25,000
II.....	4	8,000	10,000	12,000	14,000
III.....	4	8,000	10,000	12,000	14,000
IV.....	3	4,000	6,000	8,000	10,000
		6,000	8,000	10,000	12,000
V.....	1	6,000	8,000	10,000	12,000
		6,000	8,000	10,000	12,000
VI.....	1	3,000	4,000	5,000	6,000

Section 93. Section 704 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out paragraph (c) as so appearing and by striking out paragraph (d) as so appearing; and by striking out the letter "(e)" at the beginning of paragraph (e) and inserting in place thereof the letter "(c)"; and by striking out the words "other than for automobiles" in the first sentence of paragraph (e), so as to read as follows:

Section 704. Enclosure of Vertical Openings.—(a) Elevator shafts, ventilating shafts and other vertical openings except stairways and ramps shall be enclosed.

(b) Mezzanine floors shall be enclosed when otherwise the total floor area in one story exposed to a single fire would exceed the maximum area of unit specified in section seven hundred and one. Vertical openings in enclosed mezzanine floors shall be enclosed as herein provided for other floors.

(c) Stairways and ramps which pierce only one floor shall be enclosed in the story above or below but such stairways or ramps, which serve as required exits from one story, shall be enclosed in the other story. Other stairways shall be enclosed in all stories in which they occur.

Section 94. Section 706 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out paragraph (a) as so appearing and inserting in place thereof the following:

Section 706. Light and Ventilation.—Rooms used by human beings shall be provided with light and ventilation by means of windows or skylights or with artificial light and a ventilating system.

Section 95. Said section 706 is hereby further amended by striking out paragraph (l) as so appearing.

Section 96. Section 707 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by inserting after the word "sprinklers" in the first line of paragraph (a) the following: "or other adequate fire-extinguishing apparatus as approved by the commissioner", so as to read as follows:

(a) Automatic sprinklers or other adequate fire-extinguishing apparatus as approved by the commissioner shall be installed in the following locations:

(1) Throughout every unit of occupancy higher than two stories or having an aggregate floor area greater than ten thousand square feet.

(2) In cellars and basements of which the floor area is more than fifteen hundred square feet.

(3) Throughout a building which is occupied wholly or in part as a planing mill, box factory, or other wood working establishment, in which more than two power-operated wood working machines, other than saws, are used.

(4) Throughout a building which is occupied wholly or in part as a mattress factory or used to manufacture, assemble or renovate mattresses or stuffed furniture using cotton, silk floss, mohair or other like material for packing or stuffing.

(5) In a building used as a film exchange, or for the manufacture or storage of nitro-cellulose pyroxylin products.

Section 97. Section 708 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out the word "garage" in the fourth line of paragraph (a), so as to read as follows:

(a) Neither apparatus having an open flame nor a heater with an enclosed flame shall be installed or operated in a dry cleaning establishment or place where volatile flammable liquids are used or stored, unless approved by the state fire marshal.

Section 98. Said section 708 is hereby further amended by striking out in the first line of paragraph (d) the words "public garages", so as to read as follows:

(d) In dry cleaning establishments and other buildings in which volatile flammable liquids are used, sold or stored;

(1) Type VI construction shall not be used;

(2) Type IV construction shall not be used more than two stories in height or over six hundred square feet in area.

Section 99. Said section 708 is hereby further amended by striking out in the first line of paragraph (e) the words "garages, hangars and", so as to read as follows:

(e) Rooms in which paint, petroleum or other flammable liquids are used or stored otherwise than in unopened containers shall have non-absorbent, incombustible floor finish.

Section 100. Section 801 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by inserting after Division 4. Garages of more than six cars capacity and hangars., so as to read as follows:

(a) Group F shall include such occupancies as—

Division 1. Office buildings, restaurants, police and fire stations, museums and libraries.

Division 2. Wholesale and retail stores, printing plants, factories and work shops using materials not highly flammable.

Division 3. Buildings for the storage or sale of goods not highly flammable, stables and buildings not on wharves for the storing or handling of transient freight.

Division 4. Wharf buildings for the storage or handling of transient freight.

Division 5. Garages of more than six cars capacity and hangars.

Section 101. Said section 801 is hereby further amended by striking out the table under paragraph (b) as so appearing and inserting in place thereof the following:

Type of Construction.	Height in Stories.	Maximum Area of Unit in Square Feet Accessible From		
		Minimum within Block less than 30%	30% and less than 50% of Perimeter.	More than 50% of Perimeter.
I.....	Not hereby limited.			
II.....	8 1	10,000 15,000	15,000 15,000	40,000 Not hereby limited.
III.....	4 1	10,000 15,000	15,000 15,000	20,000 Not hereby limited.
IV.....	3 1	10,000 15,000	15,000 15,000	20,000 Not hereby limited.
V.....	2 1	6,000 6,000	8,000 8,000	10,000 20,000
VI.....	2	3,000	5,000	10,000

NOTE.—Where areas in 1-story buildings are not hereby limited, the maximum distance from any point to an exit from the building shall be 175 lineal feet.

In garages over six cars Type VI shall not be allowed.

Section 102. Said section 801 is hereby further amended by striking out the table under paragraph (d) as so appearing and inserting in place thereof the following:

Type of Construction.	Stories.	Maximum Area of Unit (Square Feet).
I.....	Not hereby limited.	Not hereby limited.
II.....	3 to 7 2	15,000 120,000
III.....	3 to 4 2	12,000 60,000
IV.....	3 2	10,000 60,000
V.....	2	60,000

Section 103. Section 804 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by adding after paragraph (d) the following new paragraphs:

(e) Ramps which are used for the movement of automobiles from one story to another, or for a similar purpose, shall be enclosed or shall be provided with automatic-closing, Class A fire doors which will serve as a fire stop between stories. A ramp with such doors shall not be counted as a required exit.

(f) Doors which are part of an automobile ramp enclosure may be kept normally open but shall be so equipped as to close automatically in case of fire.

(g) Mechanical stairways or mechanical conveyors and ramps may be installed with manually operated closing devices satisfactory to the commissioner.

Section 104. Section 806 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out said section as so appearing and inserting in place thereof the following:

Section 806. *Light and Ventilation.*—Rooms used by human beings shall be provided with light and ventilation by means of windows or skylights or with artificial lights and a ventilating system.

Section 105. Section 807 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by adding after paragraph (e) the following new paragraph (f):

(f) Garages shall have automatic sprinklers and other suitable fire-fighting apparatus when floor area exceeds ten thousand square feet on any one floor or if the height is five stories or more. Hangars shall have approved fire-extinguishing apparatus.

Section 106. Section 901 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out the table under paragraph (b) as so appearing and inserting in place thereof the following:

Type of Construction.	Height in Stories.	Maximum Area of Unit in Square Feet Accessible From		
		Minimum within Block less than 30%.	30% and less than 50% of Perimeter.	More than 50% of Perimeter.
I.....	Not hereby limited.			
II.....	8	10,000	15,000	40,000
	2	15,000	15,000	80,000
	1	15,000	15,000	Not hereby limited.
III.....	4	10,000	15,000	20,000
	2	15,000	15,000	40,000
	1	15,000	15,000	Not hereby limited.
IV.....	3	10,000	15,000	20,000
	2	15,000	15,000	30,000
	1	15,000	15,000	Not hereby limited.
V.....	2	6,000	8,000	10,000
	1	6,000	8,000	20,000
VI.....	2	3,000	5,000	10,000

NOTE.—Where areas in 1-story buildings are not hereby limited, the maximum distance from any point to an exit from the building shall be 175 lineal feet.

Section 107. Section 904 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by adding after paragraph (d) the following new paragraph (e):

(e) Doors which are part of an automobile ramp enclosure may be kept normally open but shall be so equipped as to close automatically in case of fire.

Section 108. Said section 904 is hereby further amended by adding after the new paragraph (e) the following new paragraph (f):

(f) Mechanical stairways or mechanical conveyors and ramps may be installed with manually operated closing devices satisfactory to the commissioner.

Section 109. Section 906 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out said section as so appearing and inserting in place thereof the following:

Section 906. *Light and Ventilation.*—Rooms used by human beings shall be provided with

light and ventilation by means of windows or skylights or with artificial light and a ventilating system.

Section 110. Section 907 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out paragraph (b) as so appearing and inserting in place thereof the following:

(b) Automatic sprinklers shall be installed throughout buildings of Division 2 or 3, of Type IV construction more than seventy-five hundred square feet in area.

Section 111. Part 10 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out said title as so appearing and inserting in place thereof the following:

SPECIAL REQUIREMENTS FOR GROUP H OCCUPANCY: UNLIMITED HABITATIONS AND LARGE DWELLINGS.

Section 112. Section 1001 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out the table under paragraph (b) as so appearing and inserting in place thereof the following:

Type of Construction.	Stories.	Maximum Area of Unit (Square Feet).
I.....	Not hereby limited.	Not hereby limited.
II.....	10	12,000
III.....	3	8,000
IV.....	3	5,000
VI.....	3	2,400

Section 113. Said section 1001 is hereby further amended by striking out the word "six" and the word "four" in the second line of paragraph (f) and inserting in place thereof the words "four" and "two", so as to read as follows:

(f) Buildings of Type VI shall not be used for more than four families, nor more than two families above the first story.

Section 114. Section 1004 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out paragraph (a) as so appearing and inserting in place thereof the following:

(a) Vertical shafts and floor openings, except as hereinafter mentioned, shall be enclosed.

Section 115. Said section 1004 is hereby further amended by striking out paragraph (b) as so appearing and inserting in place thereof the following:

(b) Except as otherwise noted herein, stairways and ramps shall be enclosed in all stories in which they occur as specified in Part 15. Stairways serving as exits from sleeping room shall be enclosed in all stories. Stairways serving only basement rooms for the use of the public need not be enclosed. Stairways serving only rooms for use of public in the basement, first and second story need not be enclosed. Auxiliary stairway within an apartment serving only two floors need not be enclosed.

Section 116. Said section 1004 is hereby further amended by striking out paragraph (c) as so appearing.

Section 117. Said section 1004 is hereby further amended by striking out the letter "(d)" at the beginning of paragraph (d) and inserting in place thereof the letter "(c)", so as to read as follows:

(c) This section and Part 15 shall not be held to require enclosure of mezzanine floors in Group H buildings nor of vertical openings in such floors.

Section 118. Section 1005 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out paragraph (d) as so appearing and inserting in place thereof the following:

(d) Corridors which serve as common exits from two or more apartments shall have walls of at least one-hour fire-resistive construction. Corridors, including their changes in directions and extensions beyond separations serving as required egress, shall be at least thirty-six inches wide. If more than fifty feet and less than seventy-five feet in length they shall be at least forty-eight inches wide. If seventy-five or more feet in length they shall be at least sixty inches wide.

Section 119. Said section 1005 is hereby further amended by inserting at the end of paragraph (f) the words "as determined by the building commissioner", so as to read as follows:

(f) Every stairway and corridor common to two or more apartments shall be adequately lighted at all times as determined by the building commissioner.

Section 120. Section 1006 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out the last sentence of paragraph (a) and inserting in place thereof the following: "The area of windows in kitchens shall not be less than one eighth of the floor area thereof, nor less than eleven square feet. Windows in toilets or bathrooms shall not be less than one eighth of the floor area thereof nor less than six square feet. Windows shall be arranged to open for ventilation on not less than one half the required area.", so as to read as follows:

Section 1006. *Light and Ventilation.*—(a) Kitchens having a floor area more than seventy square feet and dining rooms, within apartments, all sleeping rooms and living rooms shall be provided with light and ventilation by means of windows in the exterior walls. The area of windows in kitchens shall not be less than one eighth of the floor area thereof, nor less than eleven square feet. Windows in toilets or bathrooms shall not be less than one eighth of the floor area thereof nor less than six square feet. Windows shall be arranged to open for ventilation on not less than one half the required area.

Section 121. Said section 1006 is hereby further amended by striking out paragraph (b) as so appearing.

Section 122. Said section 1006 is hereby further amended by striking out the letter "(c)" at the beginning of paragraph (c) and inserting in place thereof the letter "(b)"; and by adding at the end of paragraph (c) the following new subdivision: "(6) Courts of exceptional form may be approved by the building commissioner if in volume, lighting and ventilating properties they are in his opinion the equivalent of the courts above described.", so as to read as follows:

(b) Every window required by paragraph (a) of this section shall front upon a street, alley or open passageway not less than fifteen feet wide, or upon a public park, cemetery, railroad right of way or other similar approved open space, or upon a yard or court of the dimensions herein specified. A court upon which such a window fronts shall be open to the sky and no cornice, balcony, stairway, fire escape or other construction shall encroach upon the required open area thereof herein specified. The height of a court shall be measured from the sill of the lowest window required to front upon it. The width and the horizontal area of such court shall not be less than as provided in the following numbered paragraphs (1) to (5), inclusive.

(1) If the court is open at both opposite ends for its full width and full height to a street, alley, park, or other permanently open space, nor less than fifteen feet wide, or to a yard, it shall be a through court. The least

width of such court shall be not less than six feet nor less than one tenth its length from open end to open end measured along the center line and not necessarily in a straight line. The width of such court at any level more than fifty feet above the sill of the lowest window required to front upon it shall be not less than six feet plus one eighth the excess of such height over fifty feet, except a court the length of which is less than five times its least width. If windows required by this section face a wall on the opposite side of a through court in which windows also required by this section occur, the width of the court as determined by the foregoing requirements shall be increased by fifty per cent. The width of a through court need not, however, exceed the width required in this section for an inner court of the same height.

(2) If the court is open at one end for its full width and full height to a street, alley, park or other permanently open space not less than fifteen feet wide, or to a yard, it shall be an outer court. The least width of such court shall be not less than eight feet nor less than one fourth its horizontal length measured along the center line, and not necessarily in a straight line. The width of such court at any level more than fifty feet above the sill of the lowest window required to front upon it shall be not less than eight feet plus one eighth the excess of such height over fifty feet, except a court the length of which is less than twice its least width. If windows required by this section face a wall on the opposite side of an outer court in which windows also required by this section occur, the width of the court as determined by the foregoing requirements in this paragraph shall be increased by fifty per cent. The width of an outer court need not, however, exceed the width required in this section for an inner court of the same height.

(3) Every court which is not open at one or both ends as provided for an outer court or a through court shall be an inner court. The least width of an inner court shall be not less than ten feet. The width of such court at any level more than fifty feet above the sill of the lowest window required to front upon it shall be not less than ten feet plus one eighth the excess of such height over fifty feet. If windows required by this section face a wall on the opposite side of an inner court in which windows also required by this section occur, the width of the court as determined by the foregoing requirements in this paragraph shall be increased by fifty per cent. The horizontal area of an inner court shall be not less than three hundred square feet nor less above any floor level than sixty square feet for each story below said level served by such court. Every inner court shall be provided with an intake for fresh air, consisting of a court, corridor, passageway or ventilating duct, of which the area of cross-section below the level of the top of the lowest required window shall be not less than one fifteenth the maximum required area of the court. Such intake or the required area thereof shall be permanently open and unobstructed except for a grille or screen at least eighty per cent open at one or both ends and shall extend from the court to a street, alley, park, or other permanently open space, not less than fifteen feet wide, or to a yard, above the level of the ground thereof.

(4) Windows required by paragraph (a) of this section may front upon an open recess from the street, alley, park, court, yard or other open space from which they derive light and ventilation, provided the width of the recess is not less than four feet nor less than its horizontal depth, and its depth is not more than six feet. A recess from an inner court of width less than the required width of the court of which it is a part shall be disregarded in computing, for the purpose of this section, the area of the court.

(5) The length of outer courts T-shaped in plan shall be measured from the open end to the end of each branch independently. A branch, open at only one end, of a through court, shall be considered to be a part of an outer court of length measured from the nearest open end to the closed end of the

branch, in determining the width of such branch. Where a recess occurs at the closed end of an outer court the length of the court shall include the depth of the recess. Adjoining courts which conform independently to this section may be combined by omission of dividing walls. An inner court between two sections of a through court may be disregarded in computing the length of the through court. Other arrangements of courts shall be measured for the purposes of this section as determined by the commissioner with a view to providing for every required window light and ventilation substantially as herein specified.

(6) Courts of exceptional form may be approved by the building commissioner if in volume, lighting and ventilating properties they are in his opinion the equivalent of the courts above described.

Section 123. Said section 1006 is hereby further amended by striking out the letter "(d)" at the beginning of paragraph (d) and inserting in place thereof the letter "(c)", and by striking out the letter "(c)" in the fifth line of paragraph (d) and inserting in place thereof the letter "(d)"; and by striking out the letter "(e)" at the beginning of paragraph (e) and inserting in place thereof the letter "(d)", and by striking out the letter "(d)" in the second line of paragraph (e) and inserting in place thereof the letter "(c)"; and by striking out the letter "(f)" at the beginning of paragraph (f) and inserting in place thereof the letter "(c)", and by striking out the letters "(b)" and "(c)" in the seventh line of paragraph (f) and inserting in place thereof the words "and" and the letter "(b)"; and by striking out the letter "(g)" at the beginning of paragraph (g) and inserting in place thereof the letter "(f)", and by striking out the letter "(h)" at the beginning of paragraph (h) and inserting in place thereof the letter "(g)"; and by striking out paragraph (i) as so appearing and inserting in place thereof the following: "(h) Every room containing a water closet compartment shall have adequate means for lighting at all times.", so as to read as follows:

(c) Every kitchen having a floor area not more than seventy square feet within an apartment and every room containing a water closet, shall be provided with light and ventilation by means of a window, except as specified in paragraph (d) of this section, in an exterior wall or in a ventilating shaft or, if such room is immediately under a roof, by a skylight in the roof. Such window or skylight shall have an area not less than three square feet nor less than one tenth of the floor area of the room, and shall be arranged to open for ventilation not less than three square feet nor less than one twentieth the floor area of the room. Such windows shall front upon an open space or a ventilating shaft of which the width shall be not less than three feet and of which the horizontal area shall be not less than fifteen square feet. If the height of such space or shaft above the sill of the lowest window served is in excess of fifty feet, the width thereof shall be increased one half foot and the area eight square feet for every ten feet or fraction of such excess. If such ventilating shaft is covered, the covering shall be a skylight with openings under the edges thereof on at least three sides equal in the aggregate to at least twice the required area of the ventilating shaft.

(d) Rooms containing water closets need not have windows as specified in paragraph (c) of this section if they are provided with adequate artificial light and an approved system of mechanical ventilation which will completely exhaust the air in the room at least four times per hour. A kitchen having a floor area not more than seventy square feet within an apartment need not have windows if it is so provided with artificial light, and such mechanical ventilation or ventilation by means of a ventilating exhaust duct with at least one square foot net area of cross-section independent of ducts from other rooms to a point above the roof. A kitchen ventilated as provided in this paragraph or by a ventilating shaft shall have a permanent opening of adequate size for fresh air which may, however, be drawn from other rooms in the apartment.

(e) Dining rooms in hotels, dining rooms common to more than one family, kitchens serving such dining rooms and other kitchens and rooms for eating purposes except those within apartments, shall be provided with light

and ventilation as specified for kitchens and dining rooms respectively in paragraphs (a) and (b) of this section or shall have artificial light and an approved system of mechanical ventilation providing not less than four complete changes of air per hour.

(f) The boundary line of a lot on which a building is to be erected subject to the provisions of this section, unless it is a common boundary between such lot and a street, alley, public park, cemetery, railroad right of way or other similar, permanently open space, not less than fifteen feet wide shall be a boundary to an adjacent court or ventilating shaft required by this section as though a wall without windows were erected on such line. If there is, appurtenant to such lot, an easement for light and air over a portion of an adjoining lot, in terms which assure that the easement will remain in force and effect so long as any windows require it for light and ventilation under the provisions of this code, and duly recorded in the registry of deeds for Suffolk county, the portion subject to such easement may be considered to be part of such lot for the purposes of this section. No building or structure shall be erected in such manner as to reduce the light and ventilation in a building on the same lot subject to the provisions of this section below the requirements thereof, nor shall a lot line be moved by sale of land or otherwise so as to permit such reduction by a building on an adjoining lot.

(g) In a residence district, as defined in chapter four hundred and eighty-eight of the acts of nineteen hundred and twenty-four, a building of Division 2 upon a lot which abuts on only one street shall have a yard at the rear. Such yard shall be open and unobstructed above the level of the sills of windows opening thereon required by this section, shall extend the full width of the lot, and shall have a depth, measured from the rear of the building to the rear line of the lot, or, if an alley or open passageway lies at the rear of the lot, to the middle line of such alley or passageway, not less than twelve feet nor less than one fourth the height of the building above the sill of the lowest window required to front upon such yard. If the rear line of such lot is other than a straight line the required yard shall have an area not less than twelve feet times the width of the lot at the rear of the building and the building shall be so disposed at the rear as to leave a yard having approved continuity with the yards of adjoining lots. The provisions of this paragraph shall not apply to a lot which abuts at the rear upon a railroad right of way, cemetery, park or other permanently open space, not less than fifteen feet wide. The Boston zoning law (chapter four hundred and eighty-eight of the acts of nineteen hundred and twenty-four) also contains provisions relative to yards.

(h) Every room containing a water closet compartment shall have adequate means for lighting at all times.

Section 124. Section 1007 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by inserting before the word "every" in the fourth line of paragraph (a) the word "However," so as to read as follows:

(a) In every apartment of an apartment house or apartment hotel, at least one room shall have a floor area not less than one hundred and twenty square feet. However, every kitchen in such apartment shall be not less than six feet wide nor less than forty-eight square feet in area. Every room containing a water closet shall be not less than thirty-three inches wide and shall have a floor area not less than fifteen square feet. Every other room in such apartment, excepts closets and vestibules, shall have not less than seventy square feet of floor area.

Section 125. Section 1006 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out the words "other than in apartments" in the third line of paragraph (a); and by striking out the words "and in all kitchens and shafts in buildings of Types III and IV more than three stories high" in the sixth, seventh, and eighth lines, so as to read as follows:

(a) Automatic sprinklers shall be installed in cellars, basements, workrooms, shops, store

rooms and kitchens, in buildings of Type I and Type II construction more than six stories high, and in other buildings more than three stories high.

Section 126. Said section 1008 is hereby further amended by striking out the words "and in Type III or Type IV buildings more than three stories high" in the sixth and seventh lines of paragraph (b), so as to read as follows:

(b) First aid standpipes, as specified in Part 30, or portable extinguishers, at least one for every twenty-five hundred square feet of floor area and at least one in each story, shall be provided in buildings more than five

thousand square feet in area or more than six stories high.

Section 127. Part II of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out said title as so appearing and inserting in place thereof the following:

SPECIAL REQUIREMENTS FOR GROUP I OCCUPANCY: LIMITED HABITATIONS AND SMALL DWELLINGS.

Section 128. Section 1101 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out the table under paragraph (b) as so appearing and inserting in place thereof the following:

Type of Construction.	Stories.	Maximum Area of Unit (Square Feet).
I.....	Not hereby limited.	Not hereby limited.
II.....	5	12,000
III.....	3	8,000
IV.....	3	6,000
VI.....	3	5,000

Section 129. Said section 1101 is hereby further amended by striking out paragraph (c) as so appearing and inserting in place thereof the following:

(c) The basement or cellar ceiling of all Group I buildings, more than three stories in height, shall be of not less than one-hour fire-resistive construction. Boiler rooms in Type IV and Type VI construction with more than one family above the first story shall be separated by walls and ceilings of not less than one-hour separation with any openings in the separation to be Class B fire doors and windows.

Section 130. Section 1103 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out paragraph (b) as so appearing.

Section 131. Section 1104 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out paragraph (a) as so appearing and inserting in place thereof the following:

(a) Elevator shafts, ventilating shafts and other vertical openings, including stairways, except stairway in a single family occupancy, shall be enclosed.

Section 132. Said section 1104 is hereby further amended by striking out paragraph (d) as so appearing.

Section 133. Section 1105 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by adding at the end of the section the following: "and every Group I building where each dwelling does not have its own stairway within its own apartment shall have two stairways, one of which shall be enclosed. A single family house may have only one stairway if it is not more than three stories high.", so as to read as follows:

Section 1105. *Exits.*—Group I buildings more than three stories in height, and group I buildings in which the area of any floor, except the first floor, exceeds fifteen hundred square feet, shall have at least two stairways or ramps, one of which shall be interior and enclosed, and every Group I building where each dwelling does not have its own stairway within its own apartment shall have two stairways, one of which shall be enclosed. A single family house may have only one stairway if it is not more than three stories high.

Section 134. Section 1106 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out the words "the area of which shall be not less than one eighth of the total floor area of such room or rooms." at the end of the first sentence in paragraph (a), so as to read as follows:

(a) Rooms of Group I buildings used for eating, living or sleeping purposes, shall be provided with light and ventilation by means

of windows. The space on which such windows shall open shall not be less than as specified in Part 10 for similar windows in Group H buildings.

Section 135. Section 1107 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out the words "and in Type III and Type IV buildings more than six stories high", in the fourth and fifth lines of paragraph (a), so as to read as follows:

(a) Automatic sprinklers shall be installed in cellars, basements, workrooms, shops, store-rooms and kitchens other than in apartments, in buildings more than six stories high.

Section 136. Said section 1107 is hereby further amended by striking out the words "and in Type III or Type IV buildings more than three stories high," in the sixth and seventh lines of paragraph (b), so as to read as follows:

(b) First aid standpipes, as specified in Part 30, or portable fire-extinguishers, at least one for every twenty-five hundred square feet of floor area, and at least one in each story shall be provided in Group I buildings more than five thousand square feet in area or more than six stories high.

Section 137. Section 1201 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out the last sentence in paragraph (b) as so appearing, so as to read as follows:

(b) Garages for six cars or less, not exceeding two stories in height nor thirteen hundred square feet in floor area, may be of any type of construction except Type VI. Garages for three cars or less, one story in height and not exceeding six hundred and fifty square feet in area, may be of Type VI construction.

Section 138. Said section 1201 is hereby further amended by striking out paragraph (c) as so appearing and inserting in place thereof the following:

(c) Structures of Division 2, erected on the roof or on the facade of a building in the first or second fire zone, shall be constructed with incombustible materials, except water tanks, flag poles, and isolated signs flat against the exterior wall not more than twenty square feet in area.

Section 139. Section 1206 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out in the fifth line the words "If used after dark", so as to read as follows:

Section 1206. *Light and Ventilation.*—Amusement park structures shall be provided with light and ventilation sufficient to avoid dangerous or unhealthful conditions as may be required by the commissioner. They shall be lighted by artificial light sufficiently for safe egress.

Referred to Committee on Building Code.

COLLECTION OF OIL COUPONS.

The following was received:

City of Boston,
Office of the Mayor, March 15, 1943.
To the City Council.

Gentlemen,—I transmit herewith communication received from John M. Deely, State Rationing Officer, Office of Price Administration, relative to your order of February 13, and concerning the practice of collecting coupons valued at nine gallons each from customers who purchase range oil in five-gallon lots.

Respectfully,
MAURICE J. TOBIN, Mayor.

Office of Price Administration,
10 Post Office Square, Boston,
March 6, 1943.

Mr. Thomas P. McCusker,
Secretary, Mayor's Office.

Dear Mr. McCusker,—I have your letter addressed to Mr. Bresnahan with reference to the practice of some gasoline station operators and oil dealers collecting coupons valued at nine or ten gallons each from customers who purchase range oil in five-gallon lots.

I can assure you that there is no excuse for this practice and that our Enforcement Division will be delighted at any time to investigate any and every specific complaint that might be referred to us. The cooperation of the Council is sought by us in obtaining information of this character, and the writer would personally be very glad, indeed, to see and discuss such complaints with any member of the Council at his convenience.

In the meantime, I am passing the general information on to our Enforcement Division, with the request that they also conduct an independent investigation.

Very truly yours,

JOHN M. DEELY,
State Rationing Officer.

Placed on file.

ADDITIONAL APPROPRIATION FOR HOUGHTON AND DUTTON BUILDING ALTERATIONS.

The following was received:

City of Boston,
Office of the Mayor, March 15, 1943.
To the City Council.

Gentlemen,—It is now apparent that the appropriation authorized by your Honorable Body for the reconstruction, repair and alteration of the so-called Houghton and Dutton building is insufficient. Invitation bids which were opened last week indicate that the lowest acceptable bid is \$251,758. In addition to this total, an allowance of \$18,000 must be made for architect services. It has also been necessary to spend to date, roughly, \$10,000 for necessary repairs which were not included in the specifications on which bids were secured. It is apparent, therefore, that we are faced with a minimum expenditure of \$280,000. This figure, however, provides only for occupancies that were under consideration at the time invitation bids were issued. I have every reason to believe, however, that with the expansion to be anticipated in governmental agencies that more space will be eventually required. In order to provide for such a contingency, I feel it desirable to make an allowance of \$15,000 over and beyond the minimum figure previously mentioned. In short, I now estimate that the total cost of the rehabilitation work will be \$295,000. In accordance with this estimate, I submit herewith an order providing for the appropriation of \$95,000 from the income of the Foreclosed Real Estate Division, and I respectfully recommend adoption of this order by your Honorable Body.

Respectfully,
MAURICE J. TOBIN, Mayor.

Ordered, That an addition to the amount already authorized to be expended for the reconstruction, repair and alteration of the building standing at the corners of Tremont, Beacon and Somerset streets the sum of \$95,000 be, and the same hereby is, appropriated from the income of the Foreclosed Real Estate Division, exclusive of proceeds from the sale of foreclosed property, for the following purpose:

Foreclosed Real Estate, Emergency Reconstruction..... \$95,000

Referred to Executive Committee.

TRANSFER FROM PARKMAN FUND INCOME.

The following was received:

City of Boston,
Office of the Mayor, March 15, 1943.
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 passage by your Honorable Body.

Respectfully,
MAURICE J. TOBIN, Mayor.

City of Boston,
Park Department, March 15, 1943.
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..... \$20,000

When making up the budget estimates for the year 1943, 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 1943, 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 \$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

Referred to Committee on Parkman Fund.

AMENDMENT ON COMPENSATION AND CLASSIFICATION PLANS.

The following was received:

City of Boston,
Office of the Mayor, March 15, 1943.
To the City Council.

Gentlemen,—I transmit herewith for consideration by your Honorable Body the attached proposal by the Budget Commissioner to amend the "Compensation and Classification Plans for the Officers and Employees of Suffolk County."

Respectfully,
MAURICE J. TOBIN, Mayor.

City of Boston,
Budget Department, March 15, 1943.
To the Mayor and 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 as follows:

"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. The Budget Commissioner shall,

subject to the approval of the City Council and the Mayor and after an investigation of the actual and proposed duties and responsibilities, classify or reclassify the position by allocating it to its appropriate class in accordance with the classification plan then in effect; if necessary a new class shall be established to provide for the new position."

Under date of January 26, 1943, the inclosed request was forwarded to this office by the Register of Deeds, W. T. A. Fitzgerald, for the amendment of the classification entitled, "Plan Copyist," to "Microfilm Operator and Plan Copyist," at a fixed compensation of \$3,500 per annum. The present classification calls for a "Plan Copyist" with compensation on the basis of \$4.00 per plan, the expense to the county running between \$3,500 and \$4,000 per annum for the service. After an investigation of the actual and proposed duties and responsibilities of this position, it appears that certain microfilm photographic equipment was purchased in 1942 from the Civilian Defense item in the budget for the purpose of reproducing the Registry of Deeds records in compact form as a measure of safety and protection from war hazards.

There are over six thousand volumes of records involved, a consolidated index from the year 1800 to the year 1900, and subsequent ten-year consolidated indexes in addition thereto since 1900. It is estimated that when reduced by the microfilm system of photography the entire mass of records will occupy not more than a few cubic feet of space. This would be an obvious advantage for the perpetuation and storage of records aside from war or other civic hazards, such as fire and water. It is estimated that over ten years will be consumed before the project reaches the point where pace can be kept with current records.

In view of the fact that these records deal with vested rights in real property whose loss would create irreparable damage, and the fact that by combining the duties of Plan Copyist and Microfilm Operator no greater expense to the county would ensue, I recommend that the Compensation and Classification Plans for the Officers and Employees of Suffolk County be amended and revised as follows:

Title of Class:

Microfilm Operator and Plan Copyist.

Duties:

Under general direction, to receive and reduce maps and plans accompanying recorded instruments to a standard size; the photographic reproduction of all records to perpetuate same in compact form for purpose of storage and safety by the use of special microfilm photography and developing equipment; and to perform other related work.

Fixed Salary:

Annual, \$3,500.

Respectfully,

HERMAN L. BUSH,
Budget Commissioner.

Suffolk County,

Registry of Deeds, January 26, 1943.

Herman L. Bush,

Budget Commissioner.

Dear Sir,—The estimates of this department for 1943 contain an appropriation of \$3,500 for the position of "Plan Copyist." This work has been performed for several years by Ivan A. Chisholm, civil engineer, on a piece-work basis of \$4.00 per plan.

A sufficient amount was allowed in the 1942 budget to purchase equipment for photographing the records by microfilm process. Mr. Chisholm, the Plan Copyist, is familiar with this equipment, and is qualified to perform this work. I recommend that he do this work in conjunction with his duties of reducing and copying plans, and that he should be classified as a regular employee, and designated in the county classification as "Microfilm Operator and Plan Copyist", with a fixed compensation of \$3,500 per year.

It is imperative that this work be started immediately and that the approval of the Mayor and Council be obtained as soon as possible.

Very truly yours,

W. T. A. FITZGERALD, Register.

Ordered, That the following classification and range of compensation as now set forth in the "Compensation and Classification Plans for the

Officers and Employees of Suffolk County" be, and hereby are, amended and revised so that the same shall read as follows:

Title of Class:

Microfilm Operator and Plan Copyist.

Duties:

Under general direction, to receive and reduce maps and plans accompanying recorded instruments to a standard size; the photographic reproduction of all records to perpetuate same in compact form for purpose of storage and safety by the use of special microfilm photography and developing equipment; and to perform other related work.

Fixed Salary:

Annual, \$3,500.

Referred to Committee on County Accounts.

CAR STOP AT NEW HEATH STREET AND COLUMBUS AVENUE.

The following was received:

City of Boston,
Office of the Mayor, March 15, 1943.
To the City Council.

Gentlemen,—I transmit herewith communication from Edward Dana, President and General Manager of the Boston Elevated Railway, relative to your order of February 15, and concerning the restoration of the southbound car stop before the intersection of New Heath street and Columbus avenue.

Respectfully,
MAURICE J. TOBIN, Mayor.

Boston Elevated Railway,
March 5, 1943.

Mr. Thomas P. McCusker,

Assistant Secretary, Mayor's Office.

Dear Mr. McCusker,—In reply to your letter of February 25 and accompanying order of the City Council requesting the restoration of the southbound car stop before the intersection of New Heath street and Columbus avenue, I would say that for many years the car stop was on the near side of Heath street, but we were obliged to change it to the far side of Heath street due to the installation of a gasoline filling station at the corner of Heath street and Columbus avenue. The curbstone was removed in connection with the installation of the gas station, many large trucks are serviced at the station, and the stopping place was changed in the interest of safety.

Yours very truly,
EDWARD DANA,
President and General Manager.

Placed on file.

PETITIONS REFERRED.

The following petitions were received and referred to the committees named, viz.:

Claims.

Romeo L. Coletti, for compensation for damage to car by city truck.

Charles L. Downs, for compensation for damage to property at 19 Bailey street, Dorchester, caused by water being shut off.

John J. Hurley, to be reimbursed as result of accident which occurred while in performance of duty.

Hyman Kessel, for compensation for damage to property by city car.

Edith and Maxwell Sawyer, for compensation for damage to car caused by an alleged defect in Tremont street.

Mary J. O'Neil, for compensation for injuries caused by an alleged defect in Worthington street.

Florence Sofnas, for compensation for injuries caused by an alleged defect in Humboldt avenue and Hollander street.

Merle G. Summers, for compensation for damage to car caused by an alleged defect in Albany street.

Carl F. Goetz, for compensation for damage to car caused by fire truck.

Committee on Licenses.

Petition of National Shawmut Bank for driveway opening at 905 Cummins Highway.

LEGALITY OF COUNCIL MEETING.

The following was received:

City of Boston,
Law Department, March 15, 1943.

To the Honorable the City Council.

Dear Sirs.—I have received your order, dated March 8, 1943, requesting me to advise the City Council whether or not a legal meeting of the City Council was held Wednesday, February 24, 1943.

I have been furnished by the City Clerk with a copy of the Rules of the City Council.

After consideration of all questions raised in connection with that meeting and its proceedings I am of the opinion that the meeting of the City Council held on February 24, 1943, was a legal meeting.

Yours very truly,
ROBERT H. HOPKINS,
Corporation Counsel.

Placed on file.

ELECTION OF ROBERT A. MACLELLAN.

Notice was received from the School Committee of election of Robert A. MacLellan as Commissioner of School Buildings, for the unexpired term of William L. Baxter, ending December 1, 1943.

Placed on file.

REPORT OF COMMITTEE ON
PUBLIC WELFARE.

Coun. KINSELLA, for the Committee on Public Welfare, offered the following:

1. Report on order (referred March 8) that trustees of Boston Public Library be requested to include in budget sufficient money to reopen Tyler street branch library in Ward 3—that same ought to pass.

Report accepted; said order passed.

2. Report on order (referred March 1) that Public Welfare directors advise recipients of public assistance they have inalienable right to procure living quarters in any section of the city—that same ought to pass.

Report accepted; order passed.

SOLDIERS' RELIEF.

Coun. RUSSO, 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.

PENALTIES FOR STEALING FROM
VICTORY GARDENS.

Coun. SCANNELL offered the following:

Ordered, That his Honor the Mayor be requested to petition the Legislature at its present session for legislation to impose penalties more severe than those now prescribed by law for stealing from Victory Gardens, so called.

Passed under suspension of the rule.

LOCKER ROOM, CHARLESBANK.

Coun. RUSSO offered the following:

Ordered, That the trustees of the George Robert White Fund be requested, through his Honor the Mayor, to provide a sum of money sufficient to erect a temporary locker room on the Charlesbank.

Coun. RUSSO—Mr. President, very briefly, last year we had expected through the expenditure from the George Robert White Fund, that a permanent locker room would be established on the Charlesbank but, I believe due to war conditions, work has not yet been started, and perhaps it may be some time before it will be started, with summer so rapidly approaching, a time when the young people and others will be resorting to the Charlesbank, we believe it is necessary and proper that a temporary locker room should be provided, giving people a chance to be hidden

from the public view while dressing and undressing. Therefore, I ask a suspension of the rule and the passage of the order.

The order was passed under suspension of the rule.

ADDITIONAL COMMITTEE
APPOINTMENTS.

In accordance with the order adopted March 8, 1943, the President announced the appointment of members to be added to committees whose membership includes councilors in the service of the United States, viz.:

Appropriations, Coun. Russo.
Claims, Coun. Hurley, M. H. Sullivan.
County Accounts, Coun. Hanley, Taylor.
Inspection of Prisons, Coun. Dwyer, Muchnick.
Legislative Matters, Coun. Kinsella, Coffey.
Licenses, Coun. M. H. Sullivan.
Ordinances, Coun. Coffey.
Parkman Fund, Coun. Kelly, Russo.
Printing, Coun. Dwyer, Russo.
Rules, Coun. Hurley.
Soldiers' Relief, Coun. Taylor, Fish.
Building Code, Coun. Fish.
Constables, Coun. Muchnick.
Hospitals, Coun. Carey.
Parks and Playgrounds, Coun. Coffey, Dwyer.
Public Safety, Coun. Kinsella.
Public Welfare, Coun. Chase.
Voting Machines, Coun. D. F. Sullivan.

RECESS.

On motion of Coun. SCANNELL the Council took a recess at 2.32 p. m., subject to the call of the Chairman. The members reassembled and were called to order by Coun. DWYER at 4.20 p. m.

After taking the chair, Coun. DWYER called Coun. D. F. SULLIVAN to the chair.

EXECUTIVE COMMITTEE REPORTS.

Coun. TAYLOR, for the Executive Committee, submitted the following:

1. Report on message of Mayor and order (referred today) that additional sum of \$95,000 be appropriated for alteration of Houghton and Dutton building—that same ought to pass.

Report accepted; order passed, yeas 11, nays 2.

Yeas—Coun Chase, Coffey, Dwyer, Fish, Hanley, Kelly, Kinsella, Muchnick, Russo, Scannell, Taylor—11.

Nays—Coun. Carey, D. F. Sullivan—2.

2. Report on petition of Annie B. Macomber (referred December 21, 1942) to be paid annuity on account of death of her husband, Edward F. Macomber, 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 sixteen hundred dollars be allowed and paid to Annie B. Macomber, widow of Edward F. Macomber, a member of the Fire Department, who died on November 15, 1942, on account of injuries received in the performance of his duty; said annuity being made up of allowances as follows:

For the widow, Annie B. Macomber, 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: Jean L. Macomber, born June 13, 1933; Eleanor F. Macomber, born January 1, 1931; Lorraine H. Macomber, born January 24, 1927.

The payments to date from November 15, 1942, and to be charged to the appropriation for Fire Department, Pensions and Annuities.

Report accepted; order passed.

REPORT OF COMMITTEE ON
APPROPRIATIONS.

Coun. DWYER, for the Committee on Appropriations, submitted the following:

Report on message of Mayor and order (referred March 1) appropriating \$35,000 for Civilian Defense activities—recommending passage of order in following new draft:

Ordered, That the sum of \$35,000 be, and hereby is, appropriated, to be expended as herein-after specified, said sum to be raised by taxes on the polls and estates in the City of Boston, or from other sources, and that all orders hereinafter passed by the City Council relating to appropriations, taxes and the interest thereon apply to the appropriations and taxes herein provided for:

Park Department.

Civilian Defense Activities \$35,000

Report accepted; order passed, yeas 13, nays 0:
Yeas—Coun. Carey, Chase, Coffey, Dwyer, Fish, Hanley, Kelly, Kinsella, Muchnick, Russo, Scannell, D. F. Sullivan, Taylor—13.
Nays—0.

REPORT OF COMMITTEE ON ORDINANCES.

Coun. FISH, for the Committee on Ordinances, submitted the following:

Report on message of Mayor and ordinance (referred March 8) concerning emergency allotments for city and county officials and employees—that same ought to pass.

Report accepted; said ordinance passed.

REPORT OF COMMITTEE ON HOSPITALS.

Coun. RUSSO, for the Committee on Hospitals, submitted the following:

Report on order (referred March 8) that Hospital Trustees arrange for ambulance with attendants to be on duty at all times at the old Haymarket Relief Station in Ward 3—that same ought to pass.

Report accepted; order passed.

RESOLUTIONS OPPOSING WORLD FEDERATION OF STATES.

Coun. KINSELLA—Mr. President, I rise to make a motion. I ask that two resolutions that were referred a week ago to the Committee on Legislative Matters be brought onto the floor of the chamber today.

Chairman D. F. SULLIVAN—Your motion involves a suspension of the rules, it will take a two-thirds vote of the members present to suspend the rules. Councilor Kinsella moves that the two orders now pending before the Committee on Legislative Matters be recalled.

Coun. MUCHNICK—Mr. President, there are some five or six matters pending before that committee, and I would like to be informed as to the matters to which the councilor refers.

Coun. KINSELLA—Resolutions introduced by Councilor Hanley and myself in opposition to the World Federation plan.

Chairman D. F. SULLIVAN put the question and, being in doubt, asked the clerk to call the roll.

Coun. CAREY—Mr. President, may I ask why the committee has not acted on the resolutions?

Chairman D. F. SULLIVAN—The chairman of the committee is Councilor Chase, I believe, and he is not present at the moment.

Coun. MUCHNICK—Mr. President, as a member of that committee, may I suggest that we wait a few moments until Councilor Chase returns? (Coun. Chase entered the chamber at this moment.) He is here now.

Chairman D. F. SULLIVAN—The Chair will recognize Councilor Chase for the Committee on Legislative Matters.

Coun. CHASE—Mr. President, that matter was laid on the table.

Chairman D. F. SULLIVAN—The question comes on the motion of Councilor Kinsella to recall the two resolutions from the committee, and the clerk will call the roll.

The clerk called the roll, with the following result:

Yeas—Coun. Carey, Coffey, Fish, Hanley, Kelly, Kinsella, Russo, D. F. Sullivan—8.

Nays—Coun. Chase, Muchnick, Scannell, Taylor—4.

Chairman D. F. SULLIVAN—The roll call shows four in the negative and eight in the affirmative, and the rule is suspended, and the resolutions are recalled.

Coun. SCANNELL—Mr. President, the chairman of the Committee on Legislative Matters has reported that the resolutions have been laid on the table. Isn't that something to be considered before any recall of the resolutions under suspension of the rules?

Chairman D. F. SULLIVAN—The motion made by Councilor Kinsella and the vote taken are perfectly in order.

Coun. MUCHNICK—Mr. President, do I understand that two-thirds means two-thirds of the members of the Council?

Chairman D. F. SULLIVAN—Two-thirds of those present and voting.

Coun. TAYLOR—Mr. President, I move a reconsideration of the vote taking these resolutions from the committee.

Coun. KINSELLA—Mr. President, I hope reconsideration does not prevail. There is some point, Mr. President, in a committee holding a resolution or an order longer than a week when it deals with a highly technical matter which requires a department head or somebody especially talented or skillful in the line of the order to be called into the committee hearing to give an opinion, but this is not a highly technical or highly skilled matter that requires more than the one week that has gone by already. I have been informed that some action has been taken. The action is neither positive nor negative. It appears to me, Mr. President, that there are only three things that can happen to a matter which has been referred to a committee,—either acceptance, rejection, or the middle ground, which is neither, to lay it on the table. I think that we ought to use every power at our command to force committees to bring in an order, reporting it one way or the other, either by acceptance or rejection, for debate on the floor. If this were a matter dealing with high finance there might be some reason to delay it or to procrastinate in the interest of acquiring information desired by the committee, but these were resolutions offered on the floor a week ago and referred to the committee, and the committee has not either concurred or objected. Now, so long as the matter stands on the middle ground no action can be taken here, but by vote of the Council today of two-thirds to one-third it has shown that it desires to have the matter brought in here. I hope reconsideration does not prevail.

The question came on Coun. Taylor's motion for reconsideration. Reconsideration was refused, yeas 4, nays 8:

Yeas—Coun. Chase, Hurley, Muchnick, Taylor—4.

Nays—Coun. Carey, Coffey, Hanley, Kelly, Kinsella, Russo, Scannell, D. F. Sullivan—8.

Coun. MUCHNICK—Mr. President, I doubt the presence of a quorum.

Coun. HANLEY—Mr. President, before you determine that by a roll call, this is another attempted circumvention of the order of procedure, and if the men have not got the courage to vote on Americanism as against totalitarianism or foreignism they should not be in the Council.

Chairman D. F. SULLIVAN—As chairman I will take it upon myself to rule that the point of order which Councilor Muchnick has raised is not well taken, as we have just had a roll call and there was a quorum here present.

Coun. MUCHNICK—Mr. President, I move that these resolutions be referred to the Committee on Rules, where they properly belong.

Chairman D. F. SULLIVAN—Councilor Muchnick moves that both resolutions be referred to the Committee on Rules.

Coun. KINSELLA—Mr. President, I suppose that is a good parliamentary procedure, and nothing can be said against that maneuver. But if there is anything that is a circumvention of the right of the voting members of this Council it is this attempt. I do not wish to repeat myself so as to become boresome, but I simply say again that these resolutions were referred one week ago, and if I am within my rights in saying so I was informed by one of the members of the committee a week ago that he could not vote for them in either case, so that the committee could hamstring the rest of the Council by their action in connection with these resolutions. I hope that they do not go back to a committee, for if they do, on the proof that has already been given this past week, we will not get any further action than we have already. If they bring in a negative report I will be thoroughly well satisfied, but to keep them in the middle ground where

they will die a natural death is something that I shall oppose as vigorously as I can. I hope that we will now continue to discuss the merits of those resolutions on the floor, eight members having voted today in opposition to the four, and if I understand it properly that is two-thirds to one-third.

The question came on Coun. Muchnick's motion to refer the resolutions to the Committee on Rules.

Coun. HANLEY—Mr. President, as Councilor Kinsella has well said, this question is non-technical; it merely deals with Americanism. The Legislative Matters Committee, under the chairmanship of my distinguished colleague from the Back Bay, Councilor Perlie Dyar Chase, has seen fit, over a roll call of his committee members, to lay the resolutions on the table, recognizing full well that this is one of the technicalities of parliamentary procedure. My distinguished colleague from Charlestown (Coun. Kinsella) has seen fit to utilize his parliamentary experience, and he asks that the members of the Boston City Council recall them from that committee, which has seen fit to be dormant on this particular question, and two-thirds of the entire membership present has seen fit to vote for recall, but by circumvention two members left the chamber, the same members who had cast aspersions on other members who had the courage and the temerity to speak their own wishes. I ask, Mr. President, that the resolutions be committed to the City Council as they stand at the present time, and that Councilor Muchnick's motion, circumventing by parliamentary procedure, be defeated.

Coun. MUCHNICK—Mr. President, there was no attempt on my part to circumvent anything by getting this into the Committee on Rules, where it properly belongs. It was the feeling of the Committee on Legislative Matters, of which I happen to be a member, that this was not proper council business, that it had nothing to do with the City of Boston, that no amount of flag waving or speech making that we might make about world affairs or any affairs of running the war or running the peace after the war would have any particular effect, nor should it have any particular effect, coming from us as a parliamentary body. It was the feeling of the Committee on Legislative Matters that it was the duty of the City Council to attempt to help to run the City of Boston and not to attempt to wave the flag and to help to run the entire world. That is why the resolutions were laid on the table, and that is why I have asked to have them referred to the Committee on Rules, which can properly decide whether we should have anything to do with them.

Coun. KINSELLA—Mr. President, I do not ever expect in all the meetings to hear any more unpatriotic remarks than I have just heard. Every day we open these proceedings with a salute to the United States flag. I wonder how many tongues are in the cheeks when that salute is being given. They will talk about flag waving in this chamber, but they would a damn sight rather wave an international flag—a damn sight rather,—and I hope that that appears in the record twice. I am sick and tired of these phony patriots who will stand up over there—I have no reference to the gentleman who has just spoken—and applaud Joe Louis a year ago for turning over his end of the earnings of the Army-Navy fight from some contest in which he engaged, where he turned his end over to the Navy Department, and we sit here as flag wavers because we offer a resolution expressing the honest opinion of the representatives of the City of Boston, the people of the City of Boston, in their opposition to any attempt to put us under the domination of the British Empire. And we are called flag wavers! There are only two flags in my life that I ever feel like bending my knee to, and one is the green flag with the Irish harp and the other is the Red, White and Blue. They call us flag wavers. We have had plenty of it in here! From what is going on now, and of which I spoke last Monday at this time, God knows how many more thousands have died since last Monday, and they are dying to put us in the category of a British subject dominion. This matter was referred by President Hannon a week ago to the Committee on Legislative Matters, but they were remiss in their duty to the Council in that they failed to bring in a definite report, and it is now suggested that we saddle the burden on Rules. Why didn't he send it to Rules a week ago?

He is the best-informed parliamentarian in here with the exception of the clerks. Why didn't he send it directly to the Committee on Rules at that time? As I have said, the only flags I bend my knee to are the flag of Ireland and the flag of the United States of America, and no other.

Coun. CHASE—Mr. President, as chairman of the Committee on Legislative Matters, may I say that your committee has given some thought to this matter and we felt that inasmuch as it dealt with something which is considered a world-wide matter it was not within the province of the Boston City Council to handle it. Mr. President, the Boston City Council was created by the Legislature to deal with municipal affairs, and as such, Mr. President, we are not expected by the people of Boston to decide world-wide issues, nor are we expected, Mr. President, by the City of Boston citizens to tell the Legislature to do what they are supposed to do. Nor are we expected, Mr. President, by the citizens of Boston to tell Congress what Congress was elected to do. Nor were we elected or expected by the citizens of Boston, sir, to tell the War Department how to run this war, or to tell its generals how to manage its battles. Nor were we elected here by the citizens of Boston to tell the President of the United States how to administer his executive branch of the government. We were elected, sir, primarily to carry on the municipal business of the City of Boston. We have three branches of government, sir, in these United States. We have the Municipal Government, the State Government, and the Federal Government, and, sir, when we go outside of our own powers to tell the Legislature or to tell Congress what to do, then I say, sir, that we are taking too much on our shoulders. I do not believe, sir, that we are in a position today to make a decision as to what the United States should do in its international affairs. This world-wide condition, sir, is a matter which requires great thought, and I do not believe that we, in our meager minds, can be helpful as a municipal body in telling the Legislature what to do, which in turn is supposed to tell Congress what to do. I, as a member of the Legislature, sir, will vote against this attempt to memorialize Congress simply because I do not believe that it is within our province as a legislature to tell Congress what to do. Congress has its own members of ability to decide those questions of foreign policy. Now sir, I for one believe only in the flag of the United States. I for one will not bend my knee to any flag, irrespective of what nationality it represents, except the American flag, which is the only one that I owe allegiance to, and which is the only one which my family for generations in this country has owed allegiance to. I believe, sir, that if we are to carry on our government the way our constitutions, both Federal and State, call for, and if we are to carry on our Municipal Government the way the charter calls for, we are not as members of the Boston City Council to attempt to tell Congress, directly or indirectly, what to do on a matter of such grave importance to the world, and especially to the United States. I am not discussing the merits of the resolutions introduced by my esteemed colleagues. I shall not at this time voice my opinion as to the merits of these respective resolutions, simply because I believe, sir, that as a member of the Boston City Council it is none of our business. We are not here to conduct world-wide affairs, and for that reason, sir, I for one voted to lay this matter on the table.

Coun. HANLEY—Mr. President, may I at this time commend and congratulate my distinguished colleague from the Back Bay on his vigorous denial of the right of the members of the Boston City Council to go on record for or against any bill that would take away our rights, liberties, and privileges. As far as parliamentary procedure is concerned, it is the same throughout the world, but in this country we have one centralized government. We have three branches of the government—the legislative, the executive, and the judicial. They are the checks and the balances, so that this government will remain until the consummation of the world. This government was not made for any one man or for any one class or for any nationality; it was made for all the people of the world who come here to live harmoniously, under one system of government, and under the Stars and Stripes for over one hundred and fifty years our country has become great. It has not become great

because of a Washington or a Lincoln or a Woodrow Wilson or a Roosevelt, but rather it has become great because of the small rank and file, who have come here from the shores of Europe and the shores of Asia to take up their abode and build an empire the like of which the world has never seen. The Boston City Council—and I say this advisedly—are closer to the pulsations of their constituents than any other men in public life, and I hold no brief for any other man in public life. We are closer to the people, we know their pulsations, we know their experiences and we know their sufferings, and we know that any such legislation under the cloak of war will detract from and jeopardize our liberties, our rights and our privileges. Men may go through this life from birth and pass through it to death, but the principles enunciated in our Constitution are eternal, they are the alpha and omega of justice and charity, and any time that any man or group of men try to jeopardize them, then it is not only your right but it is your duty as American citizens and as the beneficiaries of our American government, as men who are serving in public life, to see that no one, regardless of who it is, should jeopardize those liberties. At the present time you see Anthony Eden in Washington. He is talking about a post-war world. Well, if they had cared about it five years ago we would not be in the dilemma that we are in at the present time. I realize full well that he may be the Beau Brummell of the British Empire, he may have a more mellifluous and oratorical tongue than any one has ever had in the British Empire, but regardless of these things, any attempt by any foreign power, by treaty, by legislation, or otherwise, to involve us in these things, is inimical, unjust and unfriendly toward the American people. And, Mr. President, in closing I would at this time—and I am sure that my colleague, Councilor Kinsella, will agree with me—I am using the personal pronoun I,

not as an egotist or an egoist, but rather as one who has been the beneficiary of American life and liberty—I do, therefore,—Councilor Matthew F. Hanley of Ward 11, in conjunction with my distinguished colleague from Charlestown, Leo Kinsella,—challenge any member of the Boston City Council to a public debate on the issue that is now before the State Legislature, and I also ask that his Honor the Mayor be the mediator at that meeting. I would also give him the opportunity and the privilege of picking the spot, the time and the place, and I will be there, and my distinguished colleague will be there, and I will guarantee that there will not be an unfilled seat in the house. I will also guarantee that we will do our best to meet worthily the most devastating attacks against our American liberties that have been made, or may be made, under cover within the limits of Boston.

Coun. COFFEY—Mr. President, the only reason I rise now is this: When you take a roll call you are going to be short of a quorum, and the meeting is going to be automatically suspended, so that at this time I move that we now adjourn.

Coun. KINSELLA—Mr. President—

Chairman D. F. SULLIVAN—For what purpose does the gentleman rise?

Coun. KINSELLA—If Councilor Coffey had not anticipated my rising I was going to accept the task laid down in Councilor Hanley's offer, and I would just like to say that I know he feels as I do. If it is going to be a hattle of wits here we won't take any undue advantage of unarmed people.

Coun. MUCHNICK—Mr. President—

Chairman D. F. SULLIVAN—For what purpose do you rise?

Coun. MUCHNICK—For no purpose.

The question came on Councilor Coffey's motion to adjourn. The motion was carried.

Adjourned at five o'clock p. m. to meet on Monday, March 22, at 2 p. m.

CITY OF BOSTON.

Proceedings of City Council.

Monday, March 22, 1943.

Regular meeting of the City Council in the Council Chamber, City Hall, at 2 p. m., Senior Member DWYER presiding in the absence of President Hannon.

A quorum was in attendance.

The meeting was opened with the salute to the Flag.

APPOINTMENTS BY THE MAYOR.

Subject to confirmation by the Council, the Mayor submitted the following appointments, viz.:

Weigher of Coal: Sigurd L. Thidemann, 126 Kinnaird street, Cambridge, Mass.

Weigher of Goods: Francis J. McCarthy, Litchfield street, Brighton, Mass.

Severally laid over for one week under the law.

USE OF LAND ON ADAMS STREET, DORCHESTER, FOR COMMUNITY GARDEN.

The following was received:

City of Boston,

Office of the Mayor, March 22, 1943.

To the City Council.

Gentlemen,—I transmit herewith communication from the Boston School Committee regarding the ploughing of 44,455 square feet of land under their jurisdiction located at 891-911 Adams street, Dorchester, for the purpose of being used as a community garden.

Respectfully,
MAURICE J. TOBIN, Mayor.

City of Boston,

School Committee, March 15, 1943.

Hon. Maurice J. Tobin,

Mayor of Boston.

Dear Sir,—At a conference of the School Committee held on Tuesday afternoon, March 9, the Committee received the order passed by the City Council in meeting, March 1, 1943, requesting the School Committee, through your Honor, "to plough the 44,455 square feet of land under their jurisdiction located at 891-911 Adams street, Dorchester, for the purpose of being used as a community garden."

The School Committee has referred the Council's order to the Victory Garden Committee, Mr. William P. Long, Director, for consideration.

Respectfully yours,
ELLEN M. CRONIN, Secretary.

Placed on file.

EMERGENCY COMPENSATION ALLOTMENT IN SCHOOL DEPARTMENT.

The following was received:

City of Boston,

Office of the Mayor, March 22, 1943.

To the City Council.

Gentlemen,—I transmit herewith communication from the Boston School Committee relative to your order of March 3, 1943, regarding the provision in its annual budget of an emergency compensation allotment per annum for teachers and all employees of the School Department.

Respectfully,
MAURICE J. TOBIN, Mayor.

City of Boston,

School Committee, March 15, 1943.

Hon. Maurice J. Tobin,
Mayor of Boston.

Dear Sir,—At a conference of the School Committee on Tuesday afternoon, March 9, the Committee received the following order passed by the City Council in meeting, March 3, 1943:

"Ordered, That the School Committee of the City of Boston provide in its annual budget an emergency compensation allotment per annum for teachers and all employees of the School Department."

The School Committee respectfully reports that some weeks prior to the passage of this order, the School Committee had agreed to provide for a compensation allotment for its employees on the same basis as that adopted by the Mayor. The order of the City Council was therefore placed on file.

Respectfully yours,

ELLEN M. CRONIN, Secretary.

Placed on file.

PETITIONS REFERRED.

The following petitions were received and referred to the committees named, viz.:

Claims.

Art Chrome Company, for compensation for damage to property at 141 Malden street, caused by water from hydrant.

John Burns, Jr., for refund on building permit.

Marie A. Freudenreich, for compensation for damage to property at 86 Revere street, caused by snowplow.

William J. Kinsman, to be reimbursed for execution issued against him.

Edward George Mudarri, for compensation for damage to property at 66 Franklin street, Allston, by firemen.

Harry and Maxwell Sherman, for compensation for damage to property by city car.

W. H. Swan, for compensation for damage to car by city truck.

William H. Tobin, to be reimbursed for accident which occurred while in performance of duty as employee of Fire Department.

Mrs. A. Russo, to be reimbursed for expenses incurred at 132 Train street, Dorchester, caused by tree roots causing drain defects.

Committee on Licenses.

Petition of Boston American League Base Ball Company for season license for Sunday sports.

Petition of Boston Housing Authority for driveway opening at 74-138 Medford street.

Petition for Children to Appear.

Petition of Daniel D. Tierney, Jr., for children to appear at Jordan Hall March 25 and 26, 1943.

Permit granted under usual conditions.

NOTICES OF RESIGNATIONS.

Notice was received of resignation of William F. Higgins from the office of Transit Commissioner, and acceptance by the Mayor.

Notice was received of the resignation of William L. Baxter from office of Street Commissioner, and acceptance by the Mayor.

Severally placed on file.

APPOINTMENTS BY THE MAYOR.

Notice was received from the Mayor of the following appointments, viz.:

William L. Baxter, of 1692 Columbia road, South Boston, member of Transit Department for term ending April 30, 1944.

William F. Higgins, of 43 Glen road, Jamaica Plain, for a member of Street Commissioners for term ending January 1, 1944.

Severally placed on file.

CONFIRMATION OF APPOINTMENTS.

Chairman DWYER called up, under unfinished business, Nos. 1 and 2 on the calender, viz.:

1. Action on appointment submitted by the Mayor March 15, 1943, of Thomas R. McArdle, to be a Constable without authority to serve civil process and to serve without bond.

2. Action on appointments submitted by the Mayor March 15, 1943, of William J. Grund, Alden Burnham, Richard F. Graves, James Burns, William A. O'Callaghan, Andrew T. Delaney, Albert A. Walsh, to be Weighers of Coal.

The question came on confirmation. Committee, Coun. M. H. Sullivan and Kinsella. Whole number of ballots 12, yes 12, and the appointments were confirmed.

REPORT OF EXECUTIVE COMMITTEE.

Coun. TAYLOR, for the Executive Committee, submitted the following:

Report on petition of Laurence McMorrow to be paid annuity on account of death of son, Peter F. McMorrow, late 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 Laurence McMorrow, father of Peter F. McMorrow, a member of the Fire Department, who died on November 15, 1942, on account of injuries received in the performance of his duty; the payments to date from November 15, 1942, and to be charged to the appropriation for Fire Department, Pensions and Annuities.

Report accepted; said order passed.

RESOLUTION OF SYMPATHY FOR
PRESIDENT HANNON.

Coun. HANLEY offered the following:

Resolved, That the City Council of the City of Boston, in meeting assembled, hereby offers and records its deepest sympathy to the President of the City Council, Thomas J. Hannon, Jr., and to the members of his family, because of the untimely passing of Thomas J. Hannon, Sr., for many years a faithful, trusted and competent employee of the City of Boston.

Coun. HANLEY—Mr. President, I have offered that resolution in behalf of our colleague, and I would also move that we now adjourn as a mark of respect for President Hannon.

The resolution was unanimously adopted, and the Council adjourned at 2.37 p. m., to meet on Monday, March 29, 1943, at 2 p. m.

CITY OF BOSTON.

Proceedings of City Council.

Monday, March 29, 1943.

Regular meeting of the City Council in the Council Chamber, City Hall, at 2 p. m., President HANNON in the chair. Absent, Coun. Coffey, Foster, Goode, Linehan, Lyons, Russo, Wickes.

The meeting was opened with the salute to the Flag.

President HANNON—Fellow members, before proceeding with the meeting I wish publicly to thank my associates here, his Honor the Mayor, and the attachés for their great kindness and courtesy to me during the past week. It has certainly meant a lot to me, and will help me a great deal. I want to thank each and every one.

BUILDING CODE REVISION.

The following was received:

City of Boston,

Office of the Mayor, March 29, 1943.

To the City Council.

Gentlemen,—I transmit herewith Parts 13 to 16, inclusive, amendments to the proposed Building Code for the City of Boston.

The Building Code for the City of Boston as passed by the Legislature in 1938 was, in the opinion of responsible officials, open to considerable amendment. The power to amend the proposed code was given to the City Council in 1939, that power to be exercised, from time to time, as the need should arise.

With the amendments submitted this day, your Honorable Body now has before it approximately one half of the changes recommended to be made in the proposed Building Code. In view of the fact that the Legislature has given the City Council the right to amend the proposed Building Code, I am hopeful that your Honorable Body will be ready to give prompt and final action when all the proposed changes have been submitted. Whatever advice and assistance may be needed by your Honorable Body will be willingly rendered by the Building Commissioner, and the advisory committee of experts which has worked with the Building Commissioner for the past two years in a study that is resulting in the amendments to the Building Code which are submitted to your Body from time to time.

I recommend that the ordinance herewith submitted and the ordinances previously submitted, amending the Building Code, be given prompt consideration by your Honorable Body.

Respectfully,

MAURICE J. TOBIN, Mayor.

In accordance with the provisions of chapter 479 of the Acts of 1938 as amended by chapter 217 of the Acts of 1939, as Building Commissioner of the City of Boston I recommend the adoption of the following ordinance:

JAMES H. MOONEY,
Building Commissioner.

An Ordinance Altering, Amending, Extending or Rendering Ineffective Provisions of 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 Building and Other Structures in the City of Boston.

Be it ordained by the City Council of Boston as follows:

Section 140. Section 1301 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out paragraph (b) as so appearing and inserting in place thereof the following:

(b) Adjoining fire divisions in a building shall be separated by a separation at least as fire-resistive as required by Table A, section thirteen hundred and two.

* Section 141. Said section 1301 is hereby further amended by striking out the first sentence in paragraph (d) as so appearing and inserting in place thereof the following: "Adjoining units of different occupancy in a fire division shall be separated by a separation at least as fire-resistive as specified in Table A, section thirteen hundred and two.", so as to read as follows:

(d) Adjoining units of different occupancy in a fire division shall be separated by a separation at least as fire-resistive as specified in Table A, section thirteen hundred and two. Space within a unit of occupancy used for a purpose or process customarily incidental to that occupancy and under the same management and control shall not be considered a separate unit of occupancy unless the floor area of such space exceeds one tenth the area of the fire division in which it is located; but garage use shall not so be considered incidental.

Section 142. Said section 1301 is hereby further amended by striking out sub-division (4) of paragraph (f) as so appearing and inserting in place thereof the following: "(4) Construction required to be of Type IV shall not be supported by construction other than of Type I, Type II, Type III or Type IV."; and by inserting at the end the following new sub-division: "(6) Construction required to be of Type VI shall not be supported by construction other than of Type I, Type II, Type III, Type IV or Type VI.", so as to read as follows:

(f) Two adjoining fire divisions may be of different types of construction subject to the following limitations:

(1) Construction required to be of Type I shall not be supported wholly or in part by construction of any other type.

(2) Construction required to be of Type II shall not be supported by construction other than Type I or Type II.

(3) Construction required to be of Type III shall not be supported by construction other than of Type I, Type II or Type III.

(4) Construction required to be of Type IV shall not be supported by construction other than of Type I, Type II, Type III or Type IV.

(5) Construction required to be of Type V shall not be supported by construction other than of Type I, Type II or Type V.

(6) Construction required to be of Type VI shall not be supported by construction other than of Type I, Type II, Type III, Type IV or Type VI.

Section 143. Said section 1301 is hereby further amended by adding after paragraph (g) the following new paragraph (h):

(h) A building more than three stories high used on first floor or basement, for commercial use and adapted for more than two families above the first floor shall be equipped with automatic sprinklers throughout that portion used for commercial use when, in the judgment of the commissioner, public safety demands such protection.

Section 144. Section 1302 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out paragraph (a) as so appearing and inserting in place thereof the following:

(a) Separations between units of occupancy within a fire division and between fire divisions of a building shall be classified, each classification being designated in Table A of this section by the letter or figure symbol set against it, having the following significance:

A — means absolute separation.

4 — means four-hour separation.

3 — means three-hour separation.

2 — means two-hour separation.

1 — means one-hour separation.

N — means no separation required.

Section 145. Said section 1302 is hereby further amended by inserting the word "separating" before the word "wall" in the eighth line of paragraph (c), so as to read as follows:

(c) A four-hour separation shall provide effective fire-resistance of not less than four-hour rating as specified in Part 22. Openings in the walls of such separations shall be protected on each side thereof by automatic-closing Class A fire doors as specified in Part 22. The sum of the areas of such openings in one story shall not exceed one third the area of the separating

wall and no single opening shall have a greater area than one hundred square feet.

Section 146. Said section 1302 is hereby further amended by inserting the word "separating" before the word "wall" in the eighth line of paragraph (d), so as to read as follows:

(d) A three-hour separation shall provide effective fire-resistance of not less than three-hour rating as specified in Part 22. Openings in the walls of such separations shall be protected on each side thereof by automatic-closing Class B fire doors as specified in Part 22. The sum of the areas of such openings in one story shall not exceed one third the area of the separating wall and no single opening shall have a greater area than two hundred square feet.

Section 147. Said section 1302 is hereby further amended by inserting the word "separating" before the word "wall" in the eighth line of paragraph (e), so as to read as follows:

(e) A two-hour separation shall provide effective fire-resistance of not less than two-hour rating as specified in Part 22. Openings in the walls of such separations shall be protected on one side thereof by automatic-closing Class A fire doors as specified in Part 22. The sum of the areas of such openings in one story shall not exceed one third the area of the separating wall and no single opening shall have a greater area than two hundred square feet.

Section 148. Said section 1302 is hereby further amended by striking out paragraph (i) as so appearing and inserting in place thereof the following:

(i) A fixed fire window, as specified in Part 22, may be considered equivalent to one Class B fire door in the walls of separations, but two such windows shall not be substituted as equivalent

to two doors in an opening where two fire doors are required.

Section 149. Said section 1302 is hereby further amended by adding after paragraph (i) the following new paragraph (j):

(j) Table A.

(1) For required separations between different unit occupancies in one fire division read above the zigzag line. *Exception:* For separation requirements between units of occupancy of Group J, Division I Occupancy, and units in the same fire division of Group H or Group I Occupancy see Section 1202, Part 12.

(2) For required separations between fire divisions read below the zigzag line. Separations between adjoining fire divisions of Type I, Type II, and Type V construction shall be as listed. If either of two contiguous fire divisions is of Type III, Type IV, or Type VI construction the provisions of the Table shall be modified in accordance with the following:

The symbol of four hour separation shall be construed to require absolute separation, and the other separation symbols shall be construed to require one hour more than that indicated in the Table.

In the following table ordinates and coordinates are designated by the letters and numbers used in this Code indicating various occupancies. The requirements for separation between fire divisions and unit occupancies are indicated by the number or letter which appears at the intersection of the ordinate and coordinate representing any two contiguous fire divisions or unit occupancies. See paragraph (a) for significance of said numbers and letters.

TABLE A. (1) — REQUIRED SEPARATIONS BETWEEN DIFFERENT OCCUPANCIES IN ONE FIRE DIVISION. (Above Zigzag Line.)

GROUP.	A	B	C	D1	D2	E1	E2	F1	F2	F3	F4	F5	G1	G2	G3	H1	H2	I1	I2	J1
A.....	N	2	2	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
B.....	4	3	1	3	2	4	4	2	2	3	3	4	3	2	2	1	1	1	1	2
C.....	4	2	2	3	2	4	4	1	2	2	2	4	3	2	2	1	1	N	N	2
D1.....	4	4	4	2	3	4	4	3	3	3	3	4	3	3	3	3	3	3	3	3
D2.....	4	4	4	4	2	4	4	1	2	2	3	4	3	2	2	1	1	1	1	3
E1.....	A	A	4	4	A	3	2	3	3	3	3	3	3	3	3	3	3	3	3	3
E2.....	A	A	4	4	A	3	3	2	2	2	2	3	3	2	2	3	3	3	3	3
F1.....	4	3	3	4	3	3	3	3	N	N	N	3	3	N	N	N	N	N	N	1
F2.....	4	3	3	4	4	3	3	3	3	N	N	3	3	N	N	1	1	1	1	1
F3.....	4	4	3	4	4	3	3	3	3	3	N	3	3	1	1	1	1	1	1	1
F4.....	4	4	3	4	A	3	3	3	3	3	3	3	3	1	1	1	1	1	1	1
F5.....	4	4	4	4	A	3	3	3	3	3	3	3	3	3	3	4	4	4	4	N
G1.....	4	4	4	4	A	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
G2.....	4	4	3	4	3	3	3	3	3	3	3	3	3	2	N	1	1	1	1	1
G3.....	4	4	3	4	3	3	3	3	3	3	3	3	3	2	2	1	1	1	1	1
H1.....	4	3	3	4	3	4	4	3	3	3	3	4	3	3	3	3	N	N	N	-
H2.....	4	3	3	4	3	4	4	3	3	3	3	4	3	3	3	3	3	N	N	-
I1.....	4	3	3	4	3	4	4	3	3	3	3	4	3	3	3	3	3	2	N	-
I2.....	4	3	3	4	3	4	4	3	3	3	3	4	3	3	3	3	3	2	2	-
J1.....	4	4	4	4	4	3	3	3	3	3	3	3	3	3	3	3	3	2	2	2

TABLE A. (2) — REQUIRED SEPARATIONS BETWEEN FIRE DIVISIONS. (Below Zigzag Line.)

Section 150. Section 1401 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out in the title the word "Classification" and inserting in place thereof the word "Definition", so as to read as follows:

Section 1401. *Definition of Walls for Use or Function.*

Section 151. Said section 1401 is hereby further amended by striking out in the second and third lines of paragraph (a) the words "in classifications which are mutually exclusive only to the extent indicated in their definitions" and inserting in place thereof the words "as follows", so as to read as follows:

(a) Walls and partitions shall be classified for use or function as follows:

Section 152. Said section 1401 is hereby further amended by striking out the word "vertical" in the second line of sub-division (1) of paragraph (a), so as to read as follows:

(1) A hearing wall is a wall which supports a floor, roof or other load in addition to its own weight.

Section 153. Said section 1401 is hereby further amended by striking out the word "vertical" in the second line of sub-division (2) of paragraph (a), so as to read as follows:

(2) A non-bearing wall is a wall which supports no load other than its own weight.

Section 154. Said section 1401 is hereby further amended by striking out the last sentence in sub-division (5) of paragraph (a), so as to read as follows:

(5) A party wall is a wall used or adapted for use in common as a part of two buildings. A party wall may be either hearing or non-bearing.

Section 155. Section 1402 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out in the fifth, sixth, seventh and eighth lines of paragraph (d) the words "whether such walls consist of reinforced concrete or masonry hearing walls, of masonry piers, or of reinforced concrete or protected structural skeleton construction,"; and by striking out the last three sentences of paragraph (d) and inserting in place thereof the following:

"Where the openings in such exterior walls are unrestricted, panels or non-bearing portions of such walls shall be of incombustible construction, excepting, that sash, window frames, blinds, shutters, screens, doors, door frames, door and window trims, their architraves, pilasters and entablatures may be of wood or other not easily inflammable material; and in buildings outside the fire limits isolated pilasters and building cornices may be of wood or some other not easily inflammable material. Furthermore, architectural surfaces, trimmings, plaques, panels or the like of wood covered with metal or other incombustible material may be applied to the exterior of buildings and there may be incorporated in the masonry backing the necessary wooden grounds for their attachment, or wooden grounds may be applied to masonry wall if embedded in mortar. Metal cornices and the like may be applied to wooden outriggers and suitable grounds," so as to read as follows:

(d) Exterior hearing walls of buildings of Type I, Type II, Type III and Type IV shall be of four-hour fire-resistive construction as provided in sections one hundred and twenty-six to one hundred and twenty-nine, inclusive, of Part 1. Where such exterior walls are required, in Parts 3 to 12, inclusive, to be without openings the panels or non-bearing portions of the walls shall afford resistance of four-hour rating to the spread of fire. Where openings in such exterior walls are required, in Parts 3 to 12, inclusive, to be protected with fire doors or fire windows, the panels or non-bearing portions of the walls shall afford resistance of two-hour rating to the spread of fire. Where the openings in such exterior walls are unrestricted, panels or non-bearing portions of such walls shall be of incombustible construction, excepting, that sash, window frames, blinds, shutters, screens, doors, door frames, door and window trims, their architraves, pilasters and estahlatures may be of wood or other not easily inflammable material; and in buildings outside the fire limits isolated pilasters and building cornices may be of wood or some other not easily inflammable material. Furthermore, architectural surfaces, trimmings, plaques, panels or the like of wood covered with metal or other incombustible material may be applied to the exterior of buildings, and there may be incorporated in the masonry backing the necessary wooden grounds for their attachment, or wooden grounds may be applied to masonry wall if embedded in mortar. Metal cornices and the like may be applied to wooden outriggers and suitable grounds.

Section 156. Said section 1402 is hereby further amended by striking out paragraph (e) as so appearing and inserting in place thereof the following:

(e) In buildings with combustible floors, doorways required to have fire doors shall have incombustible thresholds the full thickness of the wall and doors in their closed positions, and the space thereunder shall be filled solid with masonry. Thresholds may be flush with the floor.

Section 157. Section 1406 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out the second sentence in paragraph (c) as so appearing, so as to read as follows:

(c) Exterior bearing walls of masonry shall have a thickness of at least one sixteenth the height or length between lateral supports in the top story of a building and at least one twentieth such height or length in stories other than the top, whichever is the lesser dimension. Masonry exterior hearing walls supporting the walls of Type V or Type VI buildings shall be not less than eight inches thick.

Section 158. Said section 1406 is hereby further amended by striking out paragraphs (d), (e) and (f) as so appearing, and inserting in place thereof the following:

(d) Exterior hearing walls of masonry shall have at least the thickness given in the following tables:

TABLE A: EXTERIOR BEARING WALLS OF MASONRY FOR GROUP A, B, C, E, F, G, J OCCUPANCY.

NOTE.—Hollow masonry units may be used in walls of the thickness given only on the top four stories. Minimum thickness of walls is given in inches.

STORY.	Height of Wall in Stories.							
	8.	7.	6.	5.	4.	3.	2.	1.
Eighth.....	12	—	—	—	—	1	—	—
Seventh.....	12	12	—	—	—	—	—	—
Sixth.....	12	12	12	—	—	—	—	—
Fifth.....	16	12	12	12	—	—	—	—
Fourth.....	16	16	12	12	12	—	—	—
Third.....	16	16	16	12	12	12	—	—
Second.....	20	16	16	16	12	12	12	—
First.....	20	20	16	16	16	12	12	12
Basement.....	20	20	20	16	16	16	12	12

TABLE B: EXTERIOR BEARING WALLS OF MASONRY FOR GROUP D, H, I OCCUPANCY.

NOTE.—For special provisions with respect to single-family, Group I occupancy, see the following Table C.

STORY.	Height of Wall in Stories.							
	8.	7.	6.	5.	4.	3.	2.	1.
Eighth.....	12	—	—	—	—	—	—	—
Seventh.....	12	12	—	—	—	—	—	—
Sixth.....	12	12	12	—	—	—	—	—
Fifth.....	12	12	12	12	—	—	—	—
Fourth.....	12	12	12	12	12	—	—	—
Third.....	16	12	12	12	12	12	—	—
Second.....	16	16	12	12	12	12	8	—
First.....	16	16	16	12	12	12	12	8
Basement.....	16	16	16	16	12	12	12	12

TABLE C: EXTERIOR BEARING WALLS OF MASONRY FOR GROUP I OCCUPANCY, SINGLE-FAMILY DWELLINGS NOT OVER THREE STORIES HIGH, SUPPORTING FLOORS NOT OVER TWENTY FEET IN SPAN.

STORY.	Height of Wall in Stories.		
	3.	2.	1.
Third.....	8	—	—
Second.....	8	8	—
First.....	12	8	8
Basement.....	12	12	8

Section 159. Said section 1406 is hereby further amended by striking out the letter "(g)" at the beginning of paragraph (g) and inserting in place thereof the letter "(e)"; and by striking out the letter "(h)" at the beginning of paragraph (h) and inserting in place thereof the letter "(f)"; and by striking out the letter "(i)" at the beginning of paragraph (i) and inserting in place thereof the letter "(g)", and by striking out the last sentence in paragraph (i) as so appearing and inserting in place thereof the following: "Panel or certain walls of metal or fire-resisting, impervious material may be backed up with masonry at least two inches in thickness.", so as to read as follows:

(e) Interior bearing partitions of masonry, supporting not more than one floor and a roof shall have a thickness of at least one twentieth the height or length between lateral supports, whichever is the lesser dimension, and at least six inches. Such partitions, not over one story high, supporting stairs, stair landings, platforms, a mezzanine floor, or the like, shall have a thickness of at least one twentieth the height or length between lateral supports, whichever is the lesser dimension, and at least three and one half inches. Other interior bearing walls of masonry shall have at least the thickness required in this section for masonry exterior bearing walls.

(f) Bearing party walls of masonry shall be solid not less than twelve inches thick. Non-bearing party walls and bearing or non-bearing fire walls of masonry shall be solid not less than eight inches thick.

(g) Exterior masonry panel walls shall be not less than three and one half inches thick. Panel walls more than four feet high, and curtain walls, of masonry shall be not less than eight inches thick. Panel or curtain walls of metal or fire-resisting, impervious material may be backed up with masonry at least two inches in thickness.

Section 160. Said section 1406 is hereby further amended by striking out the letter "(i)" at the beginning of paragraph (j) and inserting in place thereof the letter "(h)"; and by striking out the letter "(k)" at the beginning of paragraph (k) and inserting in place thereof the letter "(i)", so as to read as follows:

(h) Non-bearing masonry partitions and enclosure walls shall have a thickness of at least one forty-fifth the height or length between lateral supports, whichever is the lesser, and at least three inches.

(i) The minimum thickness specified in this section for masonry walls, except as otherwise provided in this paragraph, shall be exclusive of unbonded veneer, plaster or other covering on either face of the wall. The minimum thickness specified in this section for non-bearing partitions and enclosure walls shall be inclusive of plaster which is at least one half inch thick on either or both sides, and when the masonry beneath the plaster is at least three inches thick.

Section 161. Section 1407 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out at the end of paragraph (a) the words "both on the face and in the interior of the walls," and inserting in place thereof the words "on both faces and the interior of the walls," so as to read as follows:

(a) Brick walls shall be bonded with at least one full header, every other brick in every sixth course, on both faces and the interior of the walls.

Section 162. Said section 1407 is hereby further amended by striking out paragraph (b) as so appearing.

Section 163. Said section 1407 is hereby further amended by striking out the letter "(c)" at the beginning of paragraph (c) and inserting in place thereof the letter "(b)"; and by inserting after the word "homogeneous" in the first line of said

paragraph the word "masonry"; and by striking out in the first line the word "masonry", so as to read as follows:

(b) In homogeneous masonry walls of stone, bond stones shall be uniformly distributed and shall have a cross-section not less than ten per cent of the area of the wall.

Section 164. Said section 1407 is hereby further amended by striking out the letter "(d)" at the beginning of paragraph (d) and inserting in place thereof the letter "(c)"; and by striking out the letter "(e)" at the beginning of paragraph (e) and inserting in place thereof the letter "(d)"; and by striking out the letter "(f)" at the beginning of paragraph (f) and inserting in place thereof the letter "(e)"; and by striking out the letter "(g)" at the beginning of paragraph (g) and inserting in place thereof the letter "(f)"; and by striking out the letter "(h)" at the beginning of paragraph (h) and inserting in place thereof the letter "(g)"; and by striking out the letter "(i)" at the beginning of paragraph (i) and inserting in place thereof the letter "(h)", so as to read as follows:

(c) In homogeneous masonry walls of structural clay tile or of solid or hollow concrete or gypsum blocks or of similar masonry units, unless all the units are the full thickness of the wall, the two faces of the wall shall be bonded together through the wall, by varying the thickness of units in alternate courses so that the blocks will overlap across the wall not less than three and one half inches.

(d) Walls of structural clay tile, concrete blocks or similar masonry units, faced with brick, in which the backing is bonded as required for the material of which it is built and the brick facing is bonded to the backing as required in a brick wall, shall be considered to have the strength and stability of a homogeneous wall of the same total thickness of the weaker material.

(e) A wall of stone, brick, structural clay tile, concrete blocks or other masonry units faced with stone ashlar bonded to the wall as herein provided, shall be considered to have the strength and stability of a homogeneous wall of the same total thickness of the weaker material. In order so to be considered a part of the wall, the ashlar facing shall be laid in a full bed of mortar, shall be not less than three and one half inches thick and bond stones shall be uniformly distributed in all or at least in alternate courses, not less than seven and one half inches thick, nor less than four inches thicker than the remainder of the facing, and constituting not less than twenty per cent of the area of the wall.

(f) Brick, stone or block facing may be considered to be bonded to backing of plain or reinforced concrete when the facing, with all the provisions for bond required for a facing backed with masonry, is laid in advance of the pouring of concrete, and the concrete is poured in direct contact with the facing, embedding the header brick or bonding units.

(g) Masonry walls covered with a veneer not bonded to the wall as provided for a facing in this section shall be considered to have a thickness equal to that of the wall exclusive of the veneer.

(h) Hollow walls of brick, laid with every alternate brick in every other course on each side of the wall a full header, or any equivalent bond, may be used where walls of structural clay tile may be used.

Section 165. Section 1408 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out the word "well" in the third line of paragraph (a); and by adding at the end of said paragraph the following: "by having each unit if other than brick alternately overlap by at least one half the thickness of the wall at the intersection, and if of brick have each alternate brick overlap by half the length of the brick, or a group of not over six bricks overlap in alternating groups at least half the thickness of the wall.", so as to read as follows:

(a) Masonry bearing walls, exterior walls, and other masonry walls, which depend upon intersecting walls for lateral support shall be bonded to such walls at intersections and corners by having each unit if other than brick alternately overlap by at least one half the thickness of the wall at the intersection, and if of brick have each alternate brick overlap by half the

length of the brick, or a group of not over six bricks overlap in alternating groups at least half the thickness of the wall.

Section 166. Said section 1408 is hereby further amended by adding at the end of paragraph (b) the following: "approved by the commissioner.", so as to read as follows:

(b) Masonry walls which depend upon anchorage to the frame of a building for lateral support shall be tied to the frame by suitable anchorage approved by the commissioner.

Section 167. Section 1411 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out the word "width" in the eleventh line of paragraph (b) and inserting in place thereof the word "length", so as to read as follows:

(b) Recesses for stairways, elevators or other purposes may be made in masonry bearing, or exterior walls, but in no case shall the walls at such points be reduced to less than the thickness required in the fourth story. Such walls of reduced thickness shall have such additional lateral support as may be necessary. Recesses in masonry bearing or exterior walls for radiators and similar purposes, shall have not less than eight inches of masonry at the back. Such recesses shall be not more than eight feet in length unless the wall at the back may be considered a curtain or panel wall, and they shall then be arched over or spanned with lintels.

Section 168. Section 1412 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by adding at the end of the first sentence in paragraph (e) the following: "or properly shored to the satisfaction of the commissioner.", so as to read as follows:

(e) Foundation walls and retaining walls, which depend upon a floor or superimposed structure for resistance to overturning shall not be back-filled until se supported or properly shored to the satisfaction of the commissioner. Walls damaged by premature back-filling shall be removed and replaced if so required by the commissioner.

Section 169. Section 1414 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by inserting after the word "used" in the first sentence the words "in the construction of a post-code building and"; and by inserting after the word "used" in the twenty-fourth line the words "in the construction of a post-code building and", so as to read as follows:

Section 1414. *Use of Existing Masonry Walls.*—An existing masonry wall may be used in the construction of a post-code building and in the repair, alteration or enlargement of a building providing it meets the requirements of this code, and is structurally sound or can be made so by reasonable repairs. Existing masonry walls which are structurally sound but which are of insufficient thickness for their proposed use shall be strengthened by an addition of similar material not less than eight inches in thickness laid in mortar of required proportions. Foundations and lateral supports shall be provided as required for newly constructed walls under similar conditions. Such additions or linings shall be thoroughly bonded to the existing masonry by toothings bonded with the new masonry and built solidly into openings cut in the old masonry at least four inches deep. Such toothings shall be distributed uniformly throughout the wall and shall aggregate in vertical cross-sectional area not less than fifteen per cent of the total vertical area of the wall or lining. If the existing wall is covered with plaster or other covering that might impair the bond of the lining, such covering shall be stripped off and the masonry cleaned. The repair, lining, or other strengthening of an existing masonry wall to be used in the construction of a post-code building and in the repair, alteration or enlargement of a building shall be in every respect satisfactory to the commissioner and subject to such conditions as he may in any case prescribe.

Section 170. Section 1417 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out paragraph (b) as so appearing and inserting in place thereof the following:

(b) Non-bearing wooden frame partitions may be used in buildings of Type I, Type II, and Type V, in occupancy of Group F and

Group G only, solely for the purpose of subdividing space occupied by one tenant, provided that the space so divided shall be separated from any other tenant in the same story by partitions of fire-resistive quality as required by the particular condition.

Non-bearing wooden stud partitions covered on both sides with three quarter inch thick plaster on incombustible lath may be used in buildings of Type I and Type II for Groups H and J occupancy, solely for the purpose of subdividing apartments or similar space occupied by one tenant, provided that such partitions shall not exceed five hundred lineal feet within a single floor area, separated from the rest of the story by partitions of fire-resistive quality as required for the particular conditions.

Nothing in this paragraph shall be construed to allow wooden frame partitions in Type I, Type II, and Type V buildings where fire-resistive partitions of other materials for egress, enclosures or vertical openings, or separations are required elsewhere in this code.

Section 171. Said section 1417 is hereby further amended by striking out paragraph (c) as so appearing and inserting in place thereof the following:

(c) Wooden frame exterior walls shall have posts, sills, and girts not smaller than three and five eighths by five and five eighths inches. When the studs are continuous throughout two stories they shall be of one piece, the girts shall be replaced by a ledger board not less than fifteen sixteenths by five and five eighths inches housed into the studs. Studs shall be no smaller than one and five eighths by three and five eighths inches. Dimensions of members in this paragraph are actual net dimensions.

Posts shall be well braced the full story height, and walls shall be framed to them by a post-sized brace attached to the post just below the girt and running in the wall at an angle not more than sixty degrees from the vertical, anchored at the other end to the girt or sill. These braces shall be horizontally braced at the corner post at least twice in each story, and the studs which they intersect shall be well fastened above and below the brace. Posts and girts shall be mortised, tenoned, and pinned at each floor level or connected by approved metal fasteners which provide equal rigidity. The tenons shall be not less than one inch in thickness and the full height of the girt.

Where a ledger board replaced a full girt the space behind the ledger board shall be fire stopped with at least one and five eighths inch lumber cut between the studs. In wooden stud exterior bearing walls more than one story high, the studs shall be not over sixteen inches apart on centers, and shall be bridged at least once at mid-height. In one story walls studs shall be spaced not over twenty inches apart on centers, and need not be bridged. At intersections, between such walls and interior partitions, studs shall be well blocked, making what is commonly known as solid corners. Wall plates shall consist, either of two layers of wood not less than one and five eighths by three and five eighths inches, each, or of one layer of wood not less than three and five eighths by three and five eighths inches. At openings in bearing walls, studs shall be doubled or have a minimum section of three and five eighths by three and five eighths inches and the heads of openings shall be trussed.

Posts in one and two story walls shall be in one piece—in three stories they may be spliced once in their length, just above the second or third floor girt. Girts and caps may be spliced not oftener than once in twelve feet. Such splices shall be made by halving the piece of wood with a lap of at least eight inches. The lap shall be securely pinned or spiked. In two-piece caps the minimum length of pieces shall be the full length of the wall or twelve feet. Joints shall be broken with at least twelve inches overlap. If studs are spaced farther apart than indicated in this paragraph they shall be classed as wooden columns, girts and caps framing on them shall be classed as wooden beams, and they shall all meet the requirements of sections twenty-five hundred and five and twenty-five hundred and six.

Section 172. Said section 1417 is hereby further amended by striking out in the second line of paragraph (d) the words "one and one half" and inserting in place thereof the words "one and

five eighths"; and by striking out in the second and third lines of said paragraph the words "two and one half" and inserting in place thereof the words "three and five eighths"; and by adding at end of fifth sentence the words "or framed sufficiently heavy to carry the load"; and by adding at the end of paragraph (d) the following: "If studs are spaced farther apart than indicated in this paragraph, they shall be classed as wooden columns and the caps over them shall be classed as wooden beams and they shall both meet the requirements of sections twenty-five hundred and five and twenty-five hundred and six unless in the category of the following: In one-story habitations, where height from sill to plate does not exceed nine feet, the studs may be one and five eighths by two and five eighths inches, plate may be two pieces of one and five eighths by two and five eighths inches or one piece of two and five eighths by three and five eighths inches, sills may be two and five eighths by five and five eighths inches and corner posts may be blocked studs.", so as to read as follows:

(d) Wooden stud bearing partitions shall have studs not less than one and five eighths by three and five eighths inches supported upon a girder or upon a sole plate not less than three and five eighths inches thick. The partition plate shall be not less than one and one half inches thick. Studs of a partition in an upper story over a partition below shall rest upon the plate of the lower partition and not upon the ends of the floor beams. Studs of wooden frame bearing partitions shall be bridged at least once at mid-height and studs supporting a floor shall be not more than sixteen inches apart on centers. Studs shall be doubled beside openings in partitions, and the heads of such openings shall be trussed or framed sufficiently heavy to carry the load. Wooden stud bearing partitions shall not be used to support more than a roof and three floors and in buildings three stories or more in height shall have one-hour fire-resistive rating. If studs are spaced farther apart than indicated in this paragraph, they shall be classed as wooden columns and the caps over them shall be classed as wooden beams and they shall both meet the requirements of sections twenty-five hundred and five and twenty-five hundred and six unless in the category of the following: In one story habitations, where height from sill to plate does not exceed nine feet, the studs may be one and five eighths by two and five eighths inches, plate may be two pieces of one and five eighths by two and five eighths inches or one piece of two and five eighths by three and five eighths inches, sills may be two and five eighths by five and five eighths inches and corner posts may be blocked studs.

Section 173. Said section 1417 is hereby further amended by inserting after the word "with" in the second line of paragraph (f) the word "wood", so as to read as follows:

(f) Exterior wooden frame bearing walls shall be covered on the outside with wood boarding nailed to the studs or with other approved material equally effective in stiffening the frame of the building. Boards shall be not less than three quarters inch thick unless a weather boarding is used, in which case it shall have an average thickness of at least five eighths inch. Each board shall have at least two nails to each stud. Stucco, masonry veneer and any material composed principally of gypsum shall not be considered a satisfactory substitute for boarding on exterior wooden frame walls.

Section 174. Section 1501 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out in the fourth and fifth lines of paragraph (b) the words "and by a curb at the floor at least three inches high.", so as to read as follows:

(b) Openings in floors which are not provided with trap doors and are not enclosed in the story above, shall be protected by an adequate railing at least thirty inches high. Openings in roofs, unless covered by trap doors or skylights, shall be protected by an adequate railing or parapet at least thirty inches high.

Section 175. Section 1503 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out the word "number" in the fourth line of paragraph (b) and by adding at the end the following: "if in Type I, Type II, or Type V construction. If in Type III, Type IV, or Type VI construction they shall be protected by

not less than one-hour fire-resistive enclosure and Class B automatic-closing doors.", so as to read as follows:

(h) The enclosure of chutes and dumb-waiters not exceeding four square feet in area need not have fire-resistive protection if constructed of metal not thinner than sixteen gauge if in Type I, Type II, or Type V construction. If in Type III, Type IV, or Type VI construction they shall be protected by not less than one-hour fire-resistive enclosure and Class B automatic-closing doors.

Section 176. Section 1503 is hereby further amended by inserting after the word "glass" in the ninth line of paragraph (i) the words "with metal screen beneath, or wire glass", so as to read as follows:

(i) Every elevator shaft and stairway enclosure, except dumb-waiter enclosures and enclosures in the interior of a building which do not serve the top story, shall be ventilated at the top by an opening to the outside air not less in area than one per cent of the area of the shaft. In addition, each such shaft shall have at the top means for emergency ventilation in the form of windows or skylights with thin plain glass, with metal screen beneath, or wire glass, or in other approved form, not less in area than one quarter the area of the shaft.

Section 177. Section 1505 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by inserting after the word "louvres" in the third line of sub-division (2) of paragraph (a) the words "of incombustible material", so as to read as follows:

(2) Openings into a shaft or duct used exclusively to exhaust the air from two or more stories may be protected by louvres of incombustible material which close by gravity, like a check valve, to prevent reversal of the air current.

Section 178. Section 1602 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out the second sentence of paragraph (f) as so appearing and inserting in place thereof the following: "Such material, with similar materials on walls and partitions, shall not exceed ten pounds per square foot of floor area enclosed by exterior walls and partitions of two-hour fire-resistive construction, nor a total of five thousand pounds if said floor space is enclosed in exterior walls and partitions of one-hour fire-resistive construction. Such materials shall be backed up by three-quarter inch plaster or equivalent fire-resistive material.", so as to read as follows:

(f) Ceilings in Type I buildings may be finished in wood or other combustible but not highly flammable material for ornamental, insulating, acoustical or similar purposes. Such material, with similar materials on walls and partitions, shall not exceed ten pounds per square foot of floor area enclosed by exterior walls and partitions of two-hour fire-resistive construction, nor a total of five thousand pounds if said floor space is enclosed in exterior walls and partitions of one-hour fire-resistive construction. Such materials shall be backed up by three-quarter inch plaster or equivalent fire-resistive material.

Section 179. Section 1603 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out the second sentence of paragraph (f) as so appearing and inserting in place thereof the following: "Such material, with similar materials on walls and partitions, shall not exceed ten pounds per square foot of floor space enclosed with exterior walls, ceilings of three-hour fire-resistive incombustible construction, and partitions of two-hour fire-resistive construction, nor six pounds per square foot of floor space enclosed by exterior walls and partitions of one-hour fire-resistive incombustible construction or a total of three thousand pounds. Such material shall be backed up by three quarters inch plaster or equivalent fire-resistive material.", so as to read as follows:

(f) Ceilings in Type II buildings may be finished in wood or other combustible but not highly flammable material for ornamental, insulating, acoustical or similar purposes. Such material, with similar materials on walls and partitions shall not exceed ten pounds per square foot of floor space enclosed with exterior walls, ceilings of three-hour fire-resistive incombustible construction, and partitions of two-hour fire-resistive construction, nor six pounds per square

foot of floor space enclosed by exterior walls and partitions of one-hour fire-resistive incombustible construction or a total of three thousand pounds. Such material shall be backed up by three quarters inch plaster or equivalent fire-resistive material.

Section 180. Section 1605 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out the word "spacers" in the sixth line of paragraph (a) and inserting in place thereof the word "spaces", so as to read as follows:

(a) In buildings of Type IV construction the floors may be of wood unprotected against fire. Floor beams and joists of wood shall not be less than one and five eighths inches thick. Where joists frame on a girder or bearing partition on both sides thereof, the spaces between the joists shall be fire-stopped with incombustible materials or with wood not less than one and one half inches thick.

Referred to Committee on Building Code.

EMPLOYMENT OF SCHOOL BOYS FOR STREET CLEANING.

The following was received:

City of Boston,
Office of the Mayor, March 29, 1943.
To the City Council.

Gentlemen,—I transmit herewith communication received from the Commissioner of Public Works relative to your order of March 1, 1943, and concerning the employment of high school boys for the purpose of cleaning the streets of Boston.

Respectfully,
MAURICE J. TOBIN, Mayor.

City of Boston,
Public Works Department,
March 24, 1943.

Thomas P. McCusker,
Assistant Secretary, Mayor's Office.

Dear Mr. McCusker,—This is in reference to the following order that was passed in the City Council: "Ordered, That the Public Works Commissioner be requested, through his Honor the Mayor, to use registered high school boys for the purpose of cleaning the streets of Boston."

In compliance with the provisions of the above-referenced order, I issued instructions to the supervisor of the Sanitary Division of this department to employ any high school boys who desire to assist in the cleaning of streets and who were registered last fall for snow removal work.

Respectfully yours,
GEORGE G. HYLAND,
Commissioner of Public Works.

Placed on file.

ASSESSMENT OF PROPERTIES OF THOSE IN ARMED FORCES.

The following was received:

City of Boston,
Office of the Mayor, March 29, 1943.
To the City Council.

Gentlemen,—I transmit herewith communication from the Board of Assessors relative to your order of March 1, and concerning the advisability of directing the Board of Assessors to refrain from raising the assessments on the property of those in the armed forces, and to reduce all assessments on said property to assessments prevailing prior to December 7, 1942.

Respectfully,
MAURICE J. TOBIN, Mayor.

City of Boston,
Assessing Department, March 24, 1943.
Thomas P. McCusker,
Secretary, Mayor's Office.

Dear Sir,—In regard to the order of the City Council relative to the assessments on the property of those in the armed forces and to reduce all assessments on said property to assessments prevailing prior to December 7, 1942, please be advised that the assessors are in receipt of a communication from the Tax Commissioner directing attention to the oath of assessors and

the fact that men are in service can have no effect upon a proper assessment.

Very truly yours,
BOARD OF ASSESSORS,
JOHN P. DOHERTY, Secretary.

Placed on file.

ADDITIONAL APPROPRIATION FOR STREET CLEANING.

The following was received:

City of Boston,
Office of the Mayor, March 29, 1943.

To the City Council.

Gentlemen,—I transmit herewith communication from the Commissioner of Public Works relative to your order of March 1, 1943, and concerning an additional appropriation for personal service in the Sanitary and Street-Cleaning Division of the Public Works Department.

Respectfully,
MAURICE J. TOBIN, Mayor.

City of Boston,
Public Works Department,
March 24, 1943.

Thomas P. McCusker,

Assistant Secretary, Mayor's Office.

Dear Mr. McCusker,—This is in reference to the following order that was passed in the City Council:

"Ordered, That his Honor the Mayor be requested to immediately initiate an additional appropriation for personal service in the Sanitary and Street-Cleaning Division of the Public Works Department sufficient to enable the division to properly clean the streets of the city and remedy the present deplorable conditions."

At the present time we have approximately 200 emergency workers assisting the regular department forces in the cleaning of the streets of this city. I estimate that it will cost the department approximately \$25,000 to pay, not only for the services of these emergency workers, but also for the hire of trucks used on street-cleaning work.

I recommend, therefore, that in compliance with the above-referenced order, an additional amount of \$25,000 be appropriated in the budget and allocated to the Sanitary and Highway Divisions of this department to pay for the above-referenced extra labor and equipment.

Respectfully yours,
GEORGE G. HYLAND,
Commissioner of Public Works.

Placed on file.

SURVEY OF DORCHESTER LAND.

The following was received:

City of Boston,
Office of the Mayor, March 29, 1943.

To the City Council.

Gentlemen,—I transmit herewith communication from the chairman of the Board of Trustees of the Boston Park Department regarding your order of March 1, 1943, concerning a survey of vacant land at the corner of Gallivan Boulevard and Washington street, Dorchester.

Respectfully,
MAURICE J. TOBIN, Mayor.

City of Boston,
Park Department, March 24, 1943.

Thomas P. McCusker,

Assistant Secretary, Mayor's Office.

Dear Mr. Secretary,—I have your memorandum of March 3, with inclosure, order from the City Council to have a survey made of vacant land at the corner of Gallivan Boulevard and Washington Street, Dorchester.

The lot in question contains 246,000 square feet. The northerly boundary is about 400 feet south of Washington street. A large portion of this lot is hilly and rocky and is not suitable for playground purposes.

The balance of the area has possibilities, if a portion of the land to the north could be taken to provide much needed additional width to the relatively level area. The side of the hill could be used as a natural amphitheater to watch athletic games. In my opinion the location would be ideal for playground purposes. It is situated about half-way between Roberts Playground on Dunbar avenue, and Dorchester Park on Adams

street—it is also located in a relatively recently developed section of Dorchester.

I am having a survey of the location made and will prepare a plan showing playground possibilities.

Very truly yours,
WILLIAM P. LONG, Chairman.

Placed on file.

PETITIONS RECEIVED.

The following petitions were received and referred to the committees named, viz.:

Claims.

Robert J. Fitzgibbons, for compensation for damage to car by city car.

LeRoy F. Hopkins, for compensation for damage to bicycle by city truck.

James E. Ladd, for compensation for damage to car by city truck.

Edward T. Lucas, to be reimbursed for execution issued against him.

Bernard G. Neer, for compensation for damage to car by fire truck.

Elizabeth J. O'Brien, for compensation for injuries caused by an alleged defect in Kingston street, Charlestown.

Mary G. Rotundi, for compensation for damage to truck caused by an alleged defect in Adams street, Dorchester.

MINORS' LICENSES.

Application for minors' licenses were received from ten newsboys and two bootblacks. Licenses severally granted under usual conditions.

REPORT OF COMMITTEE ON COUNTY ACCOUNTS.

Coun. CAREY, of the Committee on County Accounts, submitted the following:

Report on message of Mayor and order (referred March 15) for amendment in Compensation and Classification Plans for officers and employees of Suffolk County—that same ought to pass.

Coun. CAREY—Mr. President, in connection with the committee's report I would like to state, for the information of the members of the Council, that Mr. Ivan Chisholm has been employed in the office of the Registry of Deeds, making plans in connection with transfers of real estate. Some time ago the registrar, feeling that something should be done to preserve the records of the Registry of Deeds, thought it might be a good idea to use a microfilm machine, funds for which were provided a year ago. It was the feeling of the committee that, with the passing of time, it would become necessary that these very valuable records in the office of the Registry of Deeds be preserved, so that they might be removed from the danger of fire or other unforeseen hazards that might take place. Now under the new arrangement Mr. Chisholm is to continue with the duty of making plans and also using the microfilm process for the preservation of the records, at a fixed salary of \$3,500 a year. Up to this time he has been paid \$4 for each plan, but with the passage of time there have been thousands of plans for various real estate transactions throughout the city, and it is thought that what is now proposed will lessen the necessity for the drawing of additional plans. It is the feeling of the registrar that it is extremely desirable that this microfilm work should be carried out under Mr. Chisholm, and the committee has, therefore, felt that Mr. Chisholm should be employed in this way.

Report accepted; order passed.

CONFIRMATION OF EXECUTIVE APPOINTMENTS.

President HANNON called up, under unfinished business, No. 1 on the calendar, viz.:

1. Action on appointments submitted by the Mayor March 22, 1943, of Sigurd L. Thideman, to be a Weigher of Coal; and Francis J. McCarthy, to be a Weigher of Goods.

The question came on confirmation of the appointments. Committee, Coun. Taylor and Hanley. Whole number of ballots 10, yes 10, and the appointments were confirmed.

RECESS.

At the suggestion of President HANNON, the Council voted at 2.39 p. m. to take a recess, subject to the call of the Chair. The members reassembled and were called to order by President HANNON at 3.07 p. m.

REPORT OF COMMITTEE ON PARKMAN FUND.

Coun. MUCHNICK, for the Committee on Parkman Fund, submitted the following:

Report on message of Mayor and order (referred March 15) appropriating \$20,000 from income of Parkman Fund—that same ought to pass.

Report accepted; order passed, yeas 13, nays 0.

REPORT OF COMMITTEE ON APPROPRIATIONS.

Coun. DWYER, for the Committee on Appropriations, submitted the following:

The Committee on Appropriations, to whom was referred on February 1, 1943, the annual budget for the year 1943, respectfully submits the following report:

Under the charter the main function of the City Council in considering the annual budget is to eliminate and reduce and to act as a check on the natural tendency of departments to overestimate their needs and importance.

With a full appreciation of their duty in the matter, the Committee on Appropriations have carefully scrutinized the budget allowances in detail, have required of department heads and their bookkeepers, or other financial officers, a full explanation of the items in their respective budgets, and at times have subjected them to a somewhat severe cross-examination.

The six weeks' investigation that the committee has given the budget has uncovered no extravagances or unnecessary allowances, and in the opinion of the committee it has shown, due to the intensive and intelligent work of his Honor the Mayor, the Budget Department and the heads of departments, the budget submitted by the Mayor to the City Council on February 1, 1943, represents close to the minimum appropriations required to meet the essential services of the city.

The committee accordingly recommends the adoption of the budget in the form submitted herewith, there being no material change therein from the budget submitted by the Mayor, except the elimination of certain appropriations heretofore made, and one or two corrections of small and unimportant items.

For the Committee,
WILLIAM F. DWYER, Chairman.

Summary of Recommendations Submitted by the Committee on Appropriations to City Council, March 29, 1943.

City Departments.

Allowances recommended by Mayor (exclusive of Supplementary Emergency Compensation Allotment and increases to Fire and Police)..... \$37,389,226 50

Previously passed by City Council:
Assessing Department, A..... \$85,000 00
City Planning Board, A..... 5,500 00
Sewerage Works..... 146,613 84
237,113 84

Total city allowances..... \$37,152,112 66

County Departments.

Allowances recommended by Mayor (exclusive of Supplementary Emergency Compensation Allotment)..... \$3,653,827 75

Revenue Departments.

Allowances recommended by Mayor (exclusive of Supplementary Emergency Compensation Allotment)..... \$1,979,029 17

Grand Summary.

City..... \$37,152,112 66
County..... 3,653,827 75
Revenue..... 1,979,029 17
Total..... \$42,784,969 58

The report was accepted and the question came on the adoption of the budget as recommended.

Coun. CAREY—Mr. President, I sat in on the budget hearing on the Fire Department the other afternoon when the civilian defense item in the budget was being considered. A request had been made for an allowance of \$12,000 by the Mayor for the construction of a roof on the signal station in the Fenway. Mr. O'Banion, from the Fire Department, was present at the time and informed the committee that it was at first proposed to have steel in the construction of the roof, but that they were unable to get steel and there was an agreement to use 2-inch wooden planks for the construction of the roof. I asked Mr. O'Banion if in case of a bombing such a roof would stand, with bombs dropped on it, and he said that in his opinion the roof would not withstand bombing. It is evident that if a roof is going to be constructed there the sole purpose of having a roof would be to protect the building. On the contrary, however, Mr. O'Banion thought the proposed roof would do no good. I don't see, therefore, why the City Council should permit the expenditure of \$12,000 for a roof on that building, supposed to protect the building, when we all know that a bomb would go through the building and destroy the inside as well as the outside. I notice, furthermore, in looking over the Fire Department budget, that there was a saving of \$118,000 in the personal service schedule over the allowance made by the Mayor and Council in 1942, and that what was spent in 1942 was \$78,000 less than was spent in 1941. Still, while there was a saving of \$118,000 in the budget, I wonder sometimes what good it does to save. In that case, there was a department that was undermanned perhaps to the extent of \$118,000, and yet, as I see it, although the money was available, it was not spent otherwise. I have no doubt that the committee has done its best in seeing what might be done to save all that was possible for the taxpayer, but I still wonder whether a more thorough job might not have been done. There is this \$12,000 I have referred to, for example, on that roof, which seems to me to represent an unnecessary and useless expenditure. I would, therefore, move reference of the matter to the Executive Committee for further consideration. I will say, further, that I was approached yesterday by one of the air raid wardens, who informed me that in his precinct the air raid force had to dig into their own pockets to pay the expense of hiring rooms and to obtain the use of telephones, lights, heat, and so forth. When men are giving their services voluntarily it does not seem to me that they should be obliged to dig into their own pockets to pay the expense of headquarters. I think, therefore, that we should find out from Mr. Walsh before we pass the budget just why the money which has been allowed for the civilian defense activities budget should not be used to provide for the men, headquarters, heat and light. Therefore, I move reference to the Executive Committee, so that Mr. Walsh may be sent for, and I would also like to have City Auditor Fox present, so that we may ask questions that would clear up in our minds things that we would like to know, definitely.

The order was referred to the Executive Committee.

OPPOSITION TO WORLD FEDERATION OF STATES.

On motion of Coun. HANLEY, the Council took up, under unfinished business, No. 2 on the calendar, viz.:

(Coun. HANLEY)—Resolved, That the Boston City Council, in meeting assembled, go on record in opposition to the proposed bill now pending in the Massachusetts State Legislature

which would memorialize Congress in favor of a "World Federation of States"; and be it further

Resolved, That a copy of the above resolution be forwarded to both houses of the Massachusetts State Legislature requesting them to defeat said "memorial," as it is a subterfuge and a menace that forfeits our American rights, liberties and privileges, and it would make our country a vassal state subservient to the domination of foreign nations.

(Coun. KINSELLA)—Resolved, That the Boston City Council, in meeting assembled, be, and hereby is, recorded in its unaltered opposition to the acceptance by the Massachusetts House and/or Senate of any Congressional Memorialization designed to bring about a consolidation of the United States of America with any foreign nation, now or ever, economically or militarily.

Question on reference of the two resolutions to the Committee on Rules.

Coun. TAYLOR—Mr. President, I was in hopes that these particular resolutions would be laid on the table, where they properly belong. I did not come here with any prepared speech of a demagogic nature; I came here absolutely unprepared, only to state what in my opinion is common sense. In the first place, we are only the City Council of Boston—let us not forget that. We are not in the Congress of the United States as yet. Maybe some of us may be fortunate enough to be there at a future date. When the time comes that national problems confront us, then let us act upon them. I purposely walked out of the room last week so that there would not be a quorum, because I did not want the Boston City Council as a whole to commit any act of which we all would have to be ashamed. It was rather astounding to me, upon reading the record of the meeting of two weeks ago, to learn that a certain councilor, a citizen of these United States of America, should get upon the floor and pledge allegiance to two flags in this world. Certainly I think Ireland is a fine country. I have no objection to Ireland. I certainly think that the people that came from there are fine people. I was raised up with many of them. But let us not forget that we are living in America, we are citizens here of the United States and we have pledged allegiance to the flag of this country, and when we took our offices here in the Boston City Council we pledged allegiance to this country and to its flag and took an oath to support the Constitution of the United States and not of any other country. What would any one of you have done if anybody had stood upon the floor and said, "I bend my knee to only two flags, those of Germany and the United States"? There would have been an uproar. What would have happened if they had said, "I pledge allegiance to Russia and the United States," or "to England and the United States"? It is absolutely and wholly inconsistent. We are either Americans or we are not. Just because another nation happens to be a neutral nation does not necessarily mean that we have got to pledge allegiance to its flag or bend the knee to its flag. We can respect them, yes. All of us have come from parents who have come from foreign shores. Because of the circumstances over there, because they were deprived of their rights of freedom of religion, freedom of the press and freedom of speech, they came over to these shores to live and to earn their livelihood, and we were brought up here. But when we came over here and took out citizenship papers it meant that we divorced ourselves entirely from any allegiance to any foreign land. So that I say, Mr. President, such a statement is a dangerous statement. It must come from the mind of a man, in my opinion, who really did not think what he was saying when he made that statement. Why should we enter into international politics, Mr. President? Who are we that we should dictate, or attempt to dictate, the policies of this country? True, ours is an expression of opinion, but we do not necessarily express anybody's opinion but our own personal opinion. Because if we were expressing the opinions of the public we would take into consideration the question which was on the ballot at the last election. In many sections of this Commonwealth there was a question put on the ballot, Do we approve of the World Federation of States? Overwhelmingly the people voted yes, three or four to one, and more in other places. There is an expression of public opinion. It certainly, if anything, is in favor of such a federation. But even that, in my opinion, does not make it incumbent upon any

members of this Body to get up and try to voice to the world that Boston is in favor of or is in opposition to these particular ventures on the part of those who would love to see no more blood shed in the world. Well, I don't know whether or not either of the men who sponsored these resolutions have ever served in the armed forces. I don't know whether or not they have ever visited the hospitals, the insane hospitals, and seen the sufferings of those who fought for this country. I don't know whether or not they have seen those who have been wounded and destroyed in health as the result of war, but I believe that if they had seen it, if they had experienced it themselves, if they had loved ones that experienced it, they would raise their right hands and say, "For God's sake, I don't care what it is, how much money we spend, or what we do, but let us see that this will not continue any more." President Wilson in his wisdom attempted to create something of a similar nature. Unfortunately it did not meet with the approval of the Congress of the United States. I don't know whether or not if we had gone into the League of Nations there would have been any war today, but certainly we have never tried it out. We kept far aloof from the foreign nations. We must have said to ourselves, "We are bordered by great expanses of water, no one will dare to or can ever come upon these shores, we can set ourselves up in our little home and we can get along." Well, that might have been true many, many years ago, when speed of travel was very slow. But today America cannot isolate itself. We are tied up too much with foreign lands; our competition with foreign countries is such that we need foreign trade just as well as they need it. During the ten years prior to the war we were in the throes of a depression, proving that we cannot do enough business in this country to make sufficient employment for all. We have fast traveling airplanes now that can reach across the sea in less than a day. Why let us kid ourselves? We are a part of the world, we are a big part of the world. We are respected throughout the world. The hand of America is one of guidance in the world. If we have to spend some money with other nations for the purpose of entering into some sort of a federation to maintain peace in this world, so that there will not be any more bloodshed of our boys, then I say it is worthy of praise. But let us forget our pre-war hates. Do not let our love for a certain country exceed the loyalty that we should give to our own country. Do not let our hates exceed the loyalty that we should give to our own nation here. If we have a country, whether you like it or not, which is fighting on our side, let us not do anything that would cause disunity. We are all fighting for a common purpose, to eradicate from the world those war mongers who from time to time cause the shedding of the blood of our boys. It is ridiculous, I say, Mr. President, to put in resolutions of this type. I don't think that the City Council should dignify itself by passing such resolutions. I therefore move, Mr. President, that these resolutions be laid upon the table.

The question came upon Coun. Taylor's motion that the resolutions be laid on the table.

Coun. HANLEY—Mr. President—

President HANNON—There is no debate on the motion. The question is on laying on the table. For what purpose does the gentleman rise?

Coun. HANLEY—Mr. President, I believe that inferentially the gentleman has castigated vociferously two members of the Council. Therefore I believe, from my knowledge of parliamentary procedure, that you should at least give me an opportunity of defending myself.

President HANNON—Does the gentleman talk on a point of personal privilege?

Coun. HANLEY—On my resolution may I have that personal privilege?

President HANNON—You may talk on the point of personal privilege on the question before the house.

Coun. HANLEY—Thank you, Mr. President, prior to my entrance into public life I knew of the councilor from Ward 12 (Coun. Taylor) by his public record, recognizing full well his loquaciousness, his intellectual honesty and decency, his legalistic ability, his education, and the race from which he has sprung and the religion that he professes. But under the Stars and Stripes race means nothing, religion means nothing, but the rights and liberties and privileges unfurled under the Stars and Stripes do not make a man a slave man, but a free man. We are all one, living har-

moniously under one system of government, based upon a democratic system of government which comes from the Greek words "demos" and "krato." When you combine the two words together you obtain the English translation, "The rule of the people." In his remarks be inferred that some of these speeches are prepared. I sometimes utilize papers to read my speech because of the fact that I like to be recorded the way I speak and with the inflection of my voice. He used the word "demagogue." I recognize full well his education and his qualifications, both as a lexicographer and as a parliamentarian, and also as one who would plead your case in the courts of law. But the word "demagogue" comes from the two Greek words "demos" and "ago," demos meaning people, and ago meaning to lead the people. George Washington was a demagogue, Abraham Lincoln was a demagogue, Woodrow Wilson was a demagogue, and the present President, Franklin Delano Roosevelt, is a demagogue if you classify him according to the literal translation of what the word means. He has also inferred that I was not in the armed service. Recognizing full well that life comes from above and I was not born in time, and due primarily to the fact that I lost my father about a year ago and I am taking care of my mother, I am classified, according to the laws or regulations laid down by the President and carried out by those men who are endowed with that power, in 3A. I recognize also that the unit of any nation, large or small, is the family, and that when you jeopardize the family you jeopardize the entire structure of the nation, whether it is powerful or whether it is weak. The man also inferred that we are not in Congress and that some of us may land there. But about four years ago, in 1938—five years ago—the councilor from Ward 12 (Coun. Taylor), together with the then councilor from Ward 14 offered a resolution condemning the atrocities perpetrated in Germany, atrocities committed against a human element, the Jews. And he also utilized the word "Catholic." But he did not place in front of that "Roman" Catholic. He condemned the atrocities perpetrated by and originating from the mind of Adolf Hitler. He used the word "persecution" when prosecution should have been used, when a demand for four hundred millions of dollars was imposed upon the Jewish people of Germany. And he offered it upon the floor of the Council, and with his mellifluous and unctuous words be condemned the government of Germany when we were not at war. Today we are at war, and he comes before the Council, and castigates vociferously the two men who had the courage, had the temerity to stand upon this floor and offer resolutions which they felt were American. And they did not ask them to be steamrollered through. They asked them to be put through by parliamentary procedure, so that everyone would have an opportunity of voting upon the merits of the resolutions. This is not a popular vote; it is a controversial subject. It will affect certain men in their wards. It will be political suicide for some, and others it will catapult into national fame. But I did not come here to make friends with any councilor, I did not come here to be popular with the man on the second floor, or the man on Beacon Hill, or to gain favors through contracts. I have always utilized the physical and mental ability that God has given me, to support the rights, privileges and liberties that are guaranteed to me as an American citizen. One of those four liberties is the freedom of expression and another is the freedom of religion. I do not speak to you as one who has Irish blood or German blood or Swedish blood or any other blood. I recognize full well that race and nationality are merely accidents of birth, and that your religion is that which you embrace at birth or through your own free will by conversion. I cannot be an Irishman and American at the same time, and neither can I be a German and an American at the same time. But I can be a Catholic, I can be a Jew, I can be a Protestant, and I can be an unbeliever at the same time. He has also inferred that Woodrow Wilson developed from his fertile brain the League of Nations and his fourteen points, thirteen of which I believe were accepted, and I believe that No. 2 was thrown out because it would have jeopardized the British Empire. I believe the councilor from Ward 12 knows philosophy, and he knows that there is never an effect without a cause, and the effect is never greater than the cause, and the effect never can be eliminated with-

out first taking steps to eradicate the cause which produces the effect. Whether that cause is human or mechanical, if it can be eliminated the effect will take care of itself. Baron Kato, who was representing Japan, was also at the League of Nations, and when Henry L. Stimson in the Hoover regime castigated Japan, England would not follow him up because it would have been war, and that was twelve years ago. I said, Mr. President, in my speech that allies are brought together not by choice but by circumstances—extenuating circumstances. That makes us today close to the bloodiest hand that has ever written the pages of history, Joseph Stalin, who annihilated over twenty millions of people. Adolf Hitler is a man, and as a man we are commanded by our religion to love him. We are commanded to love Joseph Stalin, Hirohito and Benito Mussolini. But we are commanded also to loath and despise Communism, Nazism, Fascism and Nipponism. There is a vast difference between a thing and a human element. Mr. President, two of the largest, leading newspapers in Boston are at the present time—namely, the Boston *Herald* and *Traveler*, and the Hearst newspapers, the *Daily Record* and the Boston *American*—sponsoring contests, one in the essay form and the other in the oratorical form of espousing Thomas Jefferson,—one of the greatest patriots that this country or the world has ever seen. They are paying homage to him. I believe the word is bicentennial, two hundred years. Jefferson said:

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed. That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundations on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute Despotism, it is their right, it is their duty to throw off such Government, and to provide new Guards for their future security."

Those words were not taken from the lips of the Communists in Bugbouse Square in Chicago, or Central Park in New York, or in our own Boston Common; they were taken from the man who threw into the sneering and haughty face of George III the ultimatum that all men are created equal. And, Mr. President, as along as the Stars and the Stripes, placed upon the highest pinnacle of the land, wave in the forty-eight states of this union, we shall all be created equal, and we shall always enjoy the four basic freedoms of humanity. Benedict Arnold won more battles than George Washington, but he is known in history as the one who sold sell his birthright for a mess of pottage. He is known by all his historians as the lowest scum of humanity, because he would betray his country. And that is what the Federation of States means. It is an attempt to take away from us our birthright, and when you do that you will have a break-down of the power and the glory of America.

Coun. KINSELLA—Mr. President—

President HANNON—For what purpose does the gentleman rise?

Coun. KINSELLA—To speak on a point of personal privilege.

President HANNON—The Chair is trying to be fair in this matter, and as long as the Chair recognized the gentleman from Ward 11 he feels constrained also to recognize the gentleman from Ward 2. But he is going to ask the gentleman to confine himself in his remarks to the point of personal privilege.

Coun. KINSELLA—I will confine myself to personal privilege as it relates to reference to the Committee on Rules. Mr. President, I do not feel the same way today as I feel customarily when I make an appeal here. But there are cer-

tain things that I cannot possibly let go unchallenged. In the first place, I want to applaud the gentleman from Ward 12 for his forthright and courageous public admission that he walked out so that we could not have a vote on the matter. I do not want to spoil that applause now, but I am wondering about the honest courage that inspired the statement. However, at the outset the gentleman made some reference about bringing influence to bear upon the national Congress. Why shouldn't we, Mr. President? We are the same type of people who sent them to Congress. The same people who sent the Congressmen there sent me to the City Council, sent the Senators to the Senate, and the Representatives to the Massachusetts General Court. And what do we do? Do we endow them with all-knowing knowledge when we elect them to public office? Do we leave them to their own devices so that they cannot be influenced? I don't think that that is the American scheme of things, Mr. President. We have a right to memorialize Congress. Before I ever reached this Body—and more is the pity of it—I read in the papers repeatedly about Congress being memorialized. Close the Nazi consulate, close this, close that; condemn this for that, and condemn it for the other thing. And yet in the words of Matthew Hanley, we were then, technically at least, at peace with those nations. Now, because we are an ally of the bloodiest despot in the history of the world, we are reviled and condemned for taking steps that will lead us far away from association with those tyrants and into a deeper and more decent appreciation of Americanism at its best. Not after the war, not now or ever, in my opinion, Mr. President—although the gentleman from Ward 12 said it was definitely unfortunate that Woodrow Wilson's will did not prevail twenty-five years ago—should we enter into such a federation. The gentleman would malign us for having, as he probably would like to phrase it, the "brass" to get up here and assume to speak the will of the people of Boston. He made reference to honoring two flags. I am the gentleman, of course, who made the statement. And I make it again. For seven hundred long years the Irish have been persecuted by the same people who would now take advantage of us, in the face of our national necessities, and render us subservient to them in every phase of human endeavor. But the gentleman, with all due respect to his nationality, should be one of the first to understand that there should be a common point of sympathy between him and us in our efforts to break down the efforts of England to take us over. That has been her game from time immemorial. Wait until you are in a jam, and then step in and take you over and make peons and serfs of you. We do not want it. The American boys are not fighting for it, and the American parents do not accept the wartime hardships that are imposed upon us for no other reason than to become a vassal state of Britain. If you have any Americanism in your body it is disturbing to look around at the posters at City Hall, where you see simply the flags of South Africa, Canada, New Zealand, Australia, India and Great Britain. Every one of those flags bears a replica of the Union Jack, showing first of all their subservience to the mother country. I don't want it. If they want it they can take it. I don't want it, and will never be drawn into it. Councillor Hanley has defined the word "demagogue" better than I could have myself, because I could not have touched it. Mr. President, I don't know why anyone ought to be called a demagogue simply because he is on the other side of a question. It appears to me that the gentleman was a little demagogic himself. I think he offered some excellent opinions of his own as to the merits of this plan, and, by God, one of the merits was trade. I have been waiting a long time to hear it injected in here. Trade! A fine consideration for the boys who are dying like flies! Yesterday I happened to read in the *Globe* something about Russia safeguarding her own interests over the interests of every other ally. In the same issue, on the editorial page, was the same statement made by England. I have forgotten the author's name. I think it was Merrill or Morrill, and he hit the nail right on the head when he said that America is taking no steps to protect her own interests. It is common knowledge that they are crying for more American troops in Africa, and it is common knowledge that Winston Churchill within the week said that as soon as the Germans are defeated they will

begin the demobilization of the British troops, which means that we must transport our troops to supplement those that we have in the South Pacific. They will get out of it themselves. And the fathers present in this chamber, in whatever capacity, can ponder that statement right out of the British Lion's mouth. And if they would rather have the Lion roar at them than to have a beneficent Uncle Sam direct them for the rest of their lives, they can have him too. I don't want him and I don't welcome him, and I hope these resolutions do not go to Rules.

Coun. MUCHNICK—Mr. President—

President HANNON—The motion is to lay the resolutions on the table. There is no debate.

The motion to lay the resolutions on the table was lost.

Coun. TAYLOR—Mr. President, I doubt the vote and ask for a roll call.

The roll was called and the motion was lost, yeas 4, nays 8:

Yeas—Coun. Hurley, Muchnick, M. H. Sullivan, Taylor—4.

Nays—Coun. Carey, Fish, Hanley, Hannon, Kelly, Kinsella, Scannell, D. F. Sullivan—8.

The question then came on reference to the Committee on Rules. The reference was denied.

Coun. MUCHNICK—Mr. President, I doubt the vote.

The roll was called and reference to Committee on Rules refused, yeas four, nays 8:

Yeas—Coun. Hurley, Muchnick, M. H. Sullivan, Taylor—4.

Nays—Coun. Carey, Fish, Hanley, Hannon, Kelly, Kinsella, Scannell, D. F. Sullivan—8.

The question then came on passage of the resolutions.

Coun. CAREY—Mr. President—

President HANNON—For what purpose does the gentleman rise?

Coun. CAREY—On the adoption of the resolutions. I wish to say, Mr. President, that I intend to vote in favor of these resolutions as a real American, a one hundred per cent American. I want, for the record, to say that I do not subscribe fully to all the remarks that have been made by either of the three gentlemen talking either for or against the resolutions. But as an American I feel compelled to vote for the resolutions.

Coun. SCANNELL—Mr. President, in voting on these resolutions I shall vote Yes, but I shall not subscribe to the remarks of the gentlemen who spoke for or against the resolutions.

Coun. MUCHNICK—Mr. President, prior to voting on the resolutions either Yes or No, I would like to point out something that may have been lost in the heat of the discussion. The Senate resolution which is in issue here does not commit the President or the Congress of the United States to one course of procedure or to another; it merely asks the President and Congress to call a convention of representatives of the world's free nations to consider the formation of a world federation. It seems to me, Mr. President, that if we vote in favor of the resolutions as submitted by the two councilors, we are saying to the President of these United States and to the Congress of these United States that we have no faith in them whatsoever, that we do not even trust them to sit down with the representatives of any other countries to discuss the possibility of such a thing. If we have such low regard for our own elected officials who are at the top of our government, then I say that the Council should pass the resolutions as proposed by the two councilors; but if we have an ounce of confidence in our President or in the Congress of these United States then this Council should unanimously turn these resolutions down and show the men at the top of this government that if nothing else we have enough confidence in them to let them consider a plan along with the representatives of other governments.

The roll was called and the resolutions adopted, yeas 8, nays 2:

Yeas—Coun. Carey, Fish, Hanley, Hannon, Kelly, Kinsella, Scannell, D. F. Sullivan—8.

Nays—Coun. Muchnick, Taylor—2.

Coun. TAYLOR—Mr. President, I rise to a point of order.

President HANNON—The councilor will state his point of order.

Coun. TAYLOR—I think that the call of the roll shows that there are not twelve votes here.

President HANNON—The clerk has called the roll and I declare that there is a quorum present.

Coun. TAYLOR—A point of order, Mr. President. I may be wrong, but I was always under the impression that when the roll was called and there were not twelve present, —

President HANNON—When the Chair is in doubt as to the presence of a quorum the Chair can order a call of the roll. That is what the Chair can do.

Coun. TAYLOR—Mr. President, a point of order.

President HANNON—The gentleman will state his point of order.

Coun. TAYLOR—When there is a roll call and that roll call shows that there is not a quorum present, I was under the impression that it was proper for the Chair to adjourn the meeting.

President HANNON—When there is a quorum present and the Chair can ascertain the presence of a quorum, then it lies within the province of the Chair to determine that those who are in their seats have some good reason for not being recorded, and the Chair will not declare the absence of a quorum until the Chair has satisfied its own doubt by having the clerk call the roll. Does the gentleman still doubt the presence of a quorum?

Coun. TAYLOR—Mr. President, I have never doubted the presence of a quorum, but I was always under the impression that when the roll was called, if it did not show that a quorum was present and voting, there was no quorum. If I am wrong, then I say that we have been inconsistent.

SECOND RECESS.

The Council voted, on motion of Coun. M. H. SULLIVAN, at 4.30 p. m., to take a recess. The members reassembled in the Council Chamber and were called to order by President HANNON at 4.55 p. m.

EXECUTIVE COMMITTEE REPORTS.

Coun. TAYLOR, for the Executive Committee submitted the following:

1. Report on annual budget for 1943 (referred today) — recommending passage of same.

The report was accepted and the budget was passed, yeas 15, nays 0:

Yeas — Coun. Carey, Chase, Dwyer, Fish, Hanley, Hannon, Hurley, Kelly, Kinsella, Langan, Muchnick, Scannell, D. F. Sullivan, M. H. Sullivan, Taylor — 15.

Nays — 0.

Following action on the budget President HANNON said:

Gentlemen, at this time I wish publicly to thank the Committee on Appropriations for the thoroughness and earnestness with which it has done its work. They have done a job for which they deserve a great deal of credit, and I wish again to thank them publicly.

Coun. KELLY—Mr. President, I ask unanimous consent to make a statement.

President HANNON—If there is no objection, the gentleman will proceed.

Coun. KELLY—Mr. President, I meant to say a few words before the roll was called on the budget, but I was conferring with another member of the Council at the time. I voted "Yes" on the passage of the budget, but I wish to say now that I am not satisfied with the civilian defense activities set up in the City of Boston. I would not vote against the budget or any part of it, because I realize that delay in action might nullify some very important work. But there is a serious question about these civilian defense activities out in my section of Dorchester. Under the circumstance, it is amusing to hear Mr. Walsh come in here and tell you how nicely things are going in connection with the air raid wardens. I don't know that he has been in Dorchester or any part of it to listen to the air raid siren, but the fact is out there that a hurdy-gurdy can make more noise, and if the air raid wardens themselves, listening for sirens, cannot hear them, what chance would poor people in their homes have to hear them? When questioned about the fact that the

people out there could not hear the air raid sirens, Mr. Walsh's answer was that the people in their homes in Dorchester were playing radios too loud, and so could not hear the air raid warning. But I wonder what his answer will be to the fact that the air raid wardens themselves, out on the street listening for the signals, cannot hear them? My opinion is that the civilian defense set-up in Boston is all wrong, and that these men who are doing the air raid warden work are not having a square deal. They are men deserving of a great deal of credit. They go out on the street after doing a day's work and include in their numbers many property owners and taxpayers of this city. They as the home owners and citizens generally should be properly treated in this matter. You cannot make fish of one and soup of another. The way things are being done is the reason for dissension. It is all on account of the present set-up, and I do not question that the same set-up with which we are troubled in Dorchester exists in other parts of the city. Something should be done about it. Certainly the residents of Dorchester and of Boston ought to be able to hear these sirens. All I can say is, God help the people of Boston if we get a real bombing here.

CATHEDRAL CLUB RACE.

Coun. HURLEY offered the following:
Ordered, That the City Messenger be directed to rope off the streets along the route of the 33d annual ten-mile road race of the Cathedral Club to be conducted on Saturday, April 10, the expense of same to be charged to the City Council fund for Ropes, Flags and Stakes.

Passed under suspension of the rule.

SICK LEAVE WITH PAY FOR ALL CITY EMPLOYEES.

Coun. HURLEY, TAYLOR and M. H. SULLIVAN offered the following:

Ordered, That his Honor the Mayor be requested to consider the advisability of putting into effect a uniform rule relative to sick leave with pay for all employees of the City of Boston.

Coun. HURLEY—Mr. President, there certainly should be in the departments of the City of Boston a uniform rule relative to sick leave with pay for the employees. Sitting as a member of the Committee on Appropriations and listening to some of the statements that have been made, I find that there is not the uniformity that there should be, and I have particularly heard a lot of criticism of the way in which the employees of a particular department have been treated. The gentleman who is running the Printing Department has been doing a good job with the employees of that department, for the City of Boston, but I think in one respect he has been a little bit too officious in the management of the Plant. Complaints have been brought to my attention about the treatment of men attending funerals, and also about their being docked and having something taken off their pay for being five minutes behind time, as shown by a time clock. That is a custom that does not prevail in the other departments and I asked why it prevailed in this department. The superintendent said that it had simply been a rule of long-standing, that he did not know when it had started, but it had been the procedure in the department since he has been there. When I asked if the rule applied to office help, he said it did not. Now, it seems to me rather a petty thing to dock employees of that department for a few minutes now and then, and when I questioned the arrangement the superintendent said that that was the unanimous rule in the printing trade. Well, it is a matter of common report that people in that trade are subject to diseases of the lungs, perhaps because of the nature of the business. I told him I thought he might use a little leeway in the matter but he couldn't see it at all, apparently thinking that is the way that the business should be carried on. I think most of the departments of the city allow sick leave and time off for certain occasions, and I don't know of any others who employ a time clock. I don't think time clocks are needed in any department. I believe the employees of the city are conscientious men, doing a good job for the people of Boston. I sincerely hope, therefore, that

the Mayor will consider this matter carefully and work out an equitable way of handling the situation. While on my feet I might say a word about the inequality of pay in different departments. That has been brought to my mind many times and in many ways. I have talked about the treatment of the employees of the hospital, who work in many cases seven days, without having Saturdays and holidays off, at \$16.50 a week, as compared, for example, with elevator employees, and similar help getting \$30 and \$35 a week, and getting more privileges in the way of time off. Many employees of the city doing less arduous service are paid more and are treated better. I think, therefore, that some attention should be given to this matter of putting into effect a uniform rule relative to sick leave with pay for all employees of the city, and also to consider the question whether, dealing with all our employees, salaries and conditions should not so far as possible be alike. I certainly hope the order will be passed under suspension of the rule.

Coun. D. F. SULLIVAN—Mr. President, I believe this is a very good order and should be put into effect as soon as possible. I believe none of our city employees should be unreasonably docked, and I certainly trust that they will not be unreasonably docked and not given proper consideration in matters of this kind. I trust, therefore, that action will be taken under the order and that some satisfactory way of dealing with this matter will be worked out.

Coun. FISH—Mr. President, I was going to ask the councilor from Ward 8 if he would permit this to go for proper consideration to the Executive Committee. We have had a number of complaints along this line, all of us, and certainly something should be done.

Coun. HURLEY—Mr. President, I think that is a very good motion.

The order was referred to the Executive Committee, with the suggestion by President HANNON that it be acted upon as soon as possible.

CLEANING OF SOUTH BOSTON STREETS.

Coun. SCANNELL offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to immediately arrange for the cleaning of all streets in the South Boston district.

Coun. SCANNELL—Mr. President, I wish simply to say a few words on this order, which I trust will be passed under suspension of the rule. It is about time that the members of the City Council got on the neck of the Public Works Commissioner and got him to clean the streets, not only in my district but throughout the whole City of Boston. As I understand it, that gentleman is looking for an appropriation for cleaning the streets of the City of Boston. It is about time that something was done in the way of cleaning the streets of this city. The streets of Boston, Mr. President, are a disgrace, and I have yet to see in my district in the past month anything being done to remedy the situation. The only time I have ever seen a street-cleaning machine in South Boston was at the time of the parade, and it was certainly a good sight. I trust, therefore, that immediate action will be taken, not only in cleaning the streets of my district but throughout the city.

Coun. CAREY—Mr. President, I would like to inform the councilor that an order was passed here three or four weeks ago asking the Mayor to initiate an appropriation of sufficient funds for the Sanitary and Street-Cleaning Departments to clean the streets of the city.

Coun. SCANNELL—Mr. President, if there was an order that passed this Body looking to the cleaning of the Streets, I don't see why the streets are not being cleaned.

The order was passed under suspension of the rule.

SUGGESTED INCREASE FOR MAINTENANCE DIVISION, FIRE DEPARTMENT.

Coun. HANLEY, for Coun. COFFEY, offered the following:

Ordered, That his Honor the Mayor be requested to consider the feasibility of giving the Maintenance

Division of the Boston Fire Department the same permanent increase as was given to the uniformed force.

Passed under suspension of the rule.

REDDISH A. A. RACE.

Coun. LANGAN, LYONS, HANLEY, CAREY and GOODE offered the following:

Ordered, That the City Messenger be requested to arrange for the roping off of the streets at the points necessary along the route of the annual race conducted by the Reddish A. A. on April 4, 1943, the expense of same to be charged to the City Council appropriation for Stakes, Ropes and Flags.

Passed under suspension of the rule.

CLEARING HOUSE FOR FARM LABOR.

Coun. HANLEY and D. F. SULLIVAN offered the following:

Ordered, That his Honor the Mayor, in collaboration with his Excellency the Governor, establish, as an adjunct to the Municipal and State Employment Offices, a clearing bouse for farm labor for the purpose of setting up a reservoir of such labor to be drawn upon by the farmers of our state, and also to consider the advisability of appropriating funds, said funds to be paid by all cities and towns of Massachusetts, such funds to be advanced as a subsidization to all farmers in the procurement of the above labor and in the payment of wages to such labor, such funds to be repaid by the delivery of produce to city and state institutions at the market price prevailing at the date of delivery; and be it further

Ordered, That a committee be appointed, composed of non-paid members who are well versed in agriculture, dairy and animal husbandry, such committee to investigate ways and means of transporting workers, disbursements of payment to subsidiaries, and collection of payments in the form of produce, and be it further

Ordered, That his Honor the Mayor, in collaboration with Boston school officials, consider the advisability of registering high school boys to be used in said reservoir of labor and also to consider the advisability of terminating their school year when their services are required.

Coun. HANLEY—Mr. President, the backbone and foundation of all our physical activities, large or small, is the agricultural class, and when any law or act of nature jeopardizes that class, our entire population is jeopardized. For the past few years certain men in Washington have advocated bounties to farmers for killing cattle or ploughing under cotton, thus throwing back into the face of the Creator blessings He has bestowed upon us, until we may find ourselves caught in one of the greatest tragedies of our history. Sometimes, when we see the finger pointed at the so-called "crack-potism" of Washington, I wonder if those men doing so are describing correctly what they claim is going on, especially when we read in the newspapers about a ton of butter being sent to the inhabitants of a small settlement in Alaska, or about 10,000 pounds of butter being sent the other day to Corpus Christi, Texas, or whether such men as those indicted by the Dies Committee, men holding strategic positions in the Government, are boring from within. One farmer can produce more in Boston or in Massachusetts than all the rest of us put together, because he knows the soil, the climate, the atmosphere, and knows whether the soil is acid, sour or sweet. Therefore, I only hope that his Honor the Mayor, in cooperation with his Excellency the Governor, will carry out the procedure suggested in these resolutions, obtaining from our high schools the help of strong, willing, able boys who can do such work, under intelligent direction, giving them an equitable wage. We have scattered throughout the Commonwealth—around Billerica, Concord and other places too numerous to mention, as well as in our large cities—beautiful, fertile areas that can well be utilized, where our high school boys can well be thus employed at certain times, under proper supervision, and where they can accomplish far more than you or I could ever accomplish by our back-yard farming.

The order was referred to the Committee on Public Welfare.

MEMBERSHIP OF BUILDING CODE
COMMITTEE.

Coun. MUCHNICK offered the following:
Ordered, That the Building Code Committee of the Boston City Council be increased by adding two members.

The order was passed under suspension of the rule.
President HANNON appointed as the additional members Coun. Hurley and M. H. Sullivan.

BONUS TO PERSONS RECEIVING CITY
PENSIONS AND ANNUITIES.

Coun. KELLY offered the following:
Ordered, That his Honor the Mayor be requested to grant a bonus, such as has been granted to city employees for 1943, to all persons who are receiving pensions and annuities from the City of Boston; same to be retroactive to January 1, 1943.

Coun. CAREY—Mr. President, I think an order like that should be given serious consideration. Entirely apart from its merits I believe serious thought should be given to it before we act.

The order was referred to the Committee on Rules.

LEGISLATIVE HEARINGS CONCERNING
CITY.

Coun. KELLY offered the following:
Ordered, That the Corporation Counsel be requested, through his Honor the Mayor, to notify the City Council of the date, time and place of any hearing to be held on any bill pending before any legislative committee and which pertains to the City of Boston.

Coun. KELLY—Mr. President, some two years ago I introduced in the Body an order along these lines, and last week another councilor introduced an order requesting that members of the City Council be given notice of any bills pertaining to Boston that were up for legislative hearing. I think Councilor Daniel Sullivan has introduced an order along the same lines. The reason why I am now introducing this order is that some weeks ago an important bill in the Legislature in which the people of Dorchester were very much interested, and upon which they would have been glad to appear if they had known what was going on, was practically unnoticed. I understand that there is in the budget of the Law Department an appropriation for a legislative agent, and there would seem to be no reason why we cannot have that information every day, perhaps early in the morning, so that members who wish to do so may appear at the State House in favor of or in opposition to any bill that may affect their districts.

The order was referred to the Committee on Legislative Matters.

RESURFACING OF ADAMS STREET.

Coun. FISH offered the following:
Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to resurface Adams street, from Gallivan Boulevard to King square, Ward 16.

Passed under suspension of the rule.

INDORSEMENT OF HOUSE BILL 173.

Coun. M. H. SULLIVAN and HANLEY offered the following:

Whereas, There is now pending in the Massachusetts Senate, House Bill No. 173, which in substance would permit railway companies to give free or reduced fares to the members in the armed service while in uniform during time of war; and

Whereas, This bill merely seeks to amend the present law which prevents railway companies from giving free or reduced fares to anyone except police, firemen, letter carriers and their own employees; therefore be it

Resolved, That the Boston City Council, in regular meeting assembled, respectfully urges the members of the Massachusetts Senate to favorably act on House Bill No. 173; and be it further

Ordered, That copies of this resolution be immediately sent to each and every member of the Senate.

Coun. M. H. SULLIVAN—Mr. President, I believe this is a matter that vitally affects the welfare of our men in the army, navy and air forces, and that it is in line with the reputation of our city as a hospitable metropolis. I understand that such a measure is in effect in the city of Chicago and several other metropolitan areas of the West and Middle West, and I think also of the South. I am not personally acquainted with what has been done in this respect by other great metropolises of the East in the way of free transportation to men in uniform. The matter has been particularly brought to our attention because of the very commendable fight waged by our colleague, Councilor Chase, in the Legislature on House Bill 173. As a result of his efforts, an adverse report on the bill was turned over last week, and favorable action was taken upon it by a House vote of 173 to 76. But the matter now appears on the calendar of the Massachusetts State Senate, and everything should be done to bring about favorable action by that body. I feel that it is a matter of vital importance. I think we all realize that it is something that appeals to the people of Boston, and that it deserves whatever support it can receive from their representatives in the Boston City Council. I know that every member of the Body favors the passage of this bill now before the Massachusetts State Senate, coming up for action tomorrow. I trust, therefore, that immediate concurrent action with the House of Representatives will be taken by the Massachusetts Senate, and that legislation will thus be passed which will afford free transportation to our soldiers and sailors and others in the armed services of the country. I think, therefore, that we should pass these resolutions today under suspension of the rule.

Coun. TAYLOR—Mr. President, I subscribe completely to the remarks of Councilor Sullivan. Many times members of this Body have introduced orders asking the trustees of the Boston Elevated to provide free transportation for members of the armed forces, and every time we have received the reply that they are unable to do so because of the law now in effect that prohibits them from so doing. Councilor Chase, our colleague, who also represents Ward 4 in the Massachusetts Legislature, succeeded in having the adverse action of the committee upset and this bill, House 173, passed in the Massachusetts House, giving to our armed forces the same privileges that are now afforded to men in uniform in other parts of the country. He is deserving of the utmost praise because of his action the other day in the House. There is no doubt in my mind that the lobby of these great gigantic public utility corporations has been at work, trying to defeat just such measures as this, and I think it is our duty, when such an opportunity is afforded to give free transportation to the men in the armed services, to do what we can to help the thing along. When this same privilege is given to many in civilian uniforms—the policemen, firemen, letter carriers, and others—it seems to me that right should not be denied to men in the service of our country who are now prosecuting the war in which we are engaged. Still, the representatives of these public service corporations are evidently working night and day to prevent it. I have had occasion to speak to people and talk with members of the Senate, and the information I have received is such as to lead me to believe that the work of the lobbyists against this bill is having a great effect. It is hard for me to understand how the members of our Senate can deny this opportunity to soldiers, sailors, marines and others in the armed forces, men who receive but \$50 a month and to whom this right would mean so much. These men are naturally looking for opportunities to visit their homes and their friends, making short visits here and there, while they are off duty, and it certainly seems a shame that they should be required to pay their fares for the short rides they take, when civilian employees such as I have stated, receiving \$2,000 or over per year, obtain free transportation. I think it is very little to ask of the Boston Elevated Railway, for instance, for which the citizens of Boston are furnishing the principal support, anyway, and as a matter of fact, speaking of the revenue of the road, the stockholders will receive their dividend in any event, because if the business of the road is not sufficient there will be an assessment on the cities and towns through which the road runs. I also wish to commend our colleague, Mr. Chase, for his perseverance and success in having the bill put through the House of Representatives against attempted adverse action, I will simply close by

saying again that we should give to the men in our armed forces, who have sacrificed good jobs to fight for their country and who are receiving very small pay, the slight consideration that they will receive in the way of railroad fares.

Coun. KELLY—Mr. President, on January 26 last year a member of the Council introduced the first resolution asking the Boston Elevated to grant free transportation to members of the armed forces, and their answer to the City Council was that it would be against the law, that under the law they would not be allowed to do it. Therefore, I was glad to hear the resolution that has been introduced today and I was certainly glad that Mr. Chase carried on the fight a few days ago in the Legislature turning over an adverse report of the committee. I hope and trust that tomorrow we will see a favorable vote upon this measure from Republicans and Democrats alike in the Massachusetts Senate, that they will unanimously approve of this bill which will permit members of the armed forces to ride on the Elevated free of charge.

Coun. D. F. SULLIVAN—Mr. President, this is a very good resolution, one which we should pass unanimously. I am heartily in favor of the position that was taken in the State House the other day by the gentleman from Ward 4, Mr. Chase, looking to free transportation of the armed forces, and I am going to vote for the passage of this resolution, which I trust will be passed immediately, under suspension of the rule, so that it may be brought before the Senate tomorrow. We have been told at times in the past few weeks that we should not tell another legislative body what it should do, but when we act upon a resolution of this kind we are simply showing them what the feeling is in our Body, as representing an important part of the constituency of the state, so that they may understand how their constituents feel. That is all that a resolution of this kind means. We have passed such resolutions on numerous occasions, and let us be consistent here. This is a matter on which we certainly have a right to express our opinion and tell the Massachusetts Senate what our opinion is. Let them understand how people feel. We are not telling them what they should do, but we are simply telling them our opinion, and the opinion of our constituents, undoubtedly representing the opinion of a large part of the population of this state, as to what they should do. We certainly have a right to do that, through such resolutions as these.

Coun. HURLEY—Mr. President, I certainly feel most decidedly that affirmative action should be taken by us on these resolutions. I want also to thank and commend the councilor from Ward 4 (Coun. Chase) for the hard work, perseverance and energy he has shown in over-riding the action of the committee and bringing the matter before the House by a roll call vote. I also wish to thank the Democratic members who stood by Mr. Chase—among them Representative Reilly of Ward 15 and Representative Glynn of Ward 9, for their hard work in helping to get a favorable vote on the bill. I think it was a great piece of work for the Representative from Ward 4 (Coun. Chase) and that he deserves the thanks not only of the members of the armed forces but also of their relatives and friends in Boston whom they are visiting when on furlough for free transportation on the short trips it is sometimes necessary

for them to take. They have no spare money to spend for fares on street cars, and they certainly deserve free transportation. I trust, therefore, that the resolution will be passed this afternoon.

Coun. SCANNELL—Mr. President, I, too, certainly want to commend the councilor from Ward 4 (Coun. Chase) for the fine work he has done at the State House on this bill. Certainly he is deserving of the strongest commendation for his action in upsetting an adverse report and having this House Bill passed by the House so that it could then be brought before the Senate. We should now take a stand asking the members of the Senate to concur in the action of the House, so that the service men may be given free rides in their trips to and fro, visiting their families and friends. We all know, of course, that the Elevated is going to have its lobby at work doing everything trying to defeat the bill on the floor of the Senate. But I say that the men on Beacon Hill voting against the bill will have to come before the people later, and that they will find opposition to the bill to be political suicide. This is action, as has been stated, that has been taken in different parts of the country, and certainly Boston should not stand alone in its opposition to the service men in this matter. This is one way in which the people of Boston may be able to do something for the service men in this city.

Coun. D. F. SULLIVAN—Mr. President, I certainly heartily endorse what has been said about the gentleman from Ward 4 (Coun. Chase) and his successful efforts in the Massachusetts House of Representatives in having this bill passed in spite of adverse influences. But let us remember that he would not have been successful without the help also of the Democrats, and we must rely for the passage of the act in the Senate also on the help of Democrats in that body. If he had not had the aid of the Democrats, the act probably would not have passed in the House. So I feel also that the Democrats are to be commended.

Coun. M. H. SULLIVAN—Mr. President, I shall be very brief. I thoroughly appreciate, as do the other members of the Body, the services rendered by the gentleman from Ward 4 (Coun. Chase) in this matter. But we must remember also that credit should be given for Democratic support.

Coun. FISH—Mr. President, I sincerely hope that Councilor and Representative Chase will make known to the public the lobbyist for the Boston Elevated who is trying to deprive the service men of this right.

The resolutions were passed under suspension of the rule.

REPORT OF COMMITTEE ON LEGISLATIVE MATTERS.

Coun. CHASE, for the Committee on Legislative Matters, submitted the following:

Report on resolve (referred March 8) that Council favors enactment of Senate Bill 194 re certain exemptions from taxation for persons serving in the armed forces during existing state of war—that same ought to pass.

Report accepted; resolution adopted.

Adjourned, on motion of Coun. D. F. SULLIVAN, at 5.24 p. m., to meet on Monday, April 5, 1943, at 2 p. m.

CITY OF BOSTON.

Proceedings of City Council.

Monday, April 5, 1943.

Regular meeting of the City Council in the Council Chamber, City Hall, at 2 p. m., President HANNON in the chair. Absent, Coun. Foster, Goode, Langan, Linehan, Lyons, Wickes.

The meeting was opened with the salute to the Flag.

APPOINTMENT BY THE MAYOR.

Subject to confirmation by the Council, the Mayor submitted the following:

Constable for term ending April 30, 1943, without power to serve civil process and to serve without bond, *vice* James J. Flynn, resigned, James Lyons, 4 Sever street, Ward 2.

Laid over for one week under the law.

RULES AND REGULATIONS OF POLICE DEPARTMENT.

The following was received:

City of Boston

Office of the Mayor, April 5, 1943.

To the City Council.

Gentlemen,—I transmit herewith communication from the Acting Commissioner of the Boston Police Department regarding your order of February 15, 1943, concerning the suspension, for the duration of the present emergency, of Rule 33, Section 3, of the Rules and Regulations of the Police Department.

Respectfully,

MAURICE J. TOBIN, Mayor.

City of Boston,

Police Department, March 29, 1943.

Hon. Maurice J. Tobin,

Mayor of Boston.

Attention: Thomas P. McCusker, Assistant Secretary.

Dear Sir,—Replying to your recent communication relative to an order introduced by Councilor Muchnick "that the Police Commissioner be requested, through his Honor the Mayor, to suspend, for the duration of the present emergency, Rule 33, Section 3, of the Rules and Regulations of the Police Department," you will please be advised that it is not deemed advisable to suspend the operation of this rule during the present emergency.

The department is greatly undermanned and it is more likely than not that it will be further depleted by additional members entering the military service of our country. This necessitates a greater number of duties being placed upon the shoulders of the men now on duty.

A member of the force is liable to be called into service at any time and the same responsibility as to protection of life and property, prevention of crime, apprehension of criminals, and enforcement of the law, rests upon him when off duty as when on duty.

Very truly yours,

THOMAS S. J. KAVANAGH,
Acting Police Commissioner.

Placed on file.

ADDITIONAL BUILDING CODE AMENDMENTS.

The following was received:

City of Boston,

Office of the Mayor, April 5, 1943.

To the City Council.

Gentlemen,—I submit herewith Parts 17 to 21 of the Revised Building Code for the City of Boston,

in ordinance form. This proposed revision is recommended by the Building Commissioner of the city.

The remaining parts of this revision will be forwarded to your Body as rapidly as possible. I recommend consideration of the accompanying ordinance by your Honorable Body.

Respectfully,

MAURICE J. TOBIN, Mayor.

In accordance with the provisions of chapter 479 of the Acts of 1938 as amended by chapter 217 of the Acts of 1939, as Building Commissioner of the City of Boston I recommend the adoption of the following ordinance.

JAMES H. MOONEY,
Building Commissioner.

An Ordinance Altering, Amending, Extending or Rendering Ineffective Provisions of 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.

Be it ordained by the City Council of Boston as follows:

Section 181. Section 1701 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out the words "over auditoriums and assembly halls" in the fourth line of paragraph (b) and inserting in place thereof the words "over rooms of Group B occupancy"; and by striking out the word "or" in the fourteenth line, so as to read as follows:

(b) Members of structural steel frames of roofs and other incombustible roof construction covered with fire-retardant roofing, on Type I and Type II buildings, over rooms of Group B occupancy and over approved rooms of Group G occupancy shall be deemed to be sufficiently protected against fire if they are not less than twenty-five feet distant from the floor, and from a mezzanine floor or balcony below; or if they are not less than eighteen feet so distant and are protected by an incombustible ceiling of one-hour fire-resistive construction suspended at least one inch below the steel. Proximity within these limiting distances of an inclined or stepped balcony with fixed seats, of a mezzanine floor or level balcony not more than five feet wide, shall not be grounds for requiring greater fire protection than is required in this paragraph. The ceilings of such rooms and the walls more than five feet above the floor shall not be covered or finished with combustible material.

Section 182. Section 1803 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out paragraph (a) as so appearing and inserting in place thereof the following:

(a) The number of persons to be served by an exit shall be stated in the application for permit and shall be computed from the floor area on the following basis:

Section 183. Said section 1803 is hereby further amended by inserting after the word "restaurants" in the second line of sub-division (2) of paragraph (a) the words "retail stores", so as to read as follows:

(2) One person for every fifteen square feet in court rooms, restaurants, retail stores, class rooms in schools.

Section 184. Said section 1803 is hereby further amended by striking out the words "retail stores" in the second line of sub-division (3) of paragraph (a), so as to read as follows:

(3) One person for every twenty-five square feet in lodging houses, reading rooms.

Section 185. Said section 1803 is hereby further amended by striking out paragraph (c) as so appearing.

Section 186. Said section 1803 is hereby further amended by striking out the letter "(d)" at the beginning of paragraph (d) and inserting in place thereof the letter "(c)", so as to read as follows:

(c) Where the kind or width of an exit depends upon the number of persons served by it, such number shall be determined by dividing the maximum number of persons in any room or group of rooms, or in any story and within a fire division, by the number of alternative exits to which they all have access less one (assuming that one such exit may be blocked) except where only one exit is required.

Section 187. Section 1804 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out paragraph (e) as so appearing and inserting in place thereof the following:

(e) Every story in a building shall have at least two remote exits except:

(1) Stories above the first story in single family dwellings less than three stories in height.

(2) A basement or cellar constructed large enough for low pressure heating apparatus and its fuel storage only, requiring attendance of not more than two persons.

Section 188. Said section 1804 is hereby further amended by striking out paragraph (h) as so appearing and inserting in place thereof the following:

(h) Where two or more exits from a room are required they shall be remote or distant from one another in such manner that persons in any place may choose either of two directions in a path toward an exit, and in such a manner that a single fire in its early stages cannot block both paths toward an exit. The distance from any point in a room to the nearest exit, except as specifically indicated in special group requirements, shall not exceed one hundred and fifty feet in buildings of Type I, Type II and Type V nor seventy-five feet in buildings of Type III, Type IV and Type VI.

Section 189. Said section 1804 is hereby further amended by inserting at the end of the first sentence of paragraph (i) the words "except as specifically indicated in special group requirements", so as to read as follows:

(i) The exits from a story in a fire division shall be of such number and so located that at least one such exit is within one hundred and fifty feet in buildings of Type I, Type II and Type V, and within seventy-five feet in buildings of Type III, Type IV and Type VI, from every exit from a room or group of rooms into a corridor, in a story without a corridor, from every point within the story and fire division, except as specifically indicated in special group requirements. The distance to an exit, if a doorway, shall be measured to the nearer jamb thereof; if an enclosed stairway or ramp, to the doorway in the enclosure; and if a stairway or ramp not enclosed, to the nearest point of the top riser or commencement of slope.

Section 190. Section 1805 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out paragraph (d) as so appearing and inserting in place thereof the following:

(d) Passageways which serve as exits from enclosed stairways or ramps to exits from the building shall be enclosed corridors except where they may occur in a building which is not over forty feet wide and of a total area not exceeding two thousand square feet. In such a building one of the enclosed corridors in the first floor only may be omitted provided the basement and first story are equipped with automatic sprinklers and the class of construction is Type IV or more fire-resistant.

Section 191. Section 1806 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out the words "twenty inches" in the third line of paragraph (a) and inserting in place thereof the words "twenty-four inches", so as to read as follows:

(a) Doorways which serve as required exits shall be not less than twenty-four inches wide. Doorways which serve as exits for more than ten persons shall be not less than seventy-eight inches high nor less than thirty inches wide nor less than twelve inches in width for every hundred persons so served.

Section 192. Said section 1806 is hereby further amended by striking out paragraph (b) as so appearing and inserting in place thereof the following:

(b) The floor both sides of a doorway exit shall be at the same level for a distance of three feet in either direction from the doorway, except that in doorway exits from a building to the outside there may be a single step-down not over six inches to a level landing not less than three feet wide.

Section 193. Said section 1806 is hereby further amended by striking out the words "Group H and" in the first line and the words "and serve more than two stories" in the third line of paragraph (e), so as to read as follows;

(e) Except in buildings of Group I, swinging doors in doorways which serve as required exits from the building shall swing in the direction of egress.

Section 194. Said section 1806 is hereby further amended by striking out paragraph (f) as so appearing and inserting in place thereof the following:

(f) Revolving doors shall be of an approved type, without cable or bar braces, designed and constructed to release when simultaneous outward forces are exerted by persons of ordinary strength on both sides of the pivot so that the wings will fold back on themselves like the leaves of a book in the direction of egress. The use of revolving doors shall be limited as follows:

(1) They shall not be used in occupancies of Group A, Group B, Group C, and Group D.

(2) They may be used in other group occupancies only if swinging doors immediately adjacent to them provide seventy-five per cent of the required egress.

(3) They shall not be used in any exit from premises where alcoholic beverages are sold for consumption on the premises.

Section 195. Section 1808 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out the last sentence of paragraph (a) and inserting in place thereof the following: "except as provided in paragraph (d) of Section 1805," so as to read as follows:

(a) Interior stairways may serve as exits from any story of a building. Except as otherwise provided in this section, every interior stairway required to be enclosed shall have a direct doorway exit from the building or shall have an enclosed corridor leading to such exit, except as provided in paragraph (d) of section 1805.

Section 196. Said section 1808 is hereby further amended by striking out paragraph (d) as so appearing and inserting in place thereof the following:

(d) No interior stairway serving as a required exit shall be less than thirty inches wide except a single flight stairway to a balcony serving not more than ten persons which may be not less than twenty-four inches wide. No stairway serving as a required exit for ten or more persons shall be less than thirty-six inches wide nor less than twelve inches additional for every one hundred persons so served in excess of three hundred. The clear vertical headroom over each riser shall be not less than six feet six inches.

Section 197. Said section 1808 is hereby further amended by striking out the words "and in buildings of Type III and Type IV over three stories high, stairs" in the second, third and fourth lines of paragraph (f), so as to read as follows:

(f) In buildings of Type I, Type II or Type V interior stairs including landings, which serve required exits shall be constructed of incombustible materials, except that stairs with solid treads, risers and landings of incombustible materials may have top surfaces of wood, linoleum or other similarly combustible material. Treads, risers or landings of marble, slate or similarly brittle material shall be backed with sheet steel, for stairs three feet or less in width of at least number twelve gage, and for wider stairs at least number ten gage. Cast iron shall have a thickness of at least three sixteenths inch in treads and risers and three eighths inch in landings. Cast-iron landings shall not have greater area than nine square feet between steel or other supports. Enclosed metal stairs and landings need not be protected against fire. Stairs which are not enclosed as provided in Part 15, in buildings of Type I or Type II shall have protection against fire as specified for floors.

Section 198. Said section 1808 is hereby further amended by striking out the words "winders and" in the first line of paragraph (j) and by striking out the words "twenty-five" in the second line and inserting in place thereof the word "ten," and by inserting after the word "except" in the fourth line the words "in a single family dwelling," and by striking out the words "in existing buildings" in the fourth line and inserting in place thereof the words "and in pre-code buildings," and by striking out the words "and the tread at the

outer rail is not more than twice the tread one foot from the inner rail" in the seventh and eighth lines, so as to read as follows:

(j) Spiral stairs shall not be used in a stairway serving as a required exit for ten persons or more nor in stairways more than one story in height, except in a single family dwelling; and in pre-code buildings with the approval of the commissioner. Stairs may be curved if the tread and rise one foot from the inner rail are as specified in this section.

Section 199. Said section 1808 is hereby further amended by striking out paragraph (m) as so appearing.

Section 200. Said section 1808 is hereby further amended by striking out the letter "(n)" at the beginning of paragraph (n) and inserting in place thereof the letter "(m)", so as to read as follows:

(m) No pipe, radiator or other equipment shall obstruct or encroach upon the required width of a stairway or landing. No stairway which serves as a required exit shall be obstructed while the building is occupied, within the enclosure thereof, on the steps or landings or on the floors within the area required for exit or for approach to the stairway, by materials, equipment or by any use of such space except for passage.

Section 201. Said section 1808 is hereby further amended by striking out the letter "(o)" at the beginning of paragraph (o) and inserting in place thereof the letter "(n)", so as to read as follows:

(n) There shall be no closet within the required enclosure of a stairway. There shall be no closet for storage under a stairway of combustible material which is a required exit except a coat closet in dwellings or a toilet or similarly non-hazardous use, and in such case the soffit of the stairway shall be protected by a ceiling of one-hour fire-resistive construction.

Section 202. Section 1809 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out paragraph (e) as so appearing.

Section 203. Said section 1809 is hereby further amended by striking out paragraph (f) as so appearing.

Section 204. Section 1810 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out said section as so appearing and inserting in place thereof the following:

Section 1810. *Smokeproof Towers.*—Smokeproof towers, if built, may serve as required exits from any story of a building. Interior stairways constructed and arranged as follows shall be known as smokeproof or fire towers.

(a) The enclosed walls of fire towers shall be of incombustible materials or assemblies having a fire-resistive rating of at least four hours. Such walls shall be without openings, except for doors serving as means of egress.

(b) At each story served by a fire tower access to the stairways of such fire tower shall be provided through outside balconies or fireproof vestibules. Such balconies or vestibules shall be at least three feet eight inches in width and shall have unpierced floors of incombustible materials and shall be provided with substantial guard rails at least four feet high, without any openings greater than eight inches in width.

(c) Such balconies or vestibules of fire towers shall be level with the floors of the structure and the platforms of the stairs connected by such balconies. Such balconies or vestibules shall be separated from the structure and the stairs by self-closing fire doors capable of being opened from both sides without the use of a key, except the final balcony or vestibule as described in paragraph (d) which may open only from one side without the use of a key.

(d) Balconies or vestibules of fire towers shall open on a street or yard or on a court open vertically to the sky for its full height, having a minimum net area of one hundred and five square feet and a minimum dimension of seven feet. The opening from the vestibule to the street, yard or court shall have a minimum area of eighteen square feet and a minimum dimension of two feet six inches. It shall be unlawful to leave openings in the court walls surrounding an interior fire tower other than the openings from the vestibules, within fifteen feet of the balcony, except that self-closing fire windows may be

used if such windows are at least ten feet from the balcony, provided that the area of the court is at least twelve feet by twenty-four feet.

(e) Fire towers shall terminate at the grade level and shall exit directly to the street independently of corridors serving other stairways except when the fire tower terminates in the ground floor corridor outside of the inner vestibule and within ten feet of the building line.

(f) Doors opening into fire towers may be constructed with observation panels made of polished wire glass, one-quarter of an inch thick, if such glass is set with a three-quarter inch rabbet. Such glass shall have a maximum area of sixteen square inches. Doors shall be capable of being open from both sides without the use of a key. A handrail shall be provided on both sides.

Section 205. Section 1812 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out the word "existing" in the first line of sub-division (1) of paragraph (a), and inserting in place thereof the word "pre-code", and by striking out the words "five stories or less in height" and inserting in place thereof the words "where ordered by the commissioner under the provisions of Section 16 of Part I", so as to read as follows:

(1) From pre-code buildings where ordered by the Commissioner under the provisions of Section 16 of Part I.

Section 206. Said section 1812 is hereby further amended by striking out the word "new" in the first line of sub-division (2) of paragraph (a) and inserting in place thereof the word "post-code", and by striking out the word "two" in the second line of sub-division (2) and inserting in place thereof the word "five", so as to read as follows:

(2) From post-code buildings four stories or less in height and five thousand square feet or less in area.

Section 207. Said section 1812 is hereby further amended by striking out paragraph (b) as so appearing.

Section 208. Said section 1812 is hereby further amended by striking out paragraph (c) as so appearing and inserting in place thereof the following:

(b) Fire escape landings and stairs shall have a clear exit width of not less than twenty-four inches where the maximum number of persons to be served does not exceed one hundred and forty-four, and an additional one inch in width shall be added for each additional six persons served, excepting therefrom emergency exits as required in Group A and Group B.

Section 209. Said section 1812 is hereby further amended by striking out the letter "(d)" at the beginning of paragraph (d) and inserting in place thereof the letter "(c)", so as to read as follows:

(c) Fire escapes shall be of incombustible materials.

Section 210. Said section 1812 is hereby further amended by striking out the letter "(e)" at the beginning of paragraph (e) and inserting in place thereof the letter "(d)", and by inserting after the word "landings" in the first line of paragraph (e) the words "if of steel", so as to read as follows:

(d) The floors of fire escape balconies or landings, if of steel, shall be of open construction with steel bars not over one half inch nor less than one quarter inch wide and spaces not over one and one quarter inches each nor less in the aggregate than two thirds the floor area. The bars shall be rigidly spaced near their ends and at intervals not exceeding two feet. Floors shall be securely attached to supports.

Section 211. Said section 1812 is hereby further amended by striking out the letter "(f)" at the beginning of paragraph (f) and inserting in place thereof the letter "(e)", and by inserting after the word "floors" in the tenth line of paragraph (f) the words "if of steel"; and by striking out the word "six" in the tenth line and inserting in place, thereof the words "seven and one-half", so as to read as follows:

(e) Fire escape stairs, if steeper than is allowed for interior stairs, shall not be steeper than necessary, nor in any event steeper than sixty degrees with the horizontal. Stairs steeper than sixty degrees shall be deemed ladders and shall not be used for exits except where ladders are allowed. The product of the tread and rise in inches shall be not greater than seventy-seven and the rise shall not exceed nine

inches. The construction of the tread shall be as required for landing floors, if of steel, and not less than seven and one-half inches wide. Treads shall be securely attached to stringers. There shall not be less than three nor more than fifteen risers between landings.

Section 212. Said section 1812 is hereby further amended by striking out the letter "(g)" at the beginning of paragraph (g) and inserting in place thereof the letter "(f)", and by inserting after the word "rail" at the end of paragraph (g) the words "and in Group H and Group I shall have one-half inch round bar palings not over six inches from center to center", so as to read as follows:

(f) The sides and ends of fire escape landings and the sides of stairs, where not guarded by a wall, shall have a railing at least three feet high, consisting of a bar not less than one and one half by three eighths inch and a balustrade of half-inch round bars or equivalent with a lower rail. The railing shall be supported by posts and shall be sufficient to withstand safely a lateral force of twenty pounds per foot of rail, and in Group H and Group I shall have one-half inch round bar palings not over six inches from center to center.

Section 213. Said Section 1812 is hereby further amended by striking out the letter "(h)" at the beginning of paragraph (h) and inserting in place thereof the letter "(g)", and by striking out the words "unless this requirement is waived by the commissioner" in the fifth and sixth lines and inserting in place thereof the words "unless in the case of show windows or other windows the commissioner modifies this requirement in consideration of other specific provisions contributing to safe egress over the fire escape in question.", so as to read as follows:

(g) Openings for doorways or windows under or within five feet from a fire escape, except in buildings of Type VI construction, shall be protected by automatic-closing Class B fire doors or fire windows, unless in the case of show windows or other windows the commissioner modifies this requirement in consideration of other specific provisions contributing to safe egress over the fire escape in question.

Section 214. Said section 1812 is hereby further amended by striking out the letter "(i)" at the beginning of paragraph (i) and inserting in place thereof the letter "(h)", and by striking out the word "cantilevered" in the first line of paragraph (i) and inserting in place thereof the word "bracketed", so as to read as follows:

(h) Fire escapes shall not be bracketed from masonry walls more than five times the thickness of the wall. Bracketed cantilevers shall be bolted through the wall with plate washers set in mortar on the inside.

Section 215. Said section 1812 is hereby further amended by striking out the letter "(j)" at the beginning of paragraph (j) and inserting in place thereof the letter "(i)", so as to read as follows:

(i) Except in the webs of structural channels and I-beams, and in the reticular or cross bars of factory-assembled floor gratings approved as flooring for fire escapes, the steel in fire escapes shall not be thinner than one quarter inch nor shall bolts be less than three eighths inch. Stove bolts shall not be used. If stringers of stairs are spliced, the splice shall be made by riveting or welding, and not by bolting.

Section 216. Said section 1812 is hereby further amended by striking out the letter "(k)" at the beginning of paragraph (k) and inserting in place thereof the letter "(j)", so as to read as follows:

(j) The lowest run of fire escape stairs may be hinged near the top to swing up into a horizontal position when not in use. Such runs shall be counter-balanced but not so heavily that they will fail to lower by gravity when released. The bingie shall consist of a single round bar, not less than seven eighths inch diameter, with approved bearings on both stringers of the lower run and properly supported. The bingie bar shall be not less than two inches horizontally back from the nosing of the stair tread under which it is placed. The binged run shall be held in horizontal position by a bent bar at least seven eighths inch in diameter, rigidly held in bearings and bent across the stairway above the hinged run in such manner that a person using the fire escape for egress must release the binged run before reaching it, or by other approved device.

Section 217. Section 1813 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by inserting after the word "place" in the second line of paragraph (b) the following: "and shall be not over fifteen feet in length", so as to read as follows:

(b) Ladders serving as exits shall be permanently fixed in place and shall be not over fifteen feet in length. In buildings of Type I, Type II and Type V, ladder exists shall be incombustible. Rungs shall be uniformly spaced, not over twelve inches top to top, and shall be supported by two rails not less than twelve inches apart.

Section 218. Said section 1813 is hereby further amended by striking out paragraph (c) as so appearing.

Section 219. Section 1814 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out sub-division (1) of paragraph (a) as so appearing and inserting in place thereof the following:

(1) There are at least two other remote exits from the stories conforming with the provisions of Section 1804 and not less than three feet six inches wide.

Section 220. Said section 1814 is hereby further amended by inserting after the word "story" in the second line of sub-division (4) of paragraph (a) the words "served by the elevators", and by striking out the word "rest" in the fourth line and inserting in place thereof the words "occupied area", and by inserting at the end of the following: "Corridor space contiguous to the lobby shall be considered a part of the lobby.", so as to read as follows:

(4) The elevators shall have a lobby outside their enclosure in each story served by the elevators with a floor area of at least two square feet for every occupant in the story, separated from the occupied area of the story by partitions of not less than one-hour fire-resistive construction. Vertical openings within such lobbies shall be enclosed in all stories in which they occur. Corridor space contiguous to the lobby shall be considered a part of the lobby.

Section 221. Section 1901 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out the letter "(d)" at the beginning of paragraph (d) and inserting in place thereof the numeral "(1)", so as to read as follows:

(1) Except where otherwise specified in this code, doorways in walls required to have one-hour resistance to the spread of fire shall have doors which, if of wood, shall be not less than one and one half inches thick in any part. Such doors, if not of wood, or if larger than twenty-five square feet in area, shall be Class C fire doors.

Section 222. Said section 1901 is hereby further amended by striking out the letter "(e)" at the beginning of paragraph (e) and inserting in place thereof the numeral "(2)", so as to read as follows:

(2) Except where otherwise specified in this code, doorways in walls required to have two-hour resistance to the spread of fire shall be automatic-closing Class B fire doors.

Section 223. Said section 1901 is hereby further amended by striking out the letter "(f)" at the beginning of paragraph (f) and inserting in place thereof the numeral "(3)", and by striking out the last sentence and inserting in place thereof the following: "The sum of the areas of such openings in one story shall not exceed one-half the area of the sum of said walls and no single opening shall be greater in area than two hundred square feet." so as to read as follows:

(3) Except where otherwise specified in this code, doorways and other openings in walls required to have three-hour resistance to the spread of fire shall have automatic-closing Class B fire doors on both sides of the wall. The sum of the areas of such openings in one story shall not exceed one-half the area of the sum of said walls and no single opening shall be greater in area than two hundred square feet.

Section 224. Said section 1901 is hereby further amended by striking out the letter "(g)" at the beginning of paragraph (g) and inserting in place thereof the numeral "(4)", and by striking out the last sentence and inserting in place thereof the following: "The sum of the areas of such openings in one story shall not exceed one-half of the sum of the areas of said party walls, and no

single opening shall be greater in area than one hundred square feet," so as to read as follows:

(4) Doorways and other openings in party walls and, except where otherwise specified in this code, in walls required to have four-hour resistance to the spread of fire, shall have automatic-closing Class A fire doors on both sides of the wall. The sum of the areas of such openings in one story shall not exceed one-half of the sum of the areas of said party walls and no single opening shall be greater in area than one hundred square feet.

Section 225. Said section 1901 is hereby further amended by striking out the letter "h" at the beginning of paragraph (h) and inserting in place thereof the numeral "(5)", so as to read as follows:

(5) In the protection of openings less than two square feet in area in fire-resistive walls, the commissioner may waive in part or modify the requirements of this section subject to such conditions as he shall in each case specify.

Section 226. Said section 1901 is hereby further amended by striking out the letter "(i)" at the beginning of paragraph (i) and inserting in place thereof the numeral "(6)", and by striking out the first sentence and inserting in place thereof the following: "In doorways required to have specified width and height a stop moulding forming a rabbet of the frame may project on each side and at the top not more than three-quarters of an inch inside the required dimensions." so as to read as follows:

(6) In doorways required to have specified width and height a stop moulding forming a rabbet of the frame may project on each side and at the top not more than three-quarters of an inch inside the required dimensions. The door, in open position, shall clear the required width of the doorway completely and the door and frame shall have additional width if necessary for this purpose.

Section 227. Said section 1901 is hereby further amended by striking out the letter "(j)" at the beginning of paragraph (j) and inserting in place thereof the numeral "(7)", so as to read as follows:

(7) Doors required to be automatic-closing shall be self-closing and normally closed, or equipped to close automatically by the action of heat in the event of fire.

Section 228. Section 1902 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out paragraph (k).

Section 229. Said section 1903 is hereby further amended by inserting after the word "supports" in the third line of paragraph (e) the word "if"; and by striking out the word "on" in the third line and inserting the word "of"; and by striking out the words "non-corrodible metal" in the third and fourth lines and inserting in place thereof the words "metal protected against corrosion", so as to read as follows:

(e) The parts of skylights exposed to the weather, gutters for leakage or condensation, outside screens and their supports if of metal, shall be of metal protected against corrosion.

Section 230. Section 2001 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out the words "The limitation upon the height of buildings measured to the highest point of the roof thereof specified in Parts 3 to 12, inclusive, and section one hundred and thirty-six of Part I of this code", in the first, second, third, and fourth lines of paragraph (a) and inserting in place thereof the words "Limitation, wherever it occurs in this code, upon the height of buildings measured to the highest point of the roof thereof", so as to read as follows:

(a) Limitation, wherever it occurs in this code, upon the height of buildings measured to the highest point of the roof thereof shall not be held to limit the height of the steeples of churches, towers, domes, cupolas, belfries, parapets, or other walls, cornices, statuary balustrades, railings, flag poles, weather-vanes, chimneys, vent pipes, skylights, ventilators, steam exhausts, tanks, signs and penthouses for the enclosure of tanks, stairways, elevator machinery, ventilating fans and the like, erected upon or above the roof of a building, provided such structures shall not be occupied by persons nor be used for storage or for a manufacturing process requiring constant or frequent attendance.

Section 231. Section 2101 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby

amended by inserting after the word "upon" in the last line of paragraph (b) the word "primary", so as to read as follows:

(b) Unless corbelled from a masonry wall, a chimney shall be supported upon a foundation of masonry or reinforced concrete conforming to the provisions of Part 29, upon the furnace which it serves, if of masonry and capable of supporting the chimney, or upon primary framing of Type I or Type II construction.

Section 232. Section 2104 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out the words "two inches" in the second line of paragraph (a) and inserting in place thereof the words "one inch", so as to read as follows:

(a) No chimney shall be built nearer than one inch from wooden floor or roof joists or nearer than one inch from wooden studding, furring or other woodwork. The space about a chimney shall be fire-stopped at each floor and ceiling level with incombustible material, unless such space is treated as a vertical opening and is enclosed as provided in Part 15.

Section 233. Section 2105 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by inserting at the end of paragraph (d) the following: "or approved equivalent", so as to read as follows:

(d) A smokestack may be mounted on the outside of a building supported by and secured to the exterior wall thereof. If the wall is of combustible materials the stack shall be not less than four inches and not less than one third the stack diameter away and the wall for a width not less than twice the diameter of the stack shall be covered by one quarter inch of asbestos and sheet metal, or approved equivalent.

Section 234. Said section 2105 is hereby further amended by inserting after the word "its" in the fourth line of paragraph (f) the word "approved", so as to read as follows:

(f) A smokestack shall have at least four inches clearance from combustible material; such material within twelve inches of the stack shall be covered by one quarter inch asbestos and sheet metal or its approved equivalent and the space about the stack shall be ventilated.

Section 235. Section 2106 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out the last sentence of paragraph (e), so as to read as follows:

(e) If a masonry flue connects a furnace with a chimney or a stack, it shall be lined and otherwise constructed as specified for a chimney.

Section 236. Section 2107 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out the word "the" in third line of paragraph (b) and inserting in place thereof the word "trimmer", and by striking out the word "the" in the seventh line and inserting the word "trimmer", and by striking out the word "wood" in the last sentence and inserting in place thereof the words "combustible materials", so as to read as follows:

(b) Fireplaces shall have hearths supported by trimmer arches or other approved fire-resistive construction. Trimmer arches and hearths shall be not less than twenty inches wide measured from the face of the chimney breast and shall extend not less than twelve inches beyond the fireplace opening on each side. Trimmer arches shall be of brick, stone or hollow tile not less than four inches thick, shall spring from the masonry supporting the fireplace and may thrust against the floor frame whether of wood or other material. A flat stone or reinforced concrete slab may be used to support a hearth instead of an arch if it is properly supported and a suitable fill provided between it and the hearth. Hearths shall be of brick, stone, tile or concrete. Wood centering under a trimmer arch shall be removed after the masonry has thoroughly set. No combustible materials shall be placed within three inches from the jambs or from the top or arch of a fireplace opening.

Section 237. Said section 2107 is hereby further amended by striking out paragraph (d) as so appearing and inserting in place thereof the following:

(d) Each fireplace shall have a separate and independent flue throughout its length to the open air.

Section 238. Section 2110 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out paragraph (c) as so appearing.

Section 239. Section 2111 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out the following words in the third, fourth, fifth, sixth, and seventh lines of paragraph (b): "nor from warm air furnaces where the maximum temperature in the bonnet or plenum chamber is limited to two hundred and fifty degrees Fahrenheit by approved automatic controls," so as to read as follows:

(h) The provisions of this section shall not apply to hot air pipes and registers from indirect low pressure steam or hot water radiators.

Section 240. Section 2112 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out the words "Electric Ranges" in the title, so as to read as follows:

Section 2112. *Water Heaters and Hot Plates.*—

Section 241. Said section 2112 is hereby further amended by striking out the words "Electric ranges" in the first line of paragraph (a); and by striking out the word "six" in the third line and inserting in place thereof the word "seven"; and by striking out the word "two" in the last line and inserting in place thereof the word "three", so as to read as follows:

(a) Gas or electric domestic water supply heaters and gas or electric hot plates shall not be nearer than seven inches from a combustible wall unless the combustible material in the wall is protected by two inches clearance and sheet metal or its approved equivalent extending at least nine inches beyond each side and two feet above the apparatus. Wooden ceiling or shelving shall not be less than three feet above such apparatus.

Section 242. Said section 2112 is hereby further amended by striking out the word "stoves" in the first line of paragraph (b), so as to read as follows:

(b) Gas hot plates and electric hot plates or appliances of more than eighteen hundred watts capacity shall not be placed upon a wooden shelf or counter unless the appliance has a solid metal floor under the burners or heating elements, raised not less than two inches above the shelf, and the shelf is protected with sheet metal; or unless equivalent approved protection is provided.

Section 243. Section 2113 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out said section as so appearing and inserting in place thereof the following:

Section 2113. *Domestic Stoves and Ranges.*—

(a) Insulated or uninsulated stoves and ranges not of the flushback type used for heating rooms, water, or for the cooking or laundry of a family, whether burning solid, liquid, gaseous fuel or electricity shall not be placed within seven inches from a combustible wall. No wood or other combustible materials forming shelves, ceiling, cabinets or fixed furnishings shall be installed less than three feet above the top of stove or range or the uppermost oven of either, or within seven inches of the sides of ranges or stoves. Where incombustible materials are used for shelving—ceiling, cabinets or fixed furnishings—the minimum clearance above the top of range, stove or uppermost oven of either shall be eighteen inches and from the sides of range or stove, four inches.

(b) Insulated flushback type ranges or stoves may be placed directly against existing or new partitions, walls or other structure providing the entire wall, partition or structure is composed wholly of incombustible materials. Arrangement of shelving, cabinets, ceiling and fixed furnishings shall be as mentioned in paragraph (a) of this section.

(c) Combustion chambers of stoves or ranges burning solid or liquid fuel shall be connected to a chimney or a smokestack. Ovens and hoods of stoves and ranges may be ventilated to a chimney, smokestack, or ventilating duct. Such connections shall be of metal not less than number twenty-six gage thickness and wherever they pass through construction of combustible material they shall be encased in a sleeve of approved type which provides a clearance of at least three-fourths of an inch from any combustible material.

Section 244. Section 2119 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by adding at the end the following new paragraphs:

Every application for such permit shall be in writing, shall be filed with the commissioner and shall set forth the character of the building, the size, power and purpose of the apparatus, and such other information as the commissioner may require. The commissioner may, after an examination of the premises described in the application, and after hearing the applicant and any objectors, issue a permit for placing this apparatus on such premises, upon such conditions as he shall prescribe, or he may refuse such permit. If the application is for anything other than a boiler or furnace the applicant shall publish in at least two daily newspapers published in the City of Boston, and on at least three days in each, and if so directed by the commissioner, shall also post conspicuously on the premises a copy of the application, and shall deliver copies thereof to such persons as the commissioner may designate.

If no objection is filed with the commissioner before the expiration of ten days after the time of the first publication of notice, or within ten days of the delivery and first posting of the notice, if such delivery or posting is required the commissioner shall if the arrangement, location and construction of the proposed apparatus is proper and in accordance with the provisions of this act, issue a permit for the same. If objection is filed the application shall be referred to the board of appeal which may in its discretion require the deposit by the objector of a reasonable sum as security for the payment of the costs.

After such notice as the board shall order it shall hear the same and shall direct the commissioner to issue a permit under such conditions as it may prescribe, or to withhold the same. If the permit is refused the applicant and if it is granted the objectors shall pay such cost as the board may order.

The commissioner may, from time to time, after public notice and hearing, prescribe the conditions on which furnaces, boilers, or other steam generators and hot water heaters may be maintained in buildings, and, if any person interested objects to such conditions and appeal from his decision establishing the same, the appeal shall be referred to the board of appeal, and thereupon said board shall prescribe the conditions.

Referred to Committee on Building Code.

LOAN FOR PUBLIC WELFARE, SOLDIERS RELIEF, ETC.

The following was received:

City of Boston,
Office of the Mayor, April 5, 1943.
To the City Council.

Gentlemen,—Under the provisions of chapter 44 of the Acts of 1943, municipalities are authorized to borrow after satisfying certain requirements on account of appropriations made for Public Welfare, Soldiers' Relief, Federal Emergency Unemployment Relief Projects and Distribution of Surplus Commodities. Under the requirements of this act, cities and towns, to be eligible to borrow for Aid to Dependent Children, Old Age Assistance and Soldiers' Relief, must first provide by direct taxation appropriations for these items in amounts equal to actual expenditures for these purposes in the previous financial year. On all other forms of welfare disbursements, municipalities must by direct appropriations provide amounts equal to 70 per cent of the actual expenditures of the previous year.

It has been determined that in the light of the foregoing requirements, the maximum amount the city may borrow this year for the purposes previously specified is \$648,835.05. I submit herewith an order authorizing the borrowing of \$640,000 under the provisions of chapter 44 of the Acts of 1943. This is the lowest amount to be borrowed for welfare purposes since 1933 when this method of financing welfare requirements was instituted, and represents a reduction in excess of two million dollars from actual borrowings in 1942 for welfare purposes. I respectfully recommend adoption of the accompanying order by your Honorable Body.

Respectfully,
MAURICE J. TOBIN, Mayor.

Ordered, That under the provisions of chapter 44 of the Acts of 1943 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 the amount of \$640,000 to meet appropriations heretofore made or to be made for Public Welfare, Soldiers' Benefits, Federal Emergency Unemployment Relief Projects and Distribution of Surplus Commodities.

Referred to Committee on Finance.

USE OF WATER INCOME BALANCE.

The following was received:

City of Boston,
Office of the Mayor, April 5, 1943.
To the City Council.

Gentlemen,—I am advised by the City Auditor that the accounts of the city for 1942 disclose a balance as of the close of that year in Water Income of \$1,305,742.15. Under the provisions of chapter 324 of the Acts of 1914, this balance can be used for only one purpose, namely, "to meet interest and sinking fund requirements or serial loan payments on any debt of the City of Boston." In accordance with this statutory provision, I submit herewith an order authorizing the use of this balance to meet debt requirements of the current year. Adoption of this order will make possible a reduction in the amount to be provided in the tax levy for redemption of debt and payment of interest, thus affording direct relief to the property owners and taxpayers of the city. I respectfully recommend, therefore, favorable action by your Honorable Body on the accompanying order.

Respectfully,
MAURICE J. TOBIN, Mayor.

Ordered, That under the provisions of section 1 of chapter 324 of the Acts of 1914 the City Auditor be authorized to use \$1,305,742.15 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 Committee on Finance.

LOAN FOR CIVILIAN DEFENSE ACTIVITIES.

The following was received:

City of Boston,
Office of the Mayor, April 5, 1943.
To the City Council.

Gentlemen,—The budget for 1942 as adopted by your Honorable Body on last Monday, contained appropriations for Civilian Defense Activities of various departments totalling \$194,800. Under the provisions of chapter 75 of the Acts of 1943, cities and towns are authorized to meet expenditures of this character by the issuance of bonds. I feel it is desirable to take advantage of this authorization and thus spread the effect in the tax levy of these emergency expenditures over a period of five years, the term for which defense bonds may be issued. I, therefore, submit the attached order and recommend its adoption by your Honorable Body.

Respectfully,
MAURICE J. TOBIN, Mayor.

Ordered, That under the provisions of chapter 75 of the Acts of 1943 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 the amount of \$194,000 to meet appropriations heretofore made for Civilian Defense Activities.

Referred to Committee on Finance.

PETITIONS REFERRED.

The following petitions were received and referred to the committees named, viz.:

Claims.

Boston & Maine Transportation Company, for compensation for damage to bus by city truck.

Adelaide E. Carr, for compensation for injuries caused by an alleged defect in Oak square.

Hilda L. Frey, for compensation for injuries caused by an alleged defect at 110 Cornell street.

Irene M. Ganley, for compensation for injuries caused by an alleged defect in Washington street.

A. J. Kaufman, for compensation for ash barrels taken by ashmen from 56 Evelyn street, Mattapan.

Catherine McCarthy, for compensation for injuries caused by city car.

Grace M. Toland, for compensation for damage to car by fire apparatus.

Committee on Licenses.

Petition of Boston Elevated Railway Company for license to operate motor vehicles between Cleveland Circle and Boston-Brookline line at Ayr road, in either direction over Beacon street.

Petition of National League Baseball Club of Boston, Inc., for license for Sunday sports.

Executive.

Petition of Frances V. Mahoney, to be paid annuity on account of death of her husband, Daniel F. Mahoney, late member of Fire Department.

Petition of Jane C. Blondin, to be paid annuity on account of death of her husband, Alphonse Blondin, late member of Police Department.

Petition of Charles M. Rotch, for children to appear at Skating Club Hall, April 10.

RESOLUTION PASSED BY SOMERVILLE BOARD OF ALDERMEN.

Copy of resolution passed by Board of Aldermen, city of Somerville, March 25, 1943, expressing gratitude and appreciation to Boston Councilors Kinsella, Hanley and Daniel Sullivan for appearance before them *re* proposed Federal Union, was received.

Placed on file.

EAST BOSTON RELIEF STATION.

Coun. COFFEY offered the following:

Ordered, That the trustees of the Boston City Hospital be requested, through his Honor the Mayor, to reopen the East Boston Relief Station on a twenty-four-hour-day basis.

Passed under suspension of the rule.

INCREASE OF FOOD ALLOWANCE.

Coun. COFFEY offered the following:

Ordered, That the Overseers of Public Welfare be requested, through his Honor the Mayor, to increase the food allowance of recipients in view of the fact that food stamps have been taken from them.

Coun. COFFEY—Mr. President, it has been called to my attention in regard to some families in East Boston that since their food stamps have been taken from them it is very hard for them to get along with the allowance of the Welfare Department. It does seem to me, therefore, that if the Overseers of Public Welfare, through his Honor the Mayor, can increase the food allowance of recipients, they would be better able to get along. I trust, therefore, that the order will pass, and that the Mayor and the Overseers of Public Welfare will take some steps to remedy the present situation. I hope that the order will pass under suspension of the rule.

The order was passed under suspension of the rule.

REDUCED TUNNEL FARE FOR EAST BOSTON RESIDENTS.

Coun. COFFEY offered the following:
Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to work out a system whereby residents of East Boston will be allowed to use the tunnel for a ten-cent fare.

Passed under suspension of the rule.

INCLUSION OF MARKET DEPARTMENT IN PUBLIC BUILDINGS DEPARTMENT.

Coun. KINSELLA offered the following:
Ordered, That chapter 78 of the Acts of 1943, entitled "An Act Relative to the Inclusion of the

Market Department of the City of Boston in the Public Buildings Department of Said City", be, and hereby is, accepted.

President HANNON—Before reading the order, I understand that it is customary for the Chair to take notice of any notable event. I believe that a notable event has occurred, and so I now ask the councilor from Ward 22 to take the chair. (Applause.)

(The event referred to was the birth of a daughter to Mr. and Mrs. Maurice H. Sullivan.)

Coun. M. H. SULLIVAN in the chair.

Coun. KINSELLA—Mr. President, I have been asked to file this order which, I understand, will put the Market Department under civil service and will really be a good thing for Superintendent Galvin of that department, who was my opponent in the election to the City Council in 1941. I have only the friendliest feelings for Superintendent Galvin, and therefore I am very much pleased to offer the order. I want to wish for the young man lifelong success and happiness in the position that has been carved out for him. When I was elected to the City Council Mr. Galvin, although he was a candidate for the position, was the first one to approach me and congratulate me. It is, therefore, with a feeling of pleasure and deep satisfaction that I now offer this order, and in doing so I offer to him my best wishes for a long and successful career.

The order was passed under suspension of the rule.

ESPLANADE CONCERTS.

Coun. KINSELLA and RUSSO offered the following:

Resolved, That the Boston City Council, in meeting assembled, condemns unanimously the intention of the chairman of the Metropolitan District Commission to discontinue the popular concerts given at the Hatch Shell on the Charles River Esplanade; and

Resolved further, That the concerts serve such a worthy public purpose in the creation and maintenance of public morale, that the infinitesimal cost which appears to be the reason of the commissioner for the discontinuance, is such a minute portion of the annual expenditures of his department.

Coun. KINSELLA—Mr. President, I am moved to offer these resolutions in view of the fact that there are pending before the Massachusetts Legislature two bills, House 1271 and 1272, that have to do with the granting of \$10,000,000 for Dorchester avenue, \$5,100,000 of which is for the land-taking and the rest for the construction of the highway. With these amounts being spent in that way by the Metropolitan Commission, it does seem a little paradoxical for a gentleman like Mr. Hultman of the commission to cut out the amount of about \$5,000 a year which it would take to give these concerts, which, after all, afford so much pleasure to the citizens of our city and of some of the surrounding cities and towns. They mean a great deal to those who love good music and mean much in keeping up the morale of the people. And when, as I say, they are so willing to spend ten to twelve million dollars on Dorchester avenue and object to the expenditure of a comparatively small amount on a worthy matter like this, it certainly seems like a paradox. I believe it is the consensus of opinion of this Body that the chairman of the Metropolitan District Commission is wrong in trying to refuse to the people a continuation this year of these beautiful concerts. I certainly believe that they should not be deprived of the enjoyment given to them, particularly under the cry of economy, when the total expense of the concerts will not be over \$5,000, and when the concerts are serving such a useful purpose in helping to bolster the morale of the community. They certainly should not be eliminated. I trust, therefore, that the order will pass.

Coun. RUSSO—Mr. President, I wish to congratulate the representative on the stand he has taken on this matter. I have had a similar order drawn up, which I was hoping to introduce in a few moments, condemning the action of Commissioner Hultman in opposing the continuance of these concerts in the Hatch Shell on the Esplanade, concerts which have been carried on

for so many years and which there is every reason for continuing. I understand, not at first hand, but from reading the newspapers that there is also opposition to the concerts, arising from the fact that while they are in progress an air raid might occur in the City of Boston. I differ with anyone who may have that opinion, but I don't believe it is the final reason for objection. If that was a legitimate reason and some people are trying to eliminate these concerts for fear of an air raid while they are in progress, then I say, how about these dog and horse races and many similar enterprises that we have in the Commonwealth? Here are concerts that are given every year in the Hatch Shell, which have won the unstinted praise of every individual who understands and appreciates music; and it seems to me that, particularly in these trying times, such an opportunity for leisurely and pleasant enjoyment of music should be afforded to our people. It will soften for a time, at least, the difficult times through which we are passing and will give them, through these concerts which they love so much an inspiration which they can carry into their everyday life. I wish to join in the order, and I certainly trust that it will be passed by the Council.

Coun. KINSELLA—And, Mr. President, I would like to add Councilor Russo's name as one of the sponsors of the order, and I certainly trust that the rule will be suspended, and that the order will be passed at once.

Coun. RUSSO—Mr. President, as I have already intimated, I had in mind a similar order and I was going to ask the Mayor of Boston to set aside a sum of money for this purpose, if lack of money is the only argument that Commissioner Hultman can offer. And I would like to add just a word. I understand there is the further argument for stopping these concerts that while they are in progress we might have an air raid warning and a threat to the people congregated there. I think, in that connection, it is about time that the Governor should reconsider and stop the horse and dog racing for the duration of the war. At those races there might be a real threat, with their illumination at night and with the crowds of fifteen, twenty or twenty-five thousand people assembled at Revere and in East Boston. Certainly, if there should be an air raid while those races are going on, the Lord help those who are present at the races, because if there should be a scare and a bombing attack there would undoubtedly be many dead. Apparently Commissioner Hultman does not want to have these concerts at the Hatch Shell on the Esplanade. Well, I think it is about time that the people should be given what they should have, in this and other respects. Instead of having horse and dog racing, let us have more concerts in Boston.

Coun. COFFEY—Mr. President, at the outset I would like to ask the councilor to withdraw his motion, so that I can make a motion. I am glad that this order has been brought in here today as a result of the attempt by Commissioner Hultman to stop these concerts. I feel that way for several reasons, and if the councilor will be good enough to withdraw his motion to suspend the rule, I would like to make a motion that this order be referred to the Committee on Public Safety and that Commissioner Hultman and General Miles be asked to appear before the committee, so that we may thoroughly understand what this means. Certainly no objection can be raised to concerts of this kind while we still allow horse and dog racing to continue as they are, with their brilliant illumination. If we have the matter considered by the committee, some lighting system plan may be worked out to which there will be no objection. I certainly cannot understand why there should be objection on the part of Mr. Hultman or anybody else to these concerts while the horse and dog races are allowed to continue, with the brilliant lighting that we all know accompanies them at night.

Coun. Kinsella's motion to suspend the rule was withdrawn, and the order was referred to the Committee on Public Safety.

PRIVATE EMPLOYMENT OF POLICE.

Coun. SCANNELL offered the following:

Ordered, That the Acting Police Commissioner be requested, through his Honor the Mayor, to allow members of the Police Force to accept private employment during their time off, especially where their services are essential to the

war effort and so long as they do not accept employment with any concern or corporation subject to police regulations or supervision.

Coun. SCANNELL—Mr. President, I read in the local papers last week that Acting Police Commissioner Kavanagh took the ground that the action of men in the department who accepted other employment in their hours of leave should be stopped. It does seem to me, however, that in times like these, when we are having the continual call for men to give their services in different lines because it is necessary that it should be done, in view of the shortage of manpower in the city, state and nation, an opportunity should be afforded to the men in the Police Department to try to stop that gap. A man who enters the Police Department starts in at \$1,800, and in five years gets to \$2,300, and all that time is contributing to the Salvation Army, the Red Cross, and various other charitable and public activities. When you also include the 5 per cent Victory tax and other calls made upon the men, you can realize the serious reduction that there is in their pay. I think the Acting Commissioner should reconsider his position on this matter and should allow these men to go to work in certain other activities where their services will be welcome and useful, after they get through their work for the department, perhaps for three or four nights in the week. I believe most of the men are married and have children and that they are entitled to make a few dollars extra, at the same time helping in the war effort. I agree that I would not like to see the men working in factories, or that sort of thing, but I do feel that if they work in certain other activities which are so much in demand at the present time and in connection with which there is such a shortage of men, it is the duty of the Police Commissioner to allow them to do so, and, in fact, the experience they would have in thus keeping active and in condition would undoubtedly help them if in connection with their duty they should run into a thug or hoodlum. I think it is about time, if these men are anxious to go out and earn a few dollars for their wives and children, that they should be allowed to do it. We have been told at different times that these men are liable to duty for twenty-four hours a day, that they are on call. Well, if they are on call for twenty-four hours, why not give them substantial pay for twenty-four hours a day? Therefore, I move a suspension of the rule and the passage of the order.

The order was passed under suspension of the rule.

SOLDIERS' RELIEF.

Coun. RUSSO, 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 April.

Report accepted; said order passed.

PRICES OF MEAT.

Coun. RUSSO offered the following:
Ordered, That his Honor the Mayor be requested to confer with the officials of O. P. A. for the purpose of instituting action against meat dealers who are charging unlawful and outrageous prices for meat in the Boston market.

Coun. RUSSO—Mr. President, last week, as I have said previously, I was sick in bed for some days, but while I was there complaints came to me about the charges that were being made to people in the market, the exorbitant prices that they had to pay. In fact, even \$1.25 a pound was being charged for meat. Of course, we cannot allow a situation like that to continue in this city. I believe it is high time that city, town and state officials should try to bring these things to light in order that these black markets, as I call them, shall be stopped, and stopped at once. At every patriotic meeting public office holders and speakers generally tell the people to make sacrifices. Our good Mayor, among others, has called upon each and every one to make sacrifices, and the people of Boston have responded in a proper spirit. They will continue to make these sacrifices, in order that this war may come to an

end as soon as possible, and that we shall be victorious. But, Mr. President, this situation seems to still exist, not only in the City of Boston but, I believe, in every city and state throughout the country, while we are appealing to the patriotism of every individual. I was happy to read in the paper that two ceilings have already been issued. But I have had this order prepared, and I still feel that what we are seeing about us on every hand warrants the introduction of this order; because I think, in spite of the new ceilings we are told are being put into effect, there is going on a practice that is vital to each and every one of us and a threat to our very existence. Prices have gone up, I believe, 200 and 300 per cent, in fact to a point that most people can hardly afford to eat. Such things threaten seriously the average pay roll, and I therefore trust that the O. P. A. officials will crack down on these individuals who are, as I feel, violating the law and menacing the welfare and well being of our citizens. I trust that his Honor the Mayor also will instruct all the inspectors at his command to make a survey and to see that this black market is eliminated once and for all because it is an encroachment on our liberties and really a threat to our boys who are fighting for us and who, while they are at the front, will not want to see the home front threatened. A breakdown on the home front will react on our boys at the fighting front. Now is the time to stop this kind of thing, and I trust that the order will pass.

The order was passed under suspension of the rule.

CONTINUANCE OF ESPLANADE CONCERTS.

Coun. RUSSO offered the following:

Ordered, That his Honor the Mayor be requested to confer with his Excellency the Governor and the Metropolitan District Commissioner on the matter of allowing a continuance of the concerts on the Charles River Esplanade during the summer season; and be it further

Ordered, That his Honor the Mayor provide sufficient funds to permit the continuance of these concerts.

Referred to Committee on Public Safety.

REPORT OF COMMITTEE ON PARKS AND PLAYGROUNDS.

Coun. D. F. SULLIVAN, for the Committee on Parks and Playgrounds, submitted the following:

Report on order (referred February 15) *re* use of portion of Franklin Park for "Victory Gardens"—that same ought to pass.

Report accepted; said order passed.

INCREASE TO MEMBERS OF FIRE ALARM BRANCH.

Coun. D. F. SULLIVAN, HANNON and HANLEY offered the following:

Ordered, That his Honor the Mayor be requested to consider the feasibility of giving the Fire Alarm Branch of the Boston Fire Department the same permanent increase as was given to the uniformed force.

Passed under suspension of the rule.

RELEASE OF FISHING BOATS.

Coun. HANLEY and FISH offered the following:

Ordered, That his Honor the Mayor consider the advisability of conferring with Government officials, with a view to having released the fishing boats which were commandeered by the United States Government; such release being vitally important at the present time, due to a possible consumption of fish (due to the rationing of meat); such release would solve the present shortage of fish and serve to reduce the exorbitant price of such a vital commodity.

Coun. HANLEY—Mr. President, in the past week the matter of the shortage of fish in our food supply, as well as the strike, have been brought to our attention, and a former Mayor of Boston has castigated the fishermen, who are at the present time, he claims, enjoying large salaries and wages and have been refusing to do the work that they might do, with the result that fish has been scarce and that we have had to pay these high prices for the fish that we obtain. But in this criticism there has evidently been forgotten the elementary rule of economics, which is based on supply and demand. There are certain things upon which we depend for existence, and which are interchangeable for money. But sometimes events interfere with the natural course of trade or interchange. A blight or hurricane, for example, can lessen the supply of meat, or an adverse cause of any nature may jeopardize the production or furnishing of a commodity. A fire, hurricane, or anything of a destructive nature in a factory, will jeopardize the manufacture of goods, or if things go along favorably the supply will increase. And so the law of supply and demand controls, unless some artificial element is introduced. A shortage of supply naturally means an increase in price, and if too large an amount of money is in circulation it reduces the value of the money itself. A fire or a disaster of any kind naturally will affect production, distribution and cost. Now, Mr. President, we must bear in mind that we have here this situation, that the Government of the United States has taken over certain fishing boats. They have been commandeered by the Government and removed from their ordinary use by the fishermen, with the result that we have a decreased supply of fish and that a higher price must be paid for the fish that are brought in. If, through conference with Government officials, there can be a return, temporary at least, of those boats or some of them, such a release will naturally lead to an increased use of the boats for fishing and, therefore, to an increase in the amount of fish supplied to the community. Such a release will naturally solve the present shortage of fish to a great extent, and tend to make the price of fish more reasonable, to the great benefit of our constituency, who will thereby be able to obtain in greater quantity such a vital food necessity. At the present time these fishermen go out and, according to union rules, take turns with the facilities they have and divide up the money that is received in proper proportion. While certain ones are out fishing in accordance with this equitable division, the others remain on land, and when their turn comes they go out and the ones who were out first take their turn on land. Now, if the United States Government will turn back these fishing boats, or a certain number of them, it will result in increasing the amount of fish that will be brought to our shores for the consumption of the community, drawing upon the practically unlimited fish resources of the ocean, the fish not having been contaminated, as man may have been, by birth control. The whole fishing program will then move along in a more natural way, the men will be able to obtain good salaries and continuous employment, will be able to supply the necessary fish to our markets, and the present shortage will to a large extent probably be eliminated. We are all familiar, of course, with what has happened to certain commodities that have been affected by existing conditions which have interfered with the old law of supply and demand. Take tea, for example, 200 cups of liquified tea could be brewed from one pound of average tea. The average cost paid by the consumer would approximate 80 cents per pound in raw form. Two hundred cups would be sold by restaurants at 10 cents per cup; 50 per cent of which would cover the cost of other ingredients, making the cost of one pound of raw tea approximately \$10. According to the Restaurant and Hotel Association, they contemplate making 105 cups of brewed coffee from one pound. The average cost paid by the consumer would approximate 30 cents ready to be brewed. One hundred and five cups would be sold by restaurants at five cents per cup (and in many cases, by hotels at 10 cents per cup). The cost of butter (which sometimes is adulterated) and the cost of meats have skyrocketed beyond all reasonable proportions. If one segment of the population is to be criticized by a former Mayor for the high price of a commodity, then, in all fairness, all should likewise be criticized. In other words, in all these cases an artificial element has interfered with the operation of the law of supply and demand as it affects prices. So why not condemn the whole

race instead of one part of the human race? About two years ago I had the privilege and opportunity, representing my firm, of examining into the operations of many people who were engaged in the process of extracting the important vitamin D from fish livers. I followed the process employed in chronological order, from the time of birth of the little fish, the diet used and the results obtained, up to the point where they obtained the vitamin D from the liver of the cod, watching the results of certain diets, which were carefully checked, noting that certain treatment would apparently improve their vigor and brightness of the eyes and that certain other treatment would be injurious, the scales coming off the body. After a certain length of time they were put to death, and then the chemists used their scalpels on the liver, extracting the important element they were after. And to test the thing little chicks were fed with the extract and the different results noted. The whole thing strongly impressed on my mind the important scientific relationship between fish life and human life and health. I believe, therefore, that the time is opportune for the Governor and Mayor to take action looking to a partial return at least of these commandeered fishing boats, so that they and the fishermen may to some extent return to their normal activity, to the great benefit of the public and the partial remedy at least of the situation which we are now facing. I ask a suspension of the rule and the passage of the order.

The order was passed under suspension of the rule.

SIDEWALK CONSTRUCTION, WARD 15.

Coun. KELLY offered the following:

Ordered, That the Commissioner of Public Works make a sidewalk along Fenton street (both sides), Duncan street to Clayton 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.

Passed under suspension of the rule.

REPORT OF COMMITTEE ON PUBLIC WELFARE.

Coun. KINSELLA, for the Committee on Public Welfare, submitting the following:

Report on order (referred March 29) to provide for farm labor, etc.—that same ought to pass.

Report accepted; order passed.

REMOVAL OF CERTAIN ADVERTISING SIGNS, ETC.

Coun. FISH offered the following:

Whereas, The City Council and the Mayor have named certain squares and street intersections in honor of veterans of the several wars in which the United States has been engaged; and

Whereas, It appears that in several instances the significance of the ornamental signs designating such squares is being destroyed by the placing thereon of street and advertising signs and other attachments;

Ordered, That the Commissioner of Public Works be requested to cause to be removed from the posts now or hereafter erected carrying the names of squares so named, all signs or attachments other than that carrying the name of the veteran.

Coun. FISH—Mr. President, very briefly, this matter was brought to my attention by a Legion veteran whom I happened to see recently. He seemed quite disturbed over the fact that this sort of thing was going on, and that posts erected in honor of veterans should be used as a sort of showcase for advertising. I am inclined to believe that if this condition prevails it should be stopped. I believe that any post erected in honor to a

veteran who has passed on should not be in any way desecrated as has been done in the case that this member of the State Legion has brought to my attention.

The order was passed under suspension of the rule.

ROPING OFF STREETS APRIL 19.

Coun. DWYER and FOSTER offered the following:

Ordered, That the City Messenger be directed to rope off the streets along the route of the 47th Annual Marathon Race to be conducted by the Boston Athletic Association on Monday, April 19, the expense of same to be charged to the City Council fund for Ropes, Flags and Stakes.

Passed under suspension of the rule.

JURORS DRAWN.

Jurors were drawn, under the law, Coun. HANNON presiding at the box in the absence of the Mayor, as follows:

Eighty-eight traverse jurors, Superior Criminal Court, to appear May 3, 1943:

Angelo Butaro, Ward 1; John Dimico, Ward 1; James DiMarco, Ward 1; Agrippino Palcarno, Ward 1; Generoso J. Sacco, Ward 1; Thomas J. Shea, Ward 1; Warren Smith, Ward 1; Lewis H. Cirinck, Ward 2; David Denner, Ward 3; Alfonso Marino, Ward 3; Charles Micheli, Ward 3; Vincent Sudano, Ward 3; Joseph T. Keefe, Ward 4; John H. Phelps, Ward 4; Horatio A. Smith, Jr., Ward 4; Curtis H. Snow, Ward 4; Raymond Spencer, Ward 4; Edmund C. Lake, Ward 5; David M. Smith, Ward 5; Louis Langevin, Ward 7; William M. Sullivan, Ward 7; Louis D. Weingart, Ward 7; Edward L. Hunter, Ward 8; William Wallace, Ward 8; Earl Keenan, Ward 9; George F. Weeks, Ward 9; William H. Armstrong, Ward 10; Raymond G. Chisholm, Ward 10; William J. Hartin, Ward 10; Edward J. Reddish, Ward 10; Thomas F. Reddish, Ward 10; Thomas A. Magee, Ward 11; James A. Palmer, Ward 11; Harold D. Spellman, Ward 11; Lovering Watt, Ward 11; Morris R. Weinfeld, Ward 11; Philip Berger, Ward 12; Joseph E. Fay, Ward 12; George C. Kealey, Ward 12; Michael C. Maboney, Ward 12; John Shea, Ward 12; John A. Magner, Ward 13; George Zolot, Ward 13; Abraham Abelman, Ward 14; Harry Adelstein, Ward 14; Harry Gilbert, Ward 14; Edward Gould, Ward 14; George Gould, Ward 14; Samuel Hartstone, Ward 14; Marx Spitz, Ward 14; Samuel Starr, Ward 14; Thomas F. Astle, Ward 15; Edward J. Derwan, Jr., Ward 16; Walter J. Landers, Ward 16; William Larsen, Ward 16; Henry P. Renj, Ward 16; Willis C. Sargent, Ward 16; John Bertrand Pollock, Ward 16; William W. Monardo, Ward 17; Everett A. Saunders, Ward 17; David W. Blume, Ward 18; Michael J. McWade, Ward 18; Francis J. Shea, Ward 18; Edward F. Abbott, Ward 19; Alfred J. Broadhurst, Ward 19; George H. Burnham, Ward 19; Thomas P. Connolly, Ward 19; William J. Hannon, Ward 19; William E. Harris, Ward 19; James L. Horgan, Ward 20; John J. McKeon, Ward 20; Charles E. Reddish, Ward 20; Thomas W. Slattery, Ward 20; Frank J. Weston, Ward 20; Leonard B. Wetmore, Ward 20; Louis Dunn, Ward 21; Frederick J. Gandle, Ward 21; Lester Miller, Ward 21; Arthur L. O'Donnell, Ward 21; Arthur J. West, Ward 21; Harold C. Foulkes, Ward 22; William Hardiman, Ward 22; Charles H. Maloney, Ward 22; Lawrence R. Newton, Ward 22; John A. Rice, Ward 22; John T. Ridge, Ward 22; Percy A. Simmons, Ward 22; Bernard L. Toomey, Ward 22.

One hundred ninety traverse jurors, Superior Civil Court, April Sitting, to appear May 3, 1943:

Anthony J. Almeida, Ward 1; Robert J. Carter, Ward 1; Joseph Cotte, Ward 1; George Dermody, Ward 1; Louis Greco, Ward 1; Joseph P. Hourihan, Ward 1; Herbert W. Johnson, Ward 1; George A. Kraytenberg, Ward 1; Albert C. Knox, Ward 1; Michael Lottero, Ward 1; Charles B. Mullen, Ward 1; John F. O'Hare, Ward 1; Joseph Porrazzo, Ward 1; Ralph Robinson, Ward 1; Joseph L. Russell, Ward 1; Albert W. Saunders, Ward 1; Stephen C. Sullivan, Ward 1; Frederick B. Teed, Ward 1; Jeremiah J. Crowley, Ward 2; James W. Dallas, Ward 2; Thomas Leduc, Ward 2; Francis J. McLaughlin, Ward 2; Winsor W. Raymond, Ward 2; Joseph Serio, Ward 2;

Salvatore Abramo, Ward 3; Paul Andolino, Ward 3; Joseph D. Fazio, Ward 3; George F. Langone, Ward 3; Joseph R. Manfra, Ward 3; Frank Saitta, Ward 3; Abraham Seckman, Ward 3; Harold A. Tibets, Ward 3; William J. Vasen, Ward 3; Earle M. Blackburn, Ward 4; Charles S. Merrill, Ward 4; William D. Peters, Ward 4; Kelsey E. Robbins, Ward 4; Gordon D. Wheaton, Ward 4; Joseph S. DeLuca, Ward 5; Vernon D. Foster, Ward 5; O. Werner Hanson, Ward 5; James F. Iler, Ward 5; Charles C. Milligan, Ward 5; Nathan Waldman, Ward 5; Charles J. Connors, Ward 6; James A. Gallivan, Jr., Ward 6; Peter G. Kennedy, Ward 6; Thomas C. Anderson, Ward 7; John J. Cheney, Ward 7; Harry J. Honan, Ward 7; Anthony Kengris, Ward 7; William J. Keough, Ward 7; James V. Ketelley, Ward 7; John L. Moynihan, Ward 7; Joseph Slace, Ward 7; William Annand, Ward 8; Leland D. MacCormack, Ward 8; Edward A. Doyle, Ward 9; William H. McAuliffe, Ward 9; Walter McGinley, Ward 9; John J. Burns, Ward 10; Harold B. Fitzgerald, Ward 10; Arthur B. Hundley, Ward 10; Robert J. McGarrell, Ward 10; Alfred Oderno, Ward 10; James M. Quinn, Ward 10; Thomas A. Scanlon, Jr., Ward 10; Harold T. Sweeney, Ward 10; Frank A. Allen, Ward 11; James H. Daley, Ward 11; Francis J. Egan, Ward 11; Patrick G. Fallon, Ward 11; Mortimer F. Fitzgerald, Ward 11; Jeremiah W. Fitzgibbons, Ward 11; Michael Hynes, Ward 11; Morris Stamler, Ward 11; Jacob Garr, Ward 12; Eugene H. Gross, Ward 12; Hyman E. Kaplan, Ward 12; James McCall, Ward 12; James MacDonald, Ward 12; Ralph B. Reed, Ward 12; William Sadow, Ward 12; Nathan Segal, Ward 12; Harry H. Sherman, Ward 12; Andrew G. Simpson, Ward 12; Walter L. Donnelly, Ward 13; Francis A. Driscoll, Ward 13; Joseph T. Dunican, Ward 13; Patrick J. Duran, Ward 13; Timothy J. FitzGerald, Ward 13; Chester H. Libbey, Ward 13; Robert O'Donnell, Ward 13; David Sandler, Ward 13; Abraham G. Aserkoff, Ward 14; Samuel Cohen, Ward 14; William F. Cox, Ward 14; Philip Cutler, Ward 14; James Goggin, Ward 14; Harry Kapper, Ward 14; Thomas F. Kinsella, Ward 14; Nathan Krassin, Ward 14; Albert Parker, Ward 14; David I. Peacard, Ward 14; Harry Rosen, Ward 14; Solomon Shaff, Ward 14; Samuel Israel Sherman, Ward 14; Maxwell M. Weiner, Ward 14; Everett T. Allen, Ward 15; Christopher J. Atkinson, Ward 15; Joseph F. Celli, Ward 15; Everett L. Cheney, Ward 15; Ashley P. Cutting, Ward 15; Joseph J. Donahue, Ward 15; Patrick Kennedy, Ward 15; Manuel J. Peters, Ward 15; Thomas H. Regan, Ward 15; Thomas E. Campbell, Ward 16; Waldron Cluett, Ward 16; Lawrence A. Connors, Ward 16; Richard T. Delaney, Ward 16; John J. Doyle, Ward 16; Daniel J. Jadrey, Ward 16; Daniel T. O'Connor, Ward 16; A. Edward O'Neil, Ward 16; William P. Price, Ward 16; William M. Richard, Ward 16; William H. Sbiels, Ward 16; Daniel E. Welch, Ward 16; Henry W. Cahill, Ward 17; Edgar F. Caron, Ward 17; Joseph F. Finn, Ward 17; Chester Gramstorff, Ward 17; John R. MacAdam, Ward 17; Charles F. Reardon, Ward 17; Edward J. Sullivan, Ward 17; James J. Sullivan, Ward 17; Malcolm A. Bowman, Ward 18; John P. Daley, Ward 18; Luigi De Baptista, Ward 18; William Hayer, Ward 18; Augustus H. Lind, Ward 18; Frank H. Luce, Ward 18; Thomas E. Nolan, Ward 18; Clarence J. Pettigill, Ward 18; Carl O. Reed, Ward 18; Leo E. Ryan, Ward 18; Maurice Tack, Ward 18; Fritz H. Waechter, Ward 18; Edward G. Bayer, Ward 19; Clarence M. Carlson, Ward 19; John F. Duffy, Ward 19; John D. English, Ward 19; Joseph B. Fay, Ward 19; John E. Glennon, Ward 19; Herbert T. Hogan, Ward 19; Harry L. Land, Ward 19; George A. McCarter, Ward 19; Samuel C. Alexander, Ward 20; Albert A. Bausch, Ward 20; Timothy D. Cashman, Ward 20; Joseph G. Kerrigan, Ward 20; Martin Meehan, Ward 20; Arthur H. Ross, Ward 20; James W. Ryder, Ward 20; John J. Sheridan, Jr., Ward 20; Harry Barber, Ward 21; Benjamin F. Burke, Ward 21; Frederick P. Carmody, Ward 21; John L. Coole, Ward 21; Bernard J. Cunningham, Ward 21; Hyman W. Dine, Ward 21; Joseph E. Donovan, Ward 21; Leo J. Earley, Ward 21; Joseph H. Forest, Ward 21; Harry C. Garland, Ward 21; Jacob Grosberg, Ward 21; James C. Papadopoulos, Ward 21; Stanley C. Penton, Ward 21; John F. Regan, Ward 21; John J. Rooney, Ward 21; John Ryan, Ward 21; Bertram Silberman, Ward 21; Benjamin

T. Adelman, Ward 22; Morris Caplan, Ward 22; Steven J. Chapas, Ward 22; James H. Mullyay, Ward 22; John Bernard O'Connor, Ward 22; William J. O'Kane, Ward 22; William Shute, Ward 22.

RECESS.

By direction of Chairman M. H. SULLIVAN, the Council took a recess at 3.22 p. m. The members reassembled and were called to order by Chairman M. H. SULLIVAN at 3.35 p. m.

EXECUTIVE COMMITTEE REPORTS.

Coun. TAYLOR, for the Executive Committee, submitted the following:

Report on petition (referred today) of Charles M. Rotch for children to appear at Skating Club Hall, April 10—that permit be granted.

Report accepted; permit granted under usual conditions.

Adjourned at 3.37 p. m., on motion of Coun. HANNON, to meet on Monday, April 12, 1943, at 2 p. m.

CITY OF BOSTON.

Proceedings of City Council.

Monday, April 12, 1943.

Regular meeting of the City Council in the Council Chamber, City Hall, at 2 p. m., President HANNON in the chair. Absent, Coun. Fish, Foster, Goode, Linehan, Lyons, Scannell, Wickes. The meeting was opened with the salute to the Flag.

APPOINTMENTS BY THE MAYOR.

Subject to confirmation by the Council the Mayor submitted the following appointments, viz.:

Authorized to Serve Civil Process Upon Filing Bonds.

William A. Amsie, 30 Carruth street, Ward 16; Henry Atwood, 28 Melbourne street, Ward 16; Samuel C. Baker, 25A Wabon street, Ward 12; Joseph L. Bennett, 20 Deckard street, Ward 12; Carl Birger Berg, 79 Seymour street, Ward 19; Alfred Blaustein, 23 Fernboro street, Ward 14; Abram Bornstein, 625 Warren street, Ward 12; Thomas F. Brett, 15 Malta street, Ward 18; Charles B. Broad, 94 Corey road, Ward 21; George W. Brooker, 258 Park street, Ward 20; Louis Budd, 23 Stow road, Ward 18; Arthur E. Byrnes, 745 Saratoga street, Ward 1; Edgar F. Callahan, 29 Hano street, Ward 22; Thomas Cannizzaro, 96 H street, Ward 6; James A. Canton, 169 Glenway street, Ward 14; Daniel B. Carmody, 10 Aberdeen street, Ward 21; William K. Coburn, 116 Englewood avenue, Ward 21; Sydney Cohen, 64 American Legion highway, Ward 14; John M. Crawford, 27 Washington street, Ward 2; Henry G. Dahlquist, 40 South Munroe terrace, Ward 16; Charles M. Daley, 2 Toledo terrace, Ward 15; Americo A. DeSimone, 31 Faywood avenue, Ward 1; Walter A. Donlan, 23 Lorette street, Ward 20; Lewis Gilbert, 627 Walk Hill street, Ward 14; Samuel Goldkraud, 24 Howland street, Ward 12; Meyer Goldstein, 27 Long avenue, Ward 21; Salvatore Grassa, 11 Copeland street, Ward 12; Joseph Herman, 93 Lucerne street, Ward 14; Max Jacobs, 49 Chambers street, Ward 3; Max Kaplan, 1220 Blue Hill avenue, Ward 14; Arnold Klevens, 165 Ruthven street, Ward 12; Bronis Kontrim, 120 Marine road, Ward 7; Mark H. Krafur, 447 Norfolk street, Ward 14; Nathan Kravitsky, 306 Washington street, Ward 14; Maurice Levine, 45 Fowler street, Ward 14; Anthony Luongo, 32 Shelby street, Ward 1; Salvatore Maffei, 11 Orient avenue, Ward 1; Isie Martin, 12 Ashton street, Ward 14; William P. Miles, 53 Walnut avenue, Ward 12; Frank A. Mitchell, 7 Bruce street, Ward 16; Bernard M. Mullen, 4 Neptune road, Ward 1; Edward Ober, 95 Nightingale street, Ward 14; Michael W. Ober, 1325 Commonwealth avenue, Ward 21; Louis H. Oppenheim, 7 Mt. Hood road, Ward 1; Nachman Perlman, 69 Greenwood street, Ward 14; Phillip S. Phillips, 829 Blue Hill avenue, Ward 14; George N. Pierce, 1107 Harrison avenue, Ward 8; Louis Richmond, 111 Waumbek street, Ward 12; Myers Rosenberg, 576 Blue Hill avenue, Ward 14; William T. Rosengarten, 164 Intervale street, Ward 14; Everett J. Roston, 34 Hollander street, Ward 12; Almerindo Sarno, 1 Cedar square, Ward 9; Jacob E. Schrank, 227 Harvard avenue, Ward 21; Frank Shaw, 69 Mora street, Ward 17; Sidney Scheinfeld, 166 Rosseter street, Ward 14; Isaac Shulman, 128 Devon street, Ward 14; Joseph Simansky, 77 Nightingale street, Ward 14; Henry J. D. Small, 14 Windermere road, Ward 13; Walter J. Stewart, 43 Paul Gore street, Ward 19; Jerome Suvalle, 19 Owen street, Ward 18; Benjamin J. Tackeff, 52 Columbia road, Ward 14; David Tobey, 162 Harvard street, Ward 14; Francis J. Tobin, 29 Parsons street, Ward 22; Joseph Todisco, 149 Paris street, Ward 1; Joseph M. Torr, 67 Worcester street, Ward 9; Roman J. Vasil, 11 Granada avenue, Ward 18; Harry A. Webber, 7 Hereford street, Ward 5; David Weir, 259 Beacon street, Ward 5; Sidney Williams, 7 Greenville street, Ward 12; Charles A. Wood, 648 Sixth street, Ward 6; John W. Wragg, 62 Shepton street, Ward 16.

Constables Connected With Official Positions.

Joseph C. Altobello, 7 Oak place, Ward 18; Philip Amaru, 106 East Newton street, Ward 8; James Baxter, 50 Greenbrier street, Ward 17; Joseph Brogna, 294 Hanover street, Ward 3; Andrew Bruschette, 45 Chelsea street, Ward 1; Edward A. Burke, 68 Leonard street, Ward 15; William J. Burns, 54 Wilmington avenue, Ward 17; Joseph P. Carr, 2 Moseley street, Ward 13; William G. Cass, 20 Atherton street, Ward 11; Joseph Cohen, 65 Homestead street, Ward 12; George L. Conway, 30 Clarkston street, Ward 15; John H. Coughlin, 10 Ainsley street, Ward 16; Edward N. Couzens, 121 Harrishof street, Ward 12; John J. Cunniff, 321 South Huntington avenue, Ward 10; William E. Davis, 304 Warren street, Ward 12; John DiMare, 42 Green street, Ward 3; John D. Donohoe, 468 Saratoga street, Ward 1; Edward Donovan, 336 Geneva avenue, Ward 15; George A. Douglas, 1387 Commonwealth avenue, Ward 21; Charles E. Dowd, 135 Marlborough street, Ward 5; James A. Doyle, 16 Bourne street, Ward 19; Joseph L. Duffley, 15 Spencer street, Ward 17; Joseph W. Fitzgerald, 25 Millmont street, Ward 9; Cornelius T. Fitzpatrick, 17 King street, Ward 16; James J. Flanagan, Jr., 1421 Columbus avenue, Ward 11; John F. Ganley, 98 Toplift street, Ward 15; Dennis P. Glynn, 31 Linden Park street, Ward 9; James J. Goode, 169 Metropolitan avenue, Ward 18; David Gordon, 31 Allen street, Ward 3; J. Thomas Greensmith, 20 Follen street, Ward 4; Jacob Gropman, 33 Irving street, Ward 5; Henry J. Gurl, 183 Huntington avenue, Ward 4; Charles G. Haddad, 120 Union Park street, Ward 3; Francis T. Hannon, 8 Mitchell street, Ward 7; Murray Harris, 11 Kingsdale street, Ward 14; William J. Hayes, 15 Shannon street, Ward 22; Edward F. Hines, 10 O'Callaghan way, Ward 7; John Jennings, 21 Walton street, Ward 17; Robert Kelly, 1 Ingleside street, Ward 13; Herbert F. Kinney, 10 Carney court, Ward 2; Henry J. Lawlor, 95 McBride street, Ward 11; Bernet Levenson, 127 Sutherland road, Ward 21; Wilbur Lewis, 621 East Eighth street, Ward 7; Joseph P. Lydon, 19 Windermere road, Ward 13; James Lyons, 4 Sever street, Ward 2; James F. Mahoney, 667 Broadway, Ward 6; Andrew Martin, 11 Kingsdale street, Ward 14; James Martin, 107 Kenrick street, Ward 22; Fred H. Matthews, 18 Ifley road, Ward 11; Arthur R. Matthews, 28 Dalmyrple street, Ward 11; Thomas R. McArdle, 40 Elmira street, Ward 22; Thomas F. McCready, 133 Lourdes avenue, Ward 11; Aloysius McGarry, 1075 Boylston street, Ward 5; Edwin J. McGowan, 51 M street, Ward 6; Francis E. McKittrick, 34 Baker street, Ward 20; Archibald P. McNeil, 31 Charlemont street, Ward 16; Jeremiah E. Murphy, 38 Summer street, Ward 20; Thomas H. Nee, 668 West Roxbury Parkway, Ward 20; Edward J. Noonan, 11 Kinross road, 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, 1617 Tremont street, Ward 10; James P. O'Connor, 335 South Huntington avenue, Ward 10; Joseph L. O'Connor, 9 Delle avenue, Ward 10; Michael Penta, 492 Sumner street, Ward 1; John F. Quinlan, 173 Beech street, Ward 20; John J. Rea, 68 Russell street, Ward 2; Michael Ryan, 1302 Commonwealth avenue, Ward 21; Timothy F. Scannell, 272 West Third street, Ward 6; Francis J. Shea, 39 Belmont street, Ward 2; Kane Simonian, 333 Meridian street, Ward 1; Hyman Slate, 28 Phillips street, Ward 5; John Smyth, 28 Kempton street, Ward 10; Edward H. Sullivan, 27 Charles street, Ward 15; Patrick E. Sullivan, 31 Tolman place, Ward 12; Bernard B. Tavel, 57 Charlotte street, Ward 14; Herbert C. Timson, 117 Beacon street, Ward 18; William A. Walsh, 68 London street, Ward 1.

City Messenger.

Edward J. Leary, 90 Fenway, Ward 4.

Supervisor of Licensed Minors.

Timothy F. Regan, 4A Weld avenue, Ward 11.

With Animal Rescue League.

Archibald MacDonald, 710 East Sixth street, Ward 6.

With Massachusetts S. P. C. T. A.

Harry L. Allen, 180 Longwood avenue, Ward 10.

Van Drivers Appointed by the Court.

Patrick A. Gargan, 31 Upcrest road, Ward 22; Charles M. Shea, 100 Hillside street, Ward 10.

Severally laid over a week under the law.

ANNUAL LIST OF MINOR OFFICERS.

The annual list of minor officers paid by fees, appointed by the Mayor for the term of one year beginning May 1, 1943, as contained in City Document No. 44, was received.

Laid over for one week under the law.

SQUARES AND STREETS NAMED IN HONOR OF VETERANS.

The following was received:

City of Boston,
Office of the Mayor, April 12, 1943.
To the City Council.
Gentlemen,—I transmit herewith communication from the Commissioner of Public Works relative to your order of April 8, 1943, regarding the condition of certain squares and street intersections named in honor of veterans of the several wars in which the United States has been engaged.

Respectfully,
MAURICE J. TOBIN, Mayor.

City of Boston,
Public Works Department,
April 9, 1943.

Arthur C. Carey,
Chief Clerk, Mayor's Office.

Dear Mr. Carey,—This is in reference to the following order that was passed in the City Council under date of April 5:

"Whereas, The City Council and the Mayor have named certain squares and street intersections in honor of veterans of the several wars in which the United States has been engaged; and

"Whereas, It appears that in several instances the significance of the ornamental signs designating such squares is being destroyed by the placing thereon of street and advertising signs and other attachments;

"Ordered, That the Commissioner of Public Works be requested to cause to be removed from the posts now or hereafter erected carrying the names of squares so named, all signs or attachments other than that carrying the name of the veteran."

I do not believe that the conditions referred to in the above-referenced order are prevalent in many sections of the city. However, you may be certain that the department will make an immediate inspection of the hero signs and posts, and remove any advertising matter from them.

Steps will be also taken at this time to repaint all such poles and signs, in order that they will be in good condition for the Memorial Day exercises that will be held at many of these squares and intersections.

Respectfully yours,
GEORGE G. HYLAND,
Commissioner of Public Works.

Placed on file.

RESURFACING OF ADAMS STREET.

The following was received:

City of Boston,
Office of the Mayor, April 12, 1943.
To the City Council.

Gentlemen,—I transmit herewith communication from the Commissioner of Public Works relative to your order of March 29, 1943, regarding the resurfacing of Adams street, from Gallivan Boulevard to King square, Ward 16.

Respectfully,
MAURICE J. TOBIN, Mayor.

City of Boston,
Public Works Department,
April 9, 1943.

Arthur C. Carey,
Chief Clerk, Mayor's Office.

Dear Mr. Carey,—This is in reference to the following order that was passed in the City Council on March 29:

"Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to resurface Adams street, from Gallivan Boulevard to King square, Ward 16."

The department is preparing specifications for the resurfacing of the above-referenced street, and the work will start at some time in the near future

or whenever the necessary priority ratings have been issued to the department by the Federal Government for the purchase of the essential materials needed in connection with this resurfacing work.

Respectfully yours,
GEORGE G. HYLAND,
Commissioner of Public Works.

Placed on file.

CLEANING OF SOUTH BOSTON STREETS.

The following was received:

City of Boston,
Office of the Mayor, April 12, 1943.
To the City Council.

Gentlemen,—I transmit herewith communication from the Commissioner of Public Works relative to your order of March 29, 1943, regarding the immediate cleaning of all streets in the South Boston district.

Respectfully,
MAURICE J. TOBIN, Mayor.

City of Boston,
Public Works Department,
April 9, 1943.

Arthur C. Carey,
Chief Clerk, Mayor's Office.

Dear Mr. Carey,—This is in reference to the following order that was passed in the City Council on March 29:

"Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to immediately arrange for the cleaning of all streets in the South Boston district."

The provisions of the above-referenced order have been complied with in detail, as we had a large number of men employed in the South Boston district for several days in the cleaning of all the streets in that area.

Respectfully yours,
GEORGE G. HYLAND,
Commissioner of Public Works.

Placed on file.

TUNNEL FEES FOR EAST BOSTON RESIDENTS.

The following was received:

City of Boston,
Office of the Mayor, April 12, 1943.
To the City Council.

Gentlemen,—I transmit herewith communication from the Commissioner of Public Works relative to your order of April 8, 1943, regarding the use of the Summer Tunnel by residents of East Boston for a 10-cent fare.

Respectfully,
MAURICE J. TOBIN, Mayor.

City of Boston,
Public Works Department,
April 9, 1943.

Arthur C. Carey,
Chief Clerk, Mayor's Office.

Dear Mr. Carey,—This is in reference to the following order that was passed in the City Council under date of April 5:

"Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to work out a system whereby residents of East Boston will be allowed to use the tunnel for a 10-cent fare."

As required under the provisions of statute law, the Department of Public Utilities approves all rates established in connection with the operation of the Summer Tunnel. That commission, in my opinion, would not approve a 10-cent rate for East Boston residents and a 20-cent rate for all other users of the tunnel.

Aside from this point, it would be most impractical to adopt such a system because it would involve administration problems impossible to solve, and unquestionably there would be a marked increase of automobiles registered to owners living in East Boston if this concession were granted to the residents of that section.

Respectfully yours,
GEORGE G. HYLAND,
Commissioner of Public Works.

Placed on file.

TRANSFER OF PARKMAN FUND INCOME.

The following was received:

City of Boston,
Office of the Mayor, April 12, 1943.

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 \$10,000 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 passage by your Honorable Body.

Respectfully,
MAURICE J. TOBIN, Mayor.

City of Boston,
Park Department, April 8, 1943.

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 \$10,000 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.....	\$10,000
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When making up the budget estimates for the year 1943, 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 1943, 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 \$10,000 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.....	\$10,000
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Referred to Executive Committee.

TYLER STREET BRANCH LIBRARY.

The following was received:

City of Boston,
Office of the Mayor, April 12, 1943.

To the City Council.

Gentlemen,—I transmit herewith communication from the trustees of the Public Library of the City of Boston relative to your order of March 15, 1943, regarding the inclusion in the 1943 budget of sufficient money for the reopening of the Tyler Street Branch Library in Ward 3.

Respectfully,
MAURICE J. TOBIN, Mayor.

City of Boston,
Library Department, April 6, 1943.

Hon. Maurice J. Tobin,

Mayor of Boston.

Dear Mr. Mayor,—At their meeting on April 2, 1943, the trustees of the Public Library gave careful consideration to the order passed by the City Council at its meeting on March 15, 1943.

That the trustees of the Boston Public Library be requested, through his Honor the Mayor, to include in the 1943 budget sufficient money for the reopening of the Tyler Street Branch Library in Ward 3.

and transmitted to their attention by your office under date of March 24, 1943.

The trustees submit respectfully the following report concerning the reopening of the Tyler Street Branch Library, namely, that there has occurred no change in the conditions which led to

the closing of this library in 1938 which would warrant the reopening of a branch library in that location.

It is the opinion of the trustees of the Public Library that what is desirable in the Tyler street area is not the provision of branch library service, but instead the provision of study room space for those children who are not in a position to carry on school study in the midst of crowded home areas.

Respectfully,
THE TRUSTEES OF THE PUBLIC LIBRARY
OF THE CITY OF BOSTON,
by JOHN L. HALL, Vice President.

Placed on file.

VICTORY GARDENS IN FRANKLIN FIELD.

The following was received:

City of Boston,
Office of the Mayor, April 12, 1943.

To the City Council.

Gentlemen,—I transmit herewith communication from the chairman of the Park Department relative to your order of April 5, 1943, regarding the plowing and harrowing of a portion of Franklin Field for Victory Gardens, said portion to be used by school children.

Respectfully,
MAURICE J. TOBIN, Mayor.

City of Boston,
Park Department, April 9, 1943.

Arthur C. Carey,

Chief Clerk, Mayor's Office.

Dear Sir,—I have your memorandum of April 7, with inclosure, order from the City Council that the Park Department plough and harrow a portion of Franklin Park for Victory Gardens, said portion to be used by school children, etc.

Please be informed it is the intention of the Park Department to plough the Playstead area—about twenty acres, but not to be used by school children. The school children have areas which they have taken care of, under Mr. O'Brien, for some time. They do not need the Playstead and they have areas all over the city that they use for children. They also do the ploughing and furnishing the seed,—this department has no jurisdiction over same.

Very truly yours,
WILLIAM P. LONG, Chairman.

Placed on file.

PETITIONS REFERRED.

The following petitions were received and referred to the committees named, viz.:

Claims.

Agnes G. Curran, for compensation for injuries caused by an alleged defect in Atlantic avenue.

Florence J. Driscoll, to be reimbursed for accident which occurred while in performance of duty as employee of Fire Department.

Walter F. Fales, for compensation for damage to car by city car.

E. W. Findlay, for compensation for damage to car caused by an alleged defect in Beacon street.

Nellie S. Gallagher, for compensation for damage to property at 1-7 Main street, Charlestown, caused by tearing down adjoining building.

John C. Henzler, for compensation for damage to property at 56 Oak Square avenue, caused by water.

Thomas F. Hession, for compensation for injuries caused by an alleged defect in Atlantic avenue.

Mrs. J. P. Mahan, for compensation for damage to sidewalks at 49 Chesbrough road, West Roxbury, caused during installation of sidewalks.

Annabel Maloney, for compensation for damage to property at 16 Magazinc street, caused by leak in water main.

Beulah M. Rhoten, for compensation for damage to car by city car.

Committee on Licenses.

Petition of Commonwealth of Massachusetts, Department of Public Works, for driveway opening at C street, between 365 C street and Claffin street.

COUNCIL MEMBERS IN ARMED FORCES.

The following was received:

City of Boston,
City Clerk's Office, April 12, 1943.

To the City Council.

Gentlemen,—So that it may be made a matter of record, I submit herewith communications from competent United States officials certifying that the following-named members of the City Council are in the military or naval forces of the United States, viz.:

Army Service.

James J. Goode, Jr.
A. Frank Foster.

Naval Service.

Thomas E. Linchan.
Theodore F. Lyons.
James M. Langan.
John C. Wickes.

Respectfully,

W. J. DOYLE, City Clerk.

Placed on file.

SIDEWALK ASSESSMENTS.

Communications were received from the Department of Public Works together with order assessing half-cost of constructing sidewalks to owners of estates bordering thereon, viz.:

	Half-Cost.
Russett road, Ward 20.....	\$943 55
Esther road, Ward 20.....	323 42

The orders were passed under suspension of the rule.

REPORT OF COMMITTEE ON LICENSES.

Coun. COFFEY, for the Committee on Licenses, submitted the following:

1. Report on petitions for driveway openings: United Farmers' Co-operative Creamery Association (referred December 21, 1942), at Roland street, Ward 2.

Boston Housing Authority (referred March 22), at 74-138 Medford street,—recommending that permits be granted under usual conditions.

Report accepted; said permits granted under usual conditions.

2. Report on petition of Boston American League Base Ball Company (referred March 22) for license for Sunday sports—that same ought to pass.

Report accepted; said permit granted under usual conditions.

3. Report on petition of National League Baseball Club of Boston, Inc. (referred April 5), for license for Sunday sports—that same ought to pass.

Report accepted; said permit granted under usual conditions.

BOND OF BOSTON AMERICAN LEAGUE BASEBALL COMPANY.

The bond of the Boston American League Baseball Company was received and approved.

SOLDIERS' RELIEF.

Coun. RUSSO, for the Committee on Soldiers' Relief, submitted the report recommending payment of aid to soldiers and sailors and their families in the City of Boston for the month of April.

Report accepted; said order passed.

PRINTING OF MUNICIPAL REGISTER, ETC.

Coun. KINSELLA 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.

CLEANING UP OF VACANT LOTS.

Coun. CAREY offered the following:

Ordered, That the Real Estate Division of the Public Buildings Department be requested, through his Honor the Mayor, to clean up all vacant lots now in their custody in order that same may be used for the planting of victory gardens.

Coun. CAREY—Mr. President, just a word on that order. I got the idea from a telephone call I received over the week end from a resident of the city who has a city-owned vacant lot beside his home, who wanted the privilege of using that lot for planting a Victory garden. He says that there is considerable rubbish and other debris on the lot and it will require cleaning up. No doubt that is just typical of many other lots that are available in the city, that are controlled by the Real Estate Division, and I think it would be well worthwhile for the division to clear these lots sufficiently in order that they may be made available for these Victory gardens. I ask for a suspension of the rule and the passage of the order.

The order was passed under suspension of the rule.

EXPENSES OF AIR RAID WARDENS.

Coun. CAREY offered the following:

Ordered, That the Director of Public Safety for the City of Boston be requested, through his Honor the Mayor, to arrange to pay the expenses, where necessary, for rent, light, telephone service and heat in the various precinct headquarters used by air raid wardens throughout the city.

Coun. CAREY—Mr. President I ask that that be sent to the Executive Committee as there is a delegation of air raid wardens here who would like to be heard on the matter.

The order was referred to the Executive Committee.

Coun. KELLY—Mr. President, I ask that Mr. Walsh be sent for.

President HANNON—The City Messenger will send for Mr. Walsh.

REPORT OF COMMITTEE ON FINANCE.

Coun. KELLY, for the Committee on Finance, offered the following:

1. Report on message of Mayor and order (referred April 5) for loan of \$640,000 for Public Welfare, Soldiers' Benefits, Federal Emergency Unemployment Relief Projects and Distribution of Surplus Commodities—that same ought to pass.

The report was accepted and the question came on the passage of the order.

Coun. CAREY—Mr. President, I don't want to have it appear that I am in any way opposing the desires of the Mayor to have the tax rate as low as possible. I realize that this is an election year and that some of the members of this Body are going to be candidates for re-election, and of course we like to have the tax rate as low as it possibly can be. But I do wonder, in view of the times that we are now going through, with the prospect that the war might be over within the next year or two, at which time conditions might be very bad, where the city might well be faced with the necessity to pay off incurred debt as fast as possible, whether it would not be better to have this money that is necessary under this loan added to our tax rate. Personally I do not feel that I want to vote for the loan in view of the conditions. We have been voting these loan orders through, you might say "pronto," since many of us have been in the Council, and I have sometimes wondered if that is a good idea. I realize that the Mayor is struggling to keep down the debt limit, that he is borrowing the money in order to spread the necessary expenditure from year to year, rather than to put it all on one year's tax bill. That is a pretty good idea and I credit him with it. He understands finances very well, I feel. But we are now at a time when we do not know just what the immediate future holds for us. There is doubt in my mind whether we should build up a larger debt or whether we should endeavor to face the facts as they really are. This is money that is necessary, necessary for the current expenses, so called. I do not know as there is anything in the distant future that this money is to be spent for. Undoubtedly it will all be spent this year. Why, then, is it not a current expense?

Why, then, should it not go into the tax rate? I realize, of course, that it would add something like 40 cents or so on the tax rate, but don't you think it better to put it on the tax rate and pay it off rather than to be paying it for the next five years? I feel that the city should be placed as far as possible on a pay-as-you-go basis in the years immediately before us.

Coun. M. H. SULLIVAN—Mr. President, in the past seven years the bonded indebtedness of the city has been reduced a substantial and unprecedented amount, in comparison. I feel that this year, in view of the economic circumstances, and in view of the high taxes that prevail on account of the Federal, State and City budgets, that we should give substantial consideration to any raising of the tax rate. I think that it is good economy to appropriate this \$640,000 loan for welfare relief this year. I think it is good economy for the taxpayer, in view of the fact that 45 cents per thousand means quite a bit, in view of the high tax rates everywhere prevailing, and it is good for the city in view of the fact that if we have a high tax rate we are going to have losses in collecting the larger amount. The higher the tax rate each year the lower the percentage taken in by the city. Accordingly, I do not think it is good economy for us not to pass this loan order here today. I think the conditions at the present time make it advisable, and I think that the future makes it advisable that we pass this loan order today, and I hope that the Body will go along with it.

Coun. RUSSO—Mr. President, I can't see any reason why, so soon after the budget has been passed, when I believe that the Welfare Department and the Soldiers' Relief were before the committee and there was nothing at all said about the loan that was going to come up for these particular departments, this order should come before us at the present time. Here we have just passed a budget which we at least hoped, and I think we all felt, was a budget which was going to take care of the running of the City of Boston for the year 1943. Right after that has gone in, within a week, we are confronted with a loan order for six hundred and some odd thousand dollars. Well, I don't know whether or not sometimes it is good to have these loan orders come in to us and accept them without any debate. I don't know if that is for the best interest of the people of the City of Boston. I know that some time ago in Executive Committee meeting, when the City Auditor was before us about these loan orders, it was told to us that we had to pay approximately two or two and one half per cent interest, and in due time we had paid in interest alone more than the principal itself. I don't think that we ought to accept this loan order at this time so quickly after passing the budget. I know that as far as the committee report is concerned, we have accepted the committee's report, but I can't see for the life of me how I can give my vote, and give it honestly, without knowing anything further as far as this loan is concerned, when it has come up before us right after the budget has been passed. If they knew about it, why didn't they explain to us when the budget hearings were being held. I hope it will not pass.

Coun. KELLY—Mr. President, I suppose as chairman of the committee I should have gotten up and spoken on this loan order, but this loan order has hit the Council every year since I have been a member of the Council. This is a loan order that has been sponsored by the Mayor as follows:

"Under the provisions of chapter 44 of the Acts of 1943, municipalities are authorized to borrow after satisfying certain requirements on account of appropriations made to Public Welfare, Soldiers' Relief, Federal Emergency Unemployment Relief Projects and Distribution of Surplus Commodities. Under the requirements of the act, cities and towns, to be eligible to borrow for Aid to Dependent Children, Old Age Assistance and Soldiers' Relief, must first provide by direct taxation appropriations for these items in amounts equal to actual expenditures for these purposes in the previous financial year. On all other forces of welfare disbursements, municipalities must by direct appropriations provide amounts equal to 70 per cent of the actual expenditures of the previous year. It has been determined that in the light of the foregoing requirements, the maximum amount the city may borrow this year for the purposes previously specified is \$648,835.05. I submit herewith an order authorizing the borrowing of \$640,000 under the provisions of chapter 44 of the Acts of 1943. This is the lowest amount to be borrowed for welfare purposes since 1933 when this method

of financing welfare requirements was instituted, and represents a reduction in excess of two million dollars from actual borrowings in 1942 for welfare purposes. I respectfully recommend adoption of the accompanying order by your Honorable Body."

Since I have been a member of this Council, Mr. President—this is my sixth year—a similar loan order has come in to the members of the City Council. I realize that we just passed a budget, but we only passed enough money for approximately 70 per cent of the expenses that are to be paid for this year. Under the Acts of 1943, chapter 44, we will have to borrow up to 30 per cent. I am also in favor of a pay-as-you-go policy, Mr. President, but I would like at least for this year to keep the tax rate as low as possible. I realize that we have given a pay increase to the city employees, and I realize that if we do not take advantage of some place that we can borrow we are going to have an exceptionally large tax rate. I do not believe that we should overburden the people in years to come, but I am going to vote in favor of this because, as I said before, it is something that has to be taken care of on account of the increase in pay given the city employees, and I think it would be better to have it on a loan order than to get it out of the present tax rate.

Coun. TAYLOR—Mr. President, I am rather surprised that there was any discussion of this particular loan order, because it comes through, as the chairman of the committee has stated, every year, without any argument whatsoever. You know we can't borrow on everything. We can only borrow when the Legislature gives us permission to borrow, and when the Legislature of Massachusetts gives us permission to borrow on matters of this type there must be some good reason for it. If you are going to start this year, and go completely on the pay-as-you-go policy, something different has taken place from the custom of the last twenty-five or fifty years here in the City of Boston, you are going to drive the tax rate up to probably near \$60 or \$70 a thousand. Now, there is no question at all but we all have welfare recipients in our districts, and we want to see them provided for, and I understand from reading in the newspapers that the Mayor has recommended that the welfare recipients be increased in their allowance so that they will be able to keep up with the cost of living. Certainly if that is so, regardless of whether or not the budget is passed, there must be sufficient money in the treasury of the City of Boston as appropriated by us in order to pay these welfare recipients this money, or otherwise the Mayor might have to make excuses for not paying it to them. Then again, why not think of the persons who own a piece of property in the City of Boston? Why not give them an even break? We all know that the rents have been frozen as of March 1. While private business is receiving increased profits, or increased prices for the sale of their goods, the person owning a two or three apartment house, or a larger apartment house, cannot charge any more rent even though his expenses are much greater. How in the world is he going to pay his taxes if you are going to increase the tax rate when his income is not any greater than it was on March 1 of this year? I believe it is common sense to do as we have been doing during the last two centuries, so far as I can remember. There never was, in my recollection, any question of the passage of this loan order before.

Coun. RUSSO—Mr. President, I know that there is not one councillor here who would not like to see the tax rate brought down. However, here we are confronted with a loan order of \$640,000-odd, right after we have accepted and approved the budget for the year 1943. I feel that that budget was not a true picture presented to that committee at the time. I would not mind if they had come in to us after a few months with a loan order, but they are starting in right after the budget has been accepted, and therefore I am saying that the committee did not get the true picture as far as the budget was concerned. Now they are getting \$640,000-odd for the Welfare Department and for the Soldiers' Relief, plus what they put in the budget for 1943 for those particular departments. I am given to understand that the City of Boston only pays, I think it is, one-sixth of what the Old Age pays to any individual. Mr. President, I maintain also that this year, due to the circumstances that have arisen from this war situation, many people today are working and receiving pay that they never have received before, and they are in a position to pay. If we can't get the city to go

on a pay-as-you-go basis now we should at least try to cut down as much as we possibly can in these times. If we can't do it now I can't see how we are going to get the City of Boston to go on a pay-as-you-go plan in the future.

Coun. CAREY—Mr. President, I just want to correct an impression that may have been given. I don't like to hear the old argument used about depriving the welfare recipient of this or that, because I come from a district that perhaps has as many welfare recipients as any in the city, and I don't know of anyone who has worked any longer or harder in this Council for the welfare recipients than I have. I have had the interests of the welfare recipients at heart, and I am not forgetting them now. But I want to say that it does not make any difference whether the money is obtained for the welfare recipients through adding it on to the tax rate this year or borrowing it and then paying it back in the next five years. The welfare recipients will get their money just the same. Relative to the inability of the taxpayers to meet the increased tax bills at the present time with this and that facing them, I want to make it clear that this \$640,000, if added to the tax rate this year, means a difference of only 45 cents on a thousand dollars. The average home in this city I do not think has a valuation of over six or seven thousand dollars, and I am speaking as one who must keep in mind the home owners of this city as well as the large real estate operators downtown. But taking the average home in the city, there are some homes, of course, that will run up to \$30,000, or perhaps more, and there are some that will run around \$15,000 or \$10,000, but supposing we say that the average valuation of a home is \$10,000 here in Boston, that represents a matter of only \$4.50 on the total tax bill, and I don't think it makes much difference to the average property owner in this city whether his tax is for \$250 or for \$254.50. That item is so small that I believe it should hardly be mentioned.

The question came on the adoption of the loan order. The roll was called and the order was passed, yeas 12, nays 2:

Yeas—Coun. Chase, Coffey, Dwyer, Hanley, Hannon, Hurley, Kelly, Kinsella, Muehnick, D. F. Sullivan, M. H. Sullivan, Taylor—12.

Nays—Coun. Carey, Russo—2.

2. Report on message of Mayor and order (referred April 5) for loan of \$194,000 for Civilian Defense Activities—that same ought to pass.

The report was accepted and the question came on the passage of the order.

Coun. KELLY—Mr. President, this was another loan order submitted to the Committee on Finance for \$194,000. This money was passed by the Committee on Appropriations, \$159,000 for Civilian Defense, divided up among the different departments, and a specific appropriation of \$35,000 for Victory gardens. Now, we have the power to borrow this money by a loan order. It is already passed in the budget, and if the Council sees fit to borrow by loan the \$194,000 will come out of the budget and be borrowed over a period of five years.

Coun. CAREY—Mr. President, I simply want to say that my remarks relative to the loan order for \$640,000 for welfare purposes hold true relative to this loan here. A little later on we will have the report of the Finance Committee approving the application of \$1,300,000 in excess earnings of the Water Income Division to cut down our funded debt, but right now we are beginning to borrow \$640,000 for welfare and \$194,000 for civilian defense and Victory gardens, or approximately three-fourths of what we are cutting down on the funded debt. I realize, of course, that under the law we have to apply the \$1,300,000 against the funded debt of the city. I think the picture would be much nicer to look at tomorrow morning if we applied that \$1,300,000 and did not start right off the bat borrowing again.

The question came on the passage of the order. The roll was called and the order was passed, yeas 12, nays 2:

Yeas—Coun. Chase, Coffey, Dwyer, Hanley, Hannon, Hurley, Kelly, Kinsella, Muehnick, D. F. Sullivan, M. H. Sullivan, Taylor—12.

Nays—Coun. Carey, Russo—2.

3. Report on message of Mayor and order (referred April 5) for use of water income surplus for reduction of debt requirements—that same ought to pass.

The report was accepted and the question came on the passage of the order.

The order was passed, yeas 14, nays 0.

STATEMENT BY COUNCILOR HANLEY.

Coun. HANLEY—Mr. President, I ask unanimous consent to make a statement.

President HANNON—Councilor Hanley asks unanimous consent to make a statement. Is there any objection? (No objection.) Councilor Hanley may proceed.

Coun. HANLEY—Mr. President, in asking for unanimous consent to make a statement, I would not wish to have any other member adversely affected by any expression of mine. The thoughts I express are my own, and I am, therefore, prepared to take any of the consequences. During the past fortnight in Washington there have been various decrees issued by the President and appointed officials; various bills have been passed in the House of Representatives, that I believe will have repercussions not only in this country but throughout the entire world. With your permission, Mr. President and my colleagues, I will deliver a prepared address. The chaotic conditions that surround us today are not due to an angry God or a hostile nature, but are rather due primarily to selfish and greedy men who, motivated by their lust for power and wealth, have utilized their positions of trust in order to further their insatiable desires for the things of this world. These conditions are not only natural but world-wide in scope and in operation. Long before the Ten Commandments were given to Moses, the greatest leader of the Jewish people, on Mount Sinai, they were inscribed upon man's heart. The first three of the decalogues express man's obligation to his Creator, and the last seven man's obligation to man. The entire Ten Commandments embrace the Fatherhood of God, the unchangeable formula for the procurement of our material and eternal happiness. Our forefathers were God-fearing men, who understood the natural and the supernatural law, and they wove together with their adept fingers and brilliant minds the fabric known as the United States Constitution. This Constitution as a structure has allowed our nation to develop into the most powerful and the wealthiest nation in the world. This Constitution has retained its pristine beauty and brilliance because it is based on the unchangeable and fixed principles of human nature. It secures and protects the rights, liberties and privileges of a free people, and it has been made elastic and pliable for further amendments, due to the exigencies of human life. Recognizing the evils perpetrated from and under the rule of a greedy foreign despot or an ambitious domestic dictator, they established three distinct branches under our form of government as a barrier,—the legislative, to make the laws, the executive, to carry out the provisions of the law, and the judiciary, to interpret the laws in conformity with the Constitution. These three branches of the government must at all times work harmoniously, but at no time, under no conditions, can one branch usurp, transfer or transcend the boundaries prescribed by the rules and regulations of its particular branch. If, at any time, one branch supersedes or usurps another branch, they are transgressing the oath of their office and simultaneously jeopardizing the functioning of the greatest government the world has ever seen. The most important branch of our government is the legislative—Congress. Members of Congress are duly elected by the people to propose, pass and enact laws to further and protect the welfare of all the people. The executive branch, and the cabinet, are compelled by the law of the land and the oath of their office to carry out the laws in the exact manner which Congress prescribes. The final decision on their actions rests with the judge and the jury,—the only tolerated dictator in America,—namely, the people who by the power of the ballot are able to destroy or create a man in public life. These expressed thoughts may be elementary and repulsive, but nevertheless they are absolutely necessary to bring to light one of the greatest crimes ever excogitated,—a diabolical crime for the purpose of enslaving a nation and a world in economic bondage through the use of gold. There are various types of bondage, and conversely various types of freedom,—that is, economic, political, religious and physical, the greatest of which is economic, without which the other freedoms are empty and unobtainable. No man is free politically, religiously or physically if he is denied economic freedom. The first law of nature is self-preservation, and all man-made laws must be subservient to the natural law. A man cannot be religiously

free if a system of economics will not allow him to work and procure a wage that will enable him to obtain for himself and his family the fruitful comforts of life, to provide for their education, to own private property, to pay taxes, and to place a portion of his savings away for sickness and old age. A man cannot be politically free if he depends upon the politicians or a political party for his sustenance because such a system tends to perpetuate a man or a party. A man cannot be physically free if he depends for the procurement of food, shelter and clothing upon the whims, avarices or greed of an industrialist. Man is a social being, and as such is interdependent upon the combined efforts of his fellow men for the necessities of life. In order to sow, harvest, fabricate and distribute food, clothing and shelter, man first used the barter system, but because of its limitations they invented a medium of exchange called money. The control of money is so important to the welfare of a people and for the perpetuation of our government that our forefathers placed it in the hands of Congress. Congress, as the body of duly elected representatives of the people, has no right to abrogate, to nullify or to transfer its powers to any man, elected or appointed or to any quasi group. It is the sovereign power of the people. Last week in Washington, D. C., Henry Morgenthau, Jr., divulged plans for using gold as a basis in our "post-war stability program." A diabolical plan, and if it is carried out it will transform the capital of freedom into the capital of the financial world. Whenever a nation declares itself to be on the "gold standard," it means specifically that gold is being used as a base for its monetary system both for domestic and foreign use. For every \$40 in gold a nation possesses it may issue as currency \$100 and \$480 in bonds or credit. Whenever the base drops beneath 40 per cent of the currency, that nation is forced off the gold standard and its money is affected in proportion to the decrease. Inflation means increasing the currency beyond the ratio of the formula. Deflation means decreasing the currency beyond the ratio of the formula. Parity means keeping the currency in conformity with the prescribed formula, —namely, 100 pennies in the dollar at all times. In 1930 England was forced off the gold standard and immediately the pound sterling dropped from \$4.86 to \$3.40. Great Britain's currency was depreciated approximately 30 per cent, but Japan's depreciated 60 per cent, with the result that they flooded our country with their goods in spite of high tariff walls. All the nations participating in World War I revaluated their gold except the United States, until President Roosevelt changed the price of our gold ounce from \$20.67 to \$35. Immediately deflation stopped, and the purchasing power of the dollar was affected. It is because of the indescribable effect that money has on the lives, welfare and happiness of a people that the right to deal with it is deposited in Congress, and it should be exercised by that honorable body. I believe we possess four-fifths of the known gold supply and it is deposited in Fort Knox, Kentucky. How can we dictate to the world a standard of exchange and remain at peace? How can we applaud the heroic efforts of the Chinese and deny them a fair exchange value for their silver? Why are city, state, Federal and public employees demanding salary increases? Is it because they are inflationary, are un-American or shirkers? The dimensional value of a dollar very rarely changes, but the purchasing power of the dollar changes according to the expansion or contraction of currency. It cannot be controlled by Presidential decree, Supreme Court judgments or private corporations or banks. It must be controlled by Congress, and Congress alone. In a judgment handed down by the United States Supreme Court, *Knox versus Lee*, Justice Strong said:

"Whatever power there is over the currency is vested in Congress. If that power to declare what is money is not in Congress, it is annihilated."

Meyer Rothschild, the prototype of the international banker, said:

"Permit me to issue and control the money of a nation, and I care not who makes the laws."

The late Pope Pius XI said:

"In our days not alone is wealth accumulated, but immense power and despotic economic domination is concentrated in the hands of the few, and those few are frequently not the owners, but only the trustees and directors of invested funds, who administer them at their good pleasure.

"This power becomes particularly irresistible when exercised by those who, because they hold and control money, are able also to govern credit and determine its allotment, for that reason supplying, so to speak, the life blood to the entire economic body, and grasping, as it were, in their hands, the very soul of production, so that no one dare breath against their will.

"This concentration of power has led to a threefold struggle for domination. First, there is the struggle for dictatorship in the economic sphere itself; then, the fierce battle to acquire control of the state, so that its resources and authority may be abused in the economic struggles. Finally, the clash between states themselves."

In the past fortnight in Washington there have been epoch-making statements and rules made that will have nation-wide repercussions. For example, there were the stinging and reproachful remarks emanating from the White House relative to commemorating the defeat at the Isle of Bataan. From the White House came this statement that "After all, the troops under General MacArthur had suffered a defeat for American arms and that we should celebrate victories, not reverses."

General MacArthur is one of the greatest generals in the world and the greatest that this country has produced since Washington and Grant. General MacArthur is a humanitarian and the acme of perfection in military strategem and the arts of war, as well as a fine, all-around human being and gentleman, a man who wins victories at a minimum loss in material and men. Those men at Bataan were not defeated by the elements or by the hordes of the Nipponese, but rather by procrastination, lethargy and apathy on the part of Federal politicians. In the dead of night this great American was shuttled through the skies and over the Pacific Ocean to Australia, where his presence among those people revitalized their courage and morale and renewed the hope and assurance of the ultimate triumph on the Pacific of western civilization. And when men speak slightly of defeats and indulge in platitudes to the effect that victories, and not reverses, should be celebrated, let us remember that Bunker Hill was the scene, for the moment, of a defeat, and that the withdrawal at Dunkerque, although technically a defeat for the British, has since been termed "the glorious retreat," and as a slogan has become a vitalizing tonic for the English people. Recently Henry L. Stimson, the Secretary of War—appointed and not elected—proclaimed the following, that

"No member of the military forces on active duty shall hereafter become a candidate for, or seek, or accept, election to any public office not held by him when he entered on active duty."

Various news commentators have interpreted that as a dagger struck in the back of General MacArthur, and it moved the Senator from Michigan, Senator Vandenberg, to say that General MacArthur was the prototype of Washington, who knelt in the snow and prayed at Valley Forge, the same as General MacArthur prayed for his men and asked for divine guidance, and thanked God for the great victory at Bismarck Sea. It was this same gentleman, Mr. Stimson, who announced last November that those in the Army outside of the continent of the United States, would not be given the right to vote by absentee ballot. The people of America are not interested in a third term, a fourth term, a fifth term or a life term for any men. They are not interested in policing the world or in keeping "the status quo." They are interested in winning the war in the shortest possible time, and with the least possible suffering and death. And they also want to win the peace. And to bring to justice the perpetrators of the war. They want their loved ones home again. They do not want bureaucracy, crack-potism or radicalism, foreign to America. They do not wish the retention of any political party in power. They do not want political procrastination, under the cloak of winning the war. They do not want "Gestapo" or "Ogpu." They want the Constitution as it was intended to be. They are intelligent and virile men and women and do not wish attempts to stultify them by moronic statements. They are steeped in Americanism and religion. They know that no man is impeccable, that no man is infallible in material things, and that no man is indispensable. That was never intended by nature or the Author of nature. George Washington, of whom General MacArthur is the prototype, did not want to be king, or president for a

third term. But the people of his day drafted him, and when this war is over and when emotionalism is dormant, the people of America may rise up to draft General MacArthur as president of our country, in 1944, to rehabilitate our war-torn country, to amalgamate the people into a solid mass of real Americans, and to clean out the Augean stables of Federal bureaucrats, human parasites and the barnacles that have attached themselves to the prow of the Ship of State.

PAYMENT TO PHILIP PRITCHARD.

President HANNON offered the following:
Resolved, That the City Council of Boston hereby approves the enactment of legislation to authorize the City of Boston to pay a sum of money for the benefit of Philip Pritchard, a minor, who was permanently injured by a gate at the Arnold Arboretum falling on him June 21, 1940, provided that such legislation includes a referendum to the Mayor and City Council.

Passed under suspension of the rule.

CONFIRMATION OF EXECUTIVE APPOINTMENT.

Coun. KINSELLA called up, under unfinished business, No. 1 on the calendar, viz.:

1. Action on appointment submitted by the Mayor April 3, 1943, of James Lyons, to be a Constable without authority to serve civil process and to serve without bond.

The question came on confirmation of the appointment. Committee, Coun. M. H. Sullivan and Kinsella. Whole number of ballots 13, yes 13, and the appointment was confirmed.

COUNCIL PRESIDENT AS MEMBER OF BOSTON COMMITTEE ON PUBLIC SAFETY.

Coun. DWYER offered the following:

Resolved, That it is the opinion and desire of the Boston City Council that his Honor the Mayor designate the 1943 President of the Boston City Council as a member of the Boston Committee on Public Safety.

Passed under suspension of the rule.

ADEQUATE RENTAL OF SCHOOLS LEASED BY ARMY.

Coun. M. H. SULLIVAN offered the following:
Ordered, That the members of the Boston School Committee be requested, through his Honor the Mayor, to reopen negotiations with United States Army authorities for the purpose of obtaining adequate and reasonable rentals for the five schools leased to such authorities by the School Committee for the unreasonable and inadequate sum of \$1 per year.

Coun. M. H. SULLIVAN—Mr. President, I simply wish to say that I believe that the School Committee has accomplished with the Federal agencies one of the greatest steals perpetrated upon the people of Boston in this generation. I admit the good faith of the school authorities so far as I believe that they were motivated by patriotism. But I believe that the Federal authorities grossly misrepresented their case when they appeared before the School Committee, and I believe the School Committee fell for it. Five schoolhouses in Boston have been leased to the United States Army authorities for the sum of one dollar per year. As a basis of comparison with private buildings and public schools or private schools throughout the nation, it is, in the words of the order, "grossly unwarranted and absolutely inadequate." The Army authorities, seemingly without regard for the light of previous experience, assured the School Committee that they could not pay an adequate rental unless the School Committee provided the upkeep, maintenance, repair and alteration of the buildings. We have had the experience throughout the nation of several colleges taken over almost entirely by the Federal authorities—Chapel Hill,

the University of Iowa, St. Mary's out in California, and others. They have taken over several Boston hotels and altered them themselves. Accordingly I feel that the people of Boston have been treated most unfairly in this matter. The Boston Municipal Research Bureau has alleged that it constitutes a very dangerous precedent, and that it will in all probability result in unfair competition with private real estate activity in the city. I feel that the Real Estate Division of the City of Boston should be complimented upon the fact that it has set an annual rental of \$28,000, which good, sound real estate business men state is a very fair price for the properties involved, and I believe that the School Committee and the Federal authorities should do what is equitable and right in this matter and immediately reopen their negotiations in order that the City of Boston may be more fairly dealt with.

The order was referred to the Committee on Rules.

Coun. D. F. SULLIVAN—Mr. President, I want to speak on the order.

President HANNON—The order has been referred to the Committee on Rules.

Coun. D. F. SULLIVAN—Have I an appeal to the Chair?

President HANNON—The gentleman may ask unanimous consent to make a statement.

Coun. D. F. SULLIVAN—I was going to ask suspension of the rule and the passage of the order.

President HANNON—The Chair is under the impression that it is doubtful where the Council comes in on that order, and therefore the order was referred to the Committee on Rules.

Coun. D. F. SULLIVAN—Can I appeal the decision of the Chair in referring it to the Committee on Rules?

President HANNON—Yes. Or you may move to recall it from the Committee on Rules.

Coun. D. F. SULLIVAN—I so move, that it be recalled from the Committee on Rules.

The motion to recall the order from the Committee on Rules was put. The Chair was in doubt and asked for a standing vote. The motion was carried, five voting in the affirmative and two in the negative.

Coun. D. F. SULLIVAN—I now move, Mr. President, that the rule be suspended and the order be adopted.

Coun. KINSELLA—Mr. President, I am in favor of this order of Councilor Sullivan in view of the fact that a year ago we devoted a lot of time to the question of turning over playgrounds from the Park Department to the Army. I don't know that the city ever got a dollar a year for any of them. I would like to ask if any member, whose memory is better than mine, knows whether anything was ever received from the Army for the use of those playgrounds, which in many instances I think were taken over arbitrarily, with the result that the children were forced to play out in the street. We have been told that we have no control over the School Committee, but it seems to me if they could get a dollar a year they are doing better than the City of Boston, which actually would give them the public buildings which are similar to schoolhouses. Just one more word, briefly, Mr. President. When the Federal Government in any of its departments, rents any buildings for private purposes, there is payment through the nose, but when they come to municipal property it seems as though they scorn the idea of letting the city get a fair return. I am heartily in accord with the terms of the order, and I would like to see them get a just and equitable rental rather than the customary meaningless dollar a year.

The order was passed under suspension of the rule.

THE NEXT MEETING.

On motion of Coun. D. F. SULLIVAN, it was voted that when the Council adjourn it be to meet on Monday, April 26, 1943, at 2 p. m.

RECESS.

On motion of Coun. DWYER, the Council voted at 3.35 p. m. to take a recess, subject to the call of the Chair. The members reassembled and were called to order by Coun. M. H. SULLIVAN at 5.13 p. m.

RATIONING FOR MEN IN ARMED FORCES
RETURNING HOME.

Coun. M. H. SULLIVAN, for Coun. LANGAN, offered the following:

Ordered, That his Honor the Mayor consider the advisability of establishing in the various Rationing Boards in the City of Boston a special service for men in the armed forces who return home on leave.

The following statement by Coun. LANGAN was also submitted:

The present war has created many new emergencies. Ration boards have been set up throughout the city and state to administer the ration system. These boards have been swamped since their inception by persons seeking assistance. Because of the difficulty in putting this vast program into effect many persons are required to come back to their boards several times to satisfy their needs. In the case of civilians this is an inconvenience that they have to share along with the other sacrifices caused by the war. But there has arisen another problem which concerns members of the armed forces who, when they are home on a short furlough, are required to go to their local board to obtain temporary rations for their short stay. If these people are forced to make

several calls at their boards, it only shortens the precious little time they have with their folks. Therefore I submit this order so that a special service shall be set up in each board to facilitate the granting of these emergency rations in the shortest possible time.

The order was passed under suspension of the rule.

EXECUTIVE COMMITTEE REPORTS.

Coun M. H. SULLIVAN, for the Executive Committee, submitted the following:

1. Report on message of Mayor and order (referred today) for transfer of \$10,000 from Parkman Fund income—that same ought to pass.

Report accepted and the order was assigned to the next meeting.

2. Report on order (referred today) that certain expenses of air raid wardens be paid—that same ought to pass.

Report accepted; said order passed.

Adjourned at 5.20 p. m., on motion of Coun. D. F. SULLIVAN, to meet on Monday, April 26, 1943, at 2 p. m.

CITY OF BOSTON.

Proceedings of City Council.

Monday, April 26, 1943.

Regular meeting of the City Council in the Council Chamber, City Hall, at 3 p. m., President HANNON in the chair. Absent, Coun. Foster, Goode, Hurley, Langan, Linehan, Lyons, D. F. Sullivan.

The meeting was opened with the salute to the Flag.

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, 1943, without power to serve civil process and to serve without bond: Dennis P. Glynn, 31 Linden Park street, Ward 9; Bernard B. Tavel, 57 Charlotte street, Ward 14; John F. Buckley, 58 Kirkwood road, Ward 22.

The above are reappointments, inadvertently left off the printed list of appointments submitted on April 12, 1943.

Constables for term of one year, beginning with first day of May, 1943, with authority to serve civil process upon filing of necessary bond: Joseph L. Shurtleff, 102 West Newton street, Ward 9; Abraham M. Hecht, 404 Blue Hill avenue, Ward 14.

Weigher of Goods: Arthur H. Crosbie, 53 Phillips street, Boston, Mass.

Severally laid over a week under the law.

TRANSFER OF PARKMAN FUND INCOME.

The following was received:

City of Boston,

Office of the Mayor, April 26, 1943.

To the City Council.

Gentleman,—I am in receipt of the attached communication from the Board of Park Commissioners requesting the transfer of the sum of \$10,000 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 passage by your Honorable Body.

Respectfully,

MAURICE J. TOBIN, Mayor.

City of Boston,

Park Department, April 21, 1943.

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 \$10,000 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 \$10,000

When making up the budget estimates for the year 1943, 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 1943, 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 \$10,000 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 \$10,000
Referred to Committee on Parkman Fund.

LOAN ORDER FOR SEWER CONSTRUCTION.

The following was received:

City of Boston,

Office of the Mayor, April 26, 1943.

To the City Council.

Gentlemen,—I submit herewith a loan order authorizing the issuance of bonds in the amount of \$750,000 for the construction of sewerage works. I am advised by the Commissioner of Public Works that this appropriation is necessary in order to provide for the necessary engineering services and construction expense involved in the necessary extension of the sewerage system. I respectfully recommend adoption of the accompanying order by your Honorable Body.

Respectfully,

MAURICE J. TOBIN, Mayor.

Ordered, That under the provisions of clause (1) of section 7 of chapter 44 of the General Laws, the sum of \$750,000 be, and the same hereby is, appropriated, to be expended for the Construction of Sewers, and that the City Treasurer be authorized to issue, upon request of the Mayor, bonds or certificates of indebtedness of the city to said amount.

Referred to Committee on Finance.

PETITIONS REFERRED.

The following petitions were received and referred to the committees named, viz.:

Claims.

P. J. Boyle, for rebate on excessive water bills on property at 63 and 65 Forest Hills street.

Jeanette Coan, for compensation for damage to property at Park and Spencer streets, Dorchester, by city car.

Mrs. Walter S. A. Devine, for compensation for injuries caused by an alleged defect in Washington street.

Natalie Donato, for compensation for damage to property at 16 Lorraine street, caused by roots of tree penetrating property.

Jewish Welfare Board, for compensation for damage to property by fire chief's car.

S. S. Kresge Company, for compensation for damage to property at 477 Washington street, caused by water being shut off.

Ralph T. Law, for compensation for damage to car by city truck.

Gertrude Morgan, for compensation for injuries caused by an alleged defect in Clive street.

Paul I. Murphy, for compensation for damage to property at 11 Wilcox road, Dorchester, caused by backing up of sewage.

Nicholas Renda, for compensation for damage to car caused by an alleged defect in Prince street.

Hyman Richmond, for compensation for damage to car by fire truck.

Virginia Robinson, for compensation for damage to property at 9 Braddock park, caused by city wagon.

United States Post Office, for compensation for damage to truck by fire truck.

Executive.

Petitions for children under fifteen years of age to appear at places of public amusement, viz.:

Alda Marova, Peabody Playhouse, June 4.

Gertrude Dolan, Jordan Hall, June 22.

Jean Evans, Recital Hall, April 28.

Mario Paporello, Jordan Hall, June 4.

Petition of Margaret M. Hogan to be paid annuity on account of death of husband, Henry F. Hogan, late member of Police Department.

Petition of Clare G. Donahue, daughter of Daniel L. Donahue, late member of Police Department, to be paid an annuity on account of death of father.

BOND OF NATIONAL LEAGUE BASEBALL CLUB OF BOSTON, INC.

The bond of the National League Baseball Club of Boston, Inc., was received and approved. Placed on file.

REPORT OF COMMITTEE ON LICENSES.

Coun. KINSELLA, for the Committee on Licenses, submitted the following report on petitions for driveway openings, viz.:

Ferdinand R. Kirchgassner (referred March 1), at 419 Harrison avenue.

National Shawmut Bank of Boston (referred March 15), at 905 Cummins Highway.

Commonwealth of Massachusetts, Department of Public Works, at C street, between 365 C street and Claffin street, Ward 6.

Report accepted; permits granted under usual conditions.

CONFIRMATION OF EXECUTIVE APPOINTMENTS.

Coun. TAYLOR called up unfinished business, Nos. 1, 2 and 3 on the calendar, viz.:

1. Action on appointments submitted by the Mayor April 12, 1943, of Constables authorized to serve civil process upon filing bonds, as contained in Document 42.

2. Action on appointments submitted by the Mayor April 12, 1943, of Constables connected with official positions, as contained in Document 43.

3. Action on appointments submitted by the Mayor April 12, 1943, of weighers of coal and other minor officers, as contained in Document 44.

On motion of Coun. RUSSO, Nos. 1 and 2 were referred to the Executive Committee.

The question then came on confirmation of the appointments under No. 3 on the calendar. Committee, Coun. Dwyer and Kinsella. Whole number of ballots 11, yeas 11, and the appointments were confirmed.

DEATH OF JOSEPH McGRATH.

President HANNON offered the following:

Resolved, That the City Council of the City of Boston, in meeting assembled, expresses its deep regret at the untimely passing of the brilliant and able Joseph McGrath, Collector of Customs, former chairman of the Democratic State Committee, and former president of the Boston City Council, in which Body he demonstrated, time and again, his unflinching devotion to the rights of the people, and such a profound knowledge of the science of government as to stamp him as an outstanding figure in the municipal life of the City of Boston.

The resolution was passed by a unanimous rising vote.

USE OF ABANDONED SCHOOLS AS RECREATION CENTERS.

President HANNON offered the following:

Ordered, That his Honor the Mayor be requested to confer with the School Committee relative to legislation to have abandoned schools available to be turned over to other city departments, or to social agencies, for use as Recreation Centers, etc., for children of the districts.

Referred to Committee on Rules.

SALARIES OF CHAUFFEURS AND CHAUFFEUR-LABORERS.

President HANNON offered the following:

Ordered, That the Budget Commissioner be requested, through his Honor the Mayor, to adjust the salaries of chauffeurs and chauffeur-laborers in all city departments, particularly in the Public Works Department.

Referred to Committee on Rules.

TRAFFIC DUTY FOR MOUNTED POLICE.

President HANNON offered the following:

Ordered, That the Police Commissioner be requested, through his Honor the Mayor, to have mounted police officers devote more time to the direction of traffic.

Referred to Committee on Public Safety.

SALARIES OF PRISON GUARDS.

President HANNON offered the following:

Ordered, That the Penal Institutions Commissioner be requested, through his Honor the Mayor, to establish minimum salaries for guards which will be commensurate with the minimum salary to be paid to guards who are appointed temporarily, or guards to be appointed from a list established by the forthcoming examination.

Referred to Committee on Inspection of Prisons.

LOCKER BUILDING, SAVIN HILL BEACH.

President HANNON offered the following:

Ordered, That the Park Commissioner be directed by his Honor the Mayor to provide some form of locker building at the Savin Hill Beach.

Referred to Committee on Parks and Playgrounds.

STATUS OF SETTLEMENT AGENTS.

President HANNON offered the following:

Ordered, That the Overseers of the Public Welfare Department be requested, through his Honor the Mayor, to consider the advisability of making settlement agents social workers rather than clerks.

Referred to Committee on Public Welfare.

NOTIFICATION OF OLD AGE ASSISTANCE CUTS.

President HANNON offered the following:

Ordered, That the Overseers of the Public Welfare Department be directed, through his Honor the Mayor, to notify persons receiving old age assistance of any impending cut in the amount of their allotment, thirty days prior to the date the reduction is to be effective.

Referred to Committee on Public Welfare.

ASSIGNMENT OF FIREMEN AS SHIPYARD INSPECTORS.

Coun. KINSELLA, for Coun. COFFEY, offered the following:

Ordered, That the Fire Commissioner be requested, through his Honor the Mayor, to immediately stop the practice of assigning firemen as inspectors in shipyards, said firemen being paid by the City of Boston for work which private contractors are responsible for.

Referred to the Committee on Rules.

ACCEPTANCE OF WARD 10 STREETS.

Coun. CAREY offered the following:

Ordered, That the Board of Street Commissioners be requested, through his Honor the Mayor, to accept and lay out South Worthington street, Ward 10, as a public highway.

Ordered, That the Board of Street Commissioners be requested, through his Honor the Mayor, to accept and lay out Whitney place, Ward 10, as a public highway.

Severally passed under suspension of the rule.

SUBSTITUTE FOR FOOD STAMP PLAN.

Coun. WICKES offered the following:

Ordered, That his Honor the Mayor consider the advisability of finding some means of making up the loss in purchasing power suffered by many

needy Boston families as a result of the abolition of the food stamp plan.

Coun. WICKES submitted the following letter, which was to be incorporated in the record, viz.:

City Councillor John C. Wickes, Council Chamber, City Hall, Boston, Mass.

Dear Councillor Wickes,—I am appealing to you on behalf of the widows and little children who receive aid from the City of Boston.

On account of the Government discontinuing the food stamps that could be purchased by people receiving aid we have been penalized.

At this time I realize, as so do other widows, that it is not possible to continue the giving of the blue food stamps for the purchase of surplus commodities, therefore I think that something should be done to make up this amount in the budget (food) of the widows and little children.

I personally am reduced \$15 per month in my food budget, and it seems so heartless to think that something hasn't been done, especially at this time, when food is so high, to fill in this deduction.

I know you have always in the past done all in your power to alleviate want and suffering in Ward 17, and I know you will certainly see that something is done immediately to take care of this unpardonable situation. Hoping to see you continue in your splendid work and with all the prayers of the widows and fatherless little ones, I remain,

Sincerely,

The order was passed under suspension of the rule.

RECESS.

On motion of Coun. FISH, the Council took recess at 3.25 p. m., subject to the call of the Chair. The members reassembled and were called to order by President HANNON at 3.55 p. m.

CURFEW FOR CHILDREN UNDER SIXTEEN.

Coun. SCANNELL offered the following:

Ordered, That the City Council of Boston hereby determine that in that district of the city bounded by Mattapan square, Blue Hill avenue, Walk Hill street, Hyde Park avenue, to Forest Hills, Arborway, Pond street, to the Brookline line, there is reasonable likelihood that the health and safety of any child under sixteen years of age may be endangered by his or her presence in or on any street, walk, or other public place within the boundaries of said district between the hours of nine o'clock p. m. and five o'clock a. m., unless accompanied by his or her parent, grandparent, legal guardian, or an adult member of such child's household; and in accordance with the ordinance heretofore passed, the presence of any child, under sixteen years of age, not so accompanied, within the hours and in the district specified, is hereby prohibited, on and after May 15, 1943, and until otherwise determined by the Mayor and City Council.

Coun. SCANNELL—Mr. President, as a member of the Council I have seen fit to present this order determining the area referred to, to be a danger or curfew area between certain hours for children under sixteen years of age, for one reason. The reason is that, in the opinion of the previous Corporation Counsel of the City of Boston, Mr. Robert Cutler, a curfew order or ordinance such as is proposed here would perhaps be unconstitutional unless it were applied to one stated section in that city. I have spoken to the Acting Police Commissioner in regard to such areas, and I have found out that he thought it would be best to present an area that would come under the so-called curfew ordinance. I did not specify this area in any critical spirit in regard to the area itself, and would not wish it understood that I am more critical of that area than I would be of an area in any other portion of the city. But I felt that some area had to be designated, and that there were reasons in favor of the designation of this area, acting in the best interests of the children of this city. Such an ordinance, if passed by the Mayor and the City Council, will tend to take children off the streets at night, and will be in the

interest of their safety and protection from danger. I have been criticized, and members of the Council have been criticized, by some of the Boston papers, because of my feeling in this matter, but if anybody wants to criticize me or any member of the Body for protecting the children of our city, I believe we can all stand such criticism at any time. Such action as is here proposed will tend to take many children off the streets at night and keep them in the safety of their homes. Some people say there are no teeth in what is here proposed. Well, we have the war and safety measures which have been passed by the Commonwealth, and I feel that what I have suggested here will come within such measures. I feel that the Governor of Massachusetts should be glad to take action which will remedy the present conditions in this city as they affect our young people. I don't want to get into any argument refuting the criticism of this proposed ordinance, but I think it will be a good one, if passed by the City Council, and that in passing it we will deserve the gratitude of the parents of this city. I certainly feel that if the members of the City Council had a little more power, some of the power taken away from them by the Republicans on Beacon Hill twenty-five or fifty years ago, the children of our city would be far better protected than they are. I hope, therefore, that this order determining the proposed area will be sent to the Committee on Ordinances, that the committee will hold a public hearing and listen to those who are interested in the protection of the youth of this city under such a curfew law as is here proposed.

The order was referred to the Committee on Ordinances, and later in the session after an order was introduced and spoken upon by Coun. Hanley, an order concerning "teen age problems," Coun. FISH said: Mr. President, in view of the fact that there is to be a public hearing by the Committee on Ordinances in reference to the curfew, I would like to ask Councillor Hanley if he would be willing to have a copy of the remarks he has just made submitted to that committee, to be considered in connection with this proposed curfew area?

Coun. HANLEY—Mr. President, in answer to my distinguished colleague (Coun. Fish), I would be glad to have a copy of my remarks sent to the committee and to aid in any possible way, by word or otherwise, in such a worthy matter. I shall be only too happy to do so.

Coun. FISH—I move, therefore, Mr. President, that a copy of the remarks made by our colleague, Councillor Hanley, be submitted to the Committee on Ordinances in connection with the consideration of this proposed curfew area.

The Council voted that a copy of Coun. Hanley's remarks be submitted to the Committee on Ordinances in connection with the consideration of the proposed curfew area.

EXECUTIVE COMMITTEE REPORTS.

Coun. TAYLOR, 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.:

Aida Marova, Peabody Playhouse June 4; Gertrude Dolan, Jordan Hall, June 22; Jean Evans, Recital Hall, April 28; Mario Paporello, Jordan Hall, June 4,—that leave be granted on usual conditions.

Report accepted; permits granted under usual conditions.

2. Report on petition of Grace L. O'Dea (referred February 6) to be paid annuity on account of death of husband, William H. O'Dea, late 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 Grace L. O'Dea, widow of William H. O'Dea, a member of the Fire Department who died on January 18, 1943, 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 January 18, 1943, and to be charged to the appropriation for Fire Department, Pensions and Annuities.

Report accepted; said order passed.

3. Report on petition of Mary Larson (referred February 15) to be paid annuity on account of death of husband, Andrew F. Larson, late 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 Mary Larson, widow of Andrew F. Larson, a member of the Fire Department who died on December 22, 1942, 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 April 19, 1943, and to be charged to the appropriation for Fire Department, Pensions and Annuities.

Report accepted; said order passed.

4. Report on petition of Frances V. Mahoney (referred April 5) to be paid annuity on account of death of husband, Daniel F. Mahoney, late 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 Frances V. Mahoney, widow of Daniel F. Mahoney, a member of the Fire Department who died on March 26, 1943, 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 March 26, 1943, and to be charged to the appropriation for Fire Department, Pensions and Annuities.

Report accepted; said order passed.

5. Report on Nos. 1 and 2 on the calendar, unfinished business (referred today) — recommending confirmation of appointments with the exception of Joseph P. Carr and Charles Haddad.

The report was accepted, and the question came on the confirmation of the list of constables in Nos. 1 and 2 with the exception of Joseph P. Carr and Charles Haddad. Committee, Coun. Hanlon and Taylor. Whole number of ballots 12; yeas 12, and the appointments were confirmed.

LOAN FOR PUBLIC WELFARE, ETC.

Coun. M. H. SULLIVAN called up, under unfinished business No. 4 on the calendar, viz.:

4. Ordered, That under the provisions of chapter 44 of the Acts of 1943 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 the amount of \$640,000 to meet appropriations heretofore made or to be made for Public Welfare, Soldiers' Benefits, Federal Emergency Unemployment Relief Projects and Distribution of Surplus Commodities.

On April 12, 1943, the foregoing order was read once and passed, yeas, 12, nays 2.

The order was given its second reading and passage, yeas 13, nays 2:

Yeas — Coun. Chase, Dwyer, Fish, Hanley, Hannon, Hurley, Kelly, Kinsella, Muchnick, Scannell, M. H. Sullivan, Taylor, Wickes — 13.

Nays — Coun. Carey, Russo — 2.

LOAN FOR CIVILIAN DEFENSE ACTIVITIES.

Coun. M. H. SULLIVAN called up, under unfinished business, No. 5 on the calendar, viz.:

5. Ordered, That under the provisions of chapter 75 of the Acts of 1943 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 the amount of \$194,000 to meet appropriations heretofore made for Civilian Defense Activities.

On April 12, 1943, the foregoing order was read once and passed, yeas 12, nays 2.

The order was given its second and final reading and passage, yeas 12, nays 2:

Yeas — Coun. Chase, Dwyer, Fish, Hanley, Hannon, Hurley, Kelly, Kinsella, Scannell, M. H. Sullivan, Taylor, Wickes — 12.

Nays — Coun. Carey, Russo — 2.

TRANSFER FROM PARKMAN FUND INCOME.

Coun. M. H. SULLIVAN called up assignment, No. 6 on the calendar, viz.:

6. Ordered, That the sum of \$10,000 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	\$10,000
The order was passed, yeas 13, nays 0:	
Yeas — Coun. Carey, Chase, Fish, Hanley,	
Hannon, Hurley, Kelly, Kinsella, Muchnick,	
Russo, M. H. Sullivan, Taylor, Wickes — 13.	
Nays — 0.	

REDUCTION OF WATER RATES FOR SUMMER VICTORY GARDENS.

Coun. KINSELLA offered the following:

Ordered, That the Water Department officials confer with the Mayor *re* reduced water rates for June, July and August for water consumed by those operating Victory Gardens.

Coun. KINSELLA—Mr. President, the other day the newspapers carried an item to the effect that foreclosed real estate lots would be available for those who wanted to use them for a Victory Garden program, a program which might be successfully carried out in such cases if any of the neighbors would be willing to furnish water to irrigate such places. Along the same line is the case of those using backyards for Victory Gardens. I feel, therefore, in view of the importance of this matter of Victory Gardens, in cooperation with the Government efforts to raise food during the war, it might be well to encourage people engaged in this activity in the summer months to have reduced water rates for the summer for those operating such gardens.

The order was passed under suspension of the rule.

INVESTIGATION OF ENDICOTT STREET FIRE.

Coun. RUSSO offered the following:

Ordered, That the Fire Commissioner be requested, through his Honor the Mayor, to investigate and report back the cause of the Endicott street fire; and be it further

Ordered, That the Fire Commissioner be requested, through his Honor the Mayor, to investigate rumors that the fire alarm system was out of order, which caused a twenty-minute delay in responding to the fire.

Coun. RUSSO—Mr. President, quite recently we in downtown Boston have been hit by disastrous fires, which have caused a loss of life. In one, on Endicott street, the lives of a husband, wife and son twenty-eight years of age, and a nephew thirty years of age. Also, a daughter who lived in Woburn and who was in the house at the time of the fire threw her infant child out the window and by a very miracle—I believe by the hand of God—a taxicab driver jumped in and caught the infant in his arms, saving his life. There have also been rumors that the fire alarms were not in working condition, and I think that is a matter that should be investigated. I do not by this order intend in any way whatsoever to reflect upon the good work of the Boston Fire Department, the good work that they always have done and that we know will continue. Nevertheless, there is a rumor that the fire alarm system was not in good working condition at the time, that it took the fire apparatus twenty minutes to arrive at the scene of the fire, where to my mind the apparatus from the engine station on Salem street should not have taken more than two or three minutes to get there, and the engine from the Bowdoin square station should not have taken more than five minutes. However, it took that apparatus twenty minutes to get to the fire, and I believe if there had been a prompter response to the alarm, a number of these lives could have been saved. There was also a fire in the South End that took lives. Therefore, I trust that the Fire Department will investigate these rumors in order to assure the people of Boston that the fire alarm system is in good working order and that it was through no fault of the department that these lives were lost. I trust, therefore, that the rule will be suspended and the order passed, so that we may be assured that in the future the lives and property of our people

will be protected as they have been in the past. Certainly, this is a matter that should be looked into. Therefore, I move a suspension of the rule and the passage of the order.

The order was passed under suspension of the rule.

CONFERENCE RE 'TEEN AGE PROBLEMS.

Coun. HANLEY offered the following:

Ordered, That his Honor the Mayor consider the advisability of conferring with representatives of the Roman Catholic, Protestant and Jewish faiths, with representatives of the Army and Navy, with the Superintendent of the Boston public schools, with the Acting Police Commissioner, and with the President of the Boston City Council, in order to devise ways and means of eliminating or at least mitigating "Teen Age Problems"; and be it further

Ordered, That said program, when formulated, be promulgated by means of the press, radio and pulpit.

Coun. HANLEY--Mr. President, throughout the entire nation today there is a 'teen age problem. It has been brought about sometimes by the actions of youth, but mostly by the actions of adults. You and I know, Mr. President, that the care and custody of children is entrusted to parents through the responsibilities that go with the propagation of children through the ties of marriage. Parents are bound by the natural law and by the civic law to bring up their children according to the dictates of their religion and through the innate sense of responsibility that goes with married life. We see many efforts from time to time to try to mitigate the 'teen age problems, one of them brought out here today in the effort to determine a curfew area. We are continually seeing efforts by the City, State and Federal Government to deal with this problem by statute or ordinance, attempting to take over the powers of the parents. That, of course, is one step towards Communism and Nazism. Where the parents fail in the performance of their duties, there are naturally attempts made to supplement the parental responsibility by other means. I believe it is both a civic and spiritual duty of the parent and of society to formulate plans and programs dealing with this problem, where it becomes necessary. When such necessary plans are formulated, they should be assisted where possible by proper legislation and promulgated by means of the press, radio and pulpit. I believe each and every one of us has had the present

dangers and threats to youth brought to our attention. We ourselves have our responsibility in the matter. We have allowed youth to be corrupted by the filth, the dirt of the cinema and the press. Their eyes are constantly looking at lewd pictures. As you go through Washington and Tremont streets you are brought in contact with all sorts of pictures and suggestions that are a menace to our youth. There are places which are the rendezvous of degenerates, where they are brought in contact with evil-minded men and women. We have at the present time various houses with night shows, under the guise of defense work, that sometimes are simply the rendezvous of homosexuals and other moral degenerates. I believe all over our land the people who are continually brought in contact with this sort of thing are more sinned against than sinning. I believe the Mayor will be inclined to act strongly on this order, that he will not "pass the buck"; and I believe that each of us, according to the ability that he has, should use his voice, pen, or newspaper to stem this tide; that we should promulgate and support anything that will aid in this work, by curfew or otherwise, devising whatever means will mitigate the curse which is threatening this and other communities. I believe there is never a problem without a solution, and I certainly believe this is a matter calling for the best efforts of priest, minister or rabbi. It is a matter which also can be well dealt with in conference with our law-abiding citizens of different faiths and beliefs, something in which we may well enlist the efforts of the Superintendent of the Boston public schools, the Acting Police Commissioner and the President of this august Body, possibly altogether initiating or devising ways and means to eliminate or mitigate the 'teen age problem. Therefore, on this order, Mr. President, I ask you to use your own discretion, referring the matter for consideration to any committee that you may prefer.

The matter was referred, on motion of Coun. FISH, to the Committee on Ordinances, and it was voted, as set forth earlier in the meeting, that a copy of Coun. Hanley's remarks should also be referred to that committee.

Before adjournment, President HANNON reminded the members that the funeral of Joseph McGrath, ex-President of the Council, would be held Wednesday morning at St. William's Church, Dorchester.

Adjourned, on motion of Coun. MUCHNICK, at 4.23 p. m., to meet on Monday, May 3, 1943, at 2 p. m.

CITY OF BOSTON.

Proceedings of City Council.

Monday, May 3, 1943.

Regular meeting of the City Council in the Council Chamber, City Hall, at 2 p. m., President HANNON in the chair. Absent, Coun. Foster, Langan, Linehan, Lyons, Muchnick, Scannell, D. F. Sullivan.

The meeting was opened with the salute to the Flag.

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, 1943, with authority to serve civil process upon filing of necessary bond:

Leon Small, 1152 Commonwealth avenue, Ward 21.

Laid over a week, under the law.

PARTS 22-25, REVISED BUILDING CODE.

The following was received:

City of Boston,
Office of the Mayor, May 3, 1943.

To the City Council.

Gentlemen,—I submit herewith Parts Twenty-two to Twenty-five of the Revised Building Code for the City of Boston, in ordinance form. This proposed revision is recommended by the Building Commissioner of the City.

The remaining parts of this revision will be forwarded to your Body as rapidly as possible. I recommend consideration of the accompanying ordinance by your Honorable Body.

Respectfully,
MATRICE J. TOBIN, Mayor.

In accordance with the provisions of chapter 479 of the Acts of 1938 as amended by chapter 217 of the Acts of 1939, as Building Commissioner of the City of Boston, I recommend the adoption of the following ordinance.

JAMES H. MOONEY,
Building Commissioner.

An Ordinance Altering, Amending, Extending or Rendering Ineffective Provisions of 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 Building and Other Structures in the City of Boston.

Be it ordained by the City Council of Boston as follows:

Section 245. Section 2201 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by inserting after paragraph (b) the following new paragraphs:

(c) Where the interior of a building of Type III construction is of incombustible construction protected to provide one-hour fire-resistive rating, the exterior walls may be of two-hour fire-resistive construction.

(d) Where the interior of a building of Type IV construction is of incombustible construction, the exterior walls may be of two-hour fire-resistive construction.

(e) In such group occupancies and where Type VI is allowed, but in no case over two stories in height, Type IV buildings may be constructed with their frames and exterior walls of incombustible construction.

(f) All construction referred to in paragraphs (c), (d), and (e) shall be subject to the structural requirements of other parts of this code.

Section 246. Section 2202 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by inserting after the word "tile" in the first line of sub-division (9) of paragraph (a) the words "or pre-cast gypsum concrete", so as to read as follows:

(9) Gypsum tile or pre-cast gypsum concrete, whether solid or hollow, shall conform to Standard Specifications for Gypsum Partition Tile or Block of the American Society for Testing Materials and shall not contain more than three per cent by weight of wood or other combustible binder or filler.

Section 247. Said section 2202 is hereby further amended by inserting at the end of sub-division (10) of paragraph (a) the following: "It shall not be used where exposed to the elements.", so as to read as follows:

(10) Gypsum concrete shall not contain more than twelve and one-half per cent by weight of wood or other combustible binder or filler, and shall have a compressive strength of at least five hundred pounds per square inch as provided in Part 27. It shall not be used where exposed to the elements.

Section 248. Said section 2202 is hereby further amended by inserting after the word "covering" in the last line of paragraph (g) the words "except over the tops of beams and girders", so as to read as follows:

(g) Pipes, wires, conduits and ducts shall not be embedded in or placed behind the fire-protective materials required for the protection of structural steel or iron except as otherwise provided in this paragraph. Above fire-protective hung ceilings and within the enclosed spaces, in buildings of Type I and Type II construction within which, other than the enclosure, fire protection of steel is not required, as specified in Part 16, pipes, wires, conduits and ducts may be placed, provided they are so arranged and so secured that they will not, either by expanding in the event of fire, or otherwise impair the effectiveness of the enclosing protective materials. Electric conduits and wires and gas pipes may be embedded in concrete or masonry fire protection of structural steel where the protective material is reinforced with wire mesh, provided they shall have protective covering except over the tops of beams and girders, at least as thick as required for the steel.

Section 249. Said section 2202 is hereby further amended by striking out the word "may" in the fifth line of paragraph (h) and inserting in place thereof the word "shall", so as to read as follows:

(h) In factories, garages, warehouses and other buildings in which the fire-protective covering required for steel or iron columns may be unimpaired by the movement of vehicles, materials or equipment, the commissioner shall require such covering to be protected by metal or other material in a manner satisfactory to him.

Section 250. Section 2203 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out paragraph (b) as so appearing and inserting in place thereof the following:

(b) The following materials shall be assumed to afford to steel columns fire-protection of the rating indicated:

Four-hour rating:

(1) Two inches Class 1 concrete.

(2) Three inches Class 2 concrete, metal mesh reinforcement.

(3) Three and one half inches brick masonry.

(4) Two layers two-inch structural clay partition tile masonry, metal mesh in beds.

(5) Two inches structural clay partition tile masonry, concrete fill, metal mesh in beds, three fourths inch gypsum plaster.

(6) Four inches structural clay partition tile masonry, concrete fill, metal mesh in beds, five eighths inch lime plaster.

(7) Four inches structural clay partition tile or concrete block masonry, concrete fill, plaster.

(8) Three inches hollow gypsum tile masonry and plaster.

(9) Two inches gypsum concrete, metal mesh reinforcement.

(10) Two inches solid gypsum tile masonry and plaster.

(11) Three inches solid cinder concrete block masonry and plaster.

(12) Four inches hollow cinder concrete block masonry and plaster.

Three-hour rating:

(13) One and three fourths inches Class 1 concrete.

(14) Two inches Class 2 concrete, metal mesh reinforcement.

(15) Two inches gypsum concrete.

(16) Two inches solid cinder concrete block masonry and plaster.

(17) Two inches structural clay partition tile masonry, concrete fill.

Two-hour rating:

(18) One and one half inches Class 1 concrete.

(19) Two inches Class 2 concrete, metal mesh reinforcement.

(20) One inch Class 1 or Class 2 concrete encased in standard weight steel or wrought iron pipe.

(21) Two inches structural clay partition tile masonry and plaster.

(22) Two layers plaster, each on metal lath, with three fourths inch air space between, two inches total thickness.

(23) Two inch gypsum concrete.

(24) Two inches solid or three inches hollow gypsum tile masonry.

One-hour rating:

(25) One inch Class 1 concrete.

(26) One and one half inches Class 2 concrete with metal mesh reinforcement.

(27) Two and one fourth inches brick masonry.

(28) Two inches structural clay partition tile or concrete block masonry.

(29) One inch cement or gypsum plaster on metal lath.

Section 251. Section 2204 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out the numeral (1) at the beginning of sub-division (1) under "Two-hour rating" in paragraph (b) and inserting in place thereof the numeral (5); and by striking out the numeral (2) at the beginning of sub-division (2) under "Two-hour rating" and inserting in place thereof the numeral (6); and by striking out the numeral (1) at the beginning of sub-division (1) under "One-hour rating" and inserting in place thereof the numeral (7); and by striking out the numeral (2) at the beginning of sub-division (2) under "One-hour rating" and inserting in place thereof the numeral (8); and by striking out the numeral (3) at the beginning of sub-division (3) under "One-hour rating" and inserting in place thereof the numeral (9), so as to read as follows:

(b) The following materials shall be assumed to afford to cast iron columns fire-protection of the rating indicated:

Four-hour rating:

Cast iron columns shall not be used where protection of four-hour rating is required.

Three-hour rating:

(1) Two inches Class 1 concrete.

(2) Three inches Class 2 concrete, metal mesh reinforcement.

(3) Two inches structural clay partition tile or concrete block masonry, concrete fill.

(4) One and one half inches cement or gypsum plaster on metal lath and metal furring to form one half inch air space.

Two-hour rating:

(5) One and one half inches Class 1 concrete.

(6) Two inches, Class 2 concrete with metal mesh reinforcement.

One-hour rating:

(7) One inch Class 1 concrete.

(8) One and one half inches Class 2 concrete with metal mesh reinforcement.

(9) One inch cement or gypsum plaster on metal lath.

Section 252. Section 2205 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out the numeral (1) at the beginning of sub-division (1) under "Three-hour rating" of paragraph (a) and inserting in place thereof the numeral (3); and by striking out the numeral (1) at the beginning of sub-division (1) under "Two-hour rating" and inserting in place thereof the numeral (4); and by striking out the numeral (2) at the beginning of sub-division (2) under "Two-hour rating" and inserting in place thereof the numeral (5); and by striking out the numeral (1) at the beginning of sub-division (1) under "One-hour rating" and inserting in place thereof the numeral (6), so as to read as follows:

(a) The main steel reinforcement, including spiral reinforcement and ties larger than one half inch, in reinforced concrete columns required to have fire-protection of a given rating shall be

covered with concrete having not less than the thickness listed in this section for the rating indicated:

Four-hour rating:

(1) One and one half inches Class 1 concrete.

(2) Two inches Class 2 concrete.

Three-hour rating:

(3) One and one half inches Class 1 or Class 2 concrete.

Two-hour rating:

(4) One inch Class 1 concrete.

(5) One and one half inches Class 2 concrete.

One-hour rating:

(6) One inch Class 1 or Class 2 concrete.

Section 253. Said section 2206 is hereby further amended by striking out the words "less than that listed by not more than one half inch" in the second and third lines of paragraph (b) and inserting in place thereof the words "one half inch thinner than that listed above", so as to read as follows:

(b) The thickness of protection on column ties not larger than one half inch may be one half inch thinner than that listed above.

Section 254. Section 2206 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out the words "except where they are adequately protected by the floor or roof construction" in the fourth and fifth lines of paragraph (a), so as to read as follows:

(a) Steel beams, girders and trusses or the members of trusses, required to have fire-protection of a given rating, shall be covered on all sides with material having not less than the thickness necessary for the required rating.

Section 255. Said section 2206 is hereby further amended by striking out paragraph (b) as so appearing and inserting in place thereof the following:

(b) The following materials shall be assumed to afford steel beams, girders and trusses, or the members thereof, fire-protection of the rating indicated:

Four-hour rating:

(1) Two inches Class 1 concrete.

(2) Three inches Class 2 concrete.

(3) Three inches structural clay partition tile or concrete block masonry and plaster.

(4) Three inches hollow gypsum tile masonry and plaster.

(5) Two inches gypsum concrete.

(6) Two inches solid gypsum tile masonry and plaster.

Three-hour rating:

(7) One and three quarters inches Class 1 concrete.

(8) Two and one half inches Class 2 concrete.

(9) Two inches gypsum concrete.

(10) Two inches structural clay partition tile, or concrete block masonry and plaster.

(11) Two inches solid, or three inches hollow gypsum tile masonry.

Two-hour rating:

(12) One and one half inches Class 1 concrete.

(13) Two inches Class 2 concrete.

(14) Two inches gypsum concrete.

One-hour rating:

(15) One inch Class 1 concrete.

(16) One and one half inches Class 2 concrete.

(17) Seven eights inch cement or gypsum plaster on metal lath.

Section 256. Section 2207 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out the numeral (1) at the beginning of sub-division (1) under "Three hour rating" of paragraph (a) and inserting in place thereof the numeral (3); and by striking out the numeral (1) at the beginning of sub-division (1) under "Two-hour rating" and inserting in place thereof the numeral (4); and by striking out the numeral (2) at the beginning of sub-division (2) under "Two-hour rating" and inserting in place thereof the numeral (5); and by striking out the numeral (1) at the beginning of sub-division (1) under "One-hour rating" and inserting in place thereof the numeral (6), so as to read as follows:

(a) The main steel reinforcement, including stirrups larger than one half inch, in reinforced concrete beams, girders and trusses, including the ribs of reinforced concrete ribbed floors or

roofs where one or both sides of the ribs, in addition to the soffit, are exposed to fire, required to have fire-protection of a given rating, shall be covered on all sides with concrete having not less than the thickness listed in this section for the required rating. Where a reinforced concrete floor or roof has a flush ceiling formed with approved permanent masonry fillers between ribs, the reinforcement shall have the protection required for reinforcing steel of floors and roofs in section twenty-two hundred and eight.

Four-hour rating:

(1) One and one half inches Class 1 concrete.

(2) Two inches Class 2 concrete.

Three-hour rating:

(3) One and one half inches Class 1 or Class 2 concrete.

Two-hour rating:

(4) One inch Class 1 concrete.

(5) One and one half inches Class 2 concrete.

One-hour rating:

(6) One inch Class 1 or Class 2 concrete.

Section 257. Section 2208 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out the numeral (1) at the beginning of sub-division (1) under "Three-hour rating" of paragraph (a) and inserting in place thereof the numeral (3); and by striking out the numeral (1) at the beginning of sub-division (1) under "Two-hour rating" and inserting in place thereof the numeral (4); and by striking out the numeral (2) at the beginning of sub-division (2) under "Two-hour rating" and inserting in place thereof the numeral (5); and by striking out the numeral (1) at the beginning of sub-division (1) under "One-hour rating" and inserting in place thereof the numeral (6), so as to read as follows:

(a) The steel reinforcement in reinforced concrete floors and roofs with flush or plane ceilings, such that the exposure to fire is on the soffit only, required to have fire-protection of a given rating, shall be covered with concrete having not less than the thickness listed in this section for the required rating. In floors or roofs having reinforced concrete ribs where the concrete surrounding the steel reinforcement is exposed to fire on one or both sides in addition to the soffit, such reinforcement shall have the protection specified in section twenty-two hundred and seven for steel in reinforced concrete beams.

Four-hour rating:

(1) One inch Class 1 concrete.

(2) One and one fourth inches Class 2 concrete.

Three-hour rating:

(3) One inch Class 1 or Class 2 concrete.

Two-hour rating:

(4) Three fourths inch Class 1 concrete.

(5) One inch Class 2 concrete.

One-hour rating:

(6) Three fourths inch Class 1 or Class 2 concrete.

Section 258. Said section 2208 is hereby further amended by striking out paragraph (b) as so appearing.

Section 259. Section 2209 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out paragraph (b) as so appearing and inserting in place thereof the following:

(b) The following floor or roof construction shall be assumed to afford resistance to the spread of fire of the rating indicated:

Four-hour rating:

(1) Four inches solid slab of reinforced Portland cement concrete or reinforced precast gypsum concrete.

(2) Four inches solid masonry arches or slabs.

(3) Four inches structural clay floor tile masonry arches or slabs with top covering of not less than two inches of solid masonry or reinforced concrete.

(4) Five inches combination reinforced Portland cement concrete slab consisting of permanent fillers of concrete block, gypsum or structural clay tile and one and one half inches of concrete topping; but if structural clay partition tiles are used for fillers they shall be plastered on the soffit.

Three-hour rating:

(5) Three inches solid slab of reinforced Portland cement concrete or reinforced precast gypsum concrete.

(6) Three inches solid masonry arches or slabs.

(7) Four inches structural clay floor tile masonry, arches or slabs with top covering of not less than one and one half inches of solid masonry or reinforced concrete.

(8) Four inches combination reinforced Portland cement concrete slab consisting of permanent fillers of concrete block, gypsum or structural clay tile and one-inch concrete topping; but if structural clay partition tiles are used for fillers, they shall be plastered on the soffit.

Two-hour rating:

(9) Two and one half inches solid slab of reinforced Portland cement concrete or reinforced precast gypsum concrete.

(10) Two and one half inches solid masonry arches or slabs.

(11) Three inches structural clay floor tile masonry, arches or slabs with top covering of not less than one inch of solid masonry or reinforced concrete.

One-hour rating:

(12) Three inches structural clay floor tile masonry, arches or slabs with all joints thoroughly filled with cement or gypsum mortar.

(13) Wood floor or roof construction with joists not less than one and five eighths inches in least dimension, fire-stopped, double board floor, approved asbestos felt between layers of boards, and with a ceiling of at least three quarters inch cement or gypsum plaster on metal lath.

(14) Steel beams or steel joists not more than thirty-six inches apart on centers with incombustible floor and a ceiling of at least three fourths inch cement or gypsum plaster on metal lath metal furring.

Section 260. Section 2210 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out sub-division (1) under "Four-hour rating" of paragraph (b) and inserting in place thereof the following: "Two and one half inches solid slab of reinforced Portland cement concrete or reinforced precast gypsum concrete"; and by striking out sub-division (1) under "Three-hour rating" and inserting in place thereof the following: "(3) Two inches solid slab of reinforced Portland cement concrete or reinforced precast gypsum concrete"; and by striking out the numeral (2) at the beginning of sub-division (2) under "Three-hour rating" and inserting in place thereof the numeral (4); and by striking out sub-division (1) under "Two-hour rating" and inserting in place thereof the following: "(5) One and one half inches solid slab of reinforced Portland cement concrete or reinforced precast gypsum concrete"; and by striking out the numeral (1) at the beginning of sub-division (1) under "One-hour rating" and inserting in place thereof the numeral (6), so as to read as follows:

(b) The following ceiling construction shall be assumed to afford to floor or roof framing fire-protection of the rating indicated:

Four-hour rating:

(1) Two and one half inches solid slab of reinforced Portland cement concrete or reinforced precast gypsum concrete.

(2) Two inches precast reinforced gypsum concrete, plastered.

Three-hour rating:

(3) Two inches solid slab of reinforced Portland cement concrete or reinforced precast gypsum concrete.

(4) Two inches precast reinforced gypsum concrete, lapped or rabbeted joints.

Two-hour rating:

(5) One and one half inches solid slab or reinforced Portland cement concrete or reinforced precast gypsum concrete.

One-hour rating:

(6) Three fourths inch cement or gypsum plaster on metal lath.

Section 261. Section 2211 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out paragraph (b) as so appearing and inserting in place thereof the following:

(b) Bearing walls and partitions of the following construction and thickness shall be

assumed to have resistance to fire and the spread of fire of the rating indicated:

Four-hour rating:

- (1) Eight inches solid brick masonry.
- (2) Twelve inches hollow wall of brick masonry, minimum eight inch masonry thickness.
- (3) Twelve inches structural clay load-bearing tile masonry with two units and not less than three cells in the thickness of the wall.
- (4) Eight inches structural clay load-bearing tile masonry with one unit and not less than two cells in the thickness of the wall, plastered both sides.
- (5) Twelve inches concrete block masonry with one unit and not less than two cells in the thickness of the wall.
- (6) Eight inches one-piece concrete block masonry with shells and webs at least one and one half inches thick, plastered both sides.
- (7) Twelve inches total thickness of brick masonry facing bonded to structural clay load-bearing tile masonry backing.
- (8) Eight inches solid concrete.
- (9) Six inches solid reinforced concrete.
- (10) A steel or reinforced concrete frame hearing wall in which the steel has fire-protection of four-hour rating, with panel filling as specified in section twenty-two hundred and twelve for a non-hearing wall of four-hour rating.

Three-hour rating:

- (11) Eight inches structural clay load-bearing tile masonry with two units and not less than four cells in the thickness of the wall.
- (12) Twelve inches structural clay load-bearing tile masonry with one unit and not less than three cells in the thickness of the wall.
- (13) Eight inches one-piece concrete block masonry with shells and webs not less than one and one half inches thick, plastered both sides.
- (14) Eight inches one-piece concrete block masonry with shells and webs not less than two inches thick.

(15) Five inches solid reinforced concrete.

(16) A steel or reinforced concrete frame bearing wall in which the steel has fire-protection of three-hour rating, with panel filling as specified in section twenty-two hundred and twelve for a non-bearing wall of three-hour rating.

Two-hour rating:

(17) Eight inches structural clay load-bearing tile masonry with not less than three cells in the thickness of the wall.

(18) Eight inches concrete block masonry with shells and webs not less than one and one half inches thick.

(19) A steel or reinforced concrete frame hearing wall in which the steel has fire-protection of two-hour rating, with panel filling as specified in section twenty-two hundred and twelve for a non-hearing wall of two-hour rating.

One-hour rating:

(20) A steel or wooden stud bearing wall covered on both sides with one-inch cement or gypsum plaster on metal lath, fire-stopped, if of wood.

(21) A steel or reinforced concrete frame bearing wall in which the steel has fire-protection of one-hour rating, with panel filling as specified in section twenty-two hundred and twelve for a non-hearing wall of one-hour rating.

Section 262. Section 2212 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out paragraph (b) as so appearing and inserting in place thereof the following:

(b) Non-hearing walls and partitions of the following construction and thickness shall be assumed to have resistance to fire and the spread of fire of the rating indicated:

Four-hour rating:

- (1) Eight inches solid brick masonry.
- (2) Three and one half inches solid brick masonry, plastered both sides.
- (3) Six inches structural clay load-bearing tile, plastered both sides.
- (4) Six inches solid concrete.
- (5) Four inches solid reinforced concrete.
- (6) Any wall which, as a hearing wall, has a three-hour or four-hour rating in section

twenty-two hundred and eleven, except the steel or reinforced concrete frame bearing wall.

Three-hour rating:

(7) Three and one half inches solid brick masonry.

(8) Four inches structural clay load-bearing tile, plastered both sides.

(9) Four inches solid concrete.

(10) Three inches reinforced concrete.

(11) Any wall which, as a bearing wall, has a two-hour rating in section twenty-two hundred and eleven, except the steel or reinforced concrete frame hearing wall.

Two-hour rating:

(12) Three inches gypsum tile masonry, plastered both sides except in exterior walls.

(13) Eight inches structural clay partition tile masonry, plastered both sides.

(14) Eight inches structural clay load-bearing tile, with three cells in the thickness of the wall.

(15) Four inches concrete block plastered both sides.

(16) Two inches solid neat, fibered, gypsum plaster on metal lath and incombustible studding.

One-hour rating:

(17) Three inches gypsum tile masonry.

(18) Two inches solid gypsum tile masonry plastered both sides.

(19) Three inches structural clay partition tile plastered both sides.

(20) Two and one half inches solid cement or sanded gypsum plaster on metal lath and incombustible studding.

(21) Three inches total thickness of hollow wall, three fourths inch cement or gypsum plaster on metal lath and incombustible studding.

(22) Three inches total thickness of hollow wall, three fourths inch cement or gypsum plaster on metal lath and wooden studding, fire-stopped.

Section 263. Section 2213 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out paragraph (d) as so appearing and inserting in place thereof the following:

(d) Class B fire doors shall be doors of the following construction as specified in section twenty-two hundred and fourteen.

(13) Tin-clad, three-ply wood core.

(14) Tin-clad, two-ply wood core, sliding, doorway not over ten feet wide.

(15) Tin-clad, two-ply wood core, swinging single leaf, doorway not over six feet wide.

(16) Tin-clad, two-ply wood core, swinging in pairs, doorway not over ten feet wide.

(17) Hollow metal, sliding, doorway not over eight feet wide.

(18) Metal-clad, paneled, swinging single leaf, doorway not over three feet wide.

(19) Metal-clad, paneled, swinging in pairs, doorway not over six feet wide.

(20) Any other construction equal or superior to a tin-clad two-ply wood core door in a standard fire test, for resistance to fire, the spread of fire and smoke, and transmission of heat.

Section 264. Section 2213 is hereby further amended by striking out the numeral (1) at the beginning of sub-division (1) of paragraph (e) and inserting in place thereof the numeral (21); and by striking out the numeral (2) at the beginning of sub-division (2) of paragraph (e) and inserting in place thereof the numeral (22), so as to read as follows:

(e) Class C fire doors shall be doors of the following construction as specified in section twenty-two hundred and fourteen.

(21) Metal-clad, paneled, swinging single leaf, doorway not over four feet wide.

(22) Metal-clad paneled, swinging in pairs, doorway not over eight feet wide.

Section 265 Section 2213 is hereby further amended by inserting at the beginning of paragraph (k) the word "hinge"; and by adding the following sentence after the first sentence, "Equivalent thickness of solid bronze or brass may be used," so as to read as follows:

(k) Hinge hardware for fire doors shall be of malleable iron or rolled structural steel not less than one fourth inch thick except that tubular steel track for sliding doors may be not less than one eighth inch thick. Equivalent thickness of solid bronze or brass may be used. Fire

doors shall not depend upon cords, cables or chains to support them in closed position except in elevator shafts.

Section 266. Said section 2213 is hereby further amended by striking out the word "long" in the fifth line of paragraph (n), so as to read as follows:
 (n) Strap hinges and sliding door hangers shall be secured to fire doors by through-bolting, riveting or welding. Swinging fire doors in rabbeted frames, except tin-clad, wood core doors, may be hung on buttons. Other swinging fire doors shall have strap hinges.

Section 267. Section 2214 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out paragraph (b) as so appearing and inserting in place thereof the following: "(b) Class A doors shall not have glass panels. Class B doors may have glass panels not larger than one hundred square inches in exposed area nor more than twelve inches in width or height. Class C doors may have glass panels not larger than two thousand and sixteen square inches in total exposed area, and no single light shall have an exposed area exceeding twelve hundred and ninety-six square inches. Glass in fire doors shall be wire glass not less than one quarter inch thick and shall be set five eighths inch in grooves three quarters of an inch deep", so as to read as follows:

(b) Class A doors shall not have glass panels. Class B doors may have glass panels not larger than one hundred square inches in exposed area nor more than twelve inches in width or height. Class C doors may have glass panels not larger than two thousand and sixteen square inches in total exposed area, and no single light shall have an exposed area exceeding twelve hundred and ninety-six square inches. Glass in fire doors shall be wire glass not less than one quarter inch thick and shall be set five eighths inch in grooves three quarters of an inch deep.

Section 268. Section 2214 is hereby further amended by striking out the last sentence of sub-division (3) of paragraph (c), so as to read as follows:

(3) Hollow metal doors shall have substantial stiles and rails of heavy pressed steel, reinforced for hinges and other hardware. Panels shall be of sheet steel filled with asbestos board or other approved insulating materials. The door shall be assembled by welding or riveting.

Section 269. Said section 2214 is hereby further amended by striking out the last sentence of sub-division (4) of paragraph (c), so as to read as follows:

(4) Sheet metal rigid frame covered both sides with one sixteenth inch asbestos board and twenty-six gage corrugated sheet metal, with corrugations vertical on one side and horizontal on the other, bound on the edges with rolled steel or pressed steel shapes.

Section 270. Said section 2214 is hereby further amended by striking out the last sentence of sub-division (5) of paragraph (c), so as to read as follows:

(5) A steel rolling fire door shall be constructed of sheet steel interlocking slats, sliding in grooves, counterweighted by springs, the roller and mechanism enclosed in heavy sheet metal.

Section 271. Said section 2214 is hereby further amended by striking out the last sentence of sub-division (6) of paragraph (c), so as to read as follows:

(6) A steel plate fire door shall be constructed of not less than twelve gage steel plate mounted on a rolled steel frame, assembled by welding or riveting.

Section 272. Section 2216 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out the word "bolted" in the seventh line of paragraph (d) and inserting in place thereof the word "screwed", so as to read as follows:

(d) Glass in fire-resistive windows shall be wire glass not less than one fourth inch thick and the area of a single light shall not exceed seven hundred and twenty square inches. Glass shall be set three eighths inch in grooves at least one half inch deep. Glass shall be secured by glazing angles or moldings screwed to the sash and forming continuous grooves for the glass.

Section 273. Said section 2216 is hereby amended by striking out the numeral (1) at the

beginning of sub-division (1) of paragraph (e) and inserting in place thereof the numeral (6); and by striking out the numeral (2) at the beginning of sub-division (2) and inserting in place thereof the numeral (7); and by striking out the numeral (3) at the beginning of sub-division (3) and inserting in place thereof the numeral (8); and by striking out the numeral (1) in the last sentence of sub-division (3) and inserting in place thereof the numeral (6), so as to read as follows:

(e) Fire-resistive windows shall be of the following construction:

(6) Hollow sheet metal sashes and frames fabricated by pressing, welding, riveting or crimping without the use of solder or other fusible alloy, except for filling joints, and bearing the label of the Underwriters' Laboratories.

(7) Rolled steel or pressed steel sashes fabricated by pressing, welding, riveting or crimping, of a make and style approved by the commissioner.

(8) Any other approved constructions as fire-resistive as that specified in paragraph (6).

Section 274. Section 2217 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out the numeral (1) at the beginning of sub-division (1) of paragraph (c) and inserting in place thereof the numeral (13); and by striking out the numeral (2) at the beginning of sub-division (2) and inserting in place thereof the numeral (14); and by striking out the numeral (3) at the beginning of sub-division (3) and inserting in place thereof the numeral (15), so as to read as follows:

(c) Ordinary roofing shall be any roof covering which meets the requirements of Class C roofing under the specifications of the Underwriters' Laboratories, Inc. The following roof covering shall be assumed to meet the requirements for ordinary roofing:—

(13) Built up roofing consisting of successive layers of roofing felt impregnated with asphalt, coal tar or other approved material, not equal in fire-resistance to a fire-retardant roofing.

(14) Prepared roofing consisting of felt or fabric impregnated or coated, or both, with asphalt, tar or other approved material or shingles of such prepared roofing, not equal in fire-resistance to fire-retardant roofing.

(15) Canvas stretched tightly and coated with paint.

Section 275. Section 2303 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by inserting at the end of the table in paragraph (a) the following: "Pounds per Square Foot."

Plaster on metal lath exclusive of furring, eight. Roofing, tar and gravel, six," so as to read as follows:

(a) The actual weights of the elements of construction and of materials to be supported shall be used in calculation of the loads. The materials listed in the following table shall be assumed to weigh not less than there indicated:

	Pounds per Cubic Foot.
Brick (face, sandlime, concrete) masonry.....	140
Brick (common) masonry.....	120
Cast iron.....	450
Cast stone masonry.....	144
Cinders, dry, in bulk.....	45
Cinder fill.....	54
Sand-cinder concrete, fill.....	96
Sand-cinder concrete, structural.....	103
Stone or gravel concrete, plain.....	144
Stone or gravel concrete, reinforced.....	150
Common earth, dry and packed.....	100
Wet mud.....	120
Granite masonry.....	170
Limestone masonry.....	160
Marble masonry.....	160
Sandstone masonry.....	145
Steel.....	490
Timber.....	40
Water.....	62.5
	Pounds per Square Foot.
Plaster on metal lath exclusive of furring.....	8
Roofing, tar and gravel.....	6

Section 276. Section 2304 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out the last sentence of paragraph (b) and inserting in place thereof the following: "But the allowance for partition weight in portions of buildings given to office occupancy, when expressed in pounds per square foot of floor, shall in no case be less than a minimum of two pounds for each foot of story height for each square foot of floor," so as to read as follows:

(b) If a lay-out of partitions is included in the building plans, the weights of the partitions and their locations shall be determined in accordance therewith, or such lay-out shall be used to determine an equivalent load per square foot of floor to be applied uniformly as a superimposed dead load for purposes of design. But the allowance for partition weight in portions of buildings given to office occupancy, when expressed in pounds per square foot of floor, shall in no case be less than a minimum of two pounds for each foot of story height for each square foot of floor.

Section 277. Section 2305 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out said section as so appearing and inserting in place thereof the following:

Section 2305. *Live Loads on Floors.*—The live loads assumed on floors for purposes of design shall be the greatest loads that will probably be produced by the intended occupancies, but the following distributed live loads in pounds per square foot shall be taken as the minimum for the occupancies named, and for similar occupancies not listed which create or accommodate corresponding loadings.

	Pounds per Square Foot.
<i>Domestic Occupancy:</i> all parts of private dwellings, rooms and suites in apartment houses, lodging houses and clubs; private, ward or dormitory rooms in hospitals, asylums, educational and religious institutions, including corridors giving access thereto; and bedrooms of hotels.	40
<i>Office Buildings:</i> first and basement floors.	100
<i>Office Occupancy,*</i> above first floor in office buildings, offices in other buildings, including corridors.	50
<i>Church Auditoriums:</i> with fixed seats, including aisles, sanctuary or chancel, sacristies, choirs and chapels.	60
<i>Class Rooms:</i> in schools and colleges, not exceeding nine hundred square feet in area, or larger size rooms where fixed seats are used; and school laboratories.	50
<i>Theatre Auditoriums and Assembly Halls:</i> * with fixed seats, including aisles and passageways.	75
<i>Theatre Stages:</i> gridirons and fly galleries.	100
<i>Public Occupancy:</i> lobbies, foyers, vestibules and similar public spaces of hotels, theatres, churches, clubs and public buildings; assembly halls, including class and lecture rooms exceeding nine hundred square feet in area, without fixed seats; dance halls, public dining rooms and restaurants, public rooms for social purposes, skating rinks, gymnasiums.	100
<i>Bleachers:</i> grandstands and temporary grandstands.	150
<i>Corridors:</i> In theatres and serving assembly halls.	100
In school buildings.	75
Other corridors,—same loading as heaviest occupancy to which they provide access.	
<i>Fire Escapes and Exterior Balconies:</i> In theatres and serving assembly halls.	100
In other buildings.	75
<i>Stairs:</i> * same loading as heaviest occupancy to which they give access, but maximum required.	100
<i>Stores:</i> For light merchandise, first and basement floors.	100

	Pounds per Square Foot.
For light merchandise, above first floor, including mezzanine.	75
For heavy merchandise, all floors.	125
<i>Storage:</i> Light storage.	125
Heavy storage.	250
<i>Manufacturing:</i> Light manufacturing.	75
Intermediate manufacturing.	150
Heavy manufacturing.	250
<i>Locker Rooms.</i>	75
<i>Stables.</i>	75
<i>Garages,*</i> including Apparatus Room of Fire Stations: Class A—Floors used for vehicles exceeding twenty thousand pounds in weight, including load; and first or street floors of garages except those limited exclusively to passenger vehicles of not more than nine persons capacity.	250
Class B—Floors not included in Class A and first or street floors of garages limited to passenger vehicles exclusively weighing not more than nine thousand pounds.	150
Class C—Floors above the first or street floors for passenger vehicles weighing less than six thousand pounds.	100
A floor connected directly with the street or by a ramp or driveway not more than eight feet high shall be regarded as a first or street floor.	
<i>Hangers*.</i>	150
<i>Sidewalks*.</i>	250
<i>Driveways*.</i>	250
<i>Ceilings*.</i>	—

Section 278. Section 2306 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by adding at the end the following:

"(6) That portion of hangers subject to concentrated loads shall be designed to accommodate the heaviest vehicle housed therein," so as to read as follows:

Section 2306. *Special Concentrations.*—In the design of floors, consideration shall be given to the effects of known or probable concentrations of load to which they may be subjected; and in buildings designed for the occupancies listed herein, floors shall be made capable of carrying the prescribed distributed loads or the following minimum concentrations, whichever may result in the greater stresses. The concentrations indicated shall be assumed to occupy spaces two and one half feet square, and so placed as to produce maximum stresses in the members affected.

- (1) For office floors, including corridors, a load of two thousand pounds.
- (2) For portions of garages subject to Class A loading, a concentrated load of twenty thousand pounds, and to Class B loading, ten thousand pounds.
- (3) For sidewalks, a concentrated load of eight thousand pounds.
- (4) For driveways, and for trucking spaces within the limits of a structure a concentrated load of twenty thousand pounds.
- (5) For structural supports of ceilings under accessible spaces, for trap doors and skylights a concentrated load of two hundred pounds.
- (6) That portion of hangers subject to concentrated loads shall be designed to accommodate the heaviest vehicle housed therein.

Section 279. Section 2312 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by inserting after the word "surfaces" in the first line of paragraph (c) the words "other than signs", so as to read as follows:

(c) The wind pressure in vertical plane surfaces other than signs shall be taken at ten pounds per square foot for those portions less than forty feet above the ground, at fifteen pounds per square foot for portions between

* For special floor concentrations and lateral thrusts on stair and balcony rails, see sections 2306 and 2309.

forty and eighty feet above the ground and at twenty pounds per square foot for portions more than eighty feet above the ground.

Section 280. Said section 2312 is hereby further amended by inserting after paragraph (c) the following new paragraph:

(d) The wind pressure on vertical plane surfaces of all signs shall be taken as thirty pounds per square foot.

Section 281. Said section 2312 is hereby further amended by striking out the letter "(e)" at the beginning of paragraph (d) and inserting in place thereof the letter "(e)", so as to read as follows:

(e) For cylindrical surfaces the area exposed to wind shall be assumed as two thirds of the projected area.

Section 282. Said section 2312 is hereby further amended by striking out the letter "(e)" at the beginning of paragraph (e) and inserting in place thereof the letter "(f)", so as to read as follows:

(f) On roofs having a rise of more than four inches per foot of run the wind pressure normal to the surface shall be taken as one and one half pounds per square foot for each inch of

rise on one foot run, with a maximum pressure of twenty pounds per square foot when the rise exceeds twelve inches per foot.

Section 283. Section 2313 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out in the second line of paragraph (a) the words "the test" and inserting in place thereof the word "tests", and by striking out in the third line the word "completed", so as to read as follows:

(a) The commissioner shall have the right to order tests under load of any portion of a structure when the conditions have been such as to leave reasonable doubt as to the adequacy of the structure to serve the purpose for which it was intended. Such tests shall not be required to be made on any concrete or masonry construction until it is at least sixty days old.

Section 284. Section 2403 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out Grade C as appearing in the table in paragraph (e), so as to read as follows:

(e) Brick, whether of burned clay, concrete, or sand and lime, shall be classified for strength when tested flatwise according to the following table:—

CLASSIFICATION OF BRICK BY STRENGTH.

Grade.	Compressive Strength. (Pounds per Square Inch.)		Modulus of Rupture. (Pounds per Square Inch.)	
	Average of Five Tests.	Individual Minimum.	Average of Five Tests.	Individual Minimum.
A.....	4,500 or more	3,500	600 or more	400
B.....	2,600 to 4,500	2,000	450 or more	300

Section 285. Said section 2403 is hereby further amended by striking out the letter "C" in the second line of paragraph (g) and inserting in place thereof the letter "B", so as to read as follows:

(g) Brick for fire protection, fire resistive walls, or fire-stopping shall be of Grade B or better.

Section 286. Section 2405 of chapter 470 of the Acts of nineteen hundred and thirty-eight is hereby amended by inserting after the title "Cast Stone" in the first sentence, the letter "(a)", so as to read as follows:

Cast Stone.—(a) Cast stone shall be made of Portland cement, aggregates and water with or without admixtures. Cast stone for load-bearing masonry or exposed to the weather shall have an average compressive strength at an age of twenty-eight days of at least five thousand pounds per square inch and shall have not more than seven nor less than three per cent water absorption by weight.

Section 287. Said section 2405 is hereby further amended by inserting at the end the following new paragraph (b):

(b) Cast stone shall not project more than six inches beyond the supporting material. Cast stone shall have reinforcing as required for reinforced concrete in Part 26 of this code together with three inch damp-proofing protection of the reinforcing.

Section 288. Section 2409 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out the words "water or" in the second line of paragraph (b); and by inserting before the word "wetting" in the fifth line the word "both"; and by striking out the word "and" after the word "wetting" in the fifth line and inserting in place thereof the word "or", so as to read as follows:

(b) Plain concrete in load-bearing masonry or where exposed to soil or where used for fire-resistive purposes, shall be of such proportions as to have a strength of at least fifteen hundred pounds per square inch and where exposed to both wetting or freezing at least two thousand pounds per square inch as provided in Part 26.

Section 289. Section 2410 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out paragraph (a) as so appearing.

Section 290. Said section 2410 is hereby further amended by striking out the letter (b) at the beginning of paragraph (b) and inserting in place thereof the letter (a); and by inserting after the word "concrete" in the first line the words "may be"; and inserting after the word "protection" in the first line the following words: "and non-structural purposes and", so as to read as follows:

(a) Plain gypsum concrete may be used for fire protection and non-structural purposes and shall contain not over fifteen per cent by weight of wood or other combustible binder.

Section 291. Section 2411 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out the words "and in foundation walls below ground on both sides" in the fourth and fifth lines of paragraph (a); and by inserting after the word "beds" in the seventh line the words "and full builds", so as to read as follows:

(a) Masonry, other than plain concrete and plain gypsum concrete, shall be laid in mortar except stone masonry in under-water masonry, in retaining walls not in buildings which may be laid without mortar. Load-bearing masonry laid in mortar shall have full beds and full builds of mortar in which the units are placed.

Section 292. Said section 2411 is hereby further amended by inserting after the word "mortar" in the first line of paragraph (f) the words "Class A", so as to read as follows:

(f) Lime-cement mortar Class A shall be composed of one part of lime putty, one part of Portland cement and not more than six parts of sand by volume. Portland cement may be added to lime-cement mortar replacing an equal volume of lime putty, and when such addition is made, the working stress allowed in the masonry may be increased proportionally up to the stress specified for cement mortar.

Section 293. Said section 2411 is hereby further amended by inserting after paragraph (f) the following new paragraph (g):

(g) Lime-cement mortar class B shall be composed of two parts lime putty, one part of Portland cement and not more than eight parts of sand by volume. Portland cement may be added to lime-cement mortar replacing an equal volume of lime putty, and when such addition

is made, the working stress allowed in the masonry may be increased proportionally up to the stress specified for cement mortar.

Section 294. Said section 2411 is hereby further amended by striking out the letter (g) at the beginning of paragraph (g) and inserting in place thereof the letter (h), so as to read as follows:

(h) Cement mortar shall be composed of one part of Portland cement and not more than three parts of sand by volume with an allowable addition of lime putty or hydrated lime not to exceed fifteen per cent by volume of the cement content.

Section 295. Said section 2411 is hereby further amended by striking out the letter (h) at the beginning of paragraph (h) and inserting in place thereof the letter (i), so as to read as follows:

(i) Mortar made of so-called "Masonry Cement" may be used. The unit stress allowed in masonry laid with such mortar shall be determined by the commissioner after tests or other satisfactory evidence have been submitted to him, but the unit stress shall not be greater than that given in section twenty-four hundred and thirteen for masonry laid in lime-cement mortar.

Section 296. Said section 2411 is hereby further amended by striking out the letter (i) at the beginning of paragraph (i) and inserting in place thereof the letter (j), so as to read as follows:

(j) In proportioning mortar a sack of Portland cement weighing about ninety-four pounds

shall be taken as one cubic foot and the volume of the sand shall be based on dry and loose measurement.

Section 297. Said section 2411 is hereby further amended by striking out the letter (j) at the beginning of paragraph (j) and inserting in place thereof the letter (k), so as to read as follows:

(k) Except as otherwise provided in paragraph (a) of this section load-bearing masonry, party walls, fire walls and masonry exposed to weather or soil shall be laid in lime mortar, lime-cement mortar, cement mortar or approved masonry cement mortar. Hollow masonry walls and masonry of hollow units shall be laid in lime-cement mortar, cement mortar or approved masonry cement mortar. Masonry likely to be under water or in contact with wet soil, if laid in mortar, shall be laid in cement mortar. Mortar or grout under metal bases of columns or beams resting upon concrete shall be made without lime.

Section 298. Said section 2411 is hereby further amended by striking out the letter (k) at the beginning of paragraph (k) and inserting in place thereof the letter (l), so as to read as follows:

(l) Gypsum tile walls and other non-bearing masonry walls may be laid in gypsum mortar.

Section 299. Section 2413 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out the table as so appearing in paragraph (a) and inserting in place thereof the following table:

AVERAGE UNIT COMPRESSIVE STRESS IN MASONRY.
(Pounds Per Square Inch, Gross Area.)

Masonry.	Lime Mortar.	Lime-Cement Mortar.		Cement Mortar.
		Class A.	Class B.	
Brick:				
Grade A.....	100	200	180	300
Grade B.....	75	150	130	225
Cut Stone:				
Granite.....	300	450	400	600
Limestone.....				
Marble.....				
Sandstone.....				
Cast Stone.....	100	200	180	300
Rubble Stone.....	—	100	90	150
Concrete Blocks.....	—	80	70	100
Structural Clay Tile:	—	80	70	100
Load-Bearing Tile.....	—	80	70	100
Floor Tile.....	—	80	70	100

Section 300. Section 2414 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by inserting before the word "Masonry" in the title the word "plain", so as to read as follows:

Section 2414. Plain Masonry Arches.

Section 301. Section 2415 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by inserting after the word "of" in the fifth line the words "Parts 26 and 28 of"; and by striking out the words "and subject to the approval of the commissioner" in the fifth and sixth lines, so as to read as follows:

Section 2415. Reinforced Masonry.— Lintels in masonry walls, and other approved structures, may be constructed of reinforced masonry when designed and constructed in a manner consistent with the provisions of Parts 26 and 28 of this code.

Section 302. Section 2503 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out paragraph (a) as so appearing and inserting in place thereof the following:

(a) The minimum sizes of structural members of wood specified in this part refer to net sizes, for which American Lumber Standard dressed sizes shall be accepted as minimum. For convenience nominal sizes may be shown on the plans submitted with applications to the commissioner for permit, provided that computations of stresses in wood members used structurally shall be determined by the net finished sizes of lumber and timber employed.

The actual dimensions of greater rough and/or dressed sizes of lumber supplied may be computed for strength provided such sizes are specified or shown on the drawings.

Section 303. Section 2503 is hereby further amended by striking out the word "plans" in the second line of paragraph (b) and inserting in place thereof the word "drawings", so as to read as follows:

(b) The species, classification and grade of all wood used structurally shall be specified on the drawings filed with the commissioner.

Section 304. Section 2504 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out paragraph (a) as so appearing and inserting in place thereof the following:

(a) The unit stress in wooden structural members of the several species and grades shall not exceed the allowable values specified in the following tables computed on the net cross section, except stresses due to wind impact and temporary loads and as otherwise provided in this section. The working stresses listed in the tables are allowed for lumber in continuously dry locations, for pressure impregnated lumber and timber with approved preservative toxics, and for wet timbers below mean low water level. Compression across the grain in untreated lumber used in damp locations, alternately wet and dry or wholly wet shall not exceed seventy per cent of the values shown in Table I. In structures such as bridges in the open, trestles, towers and retaining stands, the allowable unit stresses, except for shear and rigidity, in untreated lumber

(Continued on page 160.)

STRUCTURAL LUMBER — WORKING STRESSES.
Table 1. — Girders, Stringers, Beams, Joists and Plank — Permanent Loads.

SPECIES AND STRESS GRADES.	COMMERCIAL GRADE NAMES.	RULES UNDER WHICH GRADED.	POUNDS PER SQUARE INCH OF NET SECTION (a).			Modulus of Elasticity
			Extreme Fibre in Bending and Tension (b).	Horizontal Shear (Maximum).	Compression to Grain.	
Cedar, Western Red	1000 #f	Structural	W. C. Lumbermen's Association	1000	100	1,000,000
	1400 #f			1400	120	1,200,000
Cypress, Tidewater Red	1100 #f	1400 #f Tidewater Red 1100 #f Tidewater Red	Southern Cypress Manufacturers' Association	1100	100	1,200,000
	1800 #f Dense Coast Region			1800	120	1,600,000
Douglas Fir	1600 #f Close Grained	Dense Select Structural Select Structural 1200 #f Framing and Joist 900 #f Framing and Joist	West Coast Lumbermen's Association	1600	100	1,600,000
	1200 #f			1200	100	1,600,000
Hemlock (Eastern)	1100 #f	Select Structural 900 #f Straight Grained	North Hemlock & Hardwood Manufacturers' Association	1100	70	1,160,000
	900 #f			900	52	1,400,000
Hemlock (West Coast)	1040 #f	No. 1 Dimension	W. C. Lumbermen's Association	1040(c)	100	1,400,000
	1800 #f Dense			1800	120	1,300,000
Larch	1600 #f Close Grained	Select Structural Structural Common Structural	Western Pine Association	1600	100	1,300,000
	1200 #f			1200	100	1,300,000
Oak, Red and White	1800 #f	1800 #f Red and White 1600 #f Red and White 1400 #f Red and White 1200 #f Red and White	National Hardwood Lumber Association	1800	120	1,500,000
	1600 #f			1600	120	1,500,000
Pine, Longleaf, Southern	2000 #f Dense	Select Structural Prime Structural Merch'ble Structural or Structural Square Edge and Sound No. 1 Structural or No. 1 L. L. Dimension No. 2 L. L. 1050 #f Dimension	Southern Pine Inspection Bureau of the Southern Pine Association	2000	100	1,600,000
	1800 #f Dense			1800	100	1,600,000
Pine, Shortleaf, Southern	1600 #f Dense	Structural Square Edge and Sound Dense No. 1 Structural or No. 1 Dense Dimension No. 1 Dimension No. 2 Dense 1050 #f Dimension No. 2 Medium Grain 900 #f Dimen.	Southern Pine Inspection Bureau of the Southern Pine Association	1600	100	1,600,000
	1400 #f Dense			1400	100	1,600,000
Pine, Norway	1000 #f	1000 Straight Grain 900 Straight Grain	North Hemlock & Hardwood Manufacturers' Association	1000	64	1,200,000
	900 #f			900	64	1,200,000
Redwood	1600 #f Close Grained	1600 #f Close Grained Dense Select All Heart Select All Heart	California Redwood Association	1600	80	1,200,000
	1400 #f Close Grained			1400	80	1,200,000
Spruce, Eastern Structural	1200 #f	1200 #f Structural Spruce 1100 #f Structural Spruce 1000 #f Structural Spruce	Northeastern Lumbermen Manufacturers' Association	1200	90	1,200,000
	1100 #f			1100	80	1,200,000
	1000 #f			1000	80	1,200,000

(a) For Stresses in Compression Parallel to Grain, see Table 2 following.
(b) For Tension Parallel to Grain ONLY.
(c) With Slope of Grain restricted, not to exceed 1 in 10.

STRUCTURAL LUMBER — WORKING STRESSES.
Table 2.— Posts, Columns and Compression Members — Permanent Loads.

SPECIES AND STRESS GRADES.	COMMERCIAL GRADE NAMES.	RULES UNDER WHICH GRADED.	Compression Parallel to Grain in Pounds per Square Inch of Net Cross Section — for Length to Least Dimension L/d of:									
			Short Posts	14	17	20	23	26	30	35	40	50
Cedar, Western Red	800 # C	Structural	800	762	716	638	619	405	304	223	170	109
Cypress, Tidewater Red	1200 # C 1000 # C	1200 # C Tidewater Red 1000 # C Tidewater Red	1200 1000	1110 947	1003 885	822 780	622	486	365	268	206	132
Douglas Fir, 1300 # C Dense Coast Region	1100 # C 880 # C	Dense Select Structural Select Structural No. 1 Timbers No. 1 Dimension	1300 1200 1100 880	1235 1148 1060 860	1158 1088 1015 837	1030 986 937 796	829 827 811 705	649	487	358	274	175
Hemlock, Eastern	700 # C	Select Structural	700	678	653	611	554	446	335	246	188	121
Hemlock, West Coast	720 # C	No. 1 Dimension	720	706	688	660	615	549	448	313	240	153
Larch	1466 # C Dense 1200 # C Close Grn. 1100 # C	Select Structural Structural Common Structural	1466 1200 1100	1325 1121 1041	1160 1032 971	891 878 854	673	527	396	291	223	142
Oak, Red and White	1100 # C 1000 # C 900 # C	1100 # C Red and White 1000 # C Red and White 900 # C Red and White	1100 1000 900	1055 866 878	1003 926 847	914 859 732	774 763 722	608	457	336	257	164
Pine, Dense Longleaf Southern	1450 # C 1300 # C 1200 # C 1000 # C	Select Structural Pine Structural Merchant Structural Str. Sd. Edge & Sound No. 1 Structural	1450 1300 1200 1000	1360 1235 1148 970	1255 1158 1088 935	1076 1050 986 876	829 829 827 783	649	487	358	274	175
Pine, Dense Shortleaf Southern	1450 # C 1300 # C 1200 # C 1000 # C	Dense Select Structural Dense Structural Dense Str. Sq. E. & Sd. Dense No. 1 Structural	1450 1300 1200 1000	1360 1235 1148 970	1255 1158 1088 935	1076 1050 986 876	829 829 827 783	649	487	358	274	175
Redwood	1200 # C Close Grn. 1100 # C Close Grn. 1000 # C Close Grn.	1200 # C Close Grained 1100 # C Close Grained 1000 # C Close Grained	1200 1100 1000	1110 1031 947	1003 948 885	822 810 780	622	486	365	268	206	132

(Continued from page 157.)

and timbers shall be reduced to eighty-five per cent of the unit stresses listed and in untreated structures more or less continuously damp or wet such unit stresses shall not exceed seventy-five per cent.

Section 305. Said section 2504 is hereby further amended by striking out paragraph (b) as so appearing and inserting in place thereof the following:

(b) Except for form-work, sewer and trench dunnage and other temporary purposes, sheathing, inaccessible attic joists, lumber and timber used structurally or for load bearing purposes shall be of the grades and species listed in accompanying Tables I and II and their corresponding allowable unit stresses, in pounds per square inch, computed on the basis of actual dimensions, shall not be exceeded except as herein modified for impact, wind, etc. Those species, grades and corresponding stresses not included in Tables I and II shall be established by the commissioner on the basis of miscellaneous publication now known as No. 185 "Guide to the Grading of Structural Timbers and Determination of Working Stresses" and supplement thereto of the United States Department of Agriculture.

Section 306. Said section 2504 is hereby further amended by striking out paragraph (f) as so appearing and inserting in place thereof the following:

(f) All structural lumber shall be grade marked or other evidence satisfactory to the commissioner shall be submitted verifying its appropriate grade. Salvaged lumber, if it meets grading requirements, may be used.

Section 307. Said section 2504 is hereby further amended by striking out paragraphs (g) and (h) as so appearing and inserting in place thereof the following:

(g) Temporary Structures.

1. In temporary structures and structures subject to loading for short periods allowable stresses may be exceeded by not more than fifty per cent in the discretion of the commissioner.

2. In joists supported on a ribbon or ledger board and spiked to the studs, the allowable unit stress in compression across the grain may exceed the allowable stresses specified in this section by not more than one half.

3. The unit stress in compression across the grain in a limited area not over six inches long along the grain nor less than three inches from the ends of the timber may exceed the allowable stresses specified in this section by not more than the following percentages:

LENGTH OF BEARING (Inches).	Percentage Excess.
$\frac{1}{2}$	85
1.....	60
$1\frac{1}{2}$	45
2.....	30
3.....	15
4.....	10
6 or more.....	None

Intermediate values shall be determined by interpolation. The bearing stress under a washer or small plate shall not exceed that provided in this paragraph for a bearing the length of which equals the diameter of the washer or plate

4. Temporary structures as considered above shall be removed within one year.

Section 308. Said section 2504 is hereby further amended by striking out the letter (i) at the beginning of paragraph (i) and inserting in place thereof the letter (g), so as to read as follows:

(g) Unit compressive stress on a surface inclined to the grain shall not exceed the following value:—

C Q

$$C \sin^2 O + Q \cos^2 O$$

in which (C) is the allowable unit compression parallel to the grain.

(Q) is the allowable unit compression across the grain.

(O) is the angle between the direction of the pressure and the direction of the grain.

Section 309. Said section 2504 is hereby further amended by striking out the letter (j) at the beginning of paragraph (j) and inserting in place thereof the letter (h), so as to read as follows:

(h) The allowable unit shear specified in this section is based upon the maximum amount of checking due to shakes or seasoning, permitted by the grading rules for each species. Lumber with greater checking than is permitted in the grading rules may be used in structures with the approval of the commissioner, provided the unit shear is proportionately less than the allowable values specified in this section.

Section 310. Said section 2504 is hereby further amended by striking out the letter (k) at the beginning of paragraph (k) and inserting in place thereof the letter (i), so as to read as follows:

(i) The unit shear in joint or connection details of wooden trusses or framing may exceed the values specified in this section by not exceeding fifty per cent.

Section 311. Section 2505 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out paragraph (d) as so appearing and inserting in place thereof the following:

(d) Built up wooden columns of several adequately seasoned pieces shall have each well spiked, screwed, glued, or bolted together with approved mechanical connectors. Solid laminated columns shall have boards or planks coverlapped securely to the edges of all laminations.

Section 312. Section 2506 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out the word "fifty" in the second line of paragraph (j) and inserting in place thereof the word "forty", so as to read as follows:

(j) Joists supporting a live floor or roof load not more than forty pounds per square foot and supported at the ends by a wooden girder, may rest upon a wooden strip or cleat, not less than one and one half by three and one half inches, well spiked or otherwise secured to the girder. Such joists supporting heavier loads shall rest on top of the girder or be hung in approved joist hangers.

Section 313. Said section 2506 is hereby further amended by striking out paragraph (k) as so appearing and inserting in place thereof the following:

(k) Nailing strips for the support of wooden joists or planking on a steel girder or beam shall be bolted to the web of the girder or beam. Where the live load exceeds forty pounds per square foot the nailing strip shall be bolted to the girder or beam and shall rest upon the flanges or upon shelf angles attached to the web which provide a three-inch bearing or upon other approved support.

Section 314. Section 2508 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by adding at the end the following new paragraph:

(d) All concealed openings through floors shall be fire-stopped as provided in section 2202, paragraph (i) of this code.

Referred to Committee on Building Code.

TRANSFER OF PROPERTY ON VICTORY ROAD.

The following was received:

City of Boston,
Office of the Mayor, May 3, 1943.
To the City Council.

Gentlemen,—I transmit herewith order for the transfer of tax-title property located at Victory road, Dorchester, from the Foreclosed Real Estate Division to the care, custody and control of the Park Department.

The enclosed letter of the Custodian of Foreclosed Real Estate sets forth that there are no prospective purchasers of this property and, further, that the property abuts a playground on Victory road.

It is, therefore, highly desirable that this property be placed in the control of the Park Department and I therefore recommend passage of the accompanying order by your Honorable Body.

Respectfully,
MAURICE J. TOBIN, Mayor.

City of Boston,
Foreclosed Real Estate Division,
April 30, 1943.

Hon. MAURICE J. TOBIN,
Mayor of Boston,

Dear Mr. Mayor,—I am presenting for your approval and that of the City Council, four copies of an order for the transfer from the Foreclosed Real Estate Division to the Park Department, of a parcel of land lying in the rear from the northerly side of Victory road, Dorchester. This lot is shown on Henry A. Brawley plan, dated April 13, 1928 on file at the Assessors Office. It is owned by the City of Boston by virtue of foreclosure.

I recommend the transfer of this property to the Park Department because it abuts the present playground (Carl H. Ahlsen Playground), and I have had no prospective purchasers. The land is of such a nature that the chances of development are very slight.

Respectfully yours,
DANIEL M. DRISCOLL,
Custodian of Foreclosed Real Estate.

Whereas, The City of Boston, by a decree of the Land Court, Suffolk Registry District, dated March 9, 1943, foreclosed a right of redemption under a tax deed recorded with Suffolk Deeds, Book 5551, Page 102, on about thirty-six thousand eight hundred and sixty-nine (36,879) square feet of land lying in the rear from the northerly side of Victory road, adjoining an estate now or formerly of City of Boston, being a lot shown on Henry A. Brawley plan, dated April 13, 1928 on file at the Assessors Office;

Whereas, The said parcel of land is now in the care, custody, control and management of the Custodian, Foreclosed Real Estate Division of the City of Boston;

Whereas, The Board of Park Commissioners of the City of Boston has been requested to establish a playground on said parcel of land, now, therefore, it is hereby

Ordered, that the said parcel of land hereinbefore described be, and the same is, hereby transferred from the care, custody, control and management of the Custodian, Foreclosed Real Estate Division to the care, custody, control and management of the Park Department to be used for playground purposes.

Referred to Executive Committee.

PRIVATE EMPLOYMENT OF POLICE.

The following was received:

City of Boston
Office of the Mayor, May 3, 1943.

To the City Council.

Gentlemen,—I transmit, herewith, communication from the Acting Commissioner of the Boston Police Department relative to your order of April 5, 1943, regarding the allowing members of the police force to accept private employment during their time off.

Respectfully,
MAURICE J. TOBIN, Mayor.

City of Boston,
Police Department, April 15, 1943.

Hon. Maurice J. Tobin,
Mayor of Boston.
Att: Mr. Arthur C. Carey,
Chief Clerk.

Dear Mayor Tobin, I am in receipt of a communication dated April 7, 1943, from Arthur C. Carey, Chief Clerk of your office, relative to an Order introduced by Councillor Scannell, "That the Acting Police Commissioner be requested, through His Honor the Mayor, to allow members of the police force to accept private employment during their time off, especially where their services are essential to the war effort and so long as they do not accept employment with any concern or corporation subject to police regulations or supervision."

In reply to this Order, you are advised that the Police Department is greatly undermanned at the present time and in all likelihood the ranks will be further depleted by additional officers entering the military service. The Rules and Regulations of the department expressly forbid any member of the force being engaged in outside employment.

A greater responsibility than heretofore devolves upon the department during the present

emergency, and considering the shortage of manpower, it would not be in the best interests of the public or the department to suspend the rule.

Under date of March 29, 1943, I forwarded a letter to your Honor in reply to an order introduced by Councillor Muchnick along similar lines.

Trusting you will appreciate my position in the matter, I am

Very truly yours,
THOMAS S. J. KAVANAGH,
Acting Police Commissioner.

Placed on file.

PETITIONS REFERRED.

The following petitions were received and referred to the committees named, viz.:

Claims.

Matteo Arimento, for refund on soft drink license.

John J. Avery, for compensation for damage to clothing by fire apparatus.

Karl Bressler, for compensation for damage to car by city truck.

Mrs. Morris Burjoice, for compensation for injuries caused by an alleged defect in Tremont street.

Louis Camiel, for compensation for damage to car by city truck.

John T. Finnegan, Jr., for compensation for injuries caused by city car.

General Exchange Insurance Corporation, assignee of Anna Goldberg, for compensation for damage to car by fire engine.

LeRoy F. Hopkins, for son, for compensation for injuries caused by city truck.

Joseph P. Kenny, to be reimbursed as result of accident which occurred while in performance of duty.

Florance A. McCarthy, for compensation for damage to car by gasoline roller.

Sarah H. McGarell, for compensation for injuries caused by an alleged defect in Quincy Market.

Catherine L. Powers, for compensation for injuries caused by an alleged defect in Adams street, Dorchester.

Henry W. Taylor, for compensation for damage to coat and hat by fire apparatus.

Bertha Morrisroe, for compensation for damage to property at 26 West Eagle street, caused by overflow of sewage.

Executive.

Petitions for children under fifteen years of age to appear at places of public amusement, viz.:

Stanley Brown, at Jordan Hall on June 10, 1943.
Alice Astle, at Jordan Hall on May 17, 1943.

APPROVAL OF CONSTABLES' BONDS.

The following constables' bonds, having been approved by the City Treasurer, were submitted and approved by the Council, viz.:

William A. Amsie, Henry Atwood, Samuel C. Baker, Thomas F. Brett, William K. Coburn, Sydney Cohen, John M. Crawford, Charles M. Daley, Henry G. Dahlquist, Salvatore Grassa, Meyer Goldstein, Max Kaplan, Arnold Klevens, Bronis Kontrim, Maurice Levine, Bernard M. Mullen, Frank A. Mitchell, Louis H. Oppenheim, George N. Pierce, Frank Shaw, Joseph Simansky, Sidney Sheinfeld, Joseph M. Torr, Roman J. Vasil.

Severally placed on file.

CONFIRMATION OF EXECUTIVE APPOINTMENTS.

On motion of Coun. TAYLOR, the Council took up, under unfinished business, Nos. 1 to 4, inclusive, on the calendar, viz.:

1. Action on appointments submitted by the Mayor April 12, 1943, of Constables connected with official positions, viz.: Joseph P. Carr and Charles G. Haddad.

2. Action on appointments submitted by the Mayor April 26, 1943, of Constables connected with official positions, viz.: Dennis P. Glynn, Bernard P. Tavel and John F. Buckley.

3. Action on appointments submitted by the Mayor April 26, 1943, of Constables authorized to serve civil process upon filing bonds, viz.: Joseph L. Shurtleff and Abraham M. Hecht.

4. Action on appointment submitted by the Mayor April 26, 1943, of Arthur H. Crosbie, to be a Weigher of Goods.

Coun. TAYLOR—Mr. President, the Committee on Constables report recommending that the name of Joseph P. Carr under No. 1 on the calendar be not acted upon at this time.

The question came on confirmation of all the other names in Nos. 1 to 4, inclusive, and President Hannon appointed as a committee Couns. Taylor and Hanley. The committee attended to the duty assigned and reported that the Council had voted 10 to 0 for the confirmation of all appointments except that of Joseph P. Carr.

SOLDIERS' RELIEF.

Coun. RUSSO, 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, 1943.

Report accepted; said order passed.

DENUNCIATION OF JOHN L. LEWIS.

Coun. TAYLOR offered the following:

Whereas, The miners, under the leadership of John L. Lewis, have threatened to go on strike; and

Whereas, This country is now engaged in total war fighting to maintain freedom and a democratic form of government; and

Whereas, We recognize the rights and hardships of the miners in pursuing their occupation, but feel nevertheless that this is no time to call a strike; and

Whereas, The production of coal is absolutely essential in the prosecution of the war and the failure to continue said production without any delay would jeopardize the safety of our country and might prolong the war causing many more deaths and casualties of the men in our armed forces; therefore he it

Resolved, That the members of the Boston City Council record themselves as denouncing the actions of John L. Lewis and the national officers of the United Mine Workers' Union in placing the safety of our country and the members of our armed forces in peril; and be it further

Resolved, That the Boston City Council record itself in favor of the action of the President of the United States in taking over the mines of this country.

Referred to the Committee on Rules.

Coun. TAYLOR—Mr. President—

Coun. COFFEY—Mr. President, I think that this resolution should be referred under the rules, and that no debate on it should be allowed.

President HANNON—The Chair has referred the resolution to the Committee on Rules, but it has been the custom to allow the proposer to make a statement.

Coun. TAYLOR—Mr. President, I shall be very brief. The entire country was astounded at the action of John L. Lewis, the head of the miners' union, in calling a strike of the miners at a time when the country was at war and at a time when the prosecution of the war demanded that the mining of the coal should be carried on. Personally, I know that the miners have their problems and that their cost of living has gone up, like the cost of living of everybody else in the country. There is no question in my mind—

Coun. COFFEY—Mr. President, I doubt the presence of a quorum.

President HANNON—The Clerk will call the roll.

The Clerk called the roll, with the following result: Present,—Couns. Carey, Coffey, Dwyer, Fish, Hanley, Hurley, Hannon, Kinsella, Russo, M. H. Sullivan, Taylor—11.

Coun. KINSELLA—Mr. President, before the vote is announced, I would like unanimous consent to make a statement.

Coun. COFFEY—Mr. President, I object.

President HANNON—According to the rules, when it becomes clear upon a roll call that only eleven members, less than a quorum, are present, the President must adjourn the body. The Chair will, therefore, declare the meeting adjourned.

The Council was adjourned at 2.30 p. m., to Monday, May 10, 1943, at 2 p. m.

CITY OF BOSTON.

Proceedings of City Council.

Monday, May 10, 1943.

Regular meeting of the City Council in the Council Chamber, City Hall, at 2 p. m., President HANNON in the chair. Absent, Coun. Coffey, Goode, Langan, Linehan, Lyons, Wickes.

The meeting was opened with the salute to the Flag.

JURORS DRAWN.

Jurors were drawn under the law, Coun. TAYLOR presiding at the jury box in the absence of the Mayor, as follows:

Eighty-four traverse jurors, Superior Criminal Court, to appear June 7, 1943:

William G. Bithell, Ward 1; Joseph Michael Cashman, Ward 1; Francis Consilvio, Ward 1; Leonardo DiGiorgio, Ward 1; Henry B. Hatch, Ward 1; Daniel F. McBride, Ward 1; Henry J. Schindhelm, Ward 1; Eloi J. Surette, Ward 1; Andrew Willis, Ward 1; William A. Comeau, Ward 2; Edward F. Cronan, Ward 2; William Doherty, Ward 2; Robert B. Henry, Ward 2; Andrew J. Casassa, Ward 3; William E. Colby, Ward 3; Michael Coppola, Ward 3; John Fiore, Ward 3; Joseph A. Grottendeck, Ward 3; Francis Pelkey, Ward 3; Ralph S. Cohun, Ward 4; Stephen Curtis, Ward 4; Wallace G. Quint, Ward 4; Gustaf Bergman, Ward 5; Wilfred Garo Crowell, Ward 5; Herbert D. Rodgers, Ward 5; Roy P. Smith, Ward 5; William J. Kelly, Ward 6; Cornelius J. McLaughlin, Ward 6; August H. Menslage, Ward 6; Patrick J. Splain, Ward 6; William R. Armstrong, Ward 7; Charles H. Morgan, Ward 7; Edward J. Riley, Ward 7; John J. Ryan, Ward 7; John Ward, Ward 7; Francis H. Bishop, Ward 8; James A. Burton, Ward 8; Charles B. Carita, Ward 8; John Hooley, Ward 9; Rodrick MacIntyre, Ward 9; Daniel Donovan, Ward 10; Francis X. Dwyer, Ward 10; Philip H. Corrigan, Ward 11; Joseph Eugene Dolan, Ward 11; William J. Flynn, Ward 11; John M. Glannon, Ward 11; Jacob A. Israelson, Ward 11; Arthur C. Speirman, Ward 11; Joseph Anderson, Ward 11; George E. McDonough, Ward 12; Frederick J. Sauer, Ward 12; George W. Powers, Ward 13; Philip Fierstien, Ward 14; Joseph D. Lefkovich, Ward 14; Philip Lorke, Ward 14; Thomas McGowan, Ward 14; Joseph W. Michalowski, Ward 14; James J. Doherty, Ward 15; Joseph Finnegan, Ward 15; Charles J. Foy, Ward 16; Joseph L. General, Ward 16; John F. McCarthy, Ward 16; Frank M. Keenan, Ward 17; Harry E. Wehler, Ward 17; John F. Carlin, Jr., Ward 18; Charles J. Grenier, Ward 18; Frank J. Lynsky, Ward 18; John W. Sutherland, Ward 18; Arthur J. Walsh, Ward 18; Paul C. Burke, Ward 19; Jeremiah J. McGilleuddy, Ward 19; Anthony J. Repetto, Ward 19; Richard E. Chapman, Ward 20; Herman Doppler, Ward 20; James R. Hardy, Ward 20; William M. Kecte, Ward 20; Samuel Bieher, Ward 21; J. William Doube, Ward 21; Walter Ginsburg, Ward 21; Myer I. Ruttenberg, Ward 21; Max Davis, Ward 22; Paul V. Farrell, Ward 22; Herman A. Flick, Ward 22; Patrick L. O'Toole, Ward 22.

One hundred eighty-three traverse jurors, Superior Civil Court, April Sitting, to appear June 7, 1943:

Joseph C. Beranger, Ward 1; Anthony Bevilacqua, Ward 1; Angelo A. Cardillo, Ward 1; Dominic D'Angelico, Ward 1; Benjamin Ferrara, Ward 1; Louis Ferrara, Ward 1; Donald Hoffman, Ward 1; Guy Iandoli, Ward 1; Charles N. Menzella, Ward 1; Henry Pero, Ward 1; John E. Redmond, Ward 1; Peter Souza, Ward 1; John Croall, Ward 2; Henry J. Denning, Ward 2; Frederick H. Golding, Ward 2; Ralph A. Goodwin, Ward 2; Thomas E. McCahe, Ward 2; John J. McCarron, Ward 2; Michael F. McGonagle,

Ward 2; Joseph Proulx, Ward 2; Frank Vierira, Ward 2; Anthony Celata, Ward 3; Salvatore Ferraro, Ward 3; Anthony Paulo, Ward 3; Daniel Pizzoglio, Ward 3; Guy H. Principato, Ward 3; Louis William Rizzo, Ward 3; Leo Silver, Ward 3; Henry J. Duommling, Ward 4; James H. Hurley, Ward 4; Daniel W. MacLeod, Ward 4; John J. McDevitt, Ward 4; Herman Bayard, Ward 5; Edwin Chaffey, Ward 5; Sands C. Chipman, Ward 5; Frederick C. Church, Jr., Ward 5; John J. Donohue, Ward 5; Charles D. Drew, Ward 5; Charles G. Ellis, Ward 5; Russell A. Greaves, Ward 5; Melvin R. Kahn, Ward 5; Alfred A. Lloyd, Ward 5; James E. McLaughlin, Ward 5; Henri A. Metivier, Ward 5; William G. Rueter, Ward 5; Victor N. Schultz, Ward 5; Willis E. Williams, Ward 5; Joseph W. Boone, Ward 6; James F. Deering, Ward 6; Walter L. Edmonds, Ward 6; Frank G. Fell, Ward 6; Samuel Hunt, Ward 6; Gerard R. Anderson, Ward 7; Hugh F. Clarke, Ward 7; Archibald J. Huhley, Ward 7; John J. O'Toole, Ward 7; John Sloan, Ward 7; William Whitley, Ward 7; Richard Handrahan, Ward 8; Joseph F. Kilmartin, Ward 8; Thomas J. Moran, Ward 8; George Moses, Ward 8; Angelo Pedrol, Ward 8; John F. Sullivan, Ward 8; Leo F. Walsh, Ward 8; Frank Wormwell, Ward 8; Jesse S. Poole, Ward 9; John H. Power, Ward 9; Francis Ryan, Ward 9; Fred D. Brooks, Ward 10; Robert James McFarland, Ward 10; John J. VanWart, Ward 10; Arthur R. Vosmus, Ward 10; William F. Brennan, Ward 11; Thomas L. Gately, Ward 11; William J. Governor, Ward 11; James P. Harrington, Ward 11; John M. Keenan, Ward 11; Jeremiah McAuliffe, Ward 11; John E. Moriarty, Ward 11; Hugh Ross, Ward 11; Joseph H. Coyle, Ward 12; Ernest F. Henderson, Ward 12; Lawrence Joseph Keohane, Ward 12; Isaac Levine, Ward 12; John D. Murray, Ward 12; Harry H. Small, Ward 12; Wilbur S. Wiggins, Ward 12; Simon Wieselberg, Ward 12; Joseph J. Clark, Ward 13; William J. Egan, Ward 13; Cornelius F. Hickey, Ward 13; David W. Hutcheson, Ward 13; Axel Kellberg, Ward 13; John P. Moore, Ward 13; William H. Mulcahy, Ward 13; George D. Rose, Jr., Ward 13; Joseph E. Walsh, Ward 13; William J. Campbell, Ward 14; Robert E. Cheverie, Ward 14; Eli Cohen, Ward 14; Frank Cowan, Ward 14; George E. Garvey, Ward 14; Samuel N. Goldman, Ward 14; William Harris, Ward 14; Max Isaac, Ward 14; Alexander Maister, Ward 14; David M. O'Brien, Ward 14; Nathan Rosenfield, Ward 14; Louis Shapiro, Ward 14; Barney Sheff, Ward 14; Thomas Shulman, Ward 14; Abraham Sorocka, Ward 14; Harry Waterman, Ward 14; Vincent J. Amato, Ward 15; Bernard J. Browne, Ward 15; John H. A. Butler, Ward 15; Eldridge Edmund Doyle, Ward 15; William N. Lynch, Ward 15; Thomas McAndrew, Ward 15; Mark E. McCormack, Ward 15; Walter A. Wakefield, Ward 15; Richard A. Cummings, Ward 16; James H. Fife, Ward 16; Harold F. Gove, Ward 16; William J. Kavanagh, Ward 16; John W. Lordan, Ward 16; Walter H. McGee, Ward 16; Henry A. Pink, Ward 16; William Roper, Ward 16; Edward J. Cummings, Ward 17; Charles J. Earle, Ward 17; John J. Hobin, Ward 17; Ralph W. Michaud, Ward 17; Daniel J. Kenney, Ward 17; Frederick M. Lydon, Ward 17; Leon N. Murray, Ward 17; Samuel O. Shuman, Ward 17; George H. Tampon, Ward 17; Harris Werner, Ward 17; David Bouvier, Ward 18; Jacob I. Chuker, Ward 18; Stanley Covoll, Ward 18; Frank C. Field, Ward 18; Earl A. Hebb, Ward 18; George Kostecki, Ward 18; Michael Joseph Moschella, Ward 18; James M. Murphy, Ward 18; William F. O'Reilly, Ward 18; James B. Riley, Ward 18; Harry W. Savage, Ward 18; Martin Casey, Ward 19; John D. Fallon, Ward 19; James Foley, Ward 19; Edwin J. O'Brien, Ward 19; John W. O'Connor, Ward 19; John P. Raftery, Ward 19; John W. Sullivan, Ward 19; Joseph J. Carson, Ward 20; Wallace A. Copeland, Ward 20; Frederick A. Davis, Ward 20; Francis P. Dolan, Ward 20; John J. Flynn, Ward 20; Alwynne Lawrence, Ward 20; Thomas F. McCarthy, Ward 20; William H. Morris, Ward 20; Gregory C. Prior, Ward 20; Everett H. Rowe, Ward 20; Henry L. Sullivan, Ward 20; William Tighe, Ward 20; Frederick Abbott, Ward 21; Joseph Berman, Ward 21; James F. Carney, Ward 21; Joseph Cohen, Ward 21; David C. Kanter, Ward 21; Leonard Sternsher, Ward 21; Robert B. Wetmore, Ward 21; Russell Anderson, Ward 22; James Gately, Ward 22; Harry M. Gloss, Ward 22; Leonard F. Lawlor, Ward 22; William D. Warren, Ward 22; Charles J. Wester, Ward 22.

APPOINTMENTS BY THE MAYOR.

Subject to confirmation by the Council, the Mayor submitted the following appointments, viz.:
 Weighers of Goods: Edward H. Coffee, 488 East Seventh street, South Boston; Francis X. Coleman, 63 Whitten street, Dorchester; Bolton R. Hill, 1508 Columbus avenue, Boston; Arthur J. O'Leary, 181 Westville street, Dorchester.
 Weighers of Coal: John J. Scannell, 32 Elmore street, Roxbury; George F. Dress, Jr., 180 Boston avenue, Medford; Sigurd L. Thidemann, 126 Kinnaid street, Cambridge.
 Severally laid over a week under the law.

MAINTENANCE OF HOUGHTON AND DUTTON PROPERTY.

The following was received:

City of Boston,
 Office of the Mayor, May 10, 1943.
 To the City Council.
 Gentlemen,—I am in receipt of the attached communication from the Custodian of the Foreclosed Real Estate Division, requesting an additional appropriation of \$71,344.26 to maintain the Houghton and Dutton property recently taken over by the city.

In compliance with this request I am forwarding herewith an order appropriating the above sum from the income of this division, and respectfully recommend adoption by your Honorable Body.

Respectfully,
 MAURICE J. TOBIN, Mayor.

City of Boston,
 Real Estate Division, May 7, 1943.
 Hon. Maurice J. Tobin,
 Mayor of Boston.

My dear Mr. Mayor,—I hereby apply for a supplementary budget to maintain the Houghton and Dutton property.

This property has been leased to the Federal Government with the understanding that the City of Boston maintain the premises. Part of the tenancy, we hope, will begin May 15; another portion on June 1 and at such succeeding periods as the contractor finishes the necessary work.

I am applying for a twenty-eight-week budget which will be a little better than six months. The following are the items and amounts we have estimated to be paid out of the income of this division:

A. Personal Service	\$36,919 40
B. Contractual Services	29,876 86
C. Equipment.....	821 50
D. Supplies	3,126 50
E. Materials.....	600 00
	<u>\$71,344 26</u>

Many of these items will be initial cost and will not recur in succeeding years.

Respectfully submitted,
 DANIEL M. DRISCOLL,
 Custodian of Foreclosed Real Estate.

Ordered, That to meet the current expenses payable during the financial year beginning with the first day of January, 1943, an additional sum of \$71,344.26 be, and the same hereby is, appropriated from the income of the Foreclosed Real Estate Division, exclusive of the proceeds from the sale of foreclosed property, for the following purposes:

A. Personal Service	\$36,919 40
B. Contractual Services	29,876 86
C. Equipment.....	821 50
D. Supplies	3,126 50
E. Materials.....	600 00

Referred to Executive Committee. \$71,344 26

USE OF VACANT LOTS FOR VICTORY GARDENS.

The following was received:

City of Boston,
 Office of the Mayor, May 10, 1943.
 To the City Council.

Gentlemen,—I transmit herewith communication from the Custodian of Foreclosed Real Estate regarding your order of April 12, 1943, concerning

the cleaning up of all vacant lots now in their custody in order that same may be used for the planting of Victory Gardens.

Respectfully,
 MAURICE J. TOBIN, Mayor.

City of Boston,
 Real Estate Division, May 3, 1943.
 Hon. Maurice J. Tobin,
 Mayor of Boston.

My dear Mr. Mayor,—In answer to the order of the City Council to clean up lots for Victory Gardens, those lots that have required cleaning have been taken care of by the Sanitary Division of the Public Works Department.

If the demand for Victory Gardens becomes so great, it probably will be necessary for me to hire a truck and crew to clean these lots. However, this situation has not presented itself as yet.

Respectfully yours,
 DANIEL M. DRISCOLL,
 Custodian of Foreclosed Real Estate.

Placed on file.

SALE OF OBSOLETE X-RAY FILM.

The following was received:

City of Boston,
 Office of the Mayor, May 10, 1943.
 To the City Council.

Gentlemen,—I am in receipt of a communication from the President of the Board of Trustees of the Boston City Hospital in which he sets forth a request for authority to sell approximately two thousand pounds of obsolete X-ray films.

Inasmuch as these films are of no further use to the Hospital Department, I recommend adoption of the accompanying order.

Respectfully,
 MAURICE J. TOBIN, Mayor.

City of Boston,
 Hospital Department, April 30, 1943.
 Hon. Maurice J. Tobin,
 Mayor of Boston.

Dear Sir,—There is an accumulation at this hospital of approximately 2,000 (two thousand) 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,
 CARL DREYFUS,
 President, Board of Trustees.

Ordered, That the trustees of the Boston City Hospital be, and hereby are, authorized to sell approximately 2,000 (two thousand) 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.

GIFT OF HARVARD MALL BY HARVARD UNIVERSITY.

The following was received:

City of Boston,
 Office of the Mayor, May 10, 1943.
 To the City Council.

Gentlemen,—I am forwarding to you a deed from the President and Trustees of Harvard University to the City of Boston of the John Harvard Playground located on Main street, Charlestown, for formal acceptance by the City Council.

This playground is the generous gift of a citizen who wanted to commemorate the name of John Harvard in a utilitarian way that would contribute to the improvement of the site upon which was located John Harvard's church and residence. The acceptance of the accompanying order by your Honorable Body places in the custody of the Park Department of the City of Boston a model playground for the children of the Charlestown section.

I trust the example of this generous anonymous citizen may be followed by other citizens of means, because one of the finest contributions that can

be made to the development of a healthy, intelligent citizenry of the future is excellent recreational facilities for the youth of the city.

Respectfully yours,
MAURICE J. TOBIN, Mayor.

Whereas, The President and Fellows of Harvard College own certain parcels of land containing approximately 37,232 square feet situated on Main street, City square, Harvard street and Harvard square in the Charlestown district upon which has been constructed a mall in memorial to John Harvard; and

Whereas, The President and Fellows of Harvard College desire to grant said lands and mall to the City of Boston, and the deed thereto containing the express condition therein "that the granted premises and the structures which have been erected thereon shall be maintained in good repair and used by said City of Boston as and for a public playground in memory of John Harvard, that no changes shall be made in said structures unless the consent in writing of the grantor has first been obtained, and that said playground shall always be known as the Harvard Mall", has been tendered to the Mayor of the City of Boston; now, therefore, it is hereby

Ordered, That the grant of lands and structures known as Harvard Mall to the City of Boston by the President and Fellows of Harvard College subject to the conditions recited in said deed of grant be, and the same is hereby, accepted by the City of Boston; and it is hereby further

Ordered, That the Harvard Mall is hereby placed in the care, custody, control and management of the Park Department of the City of Boston to be used as and for a public playground in memory of John Harvard.

Referred to Executive Committee.

PETITIONS REFERRED.

The following petitions were received and referred to the committees named, viz.:

Claims.

Nathan Ames, for compensation for damage to car by city truck.

The Broadway, Inc., for compensation for damage to property at 315 Tremont street, caused by defective sewer system.

Michael J. Eagan, to be reimbursed for execution issued against him.

James N. Gallagher, to be reimbursed for accident which occurred while in performance of duty.

Granite City Coal Company, for compensation for damage to truck caused by an alleged defect in George street, Hyde Park.

George H. Hassett, to be reimbursed as result of accident which occurred while in performance of duty.

Joseph M. Hyman, for compensation for damage to car caused by car of Paving Department.

John F. Kenneally, to be reimbursed as result of accident which occurred while in performance of duty.

John F. Kenneally, to be reimbursed as result of accident which occurred while in performance of duty.

John F. Kenneally, to be reimbursed as result of accident which occurred while in performance of duty.

PETITIONS FOR CHILDREN TO APPEAR.

The following petitions for children under fifteen years of age to appear at places of public amusement were received, viz.:

Doris W. Jones, Jordan Hall, May 28.

Jean Paige, Brightheimstone Club, May 24.

George L. Fleming, St. Clement's Hall, May 10 and 11.

Ruth M. McShane, South Boston Municipal Building, June 11.

Katharine D. O'Gorman, John Hancock Hall, May 15.

Adam Palaza, Seville Theatre, June 22.

Permits were granted under the usual conditions.

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 Council, viz.:

Carl Birger Berg, George W. Brooker, Edgar F. Callaban, Max Jacobs, Mark H. Krafzur, Nathan Kravitsky, Anthony Luongo, William P. Miles, Nachman Perlman, William T. Rosengarten, Henry J. D. Small, Jerome Suvale, Isaac Shulman, Joseph Todisco, Benjamin J. Tackeff.

ELLERY SEDGWICK, LIBRARY TRUSTEE.

Notice was received from the Mayor of appointment of Ellery Sedgwick of 14 Walnut street as trustee of Public Library, for term ending April 30, 1948.

Placed on file.

TRANSIENT VENDOR'S LICENSE.

Notice was received of the issuing by the City Clerk of a transient vendor's license to Giuseppina Martinello, for the sale of flowers and wreaths at 90 Meridian street.

Placed on file.

CONFIRMATION OF EXECUTIVE APPOINTMENT.

On motion of Coun. TAYLOR, the Council took up, under unfinished business, No. 2 on the calendar, viz.:

2. Action on appointment submitted by the Mayor May 3, 1943, of Leon Small, to be a Constable authorized to serve civil process upon filing bond.

Coun. TAYLOR—Mr. President, the Committee on Constables approves of No. 2 on the calendar.

The question came on confirmation on No. 2, Committee, Coun. M. H. Sullivan and Hanley. Whole number of ballots 13; yes 13, and the appointment was confirmed.

REPORT OF COMMITTEE ON BUILDING CODE.

Coun. MUCHNICK offered the following report on order (referred February 15) that chapter 479 of Acts of 1938 accepting *re* codification of the building laws as amended by chapter 217 of the Acts of 1939 be, and hereby is, accepted—that same ought to pass.

The report was accepted and the question came on the passage of the order.

President HANNON—The question is on the acceptance of the report of the committee. Adoption of the code is recommended by the committee.

Coun. MUCHNICK—Mr. President, the committee on Building Code has, during the past month, held several hearings and meetings, including a public hearing. During the course of those meetings we were privileged to have the expert advice of Building Commissioner Mooney, Clark Macomber, Leo Schwartz and many others who had been appointed to the special commission by his Honor the Mayor. It was the consensus of almost everybody heard at the different hearings that the adoption of this building code, with the proposed amendments, would be of great benefit to this city. The code has the indorsement of the Chamber of Commerce, the Retail Trade Board, the Massachusetts Society of Architects, the Building Trades Council, the Real Estate Exchange and the Board of Fire Underwriters, and many civic and other groups in this city. It is urged that the code be adopted as quickly as possible, that the order in its present form be passed, and that the amendments be put through at the next meeting.

President HANNON—The question is on the adoption of the code.

Coun. HANLEY—Mr. President, as a member of the Building Code Committee, I would like to state my position. The Building Code Committee, made up of various members of the City Council whom you, through your wisdom, Mr. President, have appointed, under the chairmanship of Councilor Muchnick, has brought its work to a happy conclusion. I am voting for this order because I believe it will help in the upbuilding of the City of Boston, in the rehabilitation of our city and county, by keeping the people within

the corporate limits of Boston, instead of migrating to cities and towns outside of Boston; and I am accepting it upon the recommendation of his Honor the Mayor, together with the architects and engineers who by their education and experience are qualified to tell us what is good or what is bad from a building standpoint for the City of Boston. And, according to Mr. Macomber, it has the backing of organized labor and the building trades.

Coun. FISH—Mr. President, the building code is of such a technical nature that it could hardly be expected that any member of this Council could understand it wholly. I have a knowledge of building construction. There may be one or two things in this building code that I would not agree with, yet I bow to the opinion of those who probably know much more than I. By the acceptance of this code we have the authority and the power to make further amendments, which would be denied were we to allow it to be accepted by the State, and it is for that reason that I shall vote for it as approved by the committee, and I propose on a few incidentals—they are not of very great importance—but still I propose very shortly in the future to see if these amendments I have in mind can be effected.

President HANNON—The question is on the adoption of the code as recommended by the committee. The clerk will call the roll.

The order was passed, yeas 16, nays 0, viz.:

Yeas—Coun. Carey, Chase, Dwyer, Fish, Foster, Hanley, Hannon, Hurley, Kelly, Kinsella, Muchnick, Russo, Scannell, D. F. Sullivan, M. H. Sullivan, Taylor—16.

Nays—0.

REPORT OF COMMITTEE ON PUBLIC WELFARE.

Coun. KINSELLA, for the Committee on Public Welfare, submitted the following:

Report on order (referred April 26) relative to impending cuts in old age assistance—recommending passage of accompanying new draft, viz.:

Ordered, That the Overseers of Public Welfare be directed, through his Honor the Mayor, to notify persons receiving old age assistance of any impending cut in the amount of their allotment thirty days prior to the date the reduction is to be effective, as long as it does not interfere with the Federal or State law.

The report was accepted and the order passed.

SOLDIERS' RELIEF.

Coun. RUSSO, 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.

SIDEWALK ON MARSHFIELD STREET.

Coun. HURLEY offered the following:

Ordered, That the Commissioner of Public Works make a sidewalk along Marshfield street, from No. 4 to Clifton street, Ward 8, 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.

MONUMENT TO THOMAS JEFFERSON.

Coun. HURLEY, FOSTER and M. H. SULLIVAN offered the following:

Whereas, During the past month, inspired by a genuine appreciation for his outstanding contribution to American democratic thought, several cities and commonwealths throughout the nation have celebrated the 200th anniversary of the birth of Thomas Jefferson, with appropriate exercises and mementoes; and

Whereas, It is especially condign that this great American should be especially honored in

this American metropolis, noted for its long espousal of truly democratic causes, and established as the "Cradle of American Liberty"; therefore, be it

Resolved, That the Boston City Council, in meeting assembled, favors the construction of a suitable monument to Thomas Jefferson, the same to be erected on the Commonwealth Avenue Mall.

Referred to Committee on Rules.

MEMORIALS TO WAR DEAD.

Coun. HURLEY and RUSSO offered the following:

Whereas, Our beloved Nation and its Allies are now engaged in world-wide battle against the forces of evil and destruction which seek to destroy civilization as we of our generation have known it, to impose their will upon their more peaceful neighbors, and to enslave all free men; and

Whereas, The heroic youth of our own Nation and of our Allies have left their peacetime pursuits, have learned the art of war, and are now carrying the battle to our cruel and merciless foe in such vigorous and determined manner as to cause thousands of these aggressors to throw down their arms and abandon the fight; and

Whereas, The tragedy of this conflict is that thousands of our best and bravest men have already made the supreme sacrifice in defense of their Nation, their families and their friends; and

Whereas, Bostonians are listed in large numbers among those who have already paid with their lives in the struggle against our vicious and determined enemies; therefore, be it

Resolved, That the time has now come when the members of the Boston City Council as duly elected representatives of a courageous citizenry whose sons now man the gaps of danger on every front from North Africa to New Guinea, fight and bomb in every sky from Europe to Australia, and patrol every sea from the shore of Italy to the islands of Japan, should take steps to enshrine forever in the hearts of their grateful countrymen the memory of those who die in our defense; and be it further

Resolved, That no more fitting tribute could be paid to their memory than the naming of public squares, street intersections, parks and playgrounds in their honor, and in furtherance of this desire on our part to preserve the names of our heroic dead and recollection of their magnificent and glorious deeds for our children and for the generations yet unborn; be it further

Resolved, That since such form of recognition for the valorous dead has received approval of Roane Waring, National Commander of the American Legion, of William H. Doyle, Past Commander of the Massachusetts Department of the American Legion, and of Stephen C. Garrity of Massachusetts, National Executive Committee of the American Legion; be it further

Resolved, That it is our desire that the first men so honored by our proud but mournful citizenry be those Bostonians who were first to die in each of the four branches of our armed forces, namely, the Army of the United States, the United States Coast Guard, the United States Marine Corps and the Navy of the United States; and be it further

Resolved, That a committee be appointed by the President of the Boston City Council to determine which of our sons was first to die as a member of each of these gallant services and to arrange with the Boston Park Commission, through his Honor the Mayor, for the naming of the walks and squares on Boston Common in memory of these heroes; and be it further

Resolved, That the committee chosen by the President avail itself of the services of officials of the Boston Committee on Public Celebrations and the City of Boston Bureau of Americanization and in cooperation with these agencies arrange for dedication of these walks in memory of these heroes with appropriate ceremonies at Parkman Bandstand, to which all patriotic citizens shall be invited, on Sunday afternoon, May 30, between the hours of two and five o'clock p. m.; and be it further

Provided, That these exercises be held jointly with those already arranged for by other patriotic Bostonians at the Parkman Bandstand during those hours.

Referred to the Committee on Rules.

Coun. HURLEY—Mr. President, I ask unanimous consent to make a statement.

President HANNON—Is there objection? (No objection.) The gentleman may proceed.

Coun. HURLEY—Mr. President and members of the Council, I introduce this resolution today and ask that the Council take action on it today. This resolution is introduced as the result of communications that I have received from people in different walks of life, including men in religious and military circles, religious societies, asking that we honor the dead, the people who have died in this war, and suggesting that Boston Common should be selected as the site, that we could name the different malls and walks up there in commemoration and memory of the first man in the Navy, the first man in the Coast Guard, the first man in the Army, and the first man in the Marine Corps who lost his life in this war. The same avenues that are named for the first men could also be used after the war in keeping in memory everyone in the armed forces in that particular branch of the service who lost his life. A plaque or monument of some sort could be erected there, that we and our children who follow us could learn of the glorious traditions of the men of the different branches of our service that are fighting the great fight now for the preservation of mankind throughout the world. His Eminence Cardinal O'Connell is interested in this order, and he said that he would be glad to have our church, the Catholic Church, represented there by Monsignor Francis L. Phelan. The Rev. Frank Jennings, executive secretary of the Massachusetts General Council of Churches, said:

"Now that the casualty lists of the present struggle are lengthening and sorrow is entering so many homes, it is right that leaders of all faiths should emphasize the solemnity of the day and call upon the people of the community to seek to be worthy of the sacrifices now being made for our people. It seems to be in order, therefore, that there should be such a public memorial as that planned for historic Boston Common on May 30."

A similar thought is expressed by Rabbi Herman H. Rubenovitz, President of the Greater Boston Rabbinical Association, in these words:

"I consider it eminently proper that the special memorial services be held on Boston Common on Decoration Day. Not only because we wish to extol the heroism shown by our men in the service, whether they be on board ship or in airplanes or on the field of battle; not only because we wish to pay tribute to those who in our day have laid down their lives for the preservation of our liberties, but also because such memorial exercises as these are bound to strengthen our determination to see the war through to a successful conclusion. It is both proper and patriotic to dedicate the various walks on Boston Common to the memory of those who have so distinguished themselves in the service of our country that their example of fortitude and self sacrifice will become part of the American heritage."

And also, Mr. President, when the Commander of the American Legion was appraised of this order he said:

"It is a commendable idea, and it is most fitting that it should be inaugurated this Memorial Day as our nation is struggling for preservation of its liberties against the most ruthless foes of all time. America, on the home front, must take its inspiration for the arduous tasks confronting us in this war against our unconscionable enemies from those of its sons who have fallen in battle. No tribute we might pay them can possibly be sufficient. They have given all. We cannot forget. We must never forget. The plan to keep forever burning the memory of their deeds and sacrifices in the hearts of their neighbors and friends in their home communities, by the naming of public squares in their honor, is most commendable. These should become permanent memorials to each and every one of our honored dead, a constant reminder of their sacrifice for their country."

Mr. President, I would ask that this order be heard before the Council today instead of being referred to a committee. I ask that the order be withdrawn from the committee and passed by this Honorable Body today, as Memorial Day is only a few weeks away, and in order that a committee be appointed to find out who were the first to fall in their respective units in the Army, Navy, Coast Guard and Marines, and I ask, Mr. President, for the suspension of the rule and the passage of this order today.

President HANNON—For the benefit of the councilor,—in fact, for the benefit of the Body,—the Chair, I think, has been very lenient and has tried to be very considerate of every order presented here. However, in trying to preserve publicity to those who file these orders, the Chair has many times overlooked Rule 12, which states 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. There shall be no appeal from the decision of the Chair hereunder, and this rule shall not be subject to suspension."

Now, at the last meeting the Chair was placed in an embarrassing position because of his attempt to make a liberal interpretation of this rule, and, because of that fact, hereafter when a matter, in my opinion, belongs in Rules, it will be referred to Rules. There will be no debate and no suspension of this rule. Out of courtesy, I think—I am certain—that the chairman of the Committee on Rules will hold a meeting as soon as possible, and a committee will be appointed by the Chair as soon as notified, perhaps next week. I don't think we need any more than four or five days to perform any of the many functions in the order.

Coun. CAREY—I would like to —

Coun. TAYLOR—I rise to a point of order.

Coun. CAREY—I ask unanimous consent to make a statement.

Coun. TAYLOR—I agree with the President of the Body that these resolutions should go on to the Committee on Rules, and the rule so states, when it doesn't concern any business of the City Council. I am in full accord with the President, but this particular resolution I don't believe comes within that rule. I think it comes within another rule, Rule 13.

President HANNON—In the first place, the Chair doesn't believe that is a point of order; and, in the second place, I think under Rule 12 that the rule specifically states: "which in the opinion of the presiding officer"—not in the opinion of the councilor. So I tried to express my opinion.

Coun. TAYLOR—If you will permit me to try to explain to the President that this particular resolution refers to city business —

President HANNON—The Chair will not permit it because the rule says "in the opinion of the presiding officer." It is a matter of opinion. Now, your opinion might be worth more than mine, but, as it happens, the Chair is going to be strict in its adherence to this rule and ask all members to cooperate.

Coun. TAYLOR—I appreciate it is in your discretion, but I don't think the President is going to be arbitrary, if it is down in black and white as strictly business of the city. It is strictly city business, the naming of streets. I agree with the President on all other things that he is 100 per cent right, but this is something, in my opinion,—which I know isn't the Chairman's opinion, but which I nevertheless believe is strictly in accordance with business of the city.

President HANNON—It isn't customary or necessary to express any reason for the decision I have reached. I will, however, for the benefit of the councilor, and in fairness to all, state that I agree with you the naming of squares is a function of the Council, but am I usurping a function of the Mayor in appointing a committee to determine who was the first sailor, who was the first marine to die? There are many other functions contained in those ordinances, and the resolution is so lengthy and so wordy I feel it should go to a committee to be condensed and clarified, and I think the only committee to which it might properly be sent is Rules.

Coun. CAREY—I ask unanimous consent to make a statement. For the benefit of the members of the Body, I wish to say, as chairman of the Committee on Rules, that the committee will hold a meeting on Thursday afternoon at one o'clock, at which time we will discuss this resolution and report it back one week from today. At this time I simply want to go on record as saying that I agree this is a very laudable idea, an idea by which we should recognize the noble deeds of these men who gave their lives, no doubt, many years before Almighty God had originally ordained they should enter into eternity, and we may be sure that no matter what is done officially recognizing their deeds cannot go far enough. One suggestion in connection with it, however, I would like to make,

and that is this: I understand there are some thirty or thirty-one walks in Boston Common. If that is true, I feel it might be an opportune time to recognize the giving of life in this war by the first man in each ward in the city, if such man can be determined. Therefore, if there are sufficient walks up there to name a walk for the first man or for a man who died in each of the twenty-two wards of the city, I feel recognition should be taken along that line. I am afraid, however, that time will be required for such determination.

Coun. RUSSO—I ask unanimous consent to make a statement.

President HANNON—If there is no objection you may proceed.

Coun. RUSSO—Mr. President, I also wish to say a few words in regard to the previous resolution presented to this Body. I don't believe there is any word of mine that can elaborate on the words that have been spoken by the previous speakers. Also, I realize there is nothing that either the City Council or anybody else in the United States can say that can bring back those lives of the boys who have made the supreme sacrifice in this World War II. I not only believe that there should be named various paths, walks, or playgrounds in memory of these boys, but also that a monument should be erected, whereby their names will live on in history as long as the world is preserved. I know as far as it concerns the fathers and mothers of these boys that there is nothing we can do in order to bring back happiness into those hearts, because their nearest and dearest are missing, but we also know that these boys who have fallen, the first ones to fall, were called upon when the call of duty came in order to preserve our way of life, and that we, as the Boston City Council, in our small way, may enlighten those hearts and give them some hope in knowing that if their boys are not living today, spiritually they are with us every day of every year. So I wholeheartedly agree that we should name the various paths on Boston Common so that they may be a monument for the citizens of the City of Boston to know that those were the first boys of our fair city who gave their precious lives in order that we might continue to live in our modest way of life and in the same manner that we have known all these years. Therefore, Mr. President, I also hope that they in spirit remain in all the prayers of each and every one of us, not only in the City of Boston but throughout the United States, and that throughout the world we may pray that peace may come as soon as possible, and that this extermination of humanity may cease. And I also hope that when that day shall come, all the greatest minds of the world, with the United States as a leader, may sit down and bring a just peace, not only for us but for all mankind throughout the world.

RETIREMENT ALLOWANCES FOR POLICEMEN AND FIREMEN.

Coun. KINSELLA offered the following:

Ordered, That chapter 204 of the Acts of 1943, entitled "An Act Relative to Retirement Allowances for Policemen and Firemen Retired for Accidental Disability under the Boston Retirement Act, So Called" be, and hereby is, accepted.

Referred to Executive Committee.

ACTION OF SOLDIERS HOME, CHELSEA.

Coun. KINSELLA offered the following:

Resolved, That the Boston City Council, in meeting assembled, condemns, unanimously, the action of the authorities at the Soldiers' Home, Chelsea, in refusing emergency treatment to a wounded soldier, just returned from Guadalcanal.

Referred to Committee on Rules.

Coun. KINSELLA—Mr. President, I ask unanimous consent to make a statement.

President HANNON—Is there any objection?

Coun. SCANNELL—I object, Mr. President.

Coun. KINSELLA—Mr. President, I just wanted to speak of the disgraceful treatment that was accorded to a returned soldier from Guadalcanal at the Chelsea Hospital. I hope that the councilor who objects does not approve of such action.

INVESTIGATION OF REST HOMES FOR OLD AGE ASSISTANCE RECIPIENTS.

Coun. HANNON, FISH and HANLEY offered the following:

Ordered, That an investigation be made of all rest homes in which recipients of old age assistance are placed by the agents of the Public Welfare Department.

Referred to Committee on Public Welfare.

Coun. FOSTER in the chair.

ACT RE SIDEWALK ASSESSMENTS.

Coun. M. H. SULLIVAN offered the following:

Ordered, That chapter 203 of the Acts of 1943 entitled "An Act Relative to Sidewalk Assessments in the City of Boston," be, and hereby is, accepted.

Referred to Executive Committee.

STATEMENT BY COUNCILOR HANLEY.

Coun. HANLEY—I ask unanimous consent to make a statement.

Chairman FOSTER—The Chair hearing no objection, the councilor may proceed.

Coun. HANLEY—I would like to come in at this point and congratulate my two distinguished colleagues, Councilor Russo and Councilor William F. Hurley, on the presentation of their resolution today to commemorate the heroism of the first boys of the City of Boston who have been killed in our armed forces. Down through the centuries of time man has recorded his works, deeds and actions, and one salient fact shown in medieval and modern history is that human nature does not change. The bard of Avon, William Shakespeare, recognizing this human frailty, wove it into his masterpiece, Julius Caesar, and, utilizing the tongue and the lips of Mark Antony uttered these words: "The evil that men do lives after them, the good is oft interred with their bones." Today our beautiful country is at war. Many of our boys will find death upon the frozen wastes of the north; many of their bodies, racked with pain, will lie bleached and scorched under the blistering sun of the desert; many of them will be found in caldrons of flaming oil and the tongues of flame will develop their naked bodies; many of them will never again walk the highways or the byways of our beautiful land; many of them will never again see the beauties of nature, the smiles and the tears of their parents, their wives, their children and sweethearts. But they will win through this war of blood, sweat and tears when a victory is achieved by their courage and their tenacity. Let us hope and pray that their victory will not be jeopardized by the international politicians who once again sit down at the peace table with a map of the world and in hatred weave together another treaty of iniquity, but that the generation now growing up today will not be called upon twenty years hence to be placed upon the sacrificial altar of the God above and be offered up as a propitiation to the Roman and Trojan empires. It is most worthy that we should at least commemorate the heroic deeds and the actions of those who are fighting and dying and suffering in order that you and I may live under the Stars and Stripes. The four basic freedoms of humanity have been gleaned from the Creator of nature, and America would fall if she should ever jeopardize or put away those four basic freedoms. "America," one of the most beautiful words in any language, because it typifies the freedom of religion, the freedom of the press, the freedom of assembly and the freedom of expression, without which America would fall into decay, as many an empire has done through the corridors of time. Again I want to commend these men in presenting this resolution, and I only hope that a monument or the naming of the walks or malls may forever bring to our memory the deeds of heroism of these men.

Coun. HURLEY—I want to thank our distinguished colleague, and on his remarks also I want to make a motion.

Chairman FOSTER—For what purpose does the gentleman rise?

Coun. HURLEY—I make a motion that the resolution I previously presented to the Body be withdrawn from the Committee on Rules and acted upon by the Council.

Chairman FOSTER—The Chair will have to rule that the motion is out of order, and that the rule cannot be suspended.

Coun. TAYLOR—I rise to a point of order. Do I understand, Mr. Chairman, that this resolution has been referred to the Committee on Rules?

Chairman FOSTER—That is correct.

Coun. TAYLOR—Do I also understand we cannot make a motion to withdraw that from the Committee on Rules?

Chairman FOSTER—That is correct.

Coun. TAYLOR—I wonder if the clerk would be so kind as to read to me that particular rule which prevents us from taking it out of the Committee on Rules?

Chairman FOSTER—The President previously read the rule to the Body, saying that the rule cannot be suspended.

Coun. TAYLOR—I don't believe the question is on suspension of the rules. I believe the question is on the taking of it out of the committee.

Chairman FOSTER—In order to take it out of the committee, Rule 12 would have to be suspended, and that rule cannot be suspended.

Coun. RUSSO—Mr. President —

Chairman FOSTER—For what purpose does the gentleman rise?

Coun. RUSSO—I rise to a point of information. May I in order to make a motion to reconsider the ruling of the Chair—

Chairman FOSTER—The gentleman is out of order. The motion is out of order.

Coun. CHASE—I move that the Committee on Rules consider the matter forthwith.

Chairman FOSTER—The chairman of the Committee on Rules has already agreed to have a meeting.

Coun. CHASE—Mr. President, I move that the Council advise the Committee on Rules whether or not they want an immediate hearing on the matter or want to have a hearing a week from now.

Chairman FOSTER—The motion is out of order.

Coun. KINSELLA—I am in receipt of certain information so I ask again unanimous consent to make a statement.

Chairman FOSTER—Are there any objections? (No response.) There being no objection, the councilor may proceed.

Coun. KINSELLA—Mr. President, the last hour we have sat here and we have heard the members of the various branches of the armed forces eulogized for sacrifices already made, or those in the process of making, and, while I have always thought that under the proper conditions men can rise to the occasion, I must say I was astounded at the flights of oratory that accompanied the opinions of the men in favor of the naming of these walks, and I want them to know that probably never again in their lives will they advocate anything so meritorious. Now, for the edification of the councilors of Boston and for the general knowledge of the people of this city, I want to recount to them a tale of brutal treatment just recently accorded a crippled young soldier back from Guadalcanal. Mr. President, about one week ago last Thursday night, on my evening trip over Bunker Hill street, I met a young man in civilian clothes. I knew he was a member of the armed forces and wondered why he was out of uniform. It appears that he had received permission to come back on a short leave prior to his return to Michigan where he was to be further hospitalized. Having congratulated him upon his safe return, I was very much taken aback when he told me what had happened to him in action in Guadalcanal. It appears that with several others he was riding in a jeep when a land mine exploded and his chest was ripped open from side to side, entailing forty stitches to close the wound. His left leg had several ounces of shrapnel, so that he was barely able to walk unassisted. I said to him, "Aside from that, Freddie, how do you feel?" And he said, "I would rather be dead than to think that after what we went through, after sixteen months of Guadalcanal, that I was turned out of the Soldiers' Home in Chelsea the other night when I went for emergency treatment when my chest wound opened up." It appears that the boy's sister is a nurse. How competent or qualified she is I don't know, but acting upon her advice this young man went to the Soldiers' Home on First avenue in Chelsea and phrased his request, if I remember it correctly, something like this: "Mr. Commandant, I am here on a furlough from Guadalcanal, where I was badly wounded. My chest wound opened up tonight, and I would like to get"— And at that point

the Commandant said to him, "You will have to go elsewhere; you are not a discharged soldier." I wonder what that commandant would say if a dog had been run over on the street in front of the hospital. I wonder what he would say if people were injured in an automobile accident at the doors of the hospital or in the neighborhood. Now, you might well say, as I do, that there are rules and regulations by which that hospital must be conducted. But do they obviate the possibility of any boy, a returned soldier, crippled for the rest of his life, being treated there because up to the time of application for emergency treatment he had not received the status of a discharged soldier? If those regulations are in force and in effect, I can say something for the commandant, and nothing more. I will never be able to say that that man had any Christian charity in his heart when he would not ignore the rules and regulations under those conditions. I experienced something I would never ask you gentlemen to experience, by having to hear a similar story, a feeling of downright bitter hatred for any man into whom the dry rot of authority has so firmly embedded itself that he has to go by rules and by regulations with a boy bleeding to death in front of him. I don't make any exaggerated statement. The young man who drove him over there continued on to Fort Banks, where they treated him. Thank you.

USE OF SOLARIUM BY MEN IN ARMED FORCES.

Coun. SCANNELL offered the following:

Ordered, That the Park Commission be requested, through his Honor the Mayor, to waive the fee in the cases of men who are in the armed forces of our country and who desire to avail themselves of the benefits derived from the use of the solarium at the L Street baths.

Coun. SCANNELL—Speaking on this order, it has come to my attention that men back from the services on foreign soil, have been paying to go into the solarium in South Boston. I think that the least the City of Boston could do is to let those men, most of whom have been wounded, use that solarium to bring back that health which they have given to their country. I also am going further with this order and requesting the Mayor to give it his attention so that these men can use the South Boston solarium.

The order was passed under suspension of the rule.

DESIGNATION OF CRISPUS ATTUCKS DAY.

Coun. D. F. SULLIVAN offered the following:

Ordered, That his Honor the Mayor be requested to designate the fifth day of March in each year as Crispus Attucks Day, said day being the anniversary of the Boston Massacre on March 5, 1770.

Passed under suspension of the rule.

SIDEWALK CONSTRUCTION, WARD 10.

Coun. CAREY offered the following:

Ordered, That the Commissioner of Public Works make a sidewalk along Parker Hill avenue, both sides, Parker street to Calumet street, Ward 10, 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.

OPPOSITION TO SUNDAY OBSERVANCE OF HOLIDAYS.

Coun. HANLEY offered the following:

Resolved, That the Boston City Council, in meeting assembled go on record in opposition to the proposed bill of Governor Saitonstall to observe Memorial Day and Independence Day on Sunday preceding the above mentioned holidays; and be it further

Resolved, That a copy of the above resolution be forwarded to the State Senate and the House of Representatives, requesting them to defeat said

proposal in view of the following facts: First, it jeopardizes the harmony of labor and management in the most critical period of our country's existence; second, it denies labor a wage that rightfully belongs to them; and third, if it is passed it may produce a schism between labor and capital that will cause harmful repercussions to our war effort.

Referred to Committee on Rules.

DEATH OF DR. HARRY GOLDMAN.

Coun. MUCHNICK, TAYLOR and HURLEY offered the following:

Resolved, That the Boston City Council mourns the untimely passing of Dr. Harry Goldman, Deputy Health Commissioner, a capable, faithful, efficient public servant of our city; and be it further

Resolved, That an expression of our sympathy be sent to the widow and family of the late Doctor Goldman.

Passed under suspension of the rule.

MILK FOR SCHOOL CHILDREN.

Coun. KELLY offered the following:

Resolved, That the Boston City Council, in meeting assembled, hereby petitions the Congress of the United States to restore the appropriations for the distribution of penny milk to the school children of Boston, some 63,000 of whom have benefited under the Government plan and many of whom will be faced with malnutrition if this plan is discontinued; and be it further

Resolved, That a copy of this resolution be sent to each member of the Massachusetts delegation in Congress.

Referred to Committee on Rules.

Coun. KELLY—I ask unanimous consent to make a statement.

Chairman FOSTER—The Chair hearing no objection, the councilor may proceed.

Coun. KELLY—Mr. President, the reason I introduce this resolution is because I understand that the House Appropriations Committee objected to the program of this penny milk on the ground that the Department of Agriculture lacks technical authority to conduct a child food program. I understand this bill is going to the House of Representatives in Washington in a few days, and if we can get this appropriation the children of Massachusetts will go on receiving penny milk, as well as other welfare centers, and summer camps, but if we don't get the appropriation, this milk program will end on June 20th of this year because of lack of funds.

EAST BOSTON RELIEF STATION.

Coun. FISH, for Coun. COFFEY, offered the following:

Ordered, That the trustees of the Boston City Hospital be requested, through his Honor the Mayor, to reopen the East Boston Relief Station on a twenty-four-hour day basis.

Passed under suspension of the rule.

CLEANING OF EAST BOSTON COURT RECORDS.

Coun. FISH, for Coun. COFFEY, offered the following:

Ordered, That the Superintendent of Public Buildings be requested, through his Honor the Mayor, to make arrangements to have the records in the vaults in the East Boston Court House cleaned, inasmuch as twelve years have elapsed since this work was done before.

Passed under suspension of the rule.

USE OF SUMNER TUNNEL BY RAPID TRANSIT, INC.

Coun. FISH, for Coun. COFFEY, offered the following:

Ordered, That the members of the Boston City Council request the Rapid Transit, Inc., to file a

petition to so alter and change their route as would allow their buses to use the Sumner Tunnel as a passageway to East Boston.

Passed under suspension of the rule.

NAMING OF FOOT PASSAGE FOR CHARLES ERNEST ANDREWS.

Coun. FISH, for Coun. COFFEY, offered the following:

Ordered, That the foot passage on Wordsworth street, Ward I, be named in honor of Charles Ernest Andrews, the first Harbor View section boy who was lost in action.

Referred to Committee on Rules.

DESIGNATIONS OF POSITIONS IN PUBLIC WELFARE DEPARTMENT.

Coun. FISH offered the following:

Ordered, That the Overseers of Public Welfare be directed, through His Honor the Mayor, to retain the present designations of bookkeeper, assistant bookkeepers, paymasters and assistant paymasters in the Welfare Department rather than have them classified as clerks.

Referred to Committee on Public Welfare.

STATEMENTS BY COUNCILOR FISH AND SULLIVAN.

Coun. FISH—I ask unanimous consent to make a statement. Mr. President and members of the Council, I know we are all united in the one pleasing thought that rages over the war news of the present day, which seems to be favoring us. It is unfortunate that this has to be accomplished through and accompanied by the casualties of war, which are inevitable. They have visited us, and no tribute, no honor, that we may pay to those who have made the supreme sacrifice should be overlooked. The naming of the walks and the squares in Boston Common, and particularly on a day such as May 30, when our memories are with those who were once with us but who have passed on, is most commendable. I want to congratulate Councilors Hurley and Russo for their thoughtfulness in bringing before this Body that resolution recommending that these heroes be given something that will perpetuate for time immemorial the memory of the sacrifices which they have made. I now ask—in fairness to the President of this Body, who could make no other decision that to refer this to Rules, as I know that it is the opinion and consensus of opinion of the Body that they would like to pass on this today—that the Committee on Rules during recess hold their meeting and report it back to the Body after the executive meeting.

Coun. M. H. SULLIVAN—I ask unanimous consent to make a statement. (No objection.) Mr. President, in order to clear up any possible misunderstanding or misinterpretation of the ruling of the President, I wish to say that President Hannon informed me, even prior to the introduction of the order, that the facts were what he was merely striving to obtain, and he had no objection to the subject matter of the order. He has likewise stated during the meeting that he is wholly in accord with the subject matter of the order. As for me, I heartily favor it, and congratulate the sponsors, not only because it stands as a small tribute to the memory of heroic men and a tribute to their supreme sacrifice to perpetuate our way of life, but also to sorrowing relatives and friends it will stand as a proof to our fighting forces of the appreciation that they merit and that they receive from the folks at home. I feel that these loved ones' names should stand perpetuated in appreciation of the price they have paid for the blessings of life, liberty and the pursuit of happiness that are guaranteed under the Stars and Stripes.

RECESS.

The Council took a recess, by direction of Chairman FOSTER, at 3.45 p. m., subject to the call of the Chair. The members reassembled and were called to order by Chairman FOSTER at 4.10 p. m.

EXECUTIVE COMMITTEE REPORTS.

Coun. TAYLOR, for the Executive Committee, submitted the following:

1. Report on petitions for children to appear at places of public amusement, viz.:

Stanley E. Brown (referred May 3), Jordan Hall, June 10.

Alice Astle (referred May 3), Jordan Hall, May 17—recommending that leave be granted under usual conditions.

Report accepted; leave granted under usual conditions.

2. Report on message of Mayor and order (referred today) for appropriation of \$71,344.26 to maintain Houghton and Dutton property from income of Custodian of Foreclosed Real Estate Division recommending reference to Committee on Appropriations.

Report accepted; said reference ordered.

3. Report on message of Mayor and order (referred today) accepting gift of Harvard Mall to city by President and Fellows of Harvard College and placing same in custody of Park Department—that same ought to pass.

Report accepted; said order passed, yeas 16, nays 0.

4. Report on order (referred today) that chapter 203 of Acts of 1943 *re* sidewalk assessments be accepted—that same ought to pass.

Coun. M. H. SULLIVAN—Mr. President, I wish to pay a tribute to his Honor the Mayor and, incidentally, to the City Clerk, in connection with this order. Four years ago I was acquainted with the case of a widow, the mother of six children in the Brighton district, who had a piece of property, her home, and was unable to pay the sidewalk assessment upon it. She was of the impression that she could get an abatement for an expense of that kind, in connection with her property, and at the moment was in an especially unhappy economic position. I consulted the City Clerk who informed me that there was no provision in the law for abatement, and he then went to the Mayor in the matter. The Mayor consulted the Law Department and was informed that nothing could be done. He did, however, interest himself in the matter and I wish to say, in tribute to him, that he paid the bill for this widow, so that she was allowed to keep her home. As a result, the city applied for remedial legislation which was enacted by the Legislature, embodied in the bill referred to, and it is certainly to be hoped that the action suggested in the order will be taken.

Report accepted; said order passed.

5. Report on order (referred today) that chapter 204 of Acts of 1943 be accepted *re* retirement of policemen and firemen—that same ought to pass.

Report accepted; said order passed.

6. Report on message of Mayor and order (referred May 3) transferring land on Victory road to Park Department—that same ought to pass.

Report accepted; said order passed.

REPAIR OF WARD 19 STREETS AND SIDEWALKS.

Coun. HANLEY, for Coun. LANGAN, offered the following:

Ordered, That the Public Works Commissioner be requested, through his Honor the Mayor, to repair all streets and sidewalks in Ward 19, which are very much in need of repairs.

Passed under suspension of the rule.

USE OF MUNICIPAL GOLF COURSE BY SERVICE MEN.

Coun. HANLEY, for Coun. LANGAN, offered the following:

Ordered, That the Park Commissioner be requested, through his Honor the Mayor, to allow all service men to use the municipal golf course free of charge.

Passed under suspension of the rule.

PAINTING OF WHITE STRIPES ON CURBINGS, ETC.

Coun. HANLEY, for Coun. WICKES, offered the following:

Ordered, That the Commissioner of Public Works be directed, through his Honor the Mayor, to take the necessary steps for the immediate painting of white stripes on curbings, hydrants and such other objects as may be considered hazards to the pedestrians in Ward 17 and such other parts of the city as the members of the City Council may suggest.

Passed under suspension of the rule.

ROBERTS FIELD, WARD 17.

Coun. HANLEY, for Coun. WICKES, offered the following:

Ordered, That the Park Commissioner be directed, through his Honor the Mayor, to take immediate steps to put the baseball diamond at Roberts Field, Ward 17, in A-1 condition as soon as possible.

Ordered, That the Park Commissioner be directed, through his Honor the Mayor, to see that whatever reconditioning is necessary be done at Roberts Field, Ward 17, Dorchester.

Ordered, That the Park Commissioner be directed, through his Honor the Mayor, to open the field house at Roberts Field, Ward 17, as soon as circumstances will permit.

Severally passed under suspension of the rule.

Adjourned, on motion of Coun. TAYLOR, at 4.15 p. m., to meet on Monday, May 17, 1943, at 2 p. m.

CITY OF BOSTON.

Proceedings of City Council.

Monday, May 17, 1943.

Regular meeting of the City Council in the Council Chamber, City Hall, at 2 p. m., President HANNON in the chair. Absent, Coun. Fish, Foster, Goode, Langan, Linehan, Lyons.

The meeting was opened with the salute to the Flag.

APPOINTMENTS BY THE MAYOR.

Subject to confirmation by the Council, the Mayor submitted the following appointments, viz.:
Weigher of Coal: Irving Lunin, 48 Supple road, Dorchester.

Constable for term of one year, beginning with first day of May, 1943, with authority to serve civil process upon filing of the necessary bond: Bert Oppenheim, 9 Egremont road, Ward 21.

Constable for term of one year, beginning with first day of May, 1943, without power to serve civil process and to serve without bond: George Shamshak, 95 St. Botolph street, Ward 4.

Severally laid over a week under the law.

ENDICOTT STREET FIRE.

The following was received:

City of Boston,

Office of the Mayor, May 17, 1943.

To the City Council.

Gentlemen,—I transmit herewith communication from the Fire Commissioner regarding your order of April 26, 1943, regarding the investigation of the cause of the Endicott street fire and the rumors that the Fire Alarm System was out of order which caused a twenty-minute delay in responding to the fire.

Respectfully,
MAURICE J. TOBIN, Mayor.

City of Boston,
Fire Department, May 7, 1943.

Hon. Maurice J. Tobin,
Mayor of Boston.

Dear Sir,—I am returning herewith to your Honor a copy of the order of City Councilor Russo which was passed in the City Council on April 26, 1943, and which reads as follows:

"Ordered, That the Fire Commissioner be requested, through his Honor the Mayor, to investigate and report back the cause of the Endicott street fire; and be it further

"Ordered, That the Fire Commissioner be requested, through his Honor the Mayor, to investigate rumors that the Fire Alarm System was out of order, which caused a twenty-minute delay in responding to the fire.

"In City Council April 26, 1943. Passed.

Attest:

W. J. DOYLE, City Clerk."

I am sending herewith a copy of a report which I have received from Chief of Department Samuel J. Pope, concerning the fire which occurred at 168 Endicott street, city, on April 19, 1943.

Very truly yours,

WM. ARTHUR REILLY,
Fire Commissioner.

City of Boston,
Fire Department, May 6, 1943.

To Wm. Arthur Reilly, Fire Commissioner.
From Samuel J. Pope, Chief of Department.
Subject: Fire at 168 Endicott Street, April 19, 1943.

Sir,—In reference to the communication from his Honor the Mayor, under date of April 10, 1943, concerning the fire at 168 Endicott street, April 19, 1943, in which it is stated that there were rumors that the Fire Alarm was out of order, causing a twenty-minute delay in responding to alarm, I report as follows:

The records of Fire Alarm, which records automatically the time of receipt of alarms, is as follows:

Box 1223, North Margin and Thacher streets, was received at 5.51½ a. m. The chief's driver reported from this box to the Fire Alarm at 5.56½ a. m. A second alarm was immediately ordered from this box at 5.57 a. m. It is safe to assume that the apparatus arrived within a period of three minutes from time of receipt of alarm. This is indicated by the fact that the chief's driver has to drive the chief to the scene of the fire and then return to the box to report to Fire Alarm.

The following boxes were also received for this fire: Box 1212, located at Cooper and Endicott streets, at 5.51½ a. m. Same box was also sounded at 5.52 a. m., also at 5.53½ a. m. Box 1211, located at Washington Street North and Endicott street, was sounded at 5.53 a. m. and again at 5.54½ a. m.

At the time of receiving the first alarm from Box 1223 at 5.51½ a. m., the operator at Fire Alarm on the telephone switchboard received a call from Laf. 7237, and also from telephone operator reporting a fire at 168 Endicott street. Three other telephone calls were received after the box had been received and transmitted.

The official record of the New England Telephone and Telegraph Company concerning this fire is as follows:

At 5.51 a. m. a call was received from Laf. 7237 and transmitted to Fire Alarm over line, Garrison 1600. At 5.51 a. m. a call was received from Laf. 0217 and transmitted to Garrison 1600. At 5.53 a. m. a call was received from Laf. 7417 and transmitted to Fire Alarm at 5.53.22. At 5.53.31 call was received from Laf. 1435 and transmitted to Fire Alarm at 5.53.32. At 5.55.43 a. m. call was received from Laf. 3878 and transmitted to Fire Alarm at 5.55.44. At 5.55 a. m. a call was again received from Laf. 3878 from an ambulance, and conveyed to DEVONshire 1212. All these calls were made on emergency basis and are the official records of the New England Telephone and Telegraph Company.

Undoubtedly, any delay that occurred took place through failure of notification to the Fire Department. The Fire Alarm telegraph system was not out of order and as soon as the alarm was received as indicated by above records, the apparatus responded immediately and made a very quick run to the scene.

An investigation was conducted at Fire Headquarters in relation to this fire and from the testimony of occupants of the house, some of them went to the windows, saw bodies lying on the street, hollered, "Fire," from the windows, but there was nobody around to give the alarm. A taxicab driver, James Carradis, living at 18 Cooper street, testified that he caught a baby which was dropped from the upper floors, but he did not sound an alarm. He took victims in his taxicab to the Massachusetts General Hospital.

An occupant of the building, Alfred Delelio, residing on the third floor, testified that he was called by his mother who had discovered the fire burning in the building. He testified that he left the building by the rear fire escape. He said that when he reached the street, the fire apparatus had just arrived. He also testified that the time consumed from when his mother first called him to the time of reaching the street, a period of about five minutes had elapsed.

As a result of investigation of this fire I am certain there was no delay in apparatus responding from the time notification was given. Whatever delay took place was caused by failure to properly notify the Fire Department. It is interesting to note that all notifications to the Fire Department and telephone company were given between 5.51 and 5.55 a. m.

The cause of the fire is undetermined.

Respectfully submitted,
SAMUEL J. POPE,
Chief of Department.

Placed on file.

MEMORIAL ON BOSTON COMMON TO WAR DEAD.

The following was received:

City of Boston,

Office of the Mayor, May 17, 1943.

To the City Council.

Gentlemen,—I recommend the erection of an appropriate temporary plaque on the Boston Common, on which can be inscribed the names of the boys from Boston who have made and will make the supreme sacrifice. I shall shortly sub-

mit to your Honorable Body an order for an appropriation for this temporary memorial. This will be a temporary structure, but it is my recommendation, upon the obtaining of the necessary appropriation, to construct a permanent memorial at the conclusion of the war.

By the erection of the temporary memorial we do honor to all of our boys who have died for their country. At the same time we prepare the basis for a permanent and lasting tribute to them.

Respectfully,
MAURICE J. TOBIN, Mayor.

Placed on file.

APPROPRIATION FROM PARKMAN FUND.
INCOME.

The following was received:

City of Boston,
Office of the Mayor, May 17, 1943.
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 passage by your Honorable Body.

Respectfully,
MAURICE J. TOBIN, Mayor.

City of Boston,
Park Department, May 13, 1943.
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

When making up the budget estimates for the year 1943, 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 1943, to be transferred as 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

Referred to Committee on Parkman Fund.

SUPPLEMENTARY APPROPRIATION
ORDER.

The following was received:

City of Boston,
Office of the Mayor, May 17, 1943.
To the City Council.

Gentlemen,—I am forwarding herewith a supplementary appropriation order in the amount of \$131,133.09, allocated as follows:

Snow Removal..... \$100,000 00
Suffolk County Court House, Custodian..... 29,762 79
East Boston District Court..... 250 30
Boston Juvenile Court..... 1,120 00
\$131,133 09

Snow Removal.

The sum of \$10,505.08 has been expended or encumbered for Snow Removal purposes during the past winter season. \$400,000 was recommended in my budget submitted on February 1, 1943, and subsequently passed by your Honorable Body. There was an unexpended balance of \$41,779.92 carried over from 1942, thereby making the total sum of \$441,779.92 available for Snow Removal. This would leave a deficit of \$68,725.16. However, in view of the fact that additional funds will be needed during the remainder of the year for the purchase of plow parts, sand, salt, etc., and also for snow removal and plowing, in the event of snowstorms occurring in November and December, the above supplementary appropriation of \$100,000 is recommended.

Suffolk County Court House, Custodian.
The budget estimates for the maintenance of the Court House were unsubstantiated information, and requested appropriations for steam furnished by the Edison Company, and also for oil for heating purposes. The conversion from oil to purchased steam was in process of taking place, and no estimate could be given with any degree of certainty. Subsequently, it developed that additional funds were necessary, and accordingly I, therefore, recommend the additional appropriation of \$28,082.48 in Group B, Contractual Services.

An appropriation of \$1,680.31 is requested for Group C for money expended for the purchase of furnishings for the jurors' rooms in the Court House. This was made necessary because of the lack of hotel facilities, and was done with the approval of the Judges of the Superior Court, in order to furnish beds, mattresses, dressers, lamps, ash trays, sheets, pillow cases, and towels for the use of the jurors who were confined during extensive cases.

East Boston District Court.

An appropriation is requested in the amount of \$250.30 for the reimbursement of cash bail which had been deposited by the Clerk of the East Boston District Court in the Federal National Bank, subsequently closed by the Bank Commissioner, and the amount requested is the shortage resulting from the balance due after payment of dividends by the receiver for the bank.

Boston Juvenile Court.

The judge of the Boston Juvenile Court requested an additional Probation Officer for the duration of the war due to an increase in juvenile delinquency which placed a considerable increased burden upon the Court. The Administrative Committee of the District Courts has fixed the salary at \$1,800. The appointment, dating from May 19, 1943, and the exigencies make it appear necessary that the request be granted, the sum of \$1,120 is hereby recommended for the balance of the year to pay the salary of such Probation Officer.

Respectfully,
MAURICE J. TOBIN, Mayor.

Ordered, That the sum of \$131,133.09 be, and hereby is, appropriated for the purposes hereinafter specified, said amounts to be raised by taxation on the polls and estates in the City of Boston, and that all orders heretofore or hereafter passed by the City Council relating to appropriations, taxes, and the interest thereon, apply to the appropriations and taxes herein provided for.

Special Appropriation.

Snow Removal..... \$100,000 00
Suffolk County Court House, Custodian.
B. Contractual Services, \$28,082 48
C. Equipment..... 1,680 31
29,762 79

East Boston District Court.

G. Incidentals..... 250 30

Boston Juvenile Court.

A. Personal Service..... 1,120 00
\$131,133 09

Referred to Executive Committee.

PETITIONS REFERRED.

The following petitions were received and referred to the committees named, viz.:

Claims.

Thomas F. Brett, to be reimbursed for execution issued against him.

Thomas F. Brett, to be reimbursed for execution issued against him.

Marion L. Chenery, for compensation for damage to property at 377 Commonwealth avenue, caused by city truck.

Livia DeCarlo, for compensation for injuries caused by an alleged defect in Poplar street.

Mollie Eichenwald, for compensation for injuries caused by an alleged defect at 47 Monroe street.

Mary Williams, for hearing on claim.

Horace E. Wood, to be reimbursed for accident which occurred while in performance of duty.

Olga H. Pavlick, for compensation for collapse of water boiler at 13 Mercer street, South Boston, caused by water being shut off.

Forrest Hillsway, Inc., for compensation for damage to property at 131 Morton street, caused by defective sewer.

CHILDREN'S PERMITS.

Petitions for children under fifteen years of age to appear at places of public amusement, viz.:

D. Tierney, at Jordan Hall, May 18, 1943.

Viola K. Breiding, at Jordan Hall, June 7, 1943.

Kay A. McDermott, at Jordan Hall, June 9, 1943.

Sylvia B. Robinson, at Recital Hall, June 20, 1943.

Voted, That permits be granted on the usual conditions.

ORGANIZATION OF BOARD OF OVERSEERS.

Notice was received from the Board of Overseers of Public Welfare of organization as follows: Chairman, Professor Joseph H. Sasserno; Vice Chairman, Mrs. Margaret J. Gookin; Treasurer, Edward H. Willey; Secretary, William G. O'Hare. Placed on file.

APPROVAL OF CONSTABLES' BONDS.

The following constables' bonds, having been duly approved by the City Treasurer, were received and approved by the Council, viz.:

James A. Canton, Abraham M. Hecht, Joseph Herman, Isie Martin, Michael W. Ober, Joseph L. Shurtleff, Francis J. Tobin, David Tobey, Sidney Williams, Charles A. Wood.

CONFIRMATION OF APPOINTMENTS.

Coun. TAYLOR called up Nos. 1 and 2, under unfinished business, viz.:

1. Action on appointment submitted by the Mayor April 12, 1943, of Joseph P. Carr, to be a Constable connected with an official position and to serve without bond.

2. Action on appointment submitted by the Mayor May 10, 1943, of Edward H. Coffey, Francis X. Coleman, Bolton R. Hill, Arthur J. O'Leary, to be Weighers of Goods; and John J. Scannell, George F. Dress, Jr., Sigurd L. Thidemann, to be Weighers of Coal.

The question came on confirmation of the appointments. Committee, Coun. M. H. Sullivan and Coffey. Whole number of ballots 12, yes 12, and the appointments were confirmed.

REPORT OF SPECIAL COMMITTEE ON BUILDING CODE.

Coun. MUCHNICK, for the Special Committee on Building Code, submitted the following:

In 1938 the Legislature enacted for the City of Boston the so-called Building Code, chapter 479 of the Acts of 1938. The code was to become effective upon the acceptance of the act by the Mayor and City Council.

On August 8, 1938, the Mayor submitted the act to the City Council for its consideration. The

order accepting the act was referred to a special committee and during its consideration of the matter it became evident to the committee that the immediate adoption of the act was not advisable under the existing conditions.

One of the impelling reasons for the revision of the building laws was the fact the building law for the City of Boston adopted in 1907 was amended some one hundred and thirty-five times in thirty years and the law was more or less in a state of confusion.

The new building law cleared up this confusion to some extent, but at a hearing given by this committee a number of substantial objections to certain provisions of the law were presented by the Building Commissioner and other interested persons.

Assuming that these objections were well-founded and required correction, the acceptance of the act as originally enacted would have left the City of Boston still in the ridiculous position that every time some minor adjustment of the building law should become advisable it would be necessary to call upon the Legislature to make the adjustment in the form of a solemn enactment.

It was obvious that this would result in a repetition of the situation which had developed after the passage of the 1907 Act.

It was also pointed out in the Mayor's message to the City Council that under chapter 143 of the General Laws every city and town in the Commonwealth, except Boston, had the right to establish by ordinance, with certain general restrictions, its own building code, and to regulate and control the construction of buildings.

With these facts in mind no further action was taken in 1938, but in 1939, at the request of the City Council, Mayor Tobin submitted a bill to the Legislature which resulted in the enactment of chapter 217 of the Acts of 1939, which amended the proposed building code by giving to the City Council the power, upon the written recommendation of the Building Commissioner, to alter, amend, extend or render inoperative any of its provisions by ordinance.

Thereupon by tacit agreement it was planned that the acceptance of chapter 479 of the Acts of 1938 would be delayed until such time as amending ordinances should be prepared to remedy the objectionable features of the proposed code.

In 1940 an advisory committee was appointed to work with the Building Commissioner on the amendments. The following-named served on this committee:

Francis V. Bulfinch, architect,
C. Clark Macomber, builder,
A. B. MacMillan, engineer-builder,
Burtis Brown, engineer,
John J. Tobin, Esq., assistant corporation counsel,

Timothy A. Callahan, business agent,
John C. Kiley, real estate,
Charles D. Maginnis, Jr., architect,
Ralph Harrington Doane, architect,
P. W. Donoghue, sanitary engineer,
Leo Schwartz, Esq., was employed to put the recommendations of the committee in legal form.

The committee started work in February, 1940, and continued during the three ensuing years and is still engaged on the last seven sections of the law.

Proposed amendments covering sections 1 through section 25 were adopted by the advisory committee and recommended in writing to the City Council by the Building Commissioner at several meetings in the period from February 1, 1943, to May 3, 1943, inclusive.

The amendments in the form of five ordinances were referred to your Committee on Building Code, who held a public hearing and gave the ordinances their best consideration. No noteworthy objections have been raised to any of them and they have the approval of the Retail Trade Board, the Chamber of Commerce, Massachusetts Association of Architects, Building Trades Council, Real Estate Exchange, and other civic organizations.

The Building Code is an extremely technical matter and the committee feels justified in relying entirely on the recommendations of the Building Commissioner and the distinguished gentlemen who make up the advisory committee. They are strengthened in this position by the fact that under the present procedure if any defect is discovered in the law as amended it will be a simple matter to remedy it by an ordinance of the City Council.

On May 10, 1943, a substantial portion of the work of the advisory committee having been completed your committee recommended to the Council the acceptance of chapter 479 of the Acts of 1938, as amended by chapter 217 of the Acts of 1939. The order accepting the act was adopted by the City Council unanimously and it was approved by his Honor the Mayor on May 15, 1943. Incidentally it should be noted that the acceptance of chapter 479 of the Acts of 1938 automatically put into effect the provisions of chapter 373 of the Acts of 1941, amending the Boston Zoning Law.

The Building Code Committee also wishes to point out with reference to the Building Code that its scope is limited as follows:

1. The proposed code applies primarily to new construction.
2. The proposed code applies to existing structures only as they are altered or as their type of occupancy changes or as they are structurally unsound.
3. The proposed code does not apply to fixtures, such as counters, showcases, bars, etc., to non-structural items, such as wall paddings, ceiling hangings, etc.
4. The proposed code does not provide for any general safety inspection or enforced improvement of existing conditions.

The situation in regard to building construction and permits now stands as follows:

Up to Saturday, May 15, 1943, the building act of 1907 with its numerous amendments was in force. On that day chapter 479 of the Acts of 1938 became effective. If any appreciable period elapses between May 15 and the adoption of the amending ordinances by the City Council, the builders and the Building Department will be in a state of deplorable confusion.

We accordingly recommend the immediate adoption at this meeting of the following ordinances:

Ordinance, recommended by the Building Commissioner and submitted to the City Council on February 1, 1943, amending Part 1 to Part 4, inclusive, of chapter 479 of the Acts of 1938.

Ordinance, recommended by the Building Commissioner and submitted to the City Council on March 15, 1943, amending Part 5 to Part 12, inclusive, of chapter 479 of the Acts of 1938.

Ordinance, recommended by the Building Commissioner and submitted to the City Council on March 29, 1943, amending Part 13 to Part 16, inclusive, of chapter 479 of the Acts of 1938.

Ordinance, recommended by the Building Commissioner and submitted to the City Council on April 5, 1943, amending Part 17 to Part 21, inclusive, of chapter 479 of the Acts of 1938.

Ordinance, recommended by the Building Commissioner and submitted to the City Council on May 3, 1943, amending Part 22 to Part 25, inclusive, of chapter 479 of the Acts of 1938.

For the Committee,
ISADORE H. Y. MUCHNICK,
Chairman.

The report was accepted, and the question came on the passage of the ordinances as recommended.

Coun. HANLEY—Mr. President, there is one particular part of that building code that affects an industry in my district and might jeopardize it to the point that it might have to go out of business. The chairman of the Building Code Committee just advised me that any discrepancy in that building code can be taken care of by an ordinance. For the benefit of my colleagues, and also to bring out the fact that I am trying to protect the interests of my constituents in my district, I would like to point out a few statistics. Section 2312, chapter 479, of the Acts of 1938: There was an amendment placed in there that affected the sign industry, and with the present wording of that amendment it makes a general statement that every sign must be so constructed that it can withstand a 30-pound pressure of wind. Prior to that it read that a square foot should withstand 10 pounds pressure. As the sign went up into the air, the pound pressure increased, and girders were put in by the sign companies. Seventy-five per cent of the buildings in Boston at the present time cannot withstand the specifications or provisions of the present new building law in regard to signs. In the 1938 hurricane this industry that is in my district did not lose a sign, and engineers of training and education have declared that section 2312, chapter 479, of the Acts of 1938 was well qualified to protect pedes-

trians and also the buildings. This particular industry in my district is assessed for approximately \$100,000. They employ approximately 200 employees, they construct approximately \$100,000 worth of signs in Boston within one given year, and they buy the material from Boston contractors. They pay a rental of \$150,000 to the landlords of Boston, who pay the money back into the treasury of the City of Boston to keep our city going. This particular industry, Mr. President, has been established for ninety years, and the insurance company has never paid a claim by reason of any sign being torn down by any wind velocity.

Coun. MUCHNICK—Mr. President, it so happened last Friday afternoon that I talked with a representative of the particular company, or concern, which Councilor Hanley has spoken of, and I advised the gentleman in question that everything would be done to let that company avail itself of all its rights, and that nothing would be done by the Building Code Committee or by the Council which would in any way jeopardize the rights of that company. That representative also has spoken with Mr. Macomber, of the Mayor's committee, and then I spoke with Mr. Macomber. There were two or three rough spots in the entire code that had to be ironed out,—or at least there was a possibility they might have to be ironed out,—and this was one of them. In view of the fact that the code allows for amendments on the request or recommendation of the Building Commissioner, it was felt that by adopting the entire five ordinances at this time, and not letting the whole thing ride because of this one possible bad spot, the best interests of the city could be served, and this matter could be ironed out very shortly by a new amendment.

President HANNON—The question is on the adoption of the ordinances. The clerk will call the roll.

The roll was called, and the ordinances were adopted, yeas 13, nays 1:

Yeas—Coun. Carey, Chase, Coffey, Hanley, Hurler, Kinsella, Muchnick, Russo, Scannell, D. F. Sullivan, M. H. Sullivan, Taylor, Wickes—13.

Nays—Coun. Hannon—1.

IMMEDIATE EFFECT OF ORDINANCES RE BUILDING CODE.

Coun. MUCHNICK offered the following order: Ordered, That the five ordinances this day adopted by the City Council amending chapter 479 of the Acts of 1938, commonly known as the Building Code for the City of Boston, shall take effect upon their passage and shall be published by the action of the City Council in passing them. Passed under suspension of the rule.

REPORT OF COMMITTEE ON LICENSES.

Coun. COFFEY, for the Committee on Licenses, submitted the following:

Report on petition of Boston Elevated (referred April 5) for license to operate motor vehicles on Beacon street between Cleveland Circle and Brookline line—recommending that license be granted.

The report was accepted and the question came on granting license as recommended.

Coun. COFFEY—As a result of this petition of the Boston Elevated Railway, the Committee on Licenses held a meeting in this chamber, and after hearing both proponents and opponents at the hearing, the committee decided to go out to Cleveland Circle and see just where the Elevated wanted to run or stop the buses. We went out there on Thursday morning, and I might say that the entire committee, with the exception of one, was present. We looked over the ground and the situation, and as a result of this at our last meeting we decided that the Boston Elevated should be granted this permit to stop their buses alongside the street cars in Cleveland Circle, which would save the passengers, not only from Newton, but also West Roxbury, Jamaica Plain and Brighton, a walk of something like 300 feet across two dangerous intersections. In other words, the Boston Elevated want to stop their buses so that when they unload their passengers, the passengers can imme-

diately get on the street car from the buses, and the street cars will go out from the same side. As a result of its study, the committee hopes you will pass favorably on this, and allow the Boston Elevated to be granted this license to operate its motor vehicles there.

Coun. DWYER—Mr. President, I hope the Council will not grant this license to the Boston Elevated. The proposed license is entirely within my district, and I think I know what the people in my district want a little better than the rest of the councilors do. At the present time, the Elevated has at this particular locality a car stop, and they have permission to load and unload buses from West Roxbury in a particular part of this circle. They are not satisfied with the part they have, but they want to do down into the very heart of the shopping district and not alone load and unload their buses, but they want to drive out two local taxicab companies that operate from a public taxicab stand in this district. Now, I have talked with any number of the merchants out there. I happened also, Mr. Chairman, to be a member of this committee, and I didn't vote to grant this license, and I have talked with any number of the merchants out there. And, furthermore, at a public hearing that was held in the Council Chamber a reputable attorney from our district submitted a petition with thirty-odd names of local merchants and business men in the district who opposed this license. I hope, Mr. President, the Council will not grant this license.

Coun. M. H. SULLIVAN—Mr. President, while the area involved is not in my district, I know it reduces the earning power of several employees in the Ward 22 section of Brighton. It likewise constitutes a stress to taxpaying citizens engaged in enterprise in that district. Accordingly I am opposed to the granting of the license.

Coun. CAREY—I simply want to say I can appreciate the remarks of the councilor from Ward 21. I have a similar situation in my district where, on a certain day of the week, buses of the Elevated park along the curbing, to the detriment of the business houses on that side of the street. By that I mean people walking on the opposite side cannot see the business places there on account of the Elevated buses, and I have had many complaints from business establishments along there asking that they be prohibited from parking there. It so happens that this occurs only one day in the week, so I have been able to get the owners of the establishments—inasmuch as they are interfered with only one day—not to insist that the Elevated keep those buses away. I appreciate the feelings of the business people, especially where the Elevated has asked for this permit. I would therefore be inclined to vote accordingly.

Coun. COFFEY—This is just for a stop so they can let their passengers off and save them walking over 300 feet through dangerous intersections. The committee vote was 5 to 2. The Police Commissioner appeared at the hearing and was in favor of it, and the Traffic Commissioner is also in favor of it.

The license was declared not granted.

Coun. COFFEY doubted the vote and asked for the yeas and nays.

The clerk called the roll with the following result:

Yeas—Coun. Chase, Coffey, Hanley, Kinsella, Muchnick, Taylor—6.

Nays—Coun. Carey, Dwyer, Hannon, Scannell, M. H. Sullivan, Wickes—6.

President HANNON—The license is not granted. Are there any further reports?

Coun. KINSELLA—I would like to move reconsideration of the vote just taken. As a member of the committee and one who voted for the granting of this license, I went out on one of the coldest days we have had recently, and we didn't touch the matter lightly. We went over it with a finetooth comb. I never in my life before have been out as far as Cleveland Circle, in that direction. The layout of this chamber lends itself nicely to the physical condition of what that place is. If you can visualize a car line ending approximately one half way between the side of the desk, going across to the left, as you face the field, is the Cleveland Theatre, or the Circle Theatre. Now the name of the street on which that theater fronts is unknown to me, but there is a very busy bus or car line, or both, that runs up there, taking on passengers who get off in some instances on the Cleveland Circle line, and dis-

charging others who come over to the appropriate ending of the car line, to go back to Boston. Going to the right there are cars or buses, or both, that run up towards Newton, and in each case they must cross the reservation. It is highly dangerous to pedestrians' safety. We looked over the situation of the storekeepers, and we did understand that they had a valid claim in their objections. But after we went into the matter, we found there was a public parking space there for which no fee is charged. The thought occurred to me that they want solid comfort going down there to shop. They don't take into account the fact that the people coming from different parts of Jamaica Plain and Brighton will suffer injury if this is allowed to exist. It means absolutely nothing to me with relation to Charlestown, but I would like to feel that the physical welfare of people going from or to other parts of Greater Boston from Cleveland Circle is of as much concern to the Boston City Council as the welfare of the people of their own municipal districts. We should not do anything that is going to cause the slightest mischance to any one of them, and, as a member who voted for this permit, I urgently ask reconsideration and that the order be passed.

The vote was reconsidered, and the question again came on the granting of the license.

The Council voted to grant the license, yeas 8, nays 5:

Yeas—Coun. Chase, Coffey, Hanley, Kelly, Kinsella, Muchnick, Scannell, Taylor—8.

Nays—Coun. Carey, Dwyer, Hannon, M. H. Sullivan, Wickes—5.

REPORT OF COMMITTEE ON RULES.

Coun. CAREY, for the Committee on Rules, submitted the following:

1. Report on order (referred May 10) naming foot passage on Wordsworth street, Ward 1, in honor of Charles Ernest Andrews—recommending passage of order in accompanying new draft, viz.:

Ordered, That the Board of Street Commissioners be requested, through his Honor the Mayor, to name the foot passage on Wordsworth street, Ward 1, in honor of Charles Ernest Andrews, the first Harbor View section boy who was lost in action in World War II.

The report was accepted and the order in new draft was passed.

2. Report on resolution (referred May 10) naming walks on Boston Common in honor of first local boys killed in present World War—recommending passage of accompanying new draft:

Resolved, That it is the opinion of the members of the Boston City Council that the men and women in the Army of the United States, the Navy of the United States, the Marine Corps of the United States, the Coast Guard of the United States, and the Merchant Marine of the United States, who make the supreme sacrifice in defense of our country in the present world-wide struggle in which we are engaged should be remembered by our proud, but mournful, citizenry by the naming of public streets, street intersections, squares, parks and playgrounds in their memory, and that no more fitting tribute could be paid them than by naming five walks, or malls, on historic Boston Common in their honor as follows: One to be known as United States Army Memorial Walk; one to be known as United States Navy Memorial Walk; one to be known as United States Marine Corps Memorial Walk; one to be known as United States Coast Guard Memorial Walk; one to be known as United States Merchant Marine Memorial Walk; and be it further

Ordered, That suitable plaques be erected at the entrance to these individual walks; and be it further

Ordered, That a committee be appointed by the President of the Boston City Council to make arrangements with the Boston Park Commission, through his Honor the Mayor, for the naming of these walks and the erection of these plaques in memory of these heroes; and be it further

Ordered, That the committee chosen by the President avail itself of the services of the City of Boston Public Celebrations Committee, and in cooperation with this agency arrange for the dedication of these walks and the erection of these plaques with appropriate ceremonies at Parkman Bandstand, to which all patriotic citizens shall be invited, on Sunday afternoon, May 30, 1943, between the hours of 2 and 5 o'clock; and be it further provided that these exercises be held

jointly with those already arranged for by other patriotic Bostonians at the Parkman Baudstand during the above hours.

The report was accepted and the question came on the adoption of the orders recommended by the committee.

Coun. HURLEY—I received a letter today or last week, in fact, from Mr. John J. Mogan, Business Agent, Seafarers' International Union of North America, as follows:

"May 11, 1943.

Coun. William F. Hurley, City Council, Boston, Mass.

Dear Councilor Hurley,—I understand that at a recent meeting of the Boston City Council a resolution was passed to name some of the walks on Boston Common in honor of the first members of various branches of the armed forces who lost their lives during the present war.

I, as representative of men in the Merchant Service, would appreciate your efforts to incorporate in the resolution the Merchant Marine Service. The men of this branch of the service have not, in the past, received proper recognition, despite the fact that they are the men who brave every danger to transport supplies and munitions to the men in the armed forces in all parts of the world. I feel, therefore, that it is only fitting that this particular branch should also receive recognition.

I feel that the Boston *American* and the *Daily Record* should be commended for the splendid support of the order presented by Councilor Russo and yourself, and the effort made to bring this very worthwhile resolution to the attention of the general public. In this connection, I am today writing these newspapers thanking them for their efforts.

Thanking you for your anticipated cooperation, I am,

Respectfully yours,
JOHN J. MOGAN,
Business Agent,
Seafarers' International Union of
North America."

I don't think there is any need of speaking on this resolution. I think it speaks for itself, but I just wanted to read this agent's letter and to state that this was the main factor in Councilor Russo and myself arriving at that decision, to incorporate the names of the Merchant Marine in this resolution.

Coun. RUSSO—What my colleague has just read is something I want to touch upon. Also I didn't hear mention of the women. At the committee meeting I suggested that the names of the women be also inscribed in these plaques. I wonder if the clerk will remind me if it is on that new draft.

President HANNON—The clerk informs me that it is.

The question came on the passage of the order and it was unanimously passed.

REPORT OF COMMITTEE ON PARKMAN FUND.

Coun. CHASE, for the Committee on Parkman Fund, submitted the following:

Report on message of Mayor and order (referred April 26) transferring \$10,000 from income of Parkman Fund—recommending that said order pass.

Report accepted; order passed, yeas 15, nays 0.

SOLDIERS' RELIEF.

Coun. RUSSO, 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.

Report accepted; said order passed.

REPORT OF COMMITTEE ON APPROPRIATIONS.

Coun. DWYER, for the Committee on Appropriations, submitted the following:

Report on message of Mayor and order (referred May 10) appropriating \$71,344.26 for maintenance

of Houghton and Dutton property by Foreclosed Real Estate Division—recommending that said order pass.

Report accepted; said order passed, yeas 15, nays 0.

REPORT OF COMMITTEE ON FINANCE.

Coun. KELLY, for the Committee on Finance, submitted the following:

Report on message of Mayor and order (referred April 26) for loan of \$750,000 for sewerage works—that same ought not to pass.

The report was accepted, and the question, came on the passage of the order.

President HANNON—The question is on the passage of the order, contrary to the recommendation of the committee.

Coun. KELLY—Mr. President, as chairman of the Committee on Finance, I want to explain its position on the order. The committee voted not to accept the order. Councilors Fish and Hurley voted to accept the order. I want to express my personal feeling on this matter, as the original order some months ago called for a \$1,000,000 sewer loan. I was one of the councilors who went along in the Council here to recommend an order of \$500,000. Of course, that order was defeated some two months ago. We were not able to get the necessary votes required, which were fifteen. We were able to get only fourteen. We had a hearing on this particular loan order the other day, and the Commissioner of Public Works testified before the Committee on Finance that he had \$58,000 left the first of the year from the previous loan order, and that he got \$146,000 of the down payment on this loan order which made approximately \$225,000, and that he had spent for wages and construction work \$157,000, and had on hand an amount of \$68,000, approximately, to do for three months' salaries of the employees of the Sewer Division. Now, I am still agreeable to go along with an amendment to cut this \$750,000 loan to a \$500,000 loan, but the committee voted not to. I realize that these men need money voted for salaries, and if we did put the amendment on and cut the \$750,000 to \$500,000 I realize there would be enough money out of the \$500,000 loan to pay salaries for the year 1943 on any construction of any work that might be done in 1943, and I think there would be a balance to do some construction work in 1944. Of course, it was brought out at the committee hearing that there might be post-war work done. Also, it was brought out at the committee hearing that if this loan was not passed, or if some loan was not passed, it would mean ten cents extra expense to the taxpayers of the City of Boston. Of course, I realized that when I wanted to go ahead with the \$500,000 loan. I recognized that they could come up in November or December with any post-war work and get another loan without any tax burden to the taxpayers of the City of Boston. So that is the way it was. The committee voted against accepting the \$750,000 loan, and also voted against amending the loan to \$500,000, with the exception of Councilor Hanley and the chairman, Councilor Kelly.

Coun. TAYLOR—As I stated the last time the \$1,000,000 loan order was before the Council, I could not understand why this Body should vote against that order. Certainly it was altogether different from an appropriation. It is a loan order for the Sewer Department. The money is earmarked for that particular branch of the service. It cannot be transferred. The money is not borrowed until it is needed for use. So that, even if we have passed a loan order for \$2,000,000 or \$3,000,000, it would have little or no effect until the money was borrowed. The city would not pay any interest on this money until we had actually borrowed it. Now, I don't know whether or not the committee has lost sight of the fact that when we make a loan order for this particular sewer loan the tax rate must be increased ten cents on every \$1,000 of valuation, which means that if we make loans of sufficient money during this year only ten cents is added to the tax rate, even if there is a great surplus in that loan during the next ensuing year. If we only make a loan order for \$500,000 and that is used up this year, then the Mayor must come before us next year and request another loan, which means another ten cents must be added to the tax rate of the taxpayer. It isn't good sound finance, in my opinion. Why should

we charge the taxpayers an extra ten cents on every \$1,000 of valuation? The Lord knows they are paying taxes enough now. The money cannot be diverted for other uses. It is hard for me to conceive why we should now pass a loan of only \$500,000, when in a period of two years we would certainly need close to \$1,000,000. Surely we are going to do some work in this particular division, and I can't see any sense in soaking the taxpayers an extra ten cents, when we will need something more. Some councilors may figure that the extra ten cents is not very much money, but added up to other taxes it just puts an added burden on to the load they have already. In my opinion, it is good common sense not only to give the \$750,000, but several millions, so we would not have to borrow each year, and save the taxpayers that amount of money. No interest will be paid until the money is borrowed. But since the Mayor has seen fit to send an order for \$750,000, I cannot see why the councilors can object when the money is used for this purpose and no other, and cannot be diverted to any other fund, particularly when you have in mind that the money is not borrowed until it is needed.

Coun. CAREY—I am one of those who cannot understand why it is we have to hear so much about this ten cents on the tax rate. As the councilor from Ward 12 said, that means ten cents on each \$1,000 of valuation. Valuations in the city vary in some districts. One of my colleagues is of the opinion that the average valuation in his ward is \$3,500. That being true, considering ten cents on each \$1,000 means that the taxpayers owning a piece of property assessed for \$3,500 would have to pay 35 cents, so that having in mind a rate of \$40—instead of his tax bill coming in for \$140, it would come in to him for \$140.35. In a district where the valuation might be high—say an average of \$10,000,—ten cents on each \$1,000 again keeping in mind a \$40 tax rate—instead of the taxpayers' bill coming in for \$400, it would come in for \$401. I don't think that ten cents means much in the minds of any taxpayer. Because this Council through any act of theirs will not squander any more than 35 cents or \$1 on \$400, I think the taxpayers are being well protected by the action of this Body in not considering seriously an addition of ten cents on each \$1,000. One other matter I would like to bring to the Council's attention. At a meeting last week the Commissioner of Public Works informed the committee that of this \$750,000 he would plan to use \$100,000 for construction and \$120,000 for salaries, so that makes a total of \$220,000. Personally I don't see why at this time we have to consider authorizing the borrowing of any \$750,000. I realize this money is borrowed only as necessary, as might be brought out later. Nevertheless, it is borrowed on the advice of the Public Works Commissioner. It is borrowed for a term of thirty years. The interest on that money would amount to something.

Coun. RUSSO—Mr. President, I was one of the other councilors who voted against the \$1,000,000 loan when it came before us some time ago. It is true, as the councilor from Ward 12 (Coun. Taylor) has said, we add ten cents to the tax rate every time that a loan is taken out in a specified year, but it is also true that if we take out one loan, or more than one loan, within that specified year, there is no other ten-cent levy added to our tax rate. He also goes on and says that he would be in favor of a loan order of \$2,000,000 or \$3,000,000. Well, Mr. President, I differ with him at that point because—and not touching upon the character of the individual who is Public Works Commissioner at the present time, who may be honest, but I for one don't know who will be the Public Works Commissioner tomorrow in case he should be taken out, and I certainly would not want to have my vote on record to give that other individual any more money than he needed to carry out his duties for that particular year. It was brought out in the committee meeting, the committee of which I am not a member, but I was there, that approximately \$500,000, as the chairman of that committee has outlined, was sufficient for the Public Works Commissioner to carry out his duties for 1943, and do whatever work is necessary this year and also for 1944, for the salaries. I don't see any reason why the Mayor first comes in with \$1,000,000, then the committee amends it to \$500,000. We are concerned with the loan order of \$750,000. \$250,000 is taken away from it, due to the action of the Council, and still I maintain that that is more than what is needed. So, Mr.

President, in a loan order of \$1,000,000, do we realize the loan order carries the thirty-year period in order to pay for it? Do we realize the interest that these taxpayers, whom we are trying to save money for, will pay for the thirty years in interest alone? When we were informed by the auditor that there is 2 and 23 per cent interest, that brings it to about \$600,000 in thirty years, I wonder if the taxpayers know about that? As I stated before, when the first loan order came before it, the Committee on Appropriations did not receive the proper picture on appropriations. Why weren't we told at that time, and why wasn't that money included in the appropriation? I still maintain, Mr. President, that if we cannot get the City of Boston to pay as you go, how are you going to get it any other time? If there are any property owners who would really need to be looked after, they are the individuals in my district, and I can safely say I am looking out for their interests when I vote against this loan order.

Coun. HURLEY—Being a member of the Committee on Appropriations and voting for the original \$750,000 order, I would like to say at the outset that that ten cents doesn't seem like much money, but ten cents and ten cents added amount to a lot of money. I think it was that great merchant, Woolworth, who built a great fortune on dimes. And so we could burden the taxpayers of Boston with dimes over a period of years. And I think that is a poor argument, to take a city the size of Boston and state that a dime doesn't mean much. We can do an awful lot of work in Boston with a dime on \$1,000. At the committee meeting there was an alibi why we should not pass this original \$750,000 order. We would give them \$500,000 Monday and next November and December, if they need more money we would give them more money. But Mr. President, each and every member of this Council is coming up for election this November. No one is positive of coming back here—no one is. If it happens that certain members of the Council—either through their own will, not wanting to remain or through the will of the people being defeated—are not going to come back here and may say, "Oh, let the gang' next year take care of this,"—well, the "gang" next year is only burdening the taxpayers of Boston with an added ten cents, and if we go on each year and add that ten cents to the tax rate, you can put a burden on the backs of the taxpayers of Boston who are pretty heavily burdened at the present time. I think this loan order should be passed. No actual expenditure of money is assumed in authorizing to borrow. It is costing the taxpayers not one cent for authorizing the loan, because when money is needed the city is authorized to sell bonds to take care of that amount. I came in here over three years ago. The Mayor and his administration wanted no part of me, and I wanted no part of him. I wanted no part of him, and I came in here to lick him—if you can use those words—at every possible chance. I know he didn't want me in this Body. But, Mr. President, I take a man as I find him. I found him an honorable, conscientious, patriotic Bostonian, and I hope no one gets up on the floor now and tells me, as in the past, "Forget about praising the Mayor." Some would feel happier if I was up here slamming him; they would sleep better tonight. But I found him that way, and I take men as I find them, and I am sure if he said, "I would like to have \$5,000,000 authorized," I would be convinced that that man would be sure it was spent right for the entire citizenry of Boston.

Coun. KINSELLA—Mr. President, it has always been my policy to accept figures of those who claim to know what things are, and how much money it will take to accomplish a thing, but, if my memory is not faulty, we had the \$1,000,000 affair in here two months ago, and it was defeated, and now, two months later, they are back here for \$750,000. I try to be reasonable. I haven't got my mind made up, but it will be made up the instant I find out from somebody with more knowledge of facts than I possess as to any change in conditions in the last two months that reduces the amount of money by request from \$1,000,000 to \$750,000. What condition has come about that requires only \$750,000 of works which only two months ago they asked \$1,000,000 for? It was my intention during the course of the remarks of the councilor from Ward 12 to ask him that question. If he will accept it as a fair question, I will ask it of him now. What condition has

come about now, in May, that wasn't present two months ago, when \$250,000 more was asked at that time?

Coun. TAYLOR—Mr. President, I don't know any concrete fact, but in answer to the councilor I would assume that when the \$1,000,000 order came before this Body, it had in mind sufficient money for two years. Instead of getting it down to the exact penny, I suppose they submitted it in round figures. I cannot see what harm there would be, no matter how much we would authorize. In other words, will you agree if the money is not needed, it will not be borrowed, and by so doing we will save the taxpayers an extra levy next year. If we have sufficient money to run for two years we won't have to borrow next year, and that will save the taxpayers an added ten cents on each \$1,000. But if we have to come here next year and issue another loan, because we will have to make a new loan order, that will mean ten cents for every \$1,000. So I assume, when the order was sent up, they must have figured down to the point of what would be the least amount necessary during two years without coming again and asking authorization for another loan.

Coun. KELLY—Just to clear up a matter for the record. As chairman of the committee, I think this loan order before us is for the spending of \$750,000 of the taxpayers' money. I think each and every one of us is voting for that today, and no other thing ought to come into the arguments here today, outside of a vote for or against the \$750,000. Personally, I was in favor of amending the order to \$500,000. But as for sending another loan order in here next year, I inquired of the City Clerk, Wilfred Doyle. Of course, I realize the fact that if another loan order does come in next year, there will be ten cents added to the tax rate, but I realize the election is the first Tuesday in November, and I took a stand on the \$500,000 because the Public Works Department told me this would be enough money for salaries of 1943 and 1944 and any work done in 1942, some months ago; and I wasn't interested at that time in any work that might be done in 1944 because I realized my term of office ran out this year, and I wasn't interested in 1944. Now I do say to the members of the Council that if any money is needed in January of next year they can come in to the members of the Council—whether we are coming back to the Council or leaving the Council—they can come in during December and ask for a loan for whatever they want, and if they come in, even if the loan might not be issued until next year, and as long as the authorization is given by the Council to borrow before the end of the year, there won't be any raise in the tax rate to the taxpayers.

Coun. CAREY—I want to say that I am not worrying about what the voters of my district may have to say next fall when I seek reelection. I believe in treating any matter that comes before this Body on its merits, giving it the consideration your conscience tells you to give to it, and then voting accordingly. I expect to be a candidate for reelection, but I am not afraid of votes. I might say, personally, I am not going to vote for \$500,000. It has been a trick of Mayors in this city for years to borrow money in order to keep the tax rate down, so that when they campaign later on, as we have had it happen, they can tell the people, "Here is the tax rate that prevailed when I was Mayor of the city, and here is the tax rate that prevailed with my opponent, or the previous Mayor. The tax rate in my administration is \$2 or \$3 under what my predecessor had." Let us give the taxpayers of the city a true picture. \$120,000 of this money is going to be used this year to pay salaries, and I don't see any common sense in voting to borrow money you are going to take thirty years to pay back to pay salaries that are going to be given employees this year. Let us put this \$500,000 in the tax rate this year. The income tax burden has thus been lightened on the taxpayers. I feel the taxpayers of Boston are in a better position today to face an increased tax rate, if necessary. I say, give the taxpayers a true picture. Some of this money is going to be used this year—perhaps 25 or 50 per cent of it—and you figure what must be used to pay salaries and what must be used to provide new construction. If the Council here today votes \$500,000 that would mean an addition of 30 or 35 cents on the tax rate. Give the taxpayers a true picture. Put it in the tax rate, as it should be.

Coun. TAYLOR—Just one word. I want to call the councilor's attention to the fact that it has not been the practice of this administration to increase loans of this city, and if the councilor from Ward 10 will check the record he will find the present administration hasn't made a practice of increasing the loans of the city as in other administrations. As a matter of fact, it has been reduced many, many millions of dollars during this administration.

Coun. CAREY—I simply want to state that the indebtedness of this city has been cut down during the present administration, but because we cut it today there is no reason we should begin to add to it tomorrow.

Coun. RUSSO—I only wish to add, after listening to the fine oratory today and praising the Mayor and the administration, that since I have been in this Council I don't act upon anything that is before me just because it has come up from the Mayor. I don't care where it comes from as long as my conscience and my mind dictate to me that it is for the best interest of the people, and I vote accordingly, and never once have I taken issue, and never once do I take issue, as far as the administration is concerned. I always stand upon what my conscience dictates. If I believe I am acting wisely, according to the people I represent, I shall vote accordingly. Now, Mr. President, as Councilor Carey has outlined, there is no reason if the Mayor has been capable of reducing the loan in the City of Boston by millions of dollars that we should authorize him at this time to bring it back again where it was before. If he has done that, good luck to him and to his administration. But still we have a duty to perform, to see that the people of our fair city have not an added burden. And when I say that I don't believe it is right that any individual should get paid today in the hope that the generations to come for thirty years will pay for that particular loan. All we asked was for a fair understanding in our budget to give the people of the City of Boston a true picture, so that when we are asked the question by any one of our constituents, we may be placed in a position where we will be able to answer, and answer correctly, knowing what it is all about. In thirty years' time, Mr. President, a loan of \$1,000,000 has interest of approximately \$600,000. That is the picture that we must consider. And I would ask the same question that the councilor from Ward 2 asked, What brought about from a \$1,000,000 loan order a cut-down to \$750,000? If cutting down from \$1,000,000 to \$750,000 is sufficient now, then it should have been sufficient months ago. Still, I voted for \$500,000 because, under information I received from the Public Works Commissioner, that was sufficient to carry on his work for 1943 and 1944, plus any added improvements for 1943. I feel as a councilor that we should consider the interests of those who made it possible for us to be here; that we should be informed of where they are going to get this money and for what purpose they will use it, and I am not going to vote for a million or two without having an idea of just what it is proposed to do.

The question came on the passage of the order, and the order was rejected, the vote on its passage being yeas 12, nays 3:

Yeas—Couns. Chase, Coffey, Hanley, Hannon, Hurley, Kinsella, Muchnick, Scannell, D. F. Sullivan, M. H. Sullivan, Taylor, Wickes—12.

Nays—Couns. Carey, Kelly, Russo—3.

Coun. M. H. SULLIVAN—Mr. President, I intend to ask for reconsideration for the purpose of substituting \$500,000 for the amount of \$750,000.

Coun. TAYLOR—Mr. President, President HANNON—For what purpose does the gentleman arise?

Coun. TAYLOR—I would like to know whether it is out of order to move for reconsideration for the purpose of sending it back to the Committee on Finance?

President HANNON—It is not out of order.

Coun. TAYLOR—I now so move.

President HANNON—Councilor Taylor moves for reconsideration.

Coun. DWYER—Speaking on reconsideration, I hope this won't be sent back to the Committee on Finance and have it stalled around there and probably passed after a sixty-day wait. I didn't want to speak on this order today. It is much against my wishes to stand up here and say what I am going to say, but I think it is pretty definite that the Council doesn't want to pass the \$750,000

loan any more than they wanted to pass the \$1,000,000 loan order. In fact, I doubt the sincerity of sending it back to the Committee on Finance. I think it is only going back there for the purpose of letting it die and having this order adopted at the end of sixty days, when it will take effect, as every member of this Council knows. I hope, therefore, Mr. President, that reconsideration will not prevail.

President HANNON—For the purpose of clarifying the procedure, we are now proceeding under Item 5, order of business, reports of committees. The clerk has informed me we may not amend the order as it now is. However, the Chair has been informed by the councilor from Brighton that under the next "motions, orders and resolutions" he will file an order for an amount different than \$750,000.

Coun. TAYLOR—On the question of reconsideration, when it comes to the question of sincerity, I trust the councilor from the Brighton district will check into his own record about sincerity. I do say this that I have in mind that if it went back to Finance, if any amendments should be made, they would be made in committee and then come out here. If I am wrong in that, I suppose an amendment can be offered from the floor or another come up from the Mayor's office, but reconsideration was offered in good faith, as the councilor from Ward 12 always acts in good faith.

President HANNON—The question is on reconsideration.

Coun. HURLEY—I hope it is sent back for reconsideration to the Finance Committee. And, Councilor from Ward 21, I am not casting any aspersions, but I am just contemplating the Committee on Finance and its chairman, Councilor Kelly, and I am quite sure if this is referred back to the Committee on Finance, Councilor Kelly would make sure no one was tossing him around, and he wouldn't let that order stall around here, waiting for time to pass it.

President HANNON—The question is on reconsideration.

Coun. HANLEY—The Committee on Finance referred it back to the entire Body, five to two, and I believe they had plenty of time for deliberations, looking into this loan order. I ask that reconsideration do not prevail.

Coun. KELLY—As chairman of the Committee on Finance, I have no objection to having it referred back to the Committee on Finance if there is something new to come up about the order; but if there is not any new information that can be presented at this regular meeting, I don't see any sense in referring it back to the Committee on Finance. We have already held a hearing on it last Thursday, and all the information was received there and there was discussion pro and con. I don't believe there is going to be any new consideration by the Committee on Finance if referred to them. I say reconsideration should not prevail and that the new order that will be introduced for another amount should be voted upon.

Coun. CAREY—I simply want to state that I voted against it for the reason that the tax rate has not yet been declared, and the Mayor can easily, if he wants to do so add \$750,000 to the tax rate this year. By voting against this loan, I do not want it interpreted that I am voting against the Mayor. I am not going to vote against salaries, construction or sewers or anything else while I am a member of this committee, but the tax rate hasn't yet been declared. The Mayor can still get this money by adding it to the tax rate, as I believe he should do.

Coun. SCANNELL—Mr. President, if the councilor from Ward 10 (Coun. Carey) can find out a way to get this other than by borrowing it, I suggest he do so, rather than putting it on the tax rate. So I suggest he see the Mayor and see where he can get money other than by borrowing it.

Coun. CAREY—As far as I know, there are only two ways of getting money, either borrowing it or getting it on the tax rate. I have said I am voting against this loan because I feel it should be added to the tax rate. That is my answer. The Mayor knows he can get this money by adding it to the tax rate. After all, the taxpayers are paying the bill, and might as well pay it this year as by distributing it over the coming years.

Coun. COFFEY—We have had four meetings on this. I think everybody's mind is made up as to how they will vote. I don't see where we will gain anything by sending it back to the committee. Let us decide now. Either pass \$750,000 or kill it, and if some of the members

want to offer an order for \$500,000 let them do so, but don't send it back to the committee. We have had four meetings on it already, and I think the vote has been the same at all four meetings.

Coun. M. H. SULLIVAN—I rise to a point of information.

President HANNON—State the point of information.

Coun. M. H. SULLIVAN—In the event that reconsideration should not prevail, would it be in order to have another order originate in the Council?

President HANNON—Yes. The question is on reconsideration.

Reconsideration was refused.

ROPING OFF STREETS FOR SCHOOLBOY PARADE.

President HANNON offered the following:
Ordered, That the City Messenger be directed to rope off the streets along the route of the parade of the Boston School Cadets on Sunday, June 6, the expense to be charged to the City Council fund for Ropes, Flags and Stakes.

Passed under suspension of the rule.

CLEANING OF SAVIN HILL PLAYGROUND BEACH.

President HANNON offered the following:
Ordered, That the Park Commissioner be requested, through his Honor the Mayor, to clean up the beach at the Savin Hill Playground.

Passed under suspension of the rule.

MEMORIALS TO WAR DEAD IN EACH WARD.

Coun. COFFEY offered the following:
Ordered, That his Honor the Mayor be requested to provide for the erection of suitable memorials bearing the names of living and dead veterans of the present World War, the same to be located in the sections of the various wards where such veterans resided.

Coun. COFFEY—The reason I have introduced this order is that it has been called to my attention by several mothers and fathers who have boys in the service that if there is going to be any suitable memorial established in their behalf, these memorials be established whether the veteran be dead or alive. For example, one woman has explained to me that she has lost a boy in the service. There is going to be a memorial plaque dedicated on Boston Common. Her words are, "Ninety-five per cent of the people in East Boston never see Boston Common and if they did and saw the name of my boy there, they wouldn't know that he was my boy or that he was a boy that came from the East Boston section." Now, I have introduced this so we can honor the living as well as the dead. For example, you are not officially dead, according to the Army or Navy, until one year after you are listed as missing. There may be some that have been killed and the Government won't recognize that for one year. So if we are going along with this, we are still going to leave out thousands of names of boys who are now dead, although their parents have not been notified about it. My plan and my idea is this, that we have a suitable plaque in every section of every ward in Boston. For example, my ward is split into four sections, one, two, three and four. Take the Harbor View section, where we had a flag dedication last Sunday. There is a dedication there for sixty-four mothers who have boys in the service. We should have a plaque there of the names of the sixty-four boys. We could have space alongside for those who became lost as the parents received notice that they have been killed in action, so as to place a gold star by their names. Or, in other words, the plaque should name those in a neighborhood, in a section where they have lived all their lives — and not only the dead, but the living, because there are those that are going to be dead before this struggle is over, and if we do put their names on the plaque and leave their names there, and later add a gold star, there won't be any repetition, such as is going to take place at the present time.

I have a boy in the service and God forbid that he should be killed, but God only knows what is going to happen to him. If he is going to be honored, however, I would rather he be honored in my own section of East Boston, where the people could look at that and say they knew the boy, rather than on Boston Common where, as this woman has said, less than 5 per cent of the people of East Boston go and those who did would never tie up Thomas F. Coffey with the Thomas F. Coffey that lives in East Boston. But if the plaque is placed where my boy was brought up, they would naturally tie it up with the boy that was brought up in that section.

The order was passed under suspension of the rule.

ANTI-POLL TAX BILL.

Coun. D. F. SULLIVAN offered the following:

Resolved, That the City Council of Boston hereby records its members in favor of the anti-poll tax bill, known as H. R. No. 7, now before Congress, which prohibits any State from preventing any citizen from voting in an election for failure to pay a poll tax.

Referred to Committee on Rules.

USE OF PARKS FOR VICTORY GARDENS.

Coun. CAREY offered the following:

Ordered, That the Park Commissioner be requested, through his Honor the Mayor, to appear before the Executive Committee for the purpose of informing the members of the City Council as to the reason for using parks, playgrounds and cemeteries of the City of Boston for so-called Victory Gardens.

Coun. CAREY—Mr. President, I trust that we will have the Park Commissioner before us this afternoon. There is a lady in the anteroom who informs me that upon visiting Mount Hope Cemetery she observed a space where these so-called Victory Gardens are being planted. I was passing along Jamaica way and noted a Victory Garden planted in part of a public park the use of which for years has been for young children in that immediate locality. I was wondering if we are not perhaps going a little too far on these Victory Gardens and the space to be used for them.

The order was passed under suspension of the rule.

NAMING OF LIEUT. WILLIAM A. LEVITAN SQUARE.

Coun. TAYLOR offered the following:

Ordered, That the intersection at Humboldt avenue and Seaver street be named and hereafter known as the Lieut. William A. Levitan square in honor of Lieut. William A. Levitan who was decorated by the United States Government and who died in active service.

Coun. TAYLOR—I would like to say a few words in regard to this particular order. Lieutenant William A. Levitan died on March 2 of this year. He was an aviator in the Army air force in the Pacific area of this war. He was in twenty-five major engagements and had received decorations from the United States Government, having received the distinguished flying cross and also the Purple Heart. His parents have received letters from General Marshall and, I think, General Tenney, in that particular area, specifically stating as to his heroic acts. He came from that particular vicinity of Humboldt avenue and Seaver street where now stands the Boston Y. M. H. A., where he was very active in athletics and other civic proceedings of our community. I think it would be fitting to have this particular square named in honor of him, and I ask the committee to rule upon this.

Referred to the Committee on Rules.

RESOLUTION RE CONDEMNATION OF JOHN L. LEWIS.

Coun. TAYLOR offered the following:

Ordered, That the resolution concerning the condemnation of John L. Lewis be withdrawn from the Committee on Rules and acted upon by the Body.

Coun. TAYLOR—Several weeks ago I submitted a resolution which came before this Body and went to the Committee on Rules.

Coun. D. F. SULLIVAN—Mr. President—President HANNON—For what purpose does the gentleman rise?

Coun. D. F. SULLIVAN—May I inquire when it was referred to the Committee on Rules?

President HANNON—The clerk informs me it was referred on the 3d of May.

Coun. D. F. SULLIVAN—Do not thirty days have to elapse before it can be recalled?

President HANNON—The clerk informs me that there must be a two thirds vote in order to have suspension of the rules, and the order withdrawn.

Coun. TAYLOR—This resolution was introduced in this Council two weeks ago at the time when John L. Lewis, the head of the miners' union, had issued an ultimatum to the United States Government that they would have a walkout of all the miners unless they received what they demanded. As I stated before, I am surely in sympathy with the miners of this country.

Coun. D. F. SULLIVAN—Mr. President. President HANNON—For what purpose does the gentleman rise?

Coun. D. F. SULLIVAN—A point of order. President HANNON—State your point of order.

Coun. D. F. SULLIVAN—In Rule 13 any matter referred to a committee may be recalled by a majority vote of all members of the Council.

President HANNON—The rule says that if a matter lays in the committee one month and is not reported, then it may be withdrawn by a majority vote. I am informed by the clerk in less than one month it requires a two thirds vote.

Coun. D. F. SULLIVAN—Where in the rules is that?

President HANNON—I think that is one of the unwritten rules of which there are so many.

Coun. D. F. SULLIVAN—I request that Rule 12 be invoked now.

President HANNON—The Chair will declare a recess to clear up the question.

(Short recess.)
President HANNON—The Chair will rule that the order was sent to the Committee on Rules under Rule 12. Rule 12 states that there shall be no appeal from the decision of the Chair hereunder, and this rule shall not be subject to suspension. Rule 13 provides a remedy if the matter is not decided upon within thirty days. Therefore, the Chair will rule that the Committee on Rules has thirty days within which to act upon this matter and if it has not been acted upon within the thirty days any member of this Body has a right to appeal, but pending that and combining Rule 12 and Rule 13, the Chair will rule that the gentleman from Ward 12 is out of order.

Coun. TAYLOR—I rise to a point of order. I have been in this Council most of six years, Mr. President, and I have seen yourself act upon the motion that a two thirds vote could be acted upon. I am trying to invoke the same rule the President has invoked one time before, not so very long ago, and under the rules here it says if not acted on within one month then by a majority vote it can be brought before the Council. But it has always been the rule, as I remember, in the City Council that if the time is less than one month we take a two thirds vote.

President HANNON—The clerk informs me such has been the rule on all orders that have been referred under any rule other than Rule 12. Under Rule 12, apparently, there is no appeal, no suspension of the rules is in order, and no remedy until the thirty days have elapsed.

Coun. TAYLOR—I accept the President's ruling.

VACATION PRIVILEGES, FIRE DEPARTMENT.

Coun. HANLEY and COFFEY offered the following:

Ordered, That his Honor the Mayor be requested to rescind the order of the Fire Commissioner in refusing the vacation privilege to those "who have been on sick or injured leave for a period totaling ninety days or more during the period from May 1, 1942, to May 1, 1943."

Passed under suspension of the rule.

WATER FACILITIES FOR VICTORY GARDENS, ETC.

Coun. HANLEY and TAYLOR offered the following:

Ordered, That his Honor the Mayor request the Park Commissioner to provide water facilities for Victory Gardens; to reopen drinking fountains; and also convenience station at "Overlook," in Franklin Park.

Passed under suspension of the rule.

BUS SERVICE TO CEMETERIES.

Coun. HANLEY offered the following:

Ordered, That his Honor the Mayor request the Boston Elevated Trustees to provide bus service from the Forest Hills terminal to the cemeteries in the Forest Hills and West Roxbury districts on Memorial Day week-end.

Coun. HANLEY—Mr. President, on the last order, Memorial Day is set apart in commemoration of those who have passed away, and throughout the entire length and breadth of our country the people that are living will go to the nearby cemeteries and place a flower on a grave or pay respects to those who have passed away. This day Memorial Day has a more somber aspect, especially to the people of Boston because of the holocaust at Coconut Grove, and also the terrible fires in East Boston, the North End, and the fire in the Sallinger Building on Washington street, and more so because a number of young men are offering up their lives upon the sacrificial altar of the god Mars, in order that you and I and generations yet unborn may live under the Stars and Stripes. And I only hope that his Honor the Mayor will contact the trustees of the Boston Elevated system and set up a bus system so that the people of the entire Boston area can go to the cemeteries, because cars at the present time are rationed, and also gasoline and tires. I ask suspension of the rule and passage of the order.

Coun. RUSSO—I want to congratulate the councilor from Ward 11 on bringing in this order. For several years I presented similar orders, but no action has been taken. As he has outlined, at the present time, due to the fact of gas rationing, people are unable to go to these various cemeteries on Memorial Day. If you have a picture of the people leaving the Forest Hills station to walk up Walk Hill street in order to get to the Forest Hills Cemetery, St. Michael's Cemetery, Mount Hope Cemetery and Calvary Cemetery, you will know it is quite a hike. Also, have in mind that these individuals don't go to these cemeteries with an open hand, but carry a wreath out of affection for their nearest and dearest who are no more with them. Therefore, I do hope that the trustees will do something this year in order to eliminate that walk.

Coun. SCANNELL—Mr. President, I would suggest that if they want some buses or street cars to bring these people to these memorial services on Memorial Day or any other day, they go over and take some of those street cars that are running to Suffolk Downs and put them into service in our city rather than sending them to the race track, and that war workers could use these street cars to better purpose.

The order was passed under suspension of the rule.

CLEANING OF WARD 15 STREETS.

Coun. KELLY offered the following:

Ordered, That his Honor the Mayor instruct the Public Works Commissioner to immediately clean the streets in Ward 15, Dorchester.

Passed under suspension of the rule.

WARD 17 WAR MEMORIAL.

Coun. WICKES offered the following:

Ordered, That his Honor the Mayor be requested to have erected in a suitable location in Ward 17 a tablet on which shall be placed the names of all the men who are now in or shall hereafter enter the service of the United States in the present war.

Coun. WICKES—Mr. President, looking over the *City Record* of June 15, 1942, I submitted that same order in this Council, to erect a suitable plaque in Ward 17, but, of course, due to the

priority in steel and iron, I think that possibly now it would be a good idea to use wood, or use something inexpensive, something temporary. If I remember correctly, although I haven't read over the entire record of last June here, I believe Councilor Carey was quite interested in it at that time, and at that time he also amended that order. I think possibly if we could hear from Councilor Carey once more, not only I would appreciate it but other members, I think, would also. I take at this time the opportunity to congratulate Councilor Coffey on a similar order.

Coun. CAREY—I also note on the meeting of June 15 that Councilor Wickes did introduce an order asking for the erection of a plaque and tablet in Ward 17, the Dorchester High School grounds being suggested, and at that time I moved the order be amended so that such tablets be erected in every ward, each ward of the city. The order at that time was passed under suspension of the rules, and of course nothing has been done on it up to this time. I am one of those who feel, as Councilor Coffey stated earlier, that perhaps more visible recognition can be made by bringing these monuments right in where these boys were born and living. As many have said, many people don't go to Boston Common. We have today voted a resolution by Councilor Wickes to revere the memory of those who have given up their lives, but I think when this war is over, especially, and it might be started at the present time, something of a more permanent nature might be constructed, so I am happy to go along with Councilor Wickes and Councilor Coffey in their orders.

Coun. KINSELLA—Councilor Wickes has reminded me of something that I don't want anyone to interpret as an objection. If I understand it correctly, all the names of the boys of the various districts are to go on plaques in their various districts. Do I understand that correctly?

Coun. WICKES—That is correct.

Coun. KINSELLA—I offered an order here last fall that the various wards fly a community flag on which would be shown a star for each boy in the service, and I found out that the very first objection came from the heads of the armed forces locally. Their objection was something to this effect, Mr. President. By adding up the number of stars that appeared on the various service flags of the twenty-two wards, foreign agents could tell how many men from Boston are in the armed services. By a process which they know they can estimate the complete strength of the armed forces of the United States. So the idea was frowned upon. And then I suggested one group flag for City Hall, representing the entire twenty-two wards, but up to the present nothing has come of it. But I am wondering if there is any difference between a service flag in Charlestown bearing 5,000 stars and several plaques bearing 5,000 names. The number can be easily arrived at by the simple process of addition, and the Axis agents would know what proportion there were, and the same proportion would hold true throughout the country, and they could tell within a few thousand. Understand, my suggestion is not to be construed as an objection. It is something I offer you that was given to me last fall on a similar matter. I want to say I don't object, but I want to prepare you and warn you against an objection that I think might be made.

Coun. RUSSO—Mr. President, I realize that all these orders are all patriotic orders and have fine qualities, but we have just passed an order here in the Council where these walks are going to be named and where the names of the individuals who have made the supreme sacrifice are going to be inscribed on them. I also wish to inform the Council, as Councilor Kinsella has brought out, that naturally we are going to put in these plaques the individual names of everyone that has gone into the service, whether they may be dead or alive, and that will be added information to our enemies. You can realize that, and that is one thing that the War Department perhaps would be against. As far as honoring all those individuals that have the good fortune—and I hope and pray to God they will—to come back, there is another time to honor them if they do come back, and other steps can be taken in order to honor those who have come back to be with us again. We also realize that Boston Common is the oldest and most historic spot in the City of Boston. It has a great history. East Boston or the North End or Roxbury or Dorchester belong only to their respective sections, but

they are a part of the City of Boston; and I don't believe that any greater honor could be paid to our men in the armed forces than the step we have just taken previously. I hope after this memorial has taken place that this war will cease as soon as possible, and then the Council can act accordingly to honor those boys who are fortunate enough to come back to us.

Coun. SCANNELL—Mr. President, I don't see why there is so much talk about the different orders presented here by the various councilors from the various districts. If the gentleman from Ward 1 wants an order presented here in this Body that a plaque represent East Boston to commemorate his dead, why don't we pass that order? If my colleague from Ward 17, Councilor Wickes, wants a plaque for his district, why not pass that order? If I want a plaque in my district, why don't the members of this Body pass an order without so much controversy and send it to the man who will judge upon these orders?

Coun. WICKES—With due respect to the remarks of my colleagues of Wards 1 and 3, I would say that I don't know of any better time to erect a tablet to the boys in the service than right now. In my travels, in the little spare time I do have at the present time, and in my spare time heretofore, I have noticed in most of our small towns and in practically all of our small cities there have been erected tablets with the names of all of those in those towns and those cities inscribed upon those tablets. It seems to me, in view of that fact, that the Federal Government would take action, if the Government disapproved of a tablet being erected. Therefore, again in view of the fact that those tablets are still standing, they are still being dedicated, names are continually being added to those tablets, I think this is a grand time to erect those tablets, not only in Ward 17 but in every ward throughout Boston. As I said before, the cost will be very very little. They will be very inexpensive if constructed of wood and painted with ordinary outdoor paint. If you want to see a little beauty that is very inexpensive, go to the town of Hudson. If you want to see a much larger one, another beauty, with no fussing and no cheap talk about it in their Council, there is one in Marlboro, right there in front of City Hall. The councilors there merely suggested it, and like that (*snapping fingers*) it was put up. The town of Hudson in which there are only 8,500 people had no talk about putting a tablet up. It was merely suggested and a small committee came together, and a large proportion of the people in that town and all nearby cities and towns came there. I was one who happened to be there. I hope in the very near future we will have a tablet in every ward.

The order was passed under suspension of the rule.

SMOKING IN STREET CARS, BUSES, ETC.

Coun. M. H. SULLIVAN offered the following: Ordered, That chapter thirty-nine of the Revised Ordinances of 1925 is hereby amended by inserting after section twenty-five the following:

Section 25A.—No person shall smoke or have in his possession any lighted pipe, cigar or cigarette while in or upon any street car, bus, elevated or subway, except where specifically permitted by regulations of the transportation company.

Coun. M. H. SULLIVAN—I bring this in as the result of the approval of my remarks made a few weeks ago when I spoke about the smoking menace in the street cars of Boston. I don't ask the city to go so far as the city of New York which outlaws smoking in the public subways themselves, but I think it is worthy of the attention of this Body that the New Orleans City Council in passing a similar ordinance stated that smoking legislation is in effect in virtually all major cities of the Union and that this city alone of all the major cities of the Union allows such discomfort to those of its citizens who ride in the public cars. But the fact is that Boston alone of the major cities of the Union has no such legislation.

Passed under suspension of the rule.

MOTION TO ADJOURN.

Coun. TAYLOR moved that the Council do now adjourn.

Coun. CAREY—Mr. President, can my order relative to Victory Gardens in Mount Hope Cemetery be sent to the Executive Committee now?

President HANNON—The motion to adjourn must first be disposed of. All those in favor of adjournment say Yes, those opposed No.

Coun. CAREY—Will you pass a vote?

President HANNON—Those in favor of adjournment will please stand.

Coun. CAREY—Out of respect to this elderly lady I think we should hear her.

President HANNON—The councilors will stand to be counted on the question of adjournment.

Coun. M. H. SULLIVAN—For the purpose of a point of information, I wonder if the motion could be withdrawn and we meet informally in the executive chamber?

President HANNON—The question is whether or not the councilor from Ward 10 will be satisfied if the members meet informally with this lady after we adjourn?

Coun. CAREY—I hope we will have as full attendance as we can.

President HANNON—The question is on adjournment. Those in favor of adjournment, those opposed. The adjournment does not prevail.

RECESS.

By direction of President HANNON the Council took a recess at 4.20 p. m., subject to the call of the Chair. The members reassembled and were called to order by President HANNON at 4.35 p. m.

Adjourned at 4.35 p. m., on motion of Coun. MUCHNICK, to meet on Monday, May 24, 1943, at 2 p. m.

CITY OF BOSTON.

Proceedings of City Council.

Monday, May 24, 1943.

Regular meeting of the City Council in the Council Chamber, City Hall, at 2 p. m., President HANNON in the chair. Absent, Coun. Foster, Goode, Langan, Linehan, Lyons and Wickes.

The meeting was opened with the salute to the Flag.

TEMPORARY WAR MEMORIAL ON COMMON.

The following was received:

City of Boston,
Office of the Mayor, May 18, 1943.
To the City Council.

Gentlemen,—As mentioned in my communication of last week, I submit herewith an order for appropriation for \$5,000 for the erection on Boston Common of a temporary memorial in the form of a plaque on which may be inscribed the names of the men and women from Boston in the armed forces of our country who have made and will make the supreme sacrifice.

I believe the question of a permanent memorial should be held in abeyance until the conclusion of the war. I also feel that we should postpone the naming of any avenue, street, park, etc., until after the war, whereupon a committee might be appointed which would, first, determine the various avenues, streets, parks, etc., which might be named after departed heroes, and, secondly, those most entitled to the honor.

Respectfully,
MAURICE J. TOBIN, Mayor.

Ordered, That the sum of \$5,000 be, and hereby is, appropriated, to be expended by the Park Department, for the erection on Boston Common of a temporary memorial in commemoration of all residents of the City of Boston who have or will have made the supreme sacrifice while in the service of their country during the present World War, said sum to be charged to the Contingent Fund.

Referred to Executive Committee.

TERMINATION OF AGREEMENT RE PERKINS SCHOOL.

The following was received:

City of Boston,
Office of the Mayor, May 18, 1943.
To the City Council.

Gentlemen,—I submit herewith and recommend for adoption by your Honorable Body a resolution consenting to the termination of an agreement with the United States of America involving the allotment of a grant to the City of Boston in connection with the construction of an addition to the Michael J. Perkins School in South Boston. On the strength of this agreement, the Department of School Buildings incurred obligations and expenses in the sum of one thousand five hundred thirteen dollars and twenty-four cents (\$1,513.24), but subsequently it was determined by the Federal Works Agency that it was impossible to proceed with the construction of the proposed addition. In connection with a claim filed by Mr. James J. Mahar of the Department of School Buildings for reimbursement of the city for expenses incurred, officials of the Federal Works Agency have requested that a resolution consenting to the termination of the project agreement and to the rescission and cancellation of the grant allotment be adopted after which they will recommend the payment of the city's claim in full. In accordance with this request, the attached resolution is submitted and its adoption recommended.

Respectfully,
MAURICE J. TOBIN, Mayor.

Whereas, An offer, dated March 11, 1942, was made by the United States of America to make a grant to the City of Boston in the State of Massachusetts of the sum of \$57,000 to aid the said City of Boston in financing the construction of school facilities (known as F. W. A. Project No. Mass. 19-148) and said offer was accepted by the said City of Boston on March 25, 1942; and

Whereas, It has become impossible to construct the said project at the present time and it is necessary that the funds allotted by the United States of America for said project be released so that they may be available for other work essential to the prosecution of the war; and

Whereas, The claim of the said City of Boston against the United States of America in connection with the said offer and its acceptance, as aforesaid, amounts to the sum of \$1,513.24 and the said City of Boston has no claim against the United States of America in excess thereof; now, therefore, be it

Resolved by the City Council of the City of Boston in the State of Massachusetts that consent be, and the same hereby is, given to the cancellation and termination of the agreement made between the United States of America and the said City of Boston by the acceptance of said offer, as aforesaid, and to the cancellation and rescission of the balance of the allotment made by the United States of America for said project upon the payment by the United States of America to the said City of Boston of the sum of one thousand five hundred thirteen dollars and twenty-four cents (\$1,513.24); and it is further

Resolved, That Charles J. Fox, City Auditor, be, and he hereby is, authorized to execute and deliver to the United States of America for, in behalf of and in the name of the City of Boston a release in writing of any and all claims of the City of Boston, Massachusetts, against the United States of America of the sum of one thousand five hundred thirteen dollars and twenty-four cents (\$1,513.24), and the said Charles J. Fox is hereby authorized to sign all certificates or other written documents which may be necessary or proper in order to cancel said agreement and to secure the payment to the said City of Boston of the sum aforesaid.

Referred to Executive Committee.

ABSENCE OF MAYOR FROM CITY.

Notice was received from the Mayor of his absence from the city from May 18 until May 29, inclusive.

Placed on file.

APPROVAL OF \$300,000 LOAN.

Notice was received from the Emergency Finance Board of vote passed May 21, 1943, approving loan by City of Boston of \$300,000 to meet appropriation for Old Age Assistance, term of loan to be fixed at ten years.

Placed on file.

APPOINTMENT OF DR. JOHN H. CAULEY.

Notice was received from the Health Commissioner of appointment of Dr. John H. Cauley, 8 Carruth street, Dorchester, as Deputy Commissioner, Division of Communicable Diseases, as military substitute for Dr. Frederick J. Bailey, on military leave, at \$5,000 per year, plus \$200 emergency allotment (*vice* Dr. Harry Goldman, deceased).

Placed on file.

Coun. COFFEY—I rise to a point of order.
President HANNON—State your point of order.
Coun. COFFEY—This appointment just referred to here,—what is the procedure?

President HANNON—Just a notice to the City Council of the appointment.

Coun. COFFEY—How would the money be appropriated to put this man on the pay roll?

President HANNON—He fills a vacancy.

Coun. COFFEY—He fills a vacancy?

President HANNON—Yes.

Coun. COFFEY—At the same salary?

President HANNON—Yes.

Coun. COFFEY—Does that need the approval of the Council?

President HANNON—No. The salary is provided in the budget.

RETIREMENT OF CITY MESSENGER LEARY.

The following was received:

City of Boston,
Boston Retirement Board,
May 18, 1943.

To the City Council.

Gentlemen,—You are hereby notified that the Hon. Edward J. Leary, employed by your Honorable Body as City Messenger, was retired upon his own application by the Boston Retirement Board at a meeting held May 14, 1943, said retirement to be effective at the close of business May 31, 1943.

Respectfully,

W. D. KENNEY, Executive Officer.

Placed on file.

APPROVAL OF CONSTABLES' BONDS.

The following constables' bonds, having been duly approved by the City Treasurer, were received, viz.:

Charles B. Broad, Salvatore Maffei, Louis Richmond, Jacob E. Schrank, Leon Small, David Weir.
Coun. COFFEY—Mr. President, I rise to a point of order. Are any of these gentlemen going on the city pay roll?

President HANNON—No.

The bonds were approved by the Council.

PETITIONS REFERRED.

The following petitions were received and referred to the committees named, viz.:

Claims.

Bethlehem Steel Company, for refund on building permit.

Edward A. Duggan, for refund on plumbing permit.

Abraham Freedman, for refund on soft drink license.

Theresa Havey, for compensation for glasses broken at City Hospital.

Edward J. McLaughlin, to be reimbursed as result of accident which occurred while in performance of duty.

Thomas J. O'Connell, for compensation for damage to car caused by an alleged defect in West street, Hyde Park.

Mrs. Joseph Shea, for compensation for damage to clothing caused by an alleged defect in Public Garden.

Dorothea Streeker, for compensation for glasses broken at City Hospital.

PERMITS FOR CHILDREN.

Petitions for children under fifteen years of age to appear at places of amusement were received, viz.:

Lavinia A. Hogan, New England Mutual Hall, June 14.

Edna Cora Johnson, Recital Hall, June 21.

Ann V. Zona Monticone, New England Mutual Hall, June 21.

Edith M. Leavis, Jordan Hall, June 28.

Martha Avery, Recital Hall, June 12.

Margaret A. McElroy, New England Mutual Hall, June 3.

Esther Lyons, Dorchester Manor, June 8.

Leopold DeCordova, Recital Hall, June 10.

John B. Monticone, James P. Timilty Hall, June 11.

Permits granted under usual conditions.

SKELTON FORCE ON SATURDAY MORNINGS.

Coun. HANNON, HANLEY and KINSELLA offered the following:

Ordered, That the head of each city department be directed to maintain only a skeleton force on Saturday mornings beginning May 29 and ending on the Saturday before Labor Day.

Passed under suspension of the rule.

LOCKERS AT SAVIN HILL BEACH.

Coun. HANNON offered the following:

Ordered, That the Park Department be directed to provide lockers, or other suitable equipment, for the storage of the clothing of bathers using the beach at Savin Hill.

Passed under suspension of the rule.

CLEANING OF CITY HALL EXTERIOR.

Coun. HANNON offered the following:

Ordered, That the Superintendent of Public Buildings be directed to clean the outside of the City Hall building at least twice a year.

Passed under suspension of the rule.

INFORMATION RE ABATEMENTS BY ASSESSING DEPARTMENT.

Coun. CAREY offered the following:

Ordered, That the Board of Assessors be requested, through his Honor the Mayor, to furnish the City Council with a list of the names and addresses of individuals or corporations owning property on which an abatement of \$5,000 or more has been granted during the past two years.

Coun. CAREY—An order such as that one there is one that perhaps might not necessarily have to be introduced into this Body in order to get what you might call satisfaction. But there have been things going on, as I see it, in the assessors' office for the last year or more that, if it does not need an investigation for the purpose especially of getting satisfaction, then I don't know what does. I have in mind particularly, and it is a subject that has been aired on this floor here many a time, the practice of taxpayers filing what is called an over-value application and getting nowhere with it, hearing nothing from the assessors. They might ask somebody, some "small potato," we will call it, one of the City Councilors, to go to the assessors' office because every taxpayer in the city can't hope to see the assessors. Even a City Councilor can't see the assessors most of the time, so naturally the taxpayer comes to the councilor or might go to the Legislature, to see if he can't contact an assessor and see what the story is on an application. I had occasion here, Mr. President, a few weeks ago to go to the assessors' office to talk to them about some applications filed with them from my district on October 1. Of course, the taxpayer is allowed four months, or the assessors are allowed four months in which to take action on those applications. As a rule the four months automatically elapses with apparently no action being taken by the assessors. Four months from October 1 brings you to January 31. Four months is a long time, Mr. President, I might say, for a board of five or four men, as it is at present constituted, to take to act on these applications, but even in four months, time and time again, I don't believe those assessors down there even bother looking over an application. Still, Mr. President, they are getting their pay, day in and day out, from the very taxpayers that they refuse to give consideration and attention to. On this particular occasion there were in the assessors' office Mr. Dowd and Mr. Walsh. Mr. Walsh told me that the matter of inquiring about abatement applications is not the business of the City Council. No, Mr. President, it is the business of the racketeer, the one who can get a fee; whereas the City Councilor ordinarily is going there, as has been my experience, either trying to help a widow who is seeking \$2,000 or \$3,000, or maybe \$2,500, abatement, or perhaps trying to help some resident of his district who feels that his property is over-assessed and that he is entitled to some reduction on that assessment. Very often they are satisfied to have \$500 or \$1,000 knocked off their valuation, but Mr. Walsh, in the presence of Mr. Dowd, told me—to repeat—that the matter of abatements for taxpayers is not the business of the City Council. On another occasion, Mr. President, I have been to the assessors' office endeavoring to get information relative to abatements that were filed by widows in my district. I was asked by Mr. Dowd, if the deputy had looked them over yet. The deputy in this case happened to be Mr. Hayes. Mr. Hayes happened to be in the office at that very moment. So I went to him and asked

him when he would have time to go over some of these widows' abatements in my district. Mr. Hayes said, "I will go over them any time, councilor." Mr. President, there was a time when I, and I think any member of this Body who went into that office over there, could find out if certain applications were complete, from the standpoint of information necessary, in which case then the assessor would go over the application. This particular afternoon when I went over there to inquire about these widows' abatements and Mr. Hayes said he was willing to look them over, I went to a clerk down there by the name of Miss Smith, who had a list of some names there, and asked her if she would tell me if any of those cases were complete and waiting for action. It happened to be Friday. It was the day of the Board of Assessors' meeting, and the room Mr. Dowd used was formerly occupied by Mr. Moncewicz, who at the present time is in the Navy. Mr. Dowd was standing in the room. He saw me over talking to Miss Smith, and saw Miss Smith with folders in her hand, and he spoke—I won't say to my embarrassment because I can expect most anything from those assessors over there. There aren't too many clerical help over there, but seeing me giving attention to Miss Smith, Mr. Dowd said, "Miss Smith, come here a minute." About a minute later Miss Smith came back to me and said, "Councilor, on instructions from the Board, I can give you no information." Mr. President, I think that is going a little too far. As I said a moment ago, every taxpayer in this town, be she widow or otherwise, cannot come into City Hall and make these applications. When a councilor takes over such a duty, that I think is enucleated upon him as a representative of those taxpayers, I feel that he is entitled to some decent consideration by these temporary employees of the city, such as we are ourselves. The Board of Assessors have a job to do, and God knows how long they will have it. There was no need of Mr. Dowd embarrassing that clerk in that office. There was no harm done in her letting me know whether those cases were ready for action or not. It was a good thing to get them out of the way. Mr. Dowd, of course, had to interfere. I might say at this time I don't like to make this statement, but I make it only because I want to bring out a little more forcibly and impressively the way that business has been conducted over there. Nowadays, when I have gone in there seeking information as to widows' abatements, on more than one occasion Mr. Dowd has asked me, "Was she with Tobin?" What difference did that make, Mr. President? Everybody can't be with Tobin, and it shouldn't make any difference whether some widow in Ward 10, or Ward 12, or Ward 1, or Ward 14, or Ward 21, or any ward in this city, was with the Mayor or not. I say, if her application warranted consideration, she should get that consideration, and it is none of Mr. Dowd's business whether she was with Tobin or not. I am very sorry also to have to say that I have delayed coming onto the floor of this Council and trying to get satisfaction. I went to the Mayor himself three weeks ago and I explained what is going on in that office over there. I think the Mayor might well have said, "Councilor, we will call the assessors in. We will get both sides of this story. I want to remedy whatever is wrong over there." He didn't say that. He said, "Well, you will have to go back to the assessors." Well, how do you like that, Mr. President? His own appointee. If I am wrong in making these statements, then I stand for correction. During the past week I have been into that office over there to see Mr. Dowd. There are only four members active at the present time in the Board of Assessors, Mr. President, and up to the present administration your Board of Assessors consisted of only three members. Later on there were two added. At the present time one is in the service. Two of them, Mr. Walsh and Mr. O'Hearn, spend practically every day of the week before the Board of Appeal. That leaves two, Mr. Dowd and Mr. Kelly. Poor Mr. Kelly, I don't think he dares call his soul his own over there any more. He has had experience. He ought to be able to attend to values, and he ought to be able to say whether or not a widow should be given consideration. As I said a moment ago, I don't think he dares call his soul his own over there any more. Last week I was over there on two occasions to see Mr. Dowd and he wasn't in. He hadn't been in all week. He might have been on a vacation, but his salary is \$6,000 a year,

and the taxpayers of this town are entitled to something for the \$6,000 a year he gets and the rest of them get down there. A few months ago I introduced an order here, to which there has been no response made up to this time, asking that the Board of Assessors inform the members of the City Council what reduction, if any, has been made in the so-called Cocoanut Grove property since 1928. I call it to your attention, Mr. President, for this reason. No answer having been given back to the City Council up to this time, this is the question, Is there something wrong there? We are entitled to that information. The taxpayers elect the Mayor and City Council for the protection of the city as a whole, and if the City Council are asking for certain information that information is for the benefit of the taxpayers. I don't care if there are reductions of value up there or not, but it is a matter of information that the taxpayers of this town are entitled to. Most of the taxpayers have to depend upon the Council. They can't afford to handle these racketeers. I hope that this order will not be ignored, Mr. President. If it is, there is going to be plenty heard from it. There is going to be no partiality shown against people of Ward 10 in the matter of assessments. The present Mayor of this town made his start in Ward 10, and I am going to see that the people of Ward 10 get their just dues. I have in mind particularly today—it was the basis of the introduction of this order—a taxpayer in my district. She owns the only large piece of property I have been asked to interview the assessors about. The assessors agreed on the 1941 over-value application to reduce the price on that property \$3,000. And what did they do next year? They put it right back at the old figure again. Now, Mr. President, if that property and the figures that accompanied that application for 1941 justified the decision of the assessors in knocking \$3,000 off that piece of property in 1941, I am sure that after another year's depreciation the \$3,000 should not have been tacked on again in 1942. As a matter of fact, this particular taxpayer filed an application again in 1942 and the assessors disapproved it. I wonder sometimes if they know what they are doing over there. You wonder sometimes what their experience is, and what are the qualifications that brought about their appointment in the first place. They are well paid men, and supposed to know their job. They are supposed to be on their job. I say any man getting \$6,000 a year ought to be expected, on a job like that particularly, to give full time to that job. Maybe if there was some time given to the job, the taxpayers would get a better break. I ask, Mr. President, for suspension of the rule and the passage of this order. I hope that the order will be recognized and that information will be forthcoming, and if it is not, I intend to seek before this Council, by constant repetition, that information until we find out what is going on.

Coun. SCANNELL—Speaking on the order, I don't like some of the remarks that were made by the gentleman from Ward 10 in regard to a man whom I believe a capable and able official of this city. I refer to one of the assessors, Mr. Dowd. He said in regard to Mr. Dowd that he was on a vacation. Last week—well, I happen to know that the man was sick for a week. I visited the man, and he has been sick for a week. As far as going over there and having Mr. Dowd say, "Was she with Tobin or not?" I have been in there for three years and never heard him make such a remark. So I am going to ask that the order be referred to the Executive Committee, and let us find out why these city assessors treat the gentleman from Ward 10 this way. Let us try to find out the real truth in this matter. So I ask that the order be referred to the Executive Committee, and that we send for those city assessors.

Coun. CAREY—I certainly want to say for the record at this time that Mr. Dowd's health is not good, but it is not the first week I have been in the office there when he wasn't around. If his health isn't good and he can't carry on the duties of the office, then we will make an allowance for him.

Coun. SCANNELL—Mr. President, I am not defending Mr. Dowd in saying whether he is sick or not. That is not up to me, but I know that the gentleman has been sick for a few days. I am going to ask that this order be sent to Executive Committee.

Coun. COFFEY—I intended to introduce an order similar in scope to this order that was introduced by the councilor from Ward 10. I am glad to see, since the meeting started, that the chairman of the Committee on Public Lands (Coun. D. F. Sullivan) has arrived here, because I have had some additional information given to me since the last time I talked with him. I introduced an order here some weeks ago, and the order was referred to the Committee on Public Lands. The chairman called two meetings of that committee. I was present at both meetings and we invited a representative of the Governor's office to be here, a representative of the Mayor's office, a representative of the Law Department, and also of the Board of Assessors, and somebody from Mr. Thompson's office and also somebody from the City Treasurer's office. We wanted to get information at that time as to why Mr. William MacDonald, who owns some 442 parcels of land in East Boston, hasn't paid any taxes on that land for twelve years. He owes \$455,000 back taxes on that property, and about a year ago the Government stepped in and took some of this land and gave us an oil farm in the Orient Heights section of our district. We tried to get information from Mr. Hopkins of the Law Department, and also the Finance Commission, as to why they granted Mr. MacDonald \$128,000 in tax abatements. Now, the story in substance is this. Here is a man that owes back taxes for twelve years, owes \$455,000. He received a check from the Federal Government of around \$393,000. He sits in with the members of the Finance Commission and a member of the Law Department, and they reach an agreement whereby he agrees out of that \$393,000 to pay the City of Boston \$125,000 in cash as of October 1, 1942. He further agrees to pay \$40,000 on April 1, 1943; and make another payment of \$40,000 on October 1, 1943; and then an additional \$122,000. And on top of this he was granted an abatement of \$128,000. Now we had two meetings here and we sent letters to the Board of Finance Commissioners and we also sent two letters to the Corporation Counsel, Mr. Hopkins. The Finance Commissioners didn't ever come over here. Mr. Hopkins for the first time since appointed to his job got weak-kneed and didn't have the courage to answer some of the questions that the members saw fit to ask him. Now I am told by a representative of the Law Department it was because of a mistake made in the assessors' office and he added, "Of course, you wouldn't want the matter brought up now. He is dead and buried, and you wouldn't want his name mentioned." They are throwing this abatement onto a dead man. (*Noise in the chamber.*) Mr. President, may we have order in the chamber? As I was saying, the Finance Commissioners didn't have the courage to come down here, and Mr. Hopkins got weak-kneed and didn't have the courage to come down here. (*Noise in the chamber.*) Mr. President, if we are going to have disorder here—

President HANNON—The Chair will ask that order be maintained and attention be given by everybody to the gentleman who is addressing the Chair, and if necessary, I will insist upon it.

Coun. COFFEY—Mr. President, my argument is this. There was \$128,000 in tax abatements given to a man who owes \$455,000 to the City of Boston. He had a check that was given to him, that the city saw fit to go to court and hold up until the city could get their share of the money that he owed for twelve years, and the city entered into an agreement with him. And it wasn't the first thing that Mr. MacDonald put over. He put one over on Young's Hotel building here, and God knows how many others that we don't know about. But this we know about, and I say that Mr. Hopkins should be removed from office, because he not only didn't have the courage to come down here and tell why he was a party to the abatement to Mr. MacDonald, but he goes further, and while we are waiting for that gentleman to come down here he sees fit to give Mr. MacDonald another abatement of \$34,283.33, as of April 13, 1943—this year. He has to agree to any abatement, I am told,—to any abatement the Board of Assessors grant. No wonder he hadn't the courage to come down here. He wasn't only a party to the first abatement of \$128,000, but now he is a party to another abatement of \$34,283.33, as of April 13, 1943—this year—about the time we were holding these hearings. And now, in addition to all this, he is ready to

give MacDonald & Company another abatement, which is pending, for \$63,746.25, giving him a total abatement this year of \$98,029.55. That would bring the abatements to approximately \$226,000, of a tax bill he has owed for twelve years and never paid a cent of, \$455,000. Now, there is something fishy somewhere. There is something rotten somewhere over there. Either Mr. MacDonald is taking care of somebody or whoever is granting this abatement should be removed. As the councilor has said, he has been chasing for abatements for a widow of some \$80 or \$90. We have all done the same thing as the councilor from Ward 10. For the life of me I can't understand why a man that owes the city \$455,000 for twelve years in taxes and never has paid a cent on those taxes in all the twelve years, comes in and gets a check for \$393,000 from the Government, and the city holds the check up, and, instead of taking the whole check they take only a measly \$125,000 from that check, and give an abatement of \$128,000, then an additional \$34,000, and another waiting, which he will no doubt be granted, of \$63,000. Now this man is all-powerful in the City of Boston and the State of Massachusetts. At an executive meeting of the Ways and Means Committee, where the Governor himself is not allowed in, Mr. MacDonald broke into that meeting and told the members there that he was going to get rid of this land that he owned in East Boston, adjoining the East Boston Airport, and by so doing would get rid of land that he had held twelve years and paid no taxes on. And I have made that statement, that this man was the only man to my knowledge, and I have had four years in the Legislature, that ever broke into an executive meeting of the Ways and Means Committee at the State House. There is something rotten in Denmark. He is so powerful, they are going to pass a bill that takes Wood Island Park and land adjacent to that, and that adjacent land is Mr. MacDonald's land. The land he is going to sell to the State he just received an abatement of \$128,000 on, and he is going to get a very good price on that, and make over a million dollars on waste land, because the State is going to step in and take this land by eminent domain. He is going to be the beneficiary, and the people of East Boston are going to suffer from it, because they proposed when they took Wood Island Park to give us another bathing beach where there are no houses and no children. It is in an isolated section where a bathing beach will be of no value to the people of East Boston. I am just bringing that out to show you that Mr. MacDonald is all-powerful in the City and State, and is going to get rid of this land that he has paid no taxes on, and get a check for \$393,000. I think this ought to go to the Executive Committee. I think we ought to have the assessors brought over on this item alone, and ask about this abatement. We ought to inquire as to why Mr. Hopkins gave his O. K. to that \$128,000 tax abatement. We ought to find out why the Tax Commissioner gave his O. K. to that abatement. We ought to find out why this abatement of \$34,000 was granted in April, this year, and why the Finance Commission and the Law Department stood for it. And we also ought to find out if there is \$63,746.25 waiting now to be granted by the Board of Assessors, and, of course, the Law Department. I ask that this go to the Executive Committee, and that Mr. Hopkins will get a little oil sprayed into those knees of his and have the courage to come down and face us and answer questions. They are honest questions. I just want to find out why, even on the check received for \$393,000 the city tied it up in court and then released it to give him more than two thirds of that check. I hope this goes to the Executive Committee, and that Mr. MacDonald and a member of the assessors' department and of the Finance Commission be summoned over here this afternoon.

Coun. CAREY—I might say I have no objection to this going to Executive. I think we might call a special meeting in the Executive Committee and sit some Monday morning and spend a whole week on it. You can't handle an order like that in a short executive session.

President HANNON—The Chair will be inclined to send the matter to the Committee for Rules for consideration, as long as doubt has been raised as to the powers of the Council. I think I will refer the matter to the Committee on Rules.

The order was referred to the Committee on Rules.

ACTION ON "WAR MEMORIAL
RESOLUTION."

Coun. RUSSO and HANLEY offered the following:

Ordered, That the Acting Mayor of Boston utilize his prerogative as Mayor "in matters not permitting of delay" in forwarding the resolution on "War Memorials," passed unanimously by the Boston City Council, to the Park Commissioners, requesting their approval on said "War Memorial Resolution" in their meeting to be held on Wednesday, May 26, 1943, so that the five (5) walks on historic Boston Common may be dedicated to the war dead of the five (5) branches of the service per resolution, on Memorial Day, Sunday, May 30, 1943.

The question came on suspension of the rule.

Coun. RUSSO—Mr. President, as we all know, at our last meeting the Council unanimously passed a resolution that was presented to the Council the week previously, whereby five walks or malls would be dedicated in the historic section of Boston, on Boston Common, named for the five branches that form our armed forces. The Council and its committee acting upon it passed it last week and, lo and behold, at a meeting which was called by the President of the City Council in order to formulate plans to carry out the thoughts of the Boston City Council to have it take place on Memorial Day, May 30, we are told that the resolution hasn't been transferred to the department of the Park Commissioners, due to the lack of the Mayor's signature to be sent forward. When I really analyze the thing, Mr. President, it is really no surprise to me, the action the Mayor has taken in this particular situation. I can't help but be reminded of the story of a little boy having a piece of candy in his hand and saying to another little boy, "If I can't have it, you shan't have it, either, so I will destroy it." It reminds me of that, Mr. President, because, as you know, while the committee was in session discussing this resolution to have this action on Memorial Day and after I had given plenty of thought to the resolution that I was co-sponsor of and presented at the previous meeting, and realizing what might be encountered in the future in suggesting to that committee that five malls be named for the respective branches of our armed forces,—the Navy, Army, Marine, Merchant Marine and Coast Guard,—while that session was going on, and the committee had already approved of this, his Honor the Mayor saw fit to send out a resolution stating that he was going to formulate plans to have plaques erected on Boston Common. If that isn't a duplicate of the story of the little boy, then I don't know what is. Mr. President, I believe the people of the City of Boston, judging from the many telephone calls and letters I have received, are unanimously behind this movement, which, to my way of thinking, is the least that we, as Councilors of the City of Boston, can do in honor of those boys who are fighting for democracy so that you and I may have the right to stand on our two feet and express our God-given minds and give our opinions. I say, Mr. President, that his Honor the Mayor has deliberately gone out of the City of Boston and left the Boston City Council in that situation. And if that is so, that the Acting Mayor cannot now perform his duty as Acting Mayor, then why under God's name do we have an Acting Mayor? Isn't that an insult, Mr. President, not only to you but to your colleagues who have elected you to that place? Does the Mayor of the City of Boston believe that the Boston City Council are a bunch of nitwits? Mr. President, as I have stated many, many times on this floor, never once have I expressed my opinion or taken a position on any resolution or order that has been presented to us simply because it had been sent up here by his Honor the Mayor, or just because it had been sent in here by one of our colleagues, or whether or not any citizen of the City of Boston has presented it, but I have always acted as I believed with a God-given mind as to whether that order or resolution had merit. I didn't judge as to who was the person that was presenting the order or the resolution, but I would cast my vote according to the merits of the resolution or order. Here is a simple matter. The least that the Council can do is to name these five walks for the five branches of the armed services of this United States, and especially today when they are the ones protecting this great America,

by placing there on these malls the names of the five branches of the armed forces. The expenses are nothing. As I stated before, after this war we should build permanent monuments in order that the people of the City of Boston should realize that those boys who gave their lives were the ones who were responsible for its being able to know America as we have known it in the past. And I say this, with all sincerity in my heart, that if there is any person in the United States that can speak these words, it is your humble colleague, because he is an alien, foreign-born, but through God Almighty and through his God-given mind and brain and heart and conscience, he has adapted himself to the rules and regulations set forth by our Constitution of the United States. Are we, as councilors, going to let this go by? Does the Mayor of the City of Boston believe that we shouldn't have any mall by the name of the Army, by the name of the Navy, by the name of the Marines, or the Merchant Marines, or the Coast Guard, the branches that are making it possible for you and me to be here? The only objection there, Mr. President, is—again I must repeat—the boy who lost the piece of candy. I say that it is high time that we as councilors of the City of Boston, duly elected by the people of our district, have a voice in the City Council in order that we may protect the rights and the privileges that are given under our constitution to the people whom we represent. But it doesn't look that way apparently to his Honor the Mayor, who believes that the City Council is a bunch of nitwits, if I am permitted to say so. If that is the case, then, Mr. Mayor, why don't you tell the people of the City of Boston to abolish the City Council, that you are the czar and that you are the one and only that is going to run the City of Boston in any way that you see fit? I can always go back to my people and say to them that never once in the City Council have I cast my vote, regardless of who it might have hurt, regardless of who the person was that presented the order or resolution, in any other way than according to my conscience as to whether the resolution had its merits. And I believe, as you all believe, that that resolution has the greatest merit. After the war is over the people of Boston should build permanent monuments, but now, at least, we can start the ball rolling and spend a mere \$100 or so. The Mayor has sent in an order here. It is going to be discussed in Executive. He has sent in an order that we appropriate \$5,000. I say it should not only be \$5,000, but \$20,000 or as much as is needed, tomorrow, but not a dime today, because we now propose simply to carry on the thought of the Boston City Council by naming these malls and putting there a temporary plaque where the names of the men and women of the various respective branches who have already made the supreme sacrifice may be inscribed. I hope, Mr. President, that this order will pass.

Coun. CAREY—I just want to say a word on it, Mr. President. I am sorry to see any delay or any fault found with this order. After all, we are proposing to name walks that up to this time don't bear any name. I believe I am right in saying that a short time ago one of the malls on the Common was named MacArthur Mall. We were all very happy over that. We were glad to see General MacArthur recognized and honored because of what he has done in this war. God keep him with us until the war is over, and for many years to come. It was a fine thing to name one of those malls after General MacArthur, and it should be done before the end of the war came. I think inasmuch as we have honored General MacArthur, we might also honor the boys of Boston in a small way at this time, by naming these malls as the resolution returned to the Council last week called for.

Coun. MUCHNICK—In view of what transpired at the meeting that was held jointly with the School Committee when the authority of the Acting Mayor was questioned, it seems to me far more advisable to refer this to the Executive Committee and ask the Corporation Counsel to be present so we can get a ruling of law from him. I therefore ask that this be sent to the Executive Committee.

Coun. HANLEY—Mr. President, principle is above men, religion or party-ism. Both as a private citizen and as a man in public life, I have always used my voice, my intelligence and the education that was given to me in distinguishing between a man and the principle for which he

stands or which he fights against. And the principle woven into the resolution of my two distinguished colleagues, Councilors Hurley and Russo, and passed unanimously by this Honorable Body, should at least obtain recognition from his Honor the Mayor, even though he may be 500 or 600 miles south from the point of origin. I was only too happy to collaborate with Councilor Russo in presenting this order, and I recognize full well that the Corporation Counsel, who can utilize his own vocabulary, will weave a meaning into the word that we placed in that order. But, regardless of what the outcome is, I believe that his Honor the Mayor, Maurice J. Tobin, of Boston, and Park Commissioner William Long, both of whom have been receiving their salary and their wages from the people of Boston—one for the past half century and the other, according to Councilor Carey, was born and brought up in Ward 10 and through the power of the ballot he was made Mayor of Boston—I believe they should realize that a Mayor, a Governor, a President of the United States doesn't make a man a master. He is still the servant of the people and, as a servant, he isn't supposed to tell the master what to do. The Honorable Joseph Russo and the Honorable William F. Hurley collaborated and we have a resolution to pay honor to the men that keep the United States of America free. I only hope, Mr. Acting Mayor, and I know you are in favor of this resolution,—I only hope that through this order the blame will be pinned upon the person, or group of persons who maliciously or otherwise have erected an impediment. No finer tribute could be paid to our honored forces, the five segments that keep the wheel going, than to name them all on historic Boston Common. Historic Boston Common—that is the beginning of our American rights and our American liberty. Let us honor and respect the memory of those boys and the ideals that they have died for. They have fought the good fight. They have achieved victory, for which may they now and forever more enjoy everlasting peace and happiness. "Greater love hath no man than this, that he lay down his life for his friend."

President HANNON—The gentleman from Ward 14 objects to suspension of the rule?

Coun. MUCHNICK—I made a motion to refer it to Executive Committee.

President HANNON—Suspension of the rule comes first.

The rule was suspended, and the question came on the passage of the order.

Coun. KINSELLA—I rise to a point of information.

President HANNON—State your point of information.

Coun. KINSELLA—I would like to ask the City Clerk if the Acting Mayor can collaborate legally with the Park Commissioners.

President HANNON—The Chair is informed that the City Clerk will be available to answer any of those questions in the committee meeting.

Coun. MUCHNICK—Is the motion to refer to Executive in order at this time?

President HANNON—Yes.

Coun. MUCHNICK—I make that motion, with the request that Mr. Hopkins or the City Clerk be invited to answer questions.

The order was referred to the Executive Committee.

REVOCAION OF LICENSES FOR ARCADES.

Coun. RUSSO offered the following:

Ordered, That the City Censor be requested, through his Honor the Mayor, to immediately revoke the licenses of all arcades operating in Ward 3.

Coun. RUSSO—A little over a year ago I had put in similar orders to close these arcades in my district and, as you well remember also, I was the first one who brought to light in this Council the fact that the shooting galleries were operating illegally. Now, orders can be presented in this Council time and time again, and the orders aren't even given an answer. For the past week we have had meetings of the committee and open meetings where the public has been invited in order to formulate plans for ways and means of arriving at minimizing child delinquency. I say, Mr. President, that the arcades in my district are contributory to child delinquency. If you go there at any hour of the day or night you see

young children, even ten years of age, putting nickels into those slot machines. As the probation officer, Mr. Connelly, in public session here stated, several boys met at one of those arcades and had almost committed murder. They are running under the license of amusements and, mind you, on Sunday licenses, they are running under a license of sacred concerts. I wonder what Verdi would say if he was around, as far as those juke boxes being offered for concerts is concerned. Mr. President, I believe we ought to do something about it in order that these places that are contributing to the children's delinquency might be curtailed—these spots where children are going. And the good name of the district that I represent, Mr. President, although I am satisfied, after the public hearing, that most of those who have gone there have been children from other places outside of my district, nevertheless, the district is looked upon with suspicion. I ask, therefore, what have you done, Mr. Mayor, in this year or year and a half that I have presented these orders, trying to see that my district is kept clean of places that I believe, and the public believes, should not exist. Yes, Mr. Mayor, we are only persons here trying to suggest to you, but I do hope that this suggestion of mine will reach your open ear and mind, and that you will see that these hot spots, so called, in my district and these arcades are done away with.

Coun. HURLEY—Speaking of the order, I am very much in favor of the order introduced by Councilor Russo. I was reading an article in the Boston Herald-Traveler about a week ago by a feature writer, Agnes Carr. I think it was on our proposed curfew law. She herself, quoting others, said they were breeding places of crime, these penny arcades in Boston. Councilor Russo has made mention of certain ones. I have been up to Scollay square and passed those places up there. Why, you see there babies,—a most disgraceful condition. Any man with red blood would be ashamed to stand and look in the door and see children not over twelve years old running around on the arms of older men, drunken morons, that the children are chasing in there. It isn't alone in the penny arcades,—I was talking to a probation officer from the South Boston district court the day of this hearing, and he was talking about a couple of burlesque houses up here on Washington street where they had children—boys twelve years old—mind you, Mr. President,—that were being taken in the rear there to perform unnatural acts. This is not one time. This was constantly going on. It was called to the attention of the authorities. These people had been before the South Boston court as juvenile delinquents. Why, the dirtiest, the filthiest actions! I don't see why they tolerate those dirty, filthy places in Boston. I don't say that it is our people. The probation officer here in the Boston Municipal Court says that most of the juvenile delinquents are children that come into Boston looking for excitement. Of course, they couldn't get into any place, any licensed place, except a place of that type. And the people running those places will answer some-time for the heart aches and sin they have caused, the heart aches of the parents. This thing has been going along for a long time, and they are deriving a profit from it. God help them, making a profit that way. I hope that the members of the Council will act, and I know they will; all parents and all who love children. Most of these young people come from decent families, and any men and women who heard of anything of the sort existing in their neighborhoods would be up in arms. We have children of our own and we have got to protect other people's children by making these places obey the law, and if they are conducting entertainments or amusements in Boston they must be decent.

Coun. TAYLOR—I also wish to call the attention of the members of the Council to the fact that licenses are vitally necessary in these places of amusement, particularly where dangerous weapons are used on the premises. About six months ago there was a young Italian boy in one of these places who had his eye shot out from one of these guns. The lead from one of the bullets hit something in back of the wall and struck this boy who happened to be a visitor in the place. In my opinion, it is a place that is dangerous to life and limb and should come under the close supervision and close scrutiny of officials who are supposed to take care of it. I can't understand if we have an ordinance requiring a license for such a place of amusement, why we do not put it into

effect. There is no question in my mind but that the councilor in that particular district is doing right in putting before this Body this order so that somebody shall have some supervision and control over these places which from time to time cause injury to those innocent bystanders who happen to frequent such places of iniquity.

Coun. KINSELLA—Speaking of these houses, last Thursday or Friday morning, around 10.30 o'clock, I was coming up Tremont street and, never having been into one of those bordellos before, I decided to step inside and see what kind of a joint it was. I was really amazed because, upon recollection, it didn't appear to me that school had let out for the week. I was really amazed, Mr. President, at the age of some of the young boys and girls in there,—truly not more than ten years of age in many instances, but in every instance of school age. Now, I don't customarily come in town at night, and if the descriptions I have heard of the conduct at those places is just twice as bad as what I saw in the daytime, I can well understand why anybody with decent, Christian impulses would want the persons not merely evicted, but the places burned to the ground, if possible. Now, by some means they require permission to run, but what do they run? I don't know the true condition because of any visual evidence I have picked up, but I do hear talk around town from the gentlemen about town, who tell me that some of the conditions are almost indescribable, provided mixed company is present. I have heard that dope is freely passed back and forth within these places, that they are nothing but meeting places for panderism procurers. And that raises a very delicate question that I don't need to ask on the floor of this chamber. Mr. Hurley made reference to one condition that, generally speaking, will do without my having to ask the question, but who knows about it outside of the operators? Let us find out who is giving them aid and comfort, if these filthy, verminous and scurvy conditions are allowed to come into existence and allowed to be perpetuated and maintained. Let us not blind ourselves to the fact that there is one thing more important than the condition—one far more important—and that is the official or officials who allow the condition. I am heartily in favor of everything contained in the order of Councilor Russo, and the quicker we do something about it the quicker we will put this pesthouse nuisance out of the way.

Coun. MUCHNICK—I rise to a point of order.

President HANNON—State your point of order.

Coun. MUCHNICK—Does the Council Committee on Licenses have jurisdiction over these places?

President HANNON—The Council Committee on Licenses does not have jurisdiction.

Coun. MUCHNICK—Would it be proper for the Committee on Licenses to negotiate an investigation of this type of license?

President HANNON—As the ordinances are now drawn, the Council Committee on Licenses has no authority. The proper procedure would be to amend the ordinances.

Coun. D. F. SULLIVAN—Mr. President, in view of what you have just said, I would suggest that this be referred to the Committee on Ordinances, and let them look into the ordinance, to see how far it is being violated, and see if they can tighten up on it and make severe penalties if these conditions exist. I believe it would help the Committee on Ordinances to make up their mind one way or the other on the curfew order.

The order was referred to the Committee on Ordinances.

PRESENCE OF COUNSEL AT COUNCIL AND COMMITTEE MEETINGS.

Coun. D. F. SULLIVAN offered the following: Ordered, That the Corporation Counsel be requested, through the Acting Mayor, to assign one of his assistants permanently to the City Council to attend all regular meetings of the Council and also all committee meetings.

Coun. D. F. SULLIVAN—In view of the fact that the Corporation Counsel is coming down to the Executive Committee meeting, I move that the matter be referred to the Executive Committee. Referred to Executive Committee.

ROPING OFF STREETS, DORCHESTER DAY ROAD RACE.

Coun. KELLY, FISH, HANNON, MUCHNICK and WICKES offered the following:

Ordered, That the City Messenger be directed to rope off the streets at the points necessary along the route of the Dorchester Day ten-mile road race to be conducted by the John B. Kelly Associates on Sunday afternoon, June 6, 1943, the expense of same to be charged to the City Council appropriation for Ropes, Flags and Stakes. Passed under suspension of the rule.

USE OF CARS, ETC., MEMORIAL DAY WEEK-END.

Coun. FISH and RUSSO offered the following: Ordered, That the Office of Price Administration be requested, through his Honor the Mayor, to issue instructions permitting the use of privately owned cars for the purpose of decorating and visiting the cemeteries, Sunday and Monday, Memorial Day, also permit public transportation companies to give added bus service on Memorial Day and the following Monday, May 31.

Passed under suspension of the rule.

SIDEWALK CONSTRUCTION, WARD 17.

Coun. M. H. SULLIVAN, for Coun. WICKES, offered the following:

Ordered, That the Public Works Commissioner be requested, through his Honor the Mayor, to construct new sidewalks on both sides of Idaho and Bailey streets, Dorchester, Ward 17.

Passed under suspension of the rule.

SUBSTITUTE WARDENS FOR IN-TOWN DUTY.

Coun. M. H. SULLIVAN, for Coun. WICKES, offered the following:

Ordered, That the Director of Civilian Defense in Boston be requested, through his Honor the Mayor, to consider the advisability of recruiting or training a force of substitute wardens made up of men who work nights or Saturdays and Sundays in the in-town section of the city and thus avoid a recurrence of what happened last Tuesday night when not enough wardens reported for duty to enforce air raid regulations and precautions.

Passed under suspension of the rule.

HOURS OF AIR RAID DRILLS.

Coun. M. H. SULLIVAN offered the following: Resolved, That Civilian Defense and First Corps Area Army authorities be hereby requested to arrange no further air raid drills similar in nature to those participated in by defense groups in the early Sunday morning hours yesterday, for any day or any hour that will conflict with the worship of any sect or faith.

Referred to Committee on Rules.

COOPERATION OF POLICE IN ENFORCEMENT OF DRIVING BAN.

Coun. M. H. SULLIVAN offered the following: Ordered, That the Acting Police Commissioner be requested, through his Honor the Mayor, to confine the activities of Boston Police Department officers to the enforcement of statutes and ordinances,—and to adopt tactics similar to those in some other Massachusetts communities where local police officers have refused to use the facilities at their command to enforce recent discriminatory rulings made by Federal officials against residents of the New England area; and be it further

Ordered, That the Acting Police Commissioner be requested to instruct the members of the Police Department to take no part in any drive to determine how motorists are using their gasoline allotments.

Coun. M. H. SULLIVAN—Mr. President, we have been told that our Police Department is

undermanned, and that being the case, I feel that Acting Commissioner Kavanagh should instruct all captains and members of the Police Department to concentrate on enforcing laws and not act in any manner similar to the Gestapo. Authorities in Clinton say the chief of police was well warranted in his action when he refused to be instructed by Federal officials to hold up drivers and take numbers. This happens to be a two-ocean war, but you would never think it. They tell us any oil or gas coming to the East is going to Africa, whereas gas going to the West can be used by private motorists. I happened to be up in Maine a few weeks ago. There is a pipe line extending up there into Canada, and the Canadian Dominion. The pipe line is brought to Maine and pipe lined to Canada where private motorists there may use it for pleasure driving, while the dealers of New England can't sell a good ounce of gas to use for that purpose. A well known Boston columnist weeks ago stated that you could get all rubber tires you wanted and all the gasoline you wanted in Canada. Overflows are sent up there for the use of our good neighbor, but I think we shouldn't treat our neighbor any better than ourselves in this instance. I believe that the Boston police obviously have enough to do to enforce the statutes and ordinances now in effect. I believe that the Federal administration is discriminating against the New England area either for political or other reasons. I don't think we are getting a square deal, and I say this to officials in Washington. I am personally friendly with the O. P. A. officials in Massachusetts and know that they are not responsible for the rules they enforce and are being forced to enforce. I happen to be a very ardent Democrat myself. I happen to be a Roosevelt Democrat, but in the present instance I don't think we are getting a square deal. If the people of Canada can get rubber tires and gasoline and roast beef without points, and can get canned goods without regulations, that must come through the United States and go through New England, I feel we should get our legitimate share. I feel the authorities in Clinton were absolutely well warranted in their arguments that it works against New England industry and will ruin New England industry this year.

The order was referred to the Committee on Public Safety.

BILLS PERTAINING TO BOSTON EMPLOYEES.

Coun. COFFEY offered the following:

Ordered, That his Honor the Mayor request the Governor not to sign any bill pertaining to jobs in the City of Boston unless the bill reads, with the approval of the Mayor and City Council.

Coun. COFFEY—Mr. President, it has come to my attention that the pay rolls of the City of Boston of recent date are becoming overcrowded with pay roll patriots. It kind of hurt me to have to go up to the State House today and linger around all day in the hope of seeing his Excellency the Governor, only to find he was away with a very bad cold, and had to call off what appointments he had for today and tomorrow. What I am particularly referring to is the two branches of city government, one the Americanization Bureau and the other the State Employment Bureau. Both of these we could very well do away with because they are nothing but a duplication of departments. For example, both activities have state departments that cover the same thing that may come up within city boundaries. Also there are Federal departments to cover the same thing as the Americanization Bureau. I recall when it was first set up a few years ago. We had a hearing out in the executive room, and Councilor Shattuck at the time asked Mr. Walsh and Mr. Flanagan who were there, the Americanization Department, if they could get along with just their salaries, and if they themselves were willing to do the clerk's work in the office, and both of these gentlemen willingly agreed to it, that there wouldn't be any extra help added to that department, that they could handle it themselves. The only moneys involved were their salaries. There wouldn't be any clerks or secretaries or any other help added. Now we come to a situation where there happen to be right at this moment in the Americanization Bureau three members, Mr. Walsh and Mr. Flanagan's secretary, and a young girl working as clerk, who seems to do most of the work in

that department. The secretary is from my ward, Susan Donovan, who has opposed me in the past. That is her privilege, but I say she has no right to work in that department at a salary of \$2,700 a year while a member of the Legislature, and having two sons working for her. And I won't stand for Tobin using her or anybody else against me from year to year. She has to do one thing or the other. If she wants that job for herself and her two children—while she is a widow, I am not forgetting the fact that I am a disabled veteran, and not the strongest person in the world, and I have five children to support, I have a \$2,000 job. I have no other means of income but the job I do here, running errands seven days a week. I haven't any sons working for the city. It is a complete violation of the city ordinances. Nor have I made \$32,000 on trucks in the past five years like she has. But I won't stand for her or Tobin or anyone else giving her a \$2,700 job and threatening she will run against me to split the vote so an Italian can win and so I can become a stooge in this Body. I ask the members if they are selling jobs in the City of Boston, and if they aren't, why don't they agree with Henry Shattuck, who has been in the Council and is back in the House and has agreed with me this very day that on anything that goes through the Legislature pertaining to jobs in the City of Boston, there should be a referendum and the matter should get the approval of the City Council. Only recently here we saw the councilor from Ward 2 introduce an order to put the Market Superintendent under the Superintendent of Buildings, and nobody objected to Mr. Galvin getting that job. We all wished him Godspeed. And my colleague, sitting next me, who was his opponent at one time wished him the best of luck. And I am not going to stand by and be a stooge or a yes man for anybody. I fought like hell to get up here twice, and I had to fight the toughest opposition that anybody in the Council has ever had. I have had stooges being put in and taken out and given city jobs, while I had to get over 8,000 votes to get here, and I had to practically get down on my knees and weep and wail and do everything possible to be re-elected here, for one reason, that people like Susan K. Donovan can be used as a stooge. And she can go around and say, "I am a poor widow with two children," but she leaves out the fact that she has made over \$32,000 since Maurice Tobin was Mayor. That department was created for two members, Mr. Walsh and Mr. Flanagan. Now there are four members. Now they say Mr. Crawford is going to be put over there; also some Miss Noonan and somebody else. They are going over there. In fact, that department is going to be built up so that ten or twelve employees will be working there. Take the other situation down on Church street. Everybody is sick that works there, no matter when you call up. There has been millions of jobs for people in the last four years, and I have yet to know of anybody who can get two days' work out of the place. The only thing I am kicking about is, let it come through the Council. If it is going to be their baby, why did they insist—and they did insist—that it be taken away from the Mayor and the City Council, and the only approval they need is that the committee pass favorably on it and the House and Senate give it three readings? I am asking the Governor, in due respect for the position he holds, to do one thing,—to take those bills and send them back to the House and Senate so they will read they have to be with the approval of the Mayor and the City Council. And I think I am right in asking that, and I think every member here will approve of it. If there are jobs to give out, we would like to give them out. I have never opposed anybody getting a job in my life, and never will, no matter what my feelings, but I am not going to stand idly by and have Susan Donovan say, "If I get \$54 a week added to the two trucks I have working for the city the past five years, I could put a little fund away and run for public office if I see fit." I am fighting for this job and I always think not so much of her two children as my own five kids. I have never made the money she has made through the city, and I never will, and I will never have a chance to make the money she has made, but I am not going to stand idly by. I pray that the newspapers will carry something about it, only pertaining to the fact that I want the Governor to send these bills back so they will have to read "only with the approval of the Mayor

and the City Council." In the event they get out this Friday and are not sent back, maybe we can find out why an indicted Police Commissioner was allowed to name his successor. Maybe we can find out some of the prominent men almost indicted in the Coconut Grove and the lottery and by how many votes they just lost indictment. I am not asking them to kill the bills. I want them approved. But I want them amended so that they will be with the approval of the Mayor and the City Council and give us some say in the matter as we have to make up the pay rolls and get the money for them.

Coun. RUSSO—I am very glad my colleague from Ward 1 has brought this to our attention. There is only one thing that he said that perhaps was a slip of the tongue—that they were trying to put one Italian in. I know that my colleague didn't mean it, but nevertheless, as he has said it, Italian or no Italian, as long as they are American citizens they are considered as equal. And while I am on my feet, may I also state that in these departments I have yet to see one of Italian origin or Italian extraction, especially in the naturalization department, where there are so many Italians seeking aid. I haven't seen his Honor the Mayor appoint one of them. I still bring that to his attention. Nevertheless, the argument here is, Mr. President, as my colleague has said, that year by year our powers are being taken away from us without our knowing anything about it. I believe that we should have either the City Clerk or the Corporation Counsel advise the Boston City Council on every bill that is sent into the Legislature that has anything to do whatsoever with the City of Boston. And I believe that it is his Honor the Mayor's responsibility to instruct these departments and let the Boston City Council know what he is trying to do in the Legislature, so that we may be able to go for it or be against it, according to what we think and according to what the people of our district believe. I think, Mr. President, that that is a vital question and that we should take action, and take action now. We have stood enough of it. I believe it is the duty of every councilor to be informed of every resolution that is being written in the Legislature that pertains to the City of Boston, and not leave the City of Boston in darkness.

Coun. COFFEY—For the sake of the record I want to say that I only got one job in the City of Boston and that was for an Italian boy.

The order was passed under suspension of the rule.

THE NEXT MEETING.

Coun. DWYER offered the following:

Ordered, That the next meeting of the City Council be held on Monday, June 7, 1943, due to the fact that Monday, May 31, 1943, will be a holiday.

Passed under suspension of the rule.

REPORT OF COMMITTEE ON CLAIMS.

Coun. FISH, for the Committee on Claims, submitted the following:

Report on petition of William J. Kinsman (referred March 22) to be reimbursed for amount of execution issued against him on account of his acts as operator of motor truck belonging to Paving Division, Public Works Department—recommending passage of accompanying order:

Ordered, That the sum of eighteen dollars and twenty cents (\$18.20) be allowed and paid to William J. Kinsman in reimbursement for amount of execution issued against him on account of his acts as operator of a motor truck belonging to the Paving Division, Public Works Department, said sum to be charged to the Contingent Fund.

Report accepted; order passed.

2. Report on petition of Edward T. Lucas (referred March 29) 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:

Ordered, That the sum of eighty dollars (\$80) be allowed and paid to Edward T. Lucas 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; order passed.

CONFIRMATION OF APPOINTMENTS.

Coun. TAYLOR called up, under unfinished business, Nos. 1, 2 and 3 on the calendar, viz.:

1. Action on appointment submitted by the Mayor May 17, 1943, of George Shamsbak, to be a Constable without authority to serve civil process and to serve without bond.

2. Action on appointment submitted by the Mayor May 17, 1943, of Bert Oppenheim, to be a Constable authorized to serve civil process upon filing bond.

3. Action on appointment submitted by the Mayor May 17, 1943, of Irving Quinn to be a Weigher of Coal.

Coun. RUSSO asked that No. 1 be laid over for another week.

The question came on confirmation of Nos. 2 and 3. Committee, Coun. Coffey and Dwyer. Whole number of ballots 12, yes 12, and the appointments were confirmed.

RECESS.

The Council voted, on motion of Coun. DWYER, at 4.15 p. m., to take a recess subject to the call of the Chair. The members reassembled and were called to order by President HANNON at 5.14 p. m.

EXECUTIVE COMMITTEE REPORTS.

Coun. TAYLOR, for the Executive Committee, submitted the following:

1. Report on order (referred today) that Corporation Counsel be requested to assign one of his assistants permanently to City Council to attend all regular meetings and all committee meetings—that same ought to pass.

Report accepted; said order passed.

2. Report on order (referred today) that Acting Mayor utilize his prerogatives as Mayor by forwarding resolution on "War Memorials" to Park Commissioners—that same ought to pass.

Report accepted; order passed.

3. Report on message of Mayor and order (referred today) consenting to termination of agreement with United States Government re allotment of grant to city in connection with construction of Michael J. Perkins School—that same ought to pass.

Report accepted; order passed.

REPORT OF COMMITTEE ON RULES.

Coun. CAREY, for the Committee on Rules, submitted the following:

1. Report on resolution (referred May 10) petitioning Congress to restore appropriation for distribution of penny milk to school children of Boston—recommending that same ought to pass.

Report accepted; resolution adopted.

2. Report on resolution (referred May 17) in favor of anti-poll tax bill—that same ought to pass.

Report accepted; said resolution adopted.

Adjourned at 5.16 p. m., on motion of Coun. MUCHNICK, to meet on Monday, June 7, 1943, at 2 p. m.

CITY OF BOSTON.

Proceedings of City Council.

Wednesday, June 2, 1943.

Special meeting of the City Council in the Council Chamber, City Hall, at 1 p. m., President HANNON in the chair and a quorum present.

The members saluted the Flag.

The meeting was held pursuant to the following call:

City of Boston,
City Clerk's Office, May 28, 1943.

To the Members of the City Council.

Gentlemen,—A special meeting of the City Council is hereby called, to be held in the City Council Chamber, City Hall, on Wednesday, June 2, 1943, at one o'clock p. m.

This meeting is called by order of the Court, for the purpose only of drawing grand jurors.

Please make a special effort to be present at that time, as the matter is of considerable importance.

Yours respectfully,
W. J. DOYLE, City Clerk.

The call was placed on file.

In the absence of the Mayor, President HANNON appointed Coun. Hanley to draw twenty-two grand jurors for the Superior Criminal Court, to appear July 6, as follows:

Charles J. Lamb, Ward 2; Samuel Bova, Ward 3; Roland Huxley, Ward 4; Aaron B. Noyes, Ward 5; John Edward Gaughran, Ward 7; Joseph J. Morrison, Ward 10; Sterling B. Smiley, Ward 10; James J. Sullivan, Ward 12; Louis Seltzer, Ward 14; William Spiller, Ward 14; Charles W. Kief, Ward 15; Richard J. Vaughan, Ward 16; Thomas J. Wynn, Ward 18; John H. Donahue, Ward 19; Robert G. Griffith, Ward 19; John F. Hunter, Ward 19; John W. Leahy, Ward 19; Alexander Girvan, Ward 20; Edward F. Oxenham, Jr., Ward 20; Thomas E. Sheehan, Ward 20; John J. Berry, Ward 21; Earl C. Nickles, Ward 22.

President HANNON—The purpose for which the meeting was called having been accomplished, the Chair will declare the meeting adjourned.

Adjourned to Monday, June 7, 1943, at 2 p. m.

CITY OF BOSTON.

Proceedings of City Council.

Mouday, June 7, 1943.

Regular meeting of the City Council in the Council Chamber, City Hall, at 2 p. m., President HANNON in the chair. Absent, Coun. Foster, Goode, Linehan and Lyons.

The meeting was opened with the salute to the Flag.

JURORS DRAWN.

Jurors were drawn, Coun. SCANNELL presiding at the jury box in the absence of the Mayor, as follows:

Seventy-one traverse jurors, Superior Criminal Court, to appear July 6, 1943:

William Woodford, Ward 1; William Moore, Ward 2; Charles Grasso, Ward 3; Robert L. Murphy, Ward 4; William D. St. Cyr, Ward 4; Donald S. Feeley, Ward 5; Edmund B. Stanley, Ward 5; Harry F. Woods, Ward 5; James C. Connelly, Ward 6; Benjamin F. Draper, Ward 6; John A. Fowkes, Ward 6; James T. Hansen, Ward 6; Robert Kidd, Ward 6; Martin T. Lydon, Ward 6; Austin F. Mulkerin, Ward 6; William J. Nelson, Ward 6; Victor A. Benelisha, Ward 7; Francis Donnelly, Ward 7; Luther T. Evans, Ward 7; Benjamin A. Henderson, Ward 7; Frederick Jay, Ward 7; Alfonso Zulli, Ward 7; Thomas A. McGrath, Ward 8; Charles Simons, Ward 8; Michael E. Collins, Ward 9; James Miller, Ward 9; Joseph C. Santy, Ward 9; Charles Welmar, Ward 9; Thomas M. Corbett, Ward 10; John B. Donnelly, Ward 10; George H. Sullivan, Ward 10; John J. Cunningham, Ward 11; John J. Jordan, Ward 11; William T. Keane, Ward 11; John W. Nixon, Ward 11; Charles E. Inman, Ward 12; Hyman K. Katz, Ward 12; Leo P. Kline, Ward 12; Albert A. Stern, Ward 12; Louis Levine, Ward 14; Maurice D. Miller, Ward 14; Daniel J. Keating, Ward 15; Alexander P. Bernat, Ward 16; Michael F. Dolan, Ward 16; James W. Mahar, Ward 16; Alvin B. Caldwell, Ward 17; Michael F. Murphy, Ward 17; Guido Cantoni, Ward 18; Thomas Joseph Hines, Ward 18; James E. Innes, Ward 18; William L. Panton, Ward 18; Benjamin H. Wood, Ward 18; Frederick A. Assmussen, Ward 19; William E. Hogan, Ward 19; Joseph A. Roche, Ward 19; John J. Ryan, Ward 19; Charles F. Cuneen, Ward 20; Thomas M. Drews, Ward 20; John B. Fitch, Jr., Ward 20; Einar Holst, Ward 20; Charles J. Lindsay, Ward 20; Thomas J. McGreevy, Ward 20; William E. Peavey, Ward 20; Thomas S. J. Runey, Ward 20; Harold W. Somers, Ward 20; Spencer T. Brown, Ward 21; George B. McCulloch, Ward 21; Howard R. Wiley, Ward 21; Joseph D. Craven, Ward 22; Hubert P. Jones, Ward 22; Peter Walsh, Ward 22.

APPOINTMENTS BY THE MAYOR.

Subject to confirmation by the Council, the Mayor submitted the following appointment:

Constable for term of one year, beginning with first day of May, 1943, with authority to serve civil process upon filing of the necessary bond; Guy B. Barca, 83 Metropolitan avenue, Ward 19. Laid over a week under the law.

BEQUEST OF ELIZABETH G. DESMOND.

The following was received:

City of Boston,
Office of the Mayor, June 7, 1943.
To the City Council.

Gentlemen,—I am in receipt of the attached communication from William E. Collins, Esq., executor of the will of Elizabeth G. Desmond, late of Boston.

Elizabeth G. Desmond was a teacher in the Charlestown schools from 1889 until her retirement.

She was a lady of exceptional talent and of broad charitable impulses.

Under the terms of her will she has bequeathed to the City of Boston the sum of \$9,600, the residue of her estate, to be used for the purchase of milk for children in the public primary schools of Charlestown.

In the name of the City of Boston I am very happy to present this request to your Honorable Body for your acceptance. It is gifts of this sort which encourage us to have faith in our fellow human beings.

I respectfully request passage of the accompanying order by your Honorable Body.

Respectfully,

MAURICE J. TOBIN, Mayor.

Collins, Collins & Burke,
Counsellors at Law,
133-139 Kimball Building,
18 Tremont Street,
Boston, Mass., May 13, 1943.

Hon. Maurice J. Tobin,

Mayor of Boston.

My dear Mr. Mayor,—As executor under the will of Elizabeth G. Desmond, late of Boston, who deceased May 7, 1941, I am ready to close the estate and to pay over to the City of Boston the amount of the residuum, which will be approximately \$9,600.

The bequest to the city was made under the 13th clause of her will, a copy of which follows:

"13. All the rest residue and remainder of my estate real and personal of every name nature and description I give devise and bequeath to the City of Boston, Massachusetts, and direct that it be used for buying milk for children in the public primary schools in the Charlestown district of said city".

Miss Desmond was appointed a primary school teacher by the School Committee of the City of Boston and assigned to the Harvard District in Charlestown on September 4, 1889, and taught in that district continuously until she reached the retirement age. Her loyalty and devotion to the Boston public school system is evidenced by the bequest.

Will you kindly see that the proper steps are taken to effectuate the acceptance of this bequest by the City of Boston.

Very truly yours,

WILLIAM E. COLLINS.

Whereas, Elizabeth G. Desmond, late of Boston, by her will provided as follows: "All the rest residue and remainder of my estate real and personal of every name nature and description I give devise and bequeath to the City of Boston, Massachusetts, and direct that it be used for buying milk for children in the public primary schools in the Charlestown district of said city"; now, therefore, it is hereby

Ordered, That the bequest of Elizabeth G. Desmond, late of Boston, whereby she gave to the City of Boston the residue of her estate to "be used for buying milk for children in the public primary schools in the Charlestown district" be, and the same hereby is, accepted by the City of Boston, and the City Treasurer is hereby authorized, on behalf of the City of Boston, to receive and receipt for the sum of approximately nine thousand six hundred dollars, and such further sum or sums as may hereafter be paid on account of such bequest, and to place same to the credit of the School Committee, to be expended for the purposes named in the bequest.

Referred to Executive Committee.

LOAN FOR SEWERAGE WORKS.

The following was received:

City of Boston,
Office of the Mayor, June 7, 1943.
To the City Council.

Gentlemen,—I submit herewith an appropriation and loan order in the sum of five hundred thousand dollars (\$500,000) for the construction of sewerage works. I consider this to be the minimum allowance required for the extension and improvement of sewerage works throughout the city.

The 1943 budget as adopted by your Honorable Body two months ago provided an appropriation of one hundred forty-six thousand six hundred

thirteen dollars and eighty-four cents (\$146,613.84 for this purpose to be raised within the tax levy. This appropriation has been used to meet the salaries since the beginning of the current year of the engineering and inspectional staff of the Sewer Division whose services are necessary in the planning, laying out and supervision of sewer construction projects. I am advised that this appropriation will be exhausted early next month and that unless additional funds are provided it may be necessary at that time to materially reduce the personnel of the Sewer Division. To prevent any such unpleasant contingency I recommend prompt consideration and action on the accompanying order.

Permit me to point out that five weeks must elapse after the first affirmative action of your Honorable Body on this order before the appropriation it provides will become effective. Under the City Charter fourteen days must elapse between the two readings the order must receive in the City Council, and after the second reading twenty more days must elapse under the provision of chapter one hundred eight of the Acts of 1939 before the order is in full effect.

In view of this unavoidable statutory delay I suggest that your Honorable Body consider giving the accompanying order a first reading at today's meeting. The subject matter of the order has been considered on two previous occasions by you, so that further extended consideration would appear to be unnecessary. If the order is given a first reading today the appropriation it provides will not be effective until the middle of July, in other words, on or about the time when the appropriation provided in the budget will have been exhausted. I trust that your Honorable Body will realize and appreciate the desirability of preventing any disruption or cessation of sewerage construction work.

Respectfully,
MAURICE J. TOBIN, Mayor.

Ordered, That under the provisions of section one of chapter one hundred and seventy-eight of the Acts of nineteen hundred and thirty and section five of chapter two hundred and twenty-six of the Acts of nineteen hundred and thirty-six the sum of five hundred thousand dollars (\$500,000) be, and the same is hereby, appropriated, to be expended under the direction of the Commissioner of Public Works, for the construction of sewerage works, 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.

APPOINTMENT OF JOHN A. BREEN.

The following was received:

City of Boston,
Office of the Mayor, June 3, 1943.
To the Honorable the City Council,
Gentlemen—Under the provisions of section 26 M of the Housing Authority Law of the Commonwealth (as inserted in chapter 121 of the General Laws and as amended by section 1 of chapter 484 of the Acts of 1938), I hereby appoint John A. Breen of 22 Carruth street, Dorchester, present member of the Boston Housing Authority, to be a member of the Boston Housing Authority for the term expiring January 8, 1948.

I recommend the confirmation and approval of this appointment by your Honorable Body in the form or order submitted herewith.

Respectfully,
MAURICE J. TOBIN, Mayor.

Ordered, That the appointment by his Honor the Mayor of John A. Breen to be a member of the Boston Housing Authority for the term expiring January 8, 1948, be, and hereby is, confirmed and approved.

Laid over for one week under the law.

PETITIONS REFERRED.

The following petitions were received and referred to the committees named, viz.:

Claims.

Lillian Crawley, for compensation for injuries caused by an alleged defect at 6 Linwood square, Roxbury.

Mary T. Devine, for compensation for injuries caused by an alleged defect at 623 West Park street, Dorchester.

Margaret E. Dillon, for compensation for injuries caused by an alleged defect at 108 Canal street.

Abraham Elpert, for compensation for damage to coat caused by an alleged defect in Mason street.

Frank M. Elwell, Jr., for compensation for damage to car caused by an alleged defect in underpass near Embankment road.

Rosa Faletta, for compensation for damage to property at 75 West Lenox street, caused by city truck.

George A. Gaunt, for compensation for damage to car by city car.

Edward Hinkle, for refund on dog license.

Lillian V. Johnson, for compensation for injuries caused by an alleged defect in Huntington avenue.

Carmela M. Juiffre, for compensation for damage to car by city car.

Rita Kahn, for compensation for damage to car by city truck.

Frank L. Mayo, to be reimbursed for execution issued against him.

Mee Chou, for compensation for damage to property at 61 Beech street, caused by backing up of sewage.

Elizabeth Nelson, to be reimbursed for articles taken from 28 Wyoming street, Roxbury, by fireman.

Arthur O'Leary, for compensation for damage to property at 30 and 32 Forbes street, caused by blocked sewer.

Selma Reimann, for compensation for damage to property at 49 Averton street, Roslindale, caused by blocked drain.

Morris Swart, to be reimbursed for execution issued against him.

Morris Swart, to be reimbursed for execution issued against him.

Morris Swart, to be reimbursed for execution issued against him.

Morris Swart, to be reimbursed for execution issued against him.

Thomas Watson, to be reimbursed as result of accident which occurred while in performance of duty as employee of Public Works Department.

Executive.

Madeleine M. Burke, to be paid annuity on account of death of husband, Lawrence P. Burke, late member of Fire Department.

Mary L. Haley, to be paid an annuity on account of death of husband, Edward J. Haley, late member of Fire Department.

PERMITS FOR CHILDREN TO APPEAR.

Petitions for children under fifteen years of age to appear at places of public amusement, viz.:

Adolphe Robicheau, Jordan Hall, May 27.

Russian War Relief, Bradford Hotel, June 6.

Harold B. Simpson, Jordan Hall, June 15.

Mary Campbell, Jordan Hall, June 8.

Left arranged under usual conditions.

GRANTING OF TRACK LOCATION.

Notice was received from the Board of Street Commissioners of granting of track location to United States Government on East First street and West First street, South Boston.

Placed on file.

NOTICE OF INTEREST IN CONTRACT.

Notice was received from William Arthur Reilly, Fire Commissioner, of interest in McLaughlin & Reilly Company, publishers of Catholic church music, from which Catholic chapels at Long Island and Deer Island may have occasion to make small purchases.

Placed on file.

APPROVAL OF LOAN BY EMERGENCY FINANCE BOARD.

Notice was received from the Emergency Finance Board of approval on June 4, 1943, of loan of \$180,000 for Civilian Defense as authorized by Council April 26, 1943.

Placed on file.

APPOINTMENTS BY THE MAYOR.

Notices were received of the following appointments by the Mayor, viz.:

William Emerson, 107 Massachusetts avenue, Boston, to be Commissioner of the Art Department, for term ending April 30, 1948.

William P. Long, 44 Tower street, Jamaica Plain, to be member of Board of Park Commissioners, for term ending April 30, 1946.

Stuart C. Rand, of 101 Chestnut street, Boston, to be trustee of Boston City Hospital, for term ending April 30, 1948.

Frederic E. Dowling, of 3 Cambridge terrace, Allston, to be member of Board of Election Commissioners, for term ending March 31, 1947.

Professor Emil A. Gramstorff, 360 Huntington avenue, to be member of City Planning Board, for term ending April 30, 1948.

William Stanley Parker, of 148 Mt. Vernon street, to be member of City Planning Board, for term ending April 30, 1948.

Philip J. Feinberg, of 29 Cummings road, Brighton, to be Overseer of Public Welfare, for term ending April 30, 1946.

Fay W. Foss, of 18 Cumberland street, to be Graves Registration Officer, for term ending April 30, 1944.

Guy W. Cox, of 197 Clarendon street, Boston, to be member of Board of Commissioners of Sinking Funds, for term ending April 30, 1946.

William B. Carolan, of 216 Tremont street, to be member of Board of Commissioners of Sinking Funds, for term ending April 30, 1946.

Thomas F. Sullivan, of 1736 Columbia road, South Boston, to be Commissioner of Transit Department, for term ending April 30, 1946.

Leo D. Sullivan, of 24 Graybirch terrace, Newtonville, to be trustee of Statistics Department, for term ending April 30, 1948.

Patrick Edward Murray, of 14 Chilton road, West Roxbury, to be Overseer of Public Welfare, for term ending April 30, 1946.

Margaret J. Gookin, of 356 Seaver street, Dorchester, to be Overseer of Public Welfare, for term ending April 30, 1946.

J. Frederick McNeil, of 44 Redlands road, West Roxbury, to be member of Board of Examiners, for term ending April 30, 1946.

John Guarino, of 25 Gladstone street, East Boston, to be member of Board of Examiners, for term ending April 30, 1945.

John T. McMorrow, of 25 Athelwold street, Dorchester, to be member of Board of Examiners, for term ending April 30, 1944.

William H. Ellis, of 479 Meridian street, East Boston, to be member of Board of Appeal, for term ending April 30, 1948.

Severally placed on file.

DESIGNATION OF CHAIRMAN.

Notice was received from the Mayor of designation of William P. Long to be chairman of Board of Park Commissioners, for term ending April 30, 1946.

Placed on file.

CONFIRMATION OF APPOINTMENT.

On motion of Coun. TAYLOR, the Council took up, under unfinished business, No. 1 on the calendar, viz.:

1. Action on appointment submitted by the Mayor May 17, 1943, of George Shamshak, to be a Constable without authority to serve civil process and to serve without bond.

The question came on confirmation. Committee, Coun. Hanley and Taylor. Whole number of ballots 16, yes 16, and the appointment was confirmed.

ELECTION OF TEMPORARY CITY MESSENGER.

Coun. FISH offered the following:

Ordered, That the Council now proceed to the election of a temporary City Messenger, for the term beginning with the date of election and terminating on Monday, Sept. 13, 1943.

The question came on passage of the order.

Coun. M. H. SULLIVAN—Mr. President, I feel that it is highly imperative that the membership of the Boston City Council, constituted of twenty-

two men,—numbering from Ward 1, East Boston, Ward 2 at Charlestown, to Ward 3 in the North, South and West Ends, to Ward 4 of Beacon Hill, to Ward 5 of the Back Bay, to Ward 6 of South Boston, to Ward 7 of the neighboring ward of South Boston, to Ward 8 of the Roxbury, to Ward 9 of the same district of Roxbury, to Ward 10 of the Roxbury district of Mission Hill, to Ward 11 of Roxbury and Jamaica Plain, to Ward 12 of Roxbury, to Ward 13 of Dorchester, to Ward 14 of Dorchester, to Ward 15 of the same district, Dorchester—and Councilor Muchnick corrects me and tells me that Ward 14 likewise constitutes a certain section of Roxbury—to Ward 16 of Dorchester, to Ward 17 of Dorchester—I hope I am right on my geography—to Ward 18 of Hyde Park, Roslindale and Mattapan, to Ward 19 of Jamaica Plain and Roxbury, to Ward 20 of West Roxbury and Roslindale, to Ward 21 of Allston and Brighton and the Back Bay, and to Ward 22, the paragon of all, sections of Allston and Brighton—I feel that it is highly imperative upon the members of this Body,—Councilor Coffey of Ward 1, Councilor Kinsella of Ward 2, Councilor Russo of Ward 3, Councilor Chas. of Ward 4, Councilor Foster—not now here—of Ward 5, Councilor Joseph M. Scannell of the South Boston district—

Coun. KINSELLA—Mr. President. President HANNON—For what purpose does the gentleman rise? The gentleman will state his purpose.

Coun. KINSELLA—Mr. President, in view of the fact that the information given to the Council by the councilor is very well known to all of us, I ask that the Chair rule that he confine himself to remarks concerning the election of a City Messenger.

President HANNON—The point of order is well taken. The Chair will ask the gentleman to confine his remarks to the election of a temporary City Messenger.

Coun. M. H. SULLIVAN—May I rise to a point of information? President HANNON—The gentleman will state his point of information.

Coun. M. H. SULLIVAN—Mr. President, I would like to ascertain whether or not the membership of this Body does not constitute an element of importance in the election of a President or other officers.

President HANNON—It does. But, as the gentleman from Charlestown has pointed out, that information is as well known to every member of the Body as it is to you, so that the Chair did decide that you are out of order and will ask you to confine your remarks to the election of a temporary City Messenger.

Coun. M. H. SULLIVAN—Mr. President, a point of information, please.

President HANNON—The gentleman will state his point of information.

Coun. M. H. SULLIVAN—May I request the Chair for a ruling as to whether or not in all future debates in this Body he will rule out of order all men, whatever remarks they may make, in so far as such information is known to the Body?

President HANNON—The Chair will handle each situation as it arises. In the present instance the Chair has ruled you out of order.

Coun. M. H. SULLIVAN—Mr. President, a point of information.

President HANNON—The gentlemen will state his point of information.

Coun. M. H. SULLIVAN—May I rise to my own defense in this matter, or must I adhere to the point alone of the election of a City Messenger to succeed Mr. Leary?

President HANNON—Well, the Chair wishes to be fair, but the Chair is going to insist that we stick to the matter in hand. In not permitting dilatory tactics I am not going to be too harsh or too severe, but I am going to try and see that some order is kept in this Body, and that is not being done if gentlemen are going to get up here and not try to keep on one subject. If we do not do that it merely delays the business of the city. We are here to transact business, and as long as I am in the chair I am going to try to see that business is transacted, and transacted properly.

Coun. TAYLOR—Mr. President— President HANNON—For what purpose does the gentleman rise?

Coun. TAYLOR—A point of order. I would like to know if Councilor Sullivan will yield to a question.

President HANNON—The Chair is going to rule that if there is any yielding the gentleman will

yield for all purposes. Do you yield for a question or for a motion? If the gentleman yields the floor, he yields fully.

Coun. TAYLOR—May I ask the gentleman if he will yield?

Coun. M. H. SULLIVAN—I yield.

President HANNON—Councilor Maurice Sullivan has yielded and Councilor Taylor has the floor.

Coun. TAYLOR—I would like to make a motion, Mr. President, to strike out the word in that particular order, "temporary" and the expiration date.

Coun. RUSSO—A point of order, Mr. President. President HANNON—Councilor Taylor moves that the word "temporary" and the expiration date be stricken out of the order.

Coun. RUSSO—Mr. President, my point of order is, I was wondering, where a motion is already before us, whether another motion can be introduced at the same time. He may be able to make an amendment to the order, but I can't see how you can entertain another motion on top of the first one.

President HANNON—His motion is in the form of an amendment. He is putting the motion before the Body. The question is on the amendment as offered by Councilor Taylor.

Coun. FISH—Mr. President.

President HANNON—For what purpose does the gentleman rise?

Coun. FISH—My purpose in putting this order in for a period of three months is because it has been brought to my attention, and it has been brought to the attention of pretty nearly every councilor here, that a movement is on foot to place a man as City Messenger who, in my opinion, is not qualified to handle the duties of that position. I am not going to go into any lengthy speech, but I think I know what has been going on in the city for the past few weeks. I am not mentioning any name of any particular man who has been slated for this position. I will keep that name to myself. And if it is that particular individual, he is a likeable chap—I personally like him, but I don't think that he has the qualifications that should be possessed by the City Messenger of the City of Boston. It may be that at a later date he may learn those duties, he may better qualify himself. For that reason I have only asked that a temporary City Messenger be appointed for the three months, in order to let that man at least prove his qualifications for the position rather than making it permanent in the City of Boston.

Coun. TAYLOR—A point of order, Mr. President.

President HANNON—The gentleman will state his point of order.

Coun. TAYLOR—Mr. President, have we the power to elect a temporary City Messenger?

President HANNON—The Chair will say Yes, in so far as the term is concerned.

Coun. TAYLOR—Well, Mr. President, as I understand it, the appointees elected by the City Council to the various positions connected with our department of the government are elected for no certain terms. In other words, their jobs are to continue until the Council desires to either abolish the position or to discharge the man from the position and elect a new man. In other words, his term of office depends upon the will of the Council. My good colleague from Ward 16 (Coun. Fish) has stated that the job is slated for a certain individual, and in his opinion that man does not possess the qualifications to carry out the duties of that position. Well, if that is so and we elect him as our City Messenger, and then we find out that he is unable to perform the great duties of the City Messenger, that require such great knowledge and ability—if we find out on that occasion that he does not possess the qualifications, what is there to stop us from replacing him with somebody else whom we may believe to have the qualifications? That can't be the purpose of this order, a temporary appointment. I don't understand it. Either we are going to elect a man City Messenger or we are not, and if we do elect any man and we find that he does not possess the qualifications, whether it be in September, October, or even next week, there is absolutely nothing to prevent us from discharging that man and electing somebody else. So, in my opinion, in this particular order that is now before us, without the amendment, the word "temporary" is unnecessary because it is always temporary, at the will of the Council. So why not let us elect a man City Messenger whom we desire to elect, and then at

some subsequent date, if we find that he is not the man for the job, we can proceed accordingly. That is why, Mr. President, I feel that the word "temporary," and setting a specific date for termination of his office, is absolutely unnecessary, and that we might as well proceed to the election of a City Messenger, and then if at any time we feel, no matter who we have in the office, that he is unqualified to hold it, then we can act if we see fit.

The question came on Coun. Taylor's amendment to the order offered by Coun. Fish.

Coun. KINSELLA—Mr. President, I do not imagine that there is much objection to requiring the City Messenger to have certain qualifications, but I might offer as one of the greatly-to-be-desired qualifications that is not too commonly spoken about, that of minding his own business, whoever he may be. Now, this Council for years has been honeycombed with men of every description, holding jobs of every description by virtue of Council action, and who, on the record known to everybody, the public and the Council, have functioned more as non-elected councilors than they have as employees to the department that associates its affairs with that of the councilors. I do not make any specific references. Every man here, those present and those who are absent, know that what I say is true. We have had altogether too much interference from those people who are not capable of going before the public, as we have to do, and becoming fair targets, and as we are winners we are moving targets of the opposition that is aligned against us, and invariably and inevitably they have profited more than we do. There is hardly a man in this Council at this time who has any great hope of winding up his public career at a salary of \$5,500 or \$5,600 a year, and yet we are constant targets, continually abused by those in our own districts and abused by the constituency of Boston in general. I say that the first qualification that should be demanded is the qualification of minding your own business once you get the thing you seek. It is my privilege as a councilor, as it is the privilege of the Chair as a councilor, and the privilege of every man who is a component part of this Body, to take part in normal Council deliberations, but it is not the function of an attaché of this Body to intrude himself into matters that are not his concern. Whether we proceed to the election of a temporary or a permanent messenger, whether he be a former councilor or whether he be a chauffer, it makes no difference, we will have to require constant attendance upon his duties and an absolute non-interference with the conduct of the affairs of this Body, and if I cannot believe that that condition will come about I will refuse to vote for anyone, and from what I hear this election might be settled by as little as one vote. It won't be mine unless I am convinced that the ultimate winner will mind his own business, and I ask for some supporting opinion from my colleagues.

Coun. MUCHNICK—Mr. President, a point of information.

President HANNON—The gentleman will state his point of information.

Coun. MUCHNICK—I would like to find out by a question through the Chair why the date of September 13 was picked.

President HANNON—The Chair is in ignorance.

Coun. MUCHNICK—Mr. President, I stated I would like to find out through the Chair, not from the Chair.

President HANNON—The Chair has no means of finding out himself, councilor.

Coun. MUCHNICK—Would the Chair be good enough to ask the sponsor of the order?

President HANNON—If the sponsor wishes to give the information he may.

Coun. FISH—The sponsor will be very pleased to answer the question. It does not necessarily mean whether it be for three months or four months, but I thought that the three months' period would be sufficient time for a man who may be a candidate for the position to learn the duties of the position. I do not believe in placing a permanent man in there now under pressure of various natures, and if he is placed in there under certain obligations a permanent man will never be removed regardless of whether he has qualifications for it or not.

President HANNON—The question is on the amendment offered by Councilor Taylor.

Coun. HANLEY—Mr. President, the Boston City Council is duly elected by the twenty-two segments that go to make up the corporate limits of Boston, and each and every one of us has been

elected by our constituents to protect their welfare at all times and to bring into our districts those things which they as taxpayers are entitled to. We have very few powers given to us by the Massachusetts State Legislature, but one of those powers is to elect certain individuals who carry out certain duties and certain obligations relative to the City Council business. One of those elected officials is the City Messenger. During the past month there have been a succession of remarks emanating—and I use the word advisedly—from the second floor of this building. Now, in Germany Adolf Hitler is a dictator, and the word "dictator" comes from the Latin word "dico", meaning "I say." It doesn't mean "we say"; it means "I say." And he has the Reichstag, and they are supposed to be duly elected officials, but Adolf Hitler tells them what to do. And in Italy Mussolini tells them what to do, and Joseph Stalin tells them what to do in Russia. And here in Boston it seems that his Honor the Mayor is infallible and he tells us what to do. Well, he is not telling me what to do, although I can do as much for him as any other man in this Body.

Coun. TAYLOR—Mr. President.

President HANNON—The gentleman will state his reason for rising.

Coun. TAYLOR—I do not think the gentleman from Ward 11 is confining his remarks to the amendment.

President HANNON—The Chair will ask the gentleman to confine his remarks to the amendment.

Coun. HANLEY—Thank you, Mr. President. In answer to my distinguished colleague from Ward 12 (Coun. Taylor), I sometimes extemporize, but I do not use inference or innuendo. Mr. President, I believe that the order of Councilor Fish should be voted upon and not the amendment offered by Councilor Taylor, and I believe we as members of the City Council should not vote upon popularity but rather upon the requisites required as City Messenger. I do not believe that men are created equal relative to physical or mental ability.

Coun. TAYLOR—A point of order, Mr. President.

President HANNON—The gentleman will state his point of order.

Coun. TAYLOR—I do not like to interrupt—

President HANNON—I appreciate that.

Coun. TAYLOR—but the amendment is on the striking out of a few words.

President HANNON—The gentleman will state his point of order.

Coun. TAYLOR—I do not believe the gentleman from Ward 11 is speaking on the amendment.

President HANNON—The Chair will pay particular attention to see that the gentleman sticks to the amendment. Councilor Hanley.

Coun. HANLEY—Mr. President, for the benefit of my distinguished colleague from Ward 12 (Coun. Taylor), there are three parts to argumentation,—there is the introduction, there is the body of the argument itself, and there is the conclusion.

Coun. M. H. SULLIVAN—Mr. President, a point of order.

President HANNON—The gentleman will state his point of order.

Coun. M. H. SULLIVAN—This is in reference to the election of a City Messenger and not a treatise on rhetoric.

President HANNON—The Chair is in receipt of all sorts of explanations.

Coun. HANLEY—Mr. President, I know that my distinguished colleague from Ward 22 is well qualified, both factually and logistically. Today he started out to hold up the city business by telling us who is and who is not the City Councilor from the twenty-two wards of Boston. I ask, Mr. President, that he allow me to lead up to my finality.

Coun. MUCHNICK—Mr. President.

President HANNON—For what purpose does the gentleman rise?

Coun. MUCHNICK—I would like to see the councilor from Ward 11 (Coun. Hanley) stick to the point at issue.

President HANNON—The gentleman is trying to, I assume. It is within the prerogative of the Chair. The gentleman will be seated. Councilor Hanley.

Coun. HANLEY—in conclusion, Mr. President—I do not believe that any man elected or appointed, should utilize intimidation, coercion, collusion or bribery for any elected official.

President HANNON—The question is on Councilor Taylor's amendment.

Coun. RUSSO—Mr. President, on the amendment I realize that the councilor from Ward 12 (Coun. Taylor) has brought forth a very fine point, that we as City Councilors have the power to shorten or to lengthen the time. But nevertheless, if that is so—and I assume it is so—I believe inscribing in the motion a time limit would not be any detriment to the individual who may receive the appointment at this time temporarily, and if the Council wants, at the time of the termination of that period, to elect him as permanent messenger, we can do so. So that I don't see any reason why we should not put on a time limit.

President HANNON—The question is on Councilor Taylor's amendment. The original order was to elect a temporary City Messenger for a period expiring September 13, and the amendment offered by Councilor Taylor is to strike out the word "temporary," and the time limit, so that the order will read, "proceed to the election of a City Messenger."

The question was put and the amendment was declared lost. Councilor TAYLOR doubted the vote and the roll was called and the amendment lost, yeas 9, nays 9:

Yeas—Coun. Chase, Coffey, Hurley, Kelly, Langan, Muchnick, M. H. Sullivan, Taylor, Wickes—9.

Nays—Coun. Carey, Dwyer, Fish, Hanley, Hannon, Kinsella, Russo, Scannell, D. F. Sullivan—9.

The order of Coun. Fish was read and the question put. The Chair was in doubt and the roll was called and the order passed, yeas 13, nays 5:

Yeas—Coun. Carey, Dwyer, Fish, Hanley, Hannon, Hurley, Kelly, Kinsella, Langan, Russo, Scannell, D. F. Sullivan, Taylor—13.

Nays—Coun. Chase, Coffey, Muchnick, M. H. Sullivan, Wickes—5.

President HANNON—We will now proceed to the election of a temporary City Messenger, and the clerk will call the roll. Each member will, when his name is called, announce his choice of a temporary City Messenger to serve from today, the date of his election, to September 13.

Coun. KINSELLA—Mr. President, a point of information.

President HANNON—The gentleman will state his point of information.

Coun. KINSELLA—Do I understand, Mr. President, that the salary rights accrue to this temporary appointment?

President HANNON—The Chair will reply in the affirmative.

The roll was called with the following result:

For Dennis H. Shillue—Coun. Carey, Dwyer, Fish, Hanley, Hannon, Russo—6.

For William J. O'Donnell—Coun. Chase, Coffey, Hurley, Kelly, Kinsella, Langan, Muchnick, M. H. Sullivan, Taylor, Wickes—10.

President HANNON—William J. O'Donnell having received ten votes and Dennis H. Shillue six votes, the Chair will declare William J. O'Donnell elected Temporary City Messenger to serve until September 13.

CLEANING OF CITY HALL EXTERIOR.

Coun. HANNON offered the following:
Ordered, That the Superintendent of Public Buildings be directed by his Honor the Mayor to immediately clean the windows and the outside of the City Hall buildings in order that they may make a presentable appearance for the celebration of July 4th.

Passed under suspension of the rule.

IMPROVEMENT OF SAVIN HILL PLAYGROUND.

Coun. HANNON offered the following:
Ordered, That the Park Commissioner be directed, through his Honor the Mayor, to make the necessary arrangements for the improvement of the Savin Hill Playground.

Passed under suspension of the rule.

APPRECIATION OF ELIZABETH G.
DESMOND BEQUEST.

Coun. KINSELLA offered the following:

Resolved, That the City Council of the City of Boston, in meeting assembled, hereby expresses its profound admiration and gratitude to the memory of Elizabeth G. Desmond, a teacher in the Charlestown schools from 1889 until her retirement, whose substantial bequest to purchase milk for the under-privileged children of Charlestown, will forever keep her memory green and fresh in that section of Boston she loved so well, and whose children will forever honor and respect her name.

The question came on the suspension of the rule and the adoption of the resolution.

Coun. KINSELLA—Mr. President, I would like to say just briefly that it is not often we have the pleasure and privilege of applauding the memory of a public-spirited citizen such as this lady who has been called to her reward. From the terms of the order and resolution it is very plain that this lady left the residue of her estate, something like \$9,600, the interest of which is to be used for the purchase of milk for under-nourished, under-privileged children in the Charlestown district. It seems to me that in spite of the restriction placed on her beneficence the entire City of Boston could very well applaud her memory and forever hold it green, in view of the fact that this lady worked hard all her life to acquire a few of the material things that we all strive for but which very few of us ever acquire. Shortly before her death she saw fit to remember not only the children that she had taught but their children's children unto the third generation, because she was appointed to the Harvard School as an elementary grade teacher in 1889, at the start of the school year, and she spent every day of her official life in the Harvard School at Charlestown, serving the district and trying to inculcate into those young minds the very things that are America, which she herself loved. It appears to me that, as I said at the opening of my remarks, we do not often get a chance to applaud the memory of an obscure person who has never been a great public figure, and I think it is only in keeping with our appreciation for her great benefaction that this Body should be aware of that benefaction. I was first made aware of these facts, Mr. President, in the Mayor's office the other day, when the secretary to the Mayor laid before him the necessary legal forms requiring his signature for acceptance. While I did not have the great good fortune to know this lady, it appears to me that I might have been all the better for having known her had that been my fortune, and I hope that this resolution passes.

The resolution was adopted under suspension of the rule.

CHANGE IN VETO POWER.

Coun. RUSSO offered the following:

Ordered, That the Corporation Counsel be directed to draft necessary legislation to provide the City Council with the power of veto over the authority of the Mayor, said power of veto to consist of the usual two thirds vote of the Council.

The question came on the suspension of the rule and the passage of the order.

Coun. RUSSO—Mr. President, in presenting this order I feel that it is high time that we as City Councilors of the City of Boston should exercise our rights with all the power—although I realize we have not got much—that we may possess, in order to see that the State Legislature will give its powers to the City Council, and in asking this power we are not asking anything more than any other body of elected men have in the country. We can readily realize what took place a few weeks ago when a resolution was presented to the City Council, adopted unanimously, without one vote that was dissenting, and still we could not carry the thoughts of the City Council and the idea to have those walks, the historical sections of Boston and of Boston Common, named after the five respective branches that compose our armed forces. Mr. President, may I ask you now, and all my colleagues here present, where would this country of ours, America, be, if the Congress of the United States did not have the power to override the veto of the President of the United States? Yes, Mr. President, you would have here a dictator in this country. And

where would the state governments be if you had a governor in a state and if the state legislature did not have the power of overriding the veto of the governor of that state? You would have a governor who would be a dictator in that state. And if you have any city in the United States that does not give the city council the power to override the veto of the mayor, you have a mayor in that city who is an absolute dictator. Yes, Mr. President, I can realize what took place here just a moment ago, the exercise of the whip, the fact that a man cannot function his own brain —

Coun. KELLY—Mr. President, a point of order.
President HANNON—The gentleman will state his point of order.

Coun. KELLY—I do not think the councilor is speaking on the order, and I will ask that he be requested to do so.

President HANNON—The Chair will ask the councilor—

Coun. KELLY—A point of order, Mr. Chairman.

President HANNON—The gentleman will state his point of order.

Coun. KELLY—I said I did not think the gentleman was speaking on his order. I am glad to yield to the chair at any time.

President HANNON—The gentleman from Dorchester is correct, and the Chair will ask all the members here to be equally courteous to each member who is talking. Thank you, councilor, for calling it to my attention. Councilor Russo.

Coun. RUSSO—I am trying to be as honest and as sincere as I can, Mr. President, in order to bring my thoughts out, and I believe that my argument so far has been to enlighten this Body as to whether or not this order has any merits. I shall try not to go away from it. In the City Council I have always tried to be that way, and I don't think that I shall start now being any different. Mr. President, in view of the fact that what has taken place, in view of the fact that we here in the City of Boston—and I am informed that it is practically the only city throughout the country where the City Council has no power over the Mayor's veto—I say, as I said before, to the Mayor of the City of Boston and to you directly, why doesn't he tell the people of the City of Boston, then, to abolish the Boston City Council. There is no need of the Boston City Council if you are going to continue here in the city to have a man that takes it upon himself to act as a dictator. How long are you going to stand for it? As I have said many times right on this floor, I love and enjoy the privileges that are given to me under the Constitution of the United States, and if I did not I would have no right to be protected by the Stars and Stripes. Our boys who are making it possible for our form of government to continue are enlisting their minds and their hearts, they are fighting this war in order that you and I may continue to live with our fellow men, in order that you and I may continue to enjoy the privileges that we have enjoyed in the past, in order that your sons and my sons may have the chance of continuing the same life that we have been used to. They are told that they are going out to fight the foe because they want to continue for themselves and their children the same form of government that we have. Yes, they are fighting and they are dying by the thousands, and the Lord only knows, when this is all through, how many of these boys are not going to return home. And still we continue to have existing right within our own midst persons who are dictators, and yet who will get up on the platform and denounce dictatorship. I say to you, Mr. Mayor, "What have you done during your term of office in order to get the City Council their proper rights and their proper recognition?" Yes, Mr. Mayor, you have done something. You have favored pieces of legislation that concerned the City of Boston, that would leave the Boston City Council powerless; you have done everything within your power, everything that was pertaining to the City of Boston, to see that whatever little power the City Council had has been taken away; you have been able to pass it up to the State Legislature of Massachusetts. I say to you again, it is high time now to remember the old saying, that "Together we stand, divided we shall fall." Am I asking you in this Body here anything which is not right? Am I asking to take away from the State Legislature and the Governor of the Commonwealth anything that they do not now enjoy? I might go on and never stop. I say, Mr. President, that it is high time

that we should have the right which is ours, the right, when the City Council of the City of Boston adopts unanimously and then cannot carry its thoughts through, to have the right by a two thirds vote to override the veto of the Mayor, and I hope that this order will pass.

Coun. TAYLOR—Mr. President, I think there is a great deal of merit in the order of the councilor from the North End. All of our governmental bodies have similar rules. Many years ago, I think it was in 1909, when this new charter was handed down by the State Legislature to the City of Boston, at that time I understand the Legislature believed that there was going to be elected a great, famous Republican of the City of Boston. They thought he was going to become the Mayor. They then decided to give the powers almost wholly to the Mayor of Boston. I believe the City Council should have the power of veto. This was way back in 1909. This was something done by the Republican Legislature at that time, and I think they have had many occasions to regret it. I will not go back down the line of men who have been mayors of the City of Boston, but this I do want to say, in all fairness to the man who is now the Mayor of Boston. He is not here to defend the charges or the accusations made against him, but I do say this, that as the Mayor of Boston he has been carrying out the administration of the City of Boston under the charter that has been given to us by the Legislature. The Legislature gave him the powers. And they gave us powers, and he has the right to exercise his powers as well as we have the right to exercise our powers. I think the accusations made against him are unjust and untrue. This is my sixth year in the Boston City Council, and we have had six elections of a president of this Body, and not once has the Mayor of Boston ever come to me, nor do I believe—and I ask to be contradicted—that the Mayor of Boston ever came to anybody else and attempted to influence the election of a president of this Body. Never once did he interfere. And I will venture to say right now that in the election of the City Messenger—

Coun. HANLEY—Mr. President, President HANNON—For what purpose does the gentleman rise?

Coun. HANLEY—Will you please ask the councilor to speak on the order?

President HANNON—Councilor Taylor.

Coun. TAYLOR—Never once has he ever asked any member of this Body, attempting to influence their vote, to cast a vote for any individual. It is just insinuation and inference which is expected to be drawn that the Mayor had his hand in it. Each and every one of you here knows that he has no part in the election of the President or in the election of any of our officials or in the election of the present City Messenger.

Coun. D. F. SULLIVAN—Mr. President, a point of order.

President HANNON—The gentleman will state his point of order.

Coun. D. F. SULLIVAN—Is the councilor speaking on the order, Mr. President?

President HANNON—The Chair was trying to be fair. The Chair permitted the gentleman from Ward 3 (Coun. Russo) to wander far afield. I want to be just and liberal, but I will ask the gentleman to restrain himself a bit in his enthusiasm.

Coun. TAYLOR—I am sorry.

Coun. D. F. SULLIVAN—Mr. President. But the gentleman from Ward 3 was speaking on the order, as to why the order should be adopted.

President HANNON—Councilor Taylor.

Coun. TAYLOR—I did not intend to get aroused over it, Mr. President, but I could not sit here and let go unsaid anything that might tend to bring out that the accusations made were unfounded, lest you should think that they were true, when I know there is not one scintilla of evidence to prove them.

Coun. RUSSO—Mr. President, may I interrupt the gentleman? Will you yield for a moment?

Coun. TAYLOR—I will when I get through.

President HANNON—The gentleman will not yield. Councilor Taylor.

Coun. TAYLOR—The order is a good one, Mr. President, as I said before, because I believe that every city and town in Massachusetts has the same rule, but I do not want to let you think, this order being introduced as it is, that as a result of the action of the present Mayor of Boston we need a change in our charter. It is not because

of that reason—oh, no. As a matter of principle and government, I say, Yes, but I want it understood that never one word was said by his Honor the Mayor to attempt to influence our actions. It may have been that he might have called us down in the office and told us, "I am sending in an appropriation and loan order," and he has tried to explain to us the merits of that bill and asked that it be passed. That is perfectly all right, there is nothing wrong with that. I think the Mayor has a right to give suggestions and advice to us. But in our own little group here he has never once attempted to mix up in our politics, and I believe it is unfair and unjust that these accusations be made.

Coun. RUSSO—I realize that the words spoken by my distinguished colleague from Ward 12 state that the powers were curtailed from the City Council perhaps by the Republicans, so that is an inference I can begin to understand. They took away the powers from the City Council. But may I ask him as a good Democrat, what has the Mayor done in order to restore those powers?

Coun. TAYLOR—I shall be glad to answer it.

Coun. RUSSO—May I also bring to light that in the State Legislature they passed a bill where the Mayor, and the Mayor alone, would have the power to appoint individuals to certain positions when, as I am informed, the original way was to get the consent of the Mayor and the City Council. If that is not a direct road to dictatorship then I would like to be informed what is.

The order was passed under suspension of the rule.

RETIREMENT OF CERTAIN POLICE CAPTAINS.

Coun. RUSSO offered the following:

Ordered, That his Honor the Mayor be directed to immediately sign the papers of police captains who are now eligible for retirement and that the appointment of new police captains be made forthwith.

President HANNON—The Chair does not feel that we have the power to direct.

Coun. RUSSO—Mr. President, may I amend the order "That his Honor the Mayor be requested"?

President HANNON—The Chair suggests that the order be returned and redrawn.

On motion of Coun. RUSSO, the order was referred to the Executive Committee.

INVITATION TO ATTEND MILITARY MASS.

Coun. HURLEY—Mr. President, I am in receipt of a communication from Dr. Fred Good, chairman of the Committee on Hospital Defense, reading as follows:

The Boston City Hospital,
Boston, June 5, 1943.

Councilor William Hurley,

Chairman Hospital Committee.

Dear Councilor Hurley,—There will be a military Mass at the Church of the Immaculate Conception on Wednesday, June 10, at 11 a. m. I will be very thankful to you if you will invite all the members of the City Council to be present.

The trustees are giving a buffet luncheon in the House Officers' Dining Room at 12 o'clock.

Very truly yours,

FREDERICK L. GOOD, M. D.,
Chairman, Committee on Hospital Defense.

I hope that all of the members of the Council will be present at the Mass when our Hospital Unit is leaving the following day from the City Hospital, entering the service of the United States Government.

President HANNON—Thank you, councilor. The Chair hopes that as many of the members as possible will attend the Mass. The Chair understands that there will be a section reserved for the Council.

SIDEWALKS ON EAST FIFTH STREET.

Coun. SCANNELL offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to replace the present brick sidewalks on East Fifth

street, from L street to Farragut road, South Boston, with granolithic sidewalks.

Passed under suspension of the rule.

SOUTH BOSTON CAR SERVICE.

Coun. SCANNELL offered the following:

Ordered, That the trustees of the Boston Elevated Railway Company be requested, through his Honor the Mayor, to provide for more adequate service on the Dudley-City Point, North Station-City Point, and Bay View lines, and also to install a shuttle service from Bay View, at East Eighth street, to Broadway Station.

Coun. SCANNELL—Mr. President, in speaking on this order, I, of course, am in favor of getting adequate car service in the South Boston section of the city. It has come to my attention that in the morning, where our workers are on practically 100 per cent national defense, it takes people three-quarters of an hour to get to our docks and three-quarters of an hour to get to our factories. It is also common knowledge that the street cars in South Boston are filled to capacity, and we cannot get any more service. The result is that many of the people in that district are walking eight and ten blocks to a subway. Now, it seems to me, Mr. President, that the trustees of the Boston Elevated and Mr. Dana could give us more service in this section, because I happened to be at the Suffolk Downs race track last Thursday and the announcement came over the announcing system which said, "Ladies and gentlemen, there are 36,000 people who were brought to this track by the Boston Elevated in less than an hour," and they asked that those 36,000 people take it easy going home, that it would be two hours before they could take care of them. Well, for the love of me, I can't see why the Boston Elevated Railway can take care of people going for amusement, going to the East Boston race track to practically be robbed, and yet not take men and women going to the national defense plants in my district and in other sections of the city. I am informed by one of my good colleagues, Councilor Coffey from Ward 1, that there are more accidents in East Boston than ever before, and these are caused by the Boston Elevated Railway. I am wondering why Mr. Dana of the Boston Elevated Railway is giving this private enterprise, which has got nothing to do with the national defense, such wonderful service. I can leave here and I can be at the East Boston race track in about eighteen minutes, yet when I come from my South Boston home in the morning into town it takes me three-quarters of an hour to an hour. I would like to find out how they get this service. And also I would like to find out how they get the street car service to the dogs at night. I believe it is a damn shame when men and women who are fighting on the home front here in our country cannot get proper, adequate service, while a private enterprise, which is depriving the people of all kinds of money in this city—and I maintain that if they last any longer they will leave the city broke—can get the best of service. I would like to ask that this order be sent to a committee and that they bring Mr. Dana down here and ask him why he is giving the service of the street cars to the East Boston Racing Association and not giving it to the people in my section, where they are on 100 per cent national defense. I would ask, Mr. President, that this order be sent to the Committee on Transportation to find out why we can't get better transportation.

The order was referred to the Committee on Public Safety.

SERVICE FLAG IN FRONT OF CITY HALL.

Coun. CAREY offered the following:

Ordered, That his Honor the Mayor be requested to install a service flag in front of City Hall designating the number of city employees who are in the service of our country, with a gold star for each boy who is killed during the war.

Coun. CAREY—Mr. President, as one goes about the city he is certainly filled with joy at the sight of so many service flags on display in churches and in private buildings. I even notice that here on Newspaper Row the Boston Post has a service flag out, the Boston Globe has its flag, the *American* has its flag, and the *Traveler* has a service flag, proudly showing to the visitors and the residents of the city how many employees

from their organizations have been enlisted in the armed forces of this country. The flag in front of City Hall is conspicuous by its absence. I have had to stop and ask myself, What is the matter; isn't there the same glory attached to the enlistment or the induction into service of the city employees as of those in private business? I think it would be a very fine thing if this city were, without further hesitation, to display its service flag and let the visitors to the city and the residents of the city know of the hundreds of employees of the City of Boston who are doing their share to defend this country. I ask a suspension of the rule and the passage of my order.

Coun. KINSELLA—Mr. President, I think that is a highly meritorious order to put in. I would like to supplement the remarks of the councilor from Ward 10 with relation to certain phases of this service-connected work that these boys are doing in the service. I believe that we ought to honor their memory so far as it is possible while they are absent from the city on military or naval duty. But without offering any criticism whatsoever of the plan contained in the order of the councilor from Ward 10 I think we should go a little bit further. Those boys cannot eat the flag when they come back, nor can they derive support from it, nor can their families, and I am going to lay before this Council information of the remissness of private employers in the matter of taking care of discharged soldiers, men who left their employ to go into the service, as a result of which a star for them goes on a service flag. I will cite a case in point. A young man in my district had worked eighteen years for one of the biggest industries in Boston. He was inducted into the armed service, where he spent from six to eight months, at the end of which time he was discharged as disabled, not service-connected, and upon presenting himself to his former employer, he was asked for his discharge. Thereupon they said to him, "Marty, we can't take you back because any good health that you enjoyed while you were with us has been lost in the service and our insurance underwriters will not accept you." In the matter of state, municipal and town employees, they are probably making the biggest mistake of their lives in going into the service until they are inducted by selective service process, because when they come back the very thing that will militate against them is the disability discharge, and before they can be reinstated in city, municipal or town civil service employment they will have to take a physical. I can well understand that the State Department of Civil Service will probably say to them, in view of the fact that their positions have been taken, Mr. President, by military substitutes—the State Department of Civil Service may well say to them, "You have been discharged because you could not reach and maintain the high standards of the United States Army and Navy; how do you expect to reach and maintain ours? You went into the service in good health, you were not wounded, you were not gassed, you were not injured, and now they discharge you for reasons of physical disability." Not being able to pass the test they will not get back. I don't think the sponsor of the order will criticize me if I say at this time, let us do something about it before they come back rather than to give them a service flag on a pole or something that will not guarantee them a return to the positions they left. God help the men in politics when this war is over. It will be an unhappy existence, with all of the laxity of the present time, which I believe we might have something to do with abating against the day of their return. Let us give them a fair "shake," not a star on the flag.

The order was passed under suspension of the rule.

USE OF AUXILIARY POLICE.

Coun. CAREY offered the following:

Ordered, That the chairman of the Boston Committee on Public Safety be requested to appear before the Executive Committee to explain why auxiliary police are being used for purposes other than those specified in the Governor's emergency proclamation.

Coun. CAREY—Mr. President, as I have been given to understand, when the auxiliary police were organized under civilian deuse it was with the idea that the organization was formed for the purpose of assisting the uniformed police in the

event of an air raid or a blackout. Subsequently, I am informed, under an emergency proclamation issued by the Governor, these auxiliary police were authorized to stop automobilists who, in the opinion of the auxiliary police, were driving on high-beam headlights or improperly painted-out headlights, and they would call these defects to the attention of the motorists and request that such defects be remedied immediately. As I am now informed, however, some of these auxiliary police are now stopping automobilists for other reasons; for instance, for speeding, telling them that they have headlights out of line, and what not. These auxiliary police are demanding the licenses and registrations, and I am told that they are making it embarrassing in many ways for the motorists. I think that that practice of the auxiliary police is both unfair to the automobilists and also to the volunteer police themselves. The task of stopping motorists on the highways and requesting their licenses and registrations is probably a function of the regular uniformed police and the inspectors of the Registry of Motor Vehicles. There are several reasons why the usual auxiliary police officer's work is unwise. In the first place, many motorists do not understand that they are supposed to stop if an auxiliary policeman, for instance, whistles at them or hails them when they are driving along under ordinary conditions, when there is no black-out or air raid alarm. It is entirely conceivable that a motorist might become confused and run down one of these volunteer police officers. Secondly, the use of the auxiliary police in this way is likely to set the stage for motor holdups. What is to prevent, not necessarily an auxiliary policeman, but anybody, from going out and getting one of these tin helmets that you see all the youngsters wearing, painting it white, taking a stick, going into a five and ten cent store and buying a badge, and going out on the highway and stopping motorists without any authority whatsoever? It would not be very difficult for a holdup man to secure one of these tin helmets and these sticks and these badges. A situation with very dangerous possibilities is bound to be created if motorists are to understand that they must stop any time and at any place that an auxiliary policeman appears and requests them to do so. I realize full well that the men who are serving as auxiliary policemen are doing it as a patriotic contribution to the war effort, and I do not mean to condemn the auxiliary policemen as a whole, but we well know, Mr. President, that there are always exceptions and the general public has to be protected. Within the last five or six weeks I read newspaper accounts of the situation prevailing in a nearby city, where assaults were being committed nightly, and when the assailant was traced it was found that an auxiliary policeman was doing it to the discredit of all decent men, who for the most part comprise the auxiliary police. I mention that only to bring out the fact that there are exceptions and that there are these dangers because of these exceptions. I sincerely hope that the police and the civilian defense officials will see the objectionable features of this practice and will order immediately a discontinuance of it. I ask that the order be referred to the Executive Committee and that Mr. Walsh be summoned here.

The order was passed under suspension of the rule.

Coun. COFFEY—Mr. President, a point of information. May I ask now if this could not be sent to a committee, because I have orders also that I would like to have sent to a committee, and we could hold a meeting during the week. I ask the gentleman to withdraw his motion and have it sent to a committee.

President HANNON—The order merely requests the appearance of Mr. Walsh at the Executive Committee meeting, and to carry out the terms of the order the City Messenger will so notify Mr. Walsh, and if he is available he will come down. Possibly the terms of the order will be carried out at the Executive Committee meeting.

CLEANING OF CITY-OWNED VACANT LOTS IN WARD 11.

Coun. HANLEY offered the following:
 Ordered, That his Honor the Mayor request the Sanitary Department to remove all debris and refuse from "foreclosed city-owned vacant lots in

Ward 11," inasmuch as they are "breeding places" for disease and rodents and they create a health menace to the residents.

Passed under suspension of the rule.

POST-WAR WORK PROGRAM.

Coun. D. F. SULLIVAN and FISH offered the following:

Ordered, That the City Planning Board be requested, through his Honor the Mayor, to inform the City Council as to what plans, if any, are being prepared for the adoption of a post-war work program by the City of Boston.

Coun. D. F. SULLIVAN—Mr. President, the reason for this order is because I have not read of anything or been informed of any post-war projects which are contemplated and under way of planning for post-war projects. We know there are going to be a large number of boys returned here, and there are not going to be jobs for them, and it is going to be up to the various cities and towns and the state itself to supply employment to these men who are going to return. I understand the city of New York has already set aside millions of dollars for post-war projects. And, Mr. President, I think that it is time now that this city should go ahead and make plans for these proposed projects and not wait until the last minute, so that if the time comes that the city has a few million dollars we can go to the Federal Government and ask them to match this money that we may have, and get more, if possible, from the Federal Government, because the Federal Government will have to spend money after the war, which it is proposed to do, and so let not the City of Boston be asleep. Let us have our plans all ready so that when the war is over we can take care of the boys when they return.

Coun. FISH—Mr. President, I would agree with Councilor Sullivan, if he is agreeable, that this order go to the Executive Committee, at which time I would like to propose that the post-war planning committee of the Boston City Council appointed by the President would go into this in full detail. I do not think there is a more important duty that we as councilors have to perform than the duty of either planning ourselves or seeing to it that the different departments plan for a post-war construction program. Just a few minutes ago I think one of the strongest reasons was brought put by Councilor Kinsella of Charlestown. What will be the outcome, what will be the future of the boys in service when they get out? Private industry in the past has not taken them back. Private industry, even acting at its best, cannot be expected to take them back for a period of one to two years until they convert back into non-war industries. It will take them that period of time to reconvert their manufacturing plants so that they can produce the peace-time products which they formerly produced. I can refer to a particular case of another young man who only two weeks ago went to the Soldiers' Relief Department, having been discharged for disability, and he had five cents in his pocket and no friends. Fortunately the Soldiers' Relief located a room for him and asked him to come back. We are having those cases up there. We are going to have thousands of them after this war is over. We have engineers in the various departments who are not overburdened with work at the present time, and we should see to it that they give their time to post-war planning. To have an index file that this may be a good project or that may be a good project does not amount to anything; we won't get jobs from an index file. We have got to appropriate some money, we have got to have working plans and working drawings, and it will take a period of time to do that. Boston has got to have something such as New York has. New York has appropriated \$22,000,000, not for the cost of construction but for the cost of drawing up working plans, so that when the war is over they can go to the file and take out a complete set of plans and submit them to Washington, where undoubtedly we will have a Federal Works program. They will submit them to Washington. They are all prepared, and unless we do it—and it is our duty to do it—we will go back to the W. P. A. days of leaf-raking projects, amounting to absolutely nothing except to demoralize the people.

Coun. HANLEY—Mr. President, at this time I would like to congratulate Councilor Daniel F. Sullivan and Councilor Fish for the presentation

of their order here today. In 1918, twenty-five years ago, the boys from the first World War were applauded by millions of people in private and public life. They returned home from France and holidays were declared, and in every city, town and hamlet of our country it was said that they had fought the good fight and they had preserved democracy for us. After they put away their Army and their Navy attire they sought employment from their former employers. And what was the result? They found that their places had been taken, that their employment was no longer required, they found people in the factories and in the industrial pursuits that they never found there before, and when they asked for their two billion dollar bonus on their adjusted certificates they were met by schrapnel and tear gas and driven from the flats of Anacostia. And the President of the United States in vetoing the soldiers' bonus said, "It would bankrupt the nation." And that was only two billions of dollars! These boys who suffered vermin and filth in the mines of France and other parts of Africa and Europe came home to our country and they were applauded for one day. That was the day of the big parade. And our sons today are fighting for you and for me. And yet not one constructive program has been begun for the rehabilitation of our war-torn country in order to take care of the boys who are fighting for you and for me. I only hope that the City of Boston will emulate the great city of New York and try to the best of its ability to place upon the statute books and in the files, plans which will become effective immediately on the cessation of hostilities. The time is now. The time is not when the boys get home, because each and every one of you knows that a private employer does not hire his employees any more. The employees are hired by the men in the insurance game. For the past twelve years I have had the opportunity and the privilege and the honor of having many a boy and girl work under my jurisdiction, so that I know whereof I speak. I know that no private industrialist will ever hire these boys unless they are compelled to by law passed by Congress and the Massachusetts State Legislature. I only hope that this order is referred to the Executive Committee and that you will allow me, through your appointment, Mr. President, to serve on that board.

Coun. KINSELLA—I just want to say briefly, Mr. President, that we are beholden to the people of our districts and our city, our state and our nation, to do whatever we can within our power, now or in the future, to see that no such system of brass check peonage comes out in this instance like it did in the days of the W. P. A., when talented men without political influence had to dig in the ditch while some ignorant, thick-headed, uneducated lout, because he knew the right people, gave those intelligent men orders. And for the benefit of the last speaker and for the information of all who care to hear it, bear in mind that the man who commanded the troops when the bonus marchers were fired on was no less a person than the hero of Bataan, Douglas MacArthur.

Coun. HANLEY—Mr. President, I recognize full well that Douglas MacArthur was the commander, but he was merely carrying out orders. According to the Constitution of the United States, the President of the United States is Commander-in-Chief of the Army and the Navy, and when he gives an order, regardless of whether it is right or wrong, they must carry those orders out. President Herbert Hoover was the President at that time, and General Douglas MacArthur drove those men off the flats of Anacostia because Herbert Hoover commanded him to do so. He was a Republican, but partyism doesn't mean a thing. Our own President, Franklin Delano Roosevelt, vetoed the two billions of dollars of adjusted certificates to the boys who served under him when he was Assistant Secretary of the Navy. They refused to utilize the Patman plan but rather accepted the Vinson plan, which placed upon generations yet unborn a debt that will never be paid.

Coun. KINSELLA—Mr. President, one word in defense of my statement. In spite of the fact that I knew the previous speaker had the knowledge of which I spoke, I won't enter into debate with the gentleman, but I would say that quite possibly there is very little to be said for the commander of the Army and Navy forces who will accept from the President of the United States,

be he Hoover or Roosevelt, Republican or Democrat, an order to fire on men who—

Coun. MUCHNICK—Mr. President.

President HANNON—For what purpose does the gentleman rise?

Coun. MUCHNICK—A point of order.

President HANNON—The gentleman will state his point of order.

Coun. MUCHNICK—Is the gentleman from Ward 2 (Coun. Kinsella) speaking on the order to have certified public works projects now provided for by a planning board?

Coun. KINSELLA—Before the Chair renders a decision, Mr. President, I should like to say that this is the peroration and an accepted part of the debate.

President HANNON—The Chair is going to rule that much of the debate here has been far afield, and he will ask the gentleman to confine his remarks to the question of a plan for rehabilitation.

Coun. KINSELLA—Having accomplished my purpose, Mr. Chairman, I shall be seated.

Coun. COFFEY—Mr. President, may I now add a few words to the words that were said by Councilor Dan Sullivan, Councilor Fish, and also Councilor Hanley, and may I compliment them on the stand that they have taken? I happen to be one of the boys that came back in 1918 and walked the streets a while looking for a job, and I will never forget the bonus, how when I got my \$737.50 it took me and my wife and three kids out of debt. I would just like to read something here for the record, something that I picked up in 1929, and I resented it so much I have always kept it with me. There was a headline in the Boston Post November 6, 1929, in big, black type, which said, "Veterans Lead Among Criminals; 80 Per Cent of All Sent Up in Six Months Ex-Service Men." There are figures given which came from the Department of Commerce in Washington. Why it was printed I don't know, but it goes on to say that of those incarcerated few were college men, but 80 per cent were ex-World War veterans. It says here that "The survey showed that very few persons with college educations are among the criminals. Only 610 out of a total of 19,080 persons, both male and female, who were committed during the six months period that the study had been made had ever been to college." The figures that I have here show that out of approximately 17,882 male offenders incarcerated in State and Federal penal institutions during the first six months of 1923, just 16,879 were reported as having served in the United States Army or Navy during the war. Now, for God's sake, let's start now appropriating money. Don't let's have this same thing happen all over after this war is over, so that these young boys, my boy among them, when they come home and look for jobs, will not have to walk the streets because they can't get a job and the only other thing they can do to provide food for themselves and their families is to go out and get a gun and stick somebody up who never went into the service but who stayed here and made "oodles" of money while these boys were away at the front. Don't let that happen. Don't let us pick up the newspaper a year or two from now and read in the headlines that the veterans lead among the criminals throughout the United States.

The order was referred to the Executive Committee.

EAST BOSTON RELIEF HOSPITAL.

Coun. COFFEY offered the following:
Ordered, That his Honor the Mayor request the trustees of the Boston City Hospital to open the East Boston Relief Station twenty-four hours a day.

Passed under suspension of the rule.

EAST BOSTON CAR SERVICE.

Coun. COFFEY offered the following:
Ordered, That his Honor the Mayor request the trustees of the Boston Elevated Railway Company to stop using obsolete cars in the East Boston-Chelsea and Revere sections.

Coun. COFFEY—Mr. President, when the tracks opened I got in touch with Mr. Dana of the Boston Elevated Railway, and I also got in touch with Mr. Bresnahan of the O. P. A., and I also got in touch with Homer Johnson of the Office of

Defense Transportation. I was told by all three men that a rule had been made that the same number of cars could be used this year as were used last year in taking the "suckers," I might say, to Suffolk Downs and to the dog track. Both Mr. Dana and Mr. Johnson claimed that some seventy cars were used on the Suffolk Downs line last year, and that they were going to use the same number of cars on the line this year. Now, I am fully aware of the fact that some or all of the cars are a year older. Some of the cars last year were not in very good condition. In the past four days we have had four very serious accidents in East Boston. One car collided with a bus that was going to Salem, and it took the front end of the car completely off. The passengers in both the street car and the bus were severely shaken up. Yesterday we had another very serious accident in Belmington square, Chelsea. The motorman claimed that he could not stop the car in the short space of time he thought he could, or in the short distance that he wanted to. As the result, forty people were injured on the street car, and God knows how many were injured in the bus. We have had street car breakdowns in our town a number of times within the past two weeks. We have had passengers compelled to get off and walk as far as a mile to get down into the tunnel to get service because of the old, obsolete cars that had broken down. Now, I told Mr. Dana that I was going to hold him responsible in the event that any person was killed while riding in any of these obsolete cars, and I thought that he could be prosecuted the same as Mr. Welansky was prosecuted in the Coconut Grove affair. He practically admitted that these obsolete cars from the car barn after they had been there for one, two or three years, were thrown out on the street so that they could give service to the "suckers," as I say, who attend the race tracks. I probably have made a mistake and I should not have bothered to talk to Mr. Dana at all. Maybe I should have got in touch with some of the authorities at the race tracks and have asked them to intercede with the Boston Elevated Trustees to see if they could not take these obsolete cars off the routes over there and make sure, even if they do have to make faster runs, or if they do have to overcrowd the cars, to let them do it, rather than to have these obsolete cars where somebody may be injured or somebody may be killed. I ask that this order be sent to the Executive Committee.

The order was referred to the Committee on Public Safety.

LIGHTING PRIVILEGES FOR CITY.

Coun. COFFEY offered the following:

Ordered, That his Honor the Mayor request the Public Safety Committee to give the same lighting privileges to the City of Boston that are now given to the Wonderland dog track.

Coun. COFFEY—Mr. President, I read in the newspaper on the opening night at the dog track that we were going to have a better lighting system throughout the entire City of Boston. Well, I fail to see where the City of Boston has received any better lighting system since the dog track opened. One of my colleagues here made the statement—and it struck me funny because he made the statement just before the dog track opened—that, in his opinion, we were going to receive some kind of a notice from the Public Safety Committee, or from the Governor, or from the general who was in charge of the First Corps Area—I guess that is Boston—that we were going to be given a better lighting system so that there would not be too much comment, too much talk about the wonderful lighting system that was provided for the Revere dog track. Now, I happened to go down to Revere the opening night, and I also went down the following night, and I have got right back on to this obsolete car situation. I was told by Mr. Dana that they were only going to allow seven additional cars to be put on for the dog track. I went down to the Revere car barn and I talked with the starter there and he told me that twenty-three additional cars were put on, and thirty extra men were ordered to wait in both the Orient Heights loop and at the East Eagle street car barn in East Boston in the event that these extra men would be needed on the extra cars which would be required to take the passengers back and forth to the Revere dog track. I went into the Revere dog track and I must say that I never saw anything like it in all my life. When a race is on it is so brightly lighted there

that you can read a newspaper regardless of how small the print may be. I read the scoreboard from a distance of probably a quarter of a mile. What I have been talking about is the scoreboard, which is right under the lights. Then they have lights on the track itself, and the back board they have there, which is painted a brown-white, where the rabbit is and where the dogs chase the rabbit. Why, the sky glow there is terrific. I got into a conversation with a man who claimed that he had been an aviator at the East Boston Airport and he on several occasions has complained about the lighting system at the Revere dog track. When I came back into the City Council Chamber here I had the Clerk of Committees, Roy Green, call up the East Boston Airport to see if it was possible to charter a plane to go up over the dog track and take pictures of the track while a race is on so that I could get a clear picture of what kind of a beacon that Revere dog track would be for any enemy bombers if they were coming over here to bomb us. Now, Mr. Green, in his conversation with some aviator, asked the aviator in his opinion would the light of the Revere dog track be an aid to an enemy bomber, and he answered the same as every other aviator would, that it is a beacon for enemy bombers and that they have been trying constantly to do something about it, either to stop the dog races or to eliminate the lighting system so that it would not be a beacon. Now, that aviator went further, and he gave his name to Roy Green. And I telephoned and said "Do you care to be quoted?" and he said, "Well, in one sense I would like it if you cared to quote me, and you may go ahead and use my name." Now, I have talked to other aviators since then, and all they claim the same thing, that this is nothing but a beacon for enemy bombers. Now, I ask that this be sent to a committee. I think it is silly, if we want public safety generally, to try to get any action from the Governor. I think the only thing for us to do is to call in three men and ask them if they won't please cut down on the lighting situation. That would be in their power. They are all powerful. Ask them if they won't cooperate with the Government to cut down on the lighting system, so that in the event of bombing, at least the enemy bombers would not know just where Revere is and where the other sections of Boston are. I ask that those three powerful men be summoned in, if we can do it. I ask that we summons in Louis Fox, Martin Hays, and Red Reynolds.

At the request of Coun. Hurley the order was again read by the clerk.

Coun. HURLEY—I think that is a very fine order, Mr. President. I think I was the sponsor of the order asking that the New England coast be blacked out as the result of the torpedoing of merchant vessels carrying cargoes essential to the war industries, as long as two years ago. It is fine to have these blackout orders and have the coast blacked out, but it should be the same ruling, the same policy affecting everyone. I was going to make a prediction two weeks ago that the dimout regulations would be modified just prior to the opening of the Wonderland dog track. I know that if I had made the prediction people would have said, "Well, he is talking through his hat once more." But it came to pass and the dimout regulations were released or lowered the day before the Wonderland dog track opened. You walk around City Hall where different people prominent in politics gather, and they that know their way about town and know what is going on, and you hear the stories that are being spread and know they are not the truth, they are rumors, telling about the powerful dog interests, and what they can do. I know that the prediction was made to me last year that the dimout regulations will be changed just prior to the opening of the dog track, that they could even get in touch with the Army authorities. I said, "Don't be silly; your dog track people can't contact the Army authorities and lower the standards of the dimout regulations." They said, "Yes, they can." And I was going to make that prediction anyway, and the prediction would have come to pass. What kills me is that out in my district they are running a very rigid dimout regulation. We have got the Dudley Street Station up there and they are doing a good job, according to law, according to regulations. They are ringing bells at homes, telling the people that if the curtains are not drawn three-quarters they will summon them into court. They are stopping automobiles because the painted part

of the headlight has been a little bit scratched and warning the people that if it is not painted within a certain period, within a few days, they will summon them into court. That is fine, but everyone should be treated the same way. They should not have one set of regulations for the ordinary people and another set of regulations for the dog track interests. We have heard rumors for years, since these people have been operating here in Boston, about the powerful legislative lobby they have at the State House. We have heard of sums of fifty, seventy-five, a hundred and two hundred thousand dollars that they are going to spend so that they may get this privilege and that privilege. Mr. President, if the dimout regulations were in effect at Revere the same as they are in Boston, no one would dare go near the track. I was talking to a party that was there Saturday night, and over the public address system comes the great plea: "Will the person who has found a wallet that was lost by an elderly gentleman return it to the office and we will make sure it is returned to him?" Fifteen minutes later another plea came from someone else who had dropped his wallet. Mr. President, it is laughable, "dropped." There are more pickpockets to the square inch operating at the Wonderland dog track than in any other part of the United States of America. Why, down there is the greatest thing that ever came across for that type of gentleman, the sneaky, slippery pickpocket, who is going around there in the park. When the people leave the park to go off they walk a half mile to the Boston Elevated Railway lines, and they cannot see their hands in front of them. The Revere police are walking along with flashlights, showing them the way. Mr. President, I hope that this order will get proper attention and that it will be possible to have before us J. Wells Farley, the man who was appointed by Governor Saltonstall—and Governor Saltonstall appoints the Racing Commission, and the Racing Commission gives the dates to the gentlemen who operate that dog track, and they could save a lot of heartaches and prevent a lot of the picking of pockets that is going on there night after night, but God help us if the restrictions on the dimout are carried through like they are carried out in Boston. They would probably be using the public address system to tell whose pocket was not picked that night. I hope this order is passed and that we get speedy action on it.

The order was referred to the Committee on Public Safety.

USE OF SCHOOLYARDS.

Coun. MUCHNICK offered the following:
Ordered, That the School Committee be requested, through his Honor the Mayor, to make available as playgrounds to school children all schoolyards during the hours of daylight and to assign supervisors to direct and supervise the said schoolyard playgrounds.

Coun. MUCHNICK—Mr. President, it seems to me that with the summer season approaching, and with the fact that many mothers are now engaged in war work, that some form of supervised recreation should be provided for, and that there is no better place for such recreation for the children than the schoolyard. I know it is true that there are some playground recreational facilities at the present time in existence, but it is also true that some parts of the playgrounds are now being used as Victory Gardens. And it is also true that most of these playgrounds are situated at great distances from the homes of most of the children. These schoolyards during the daylight hours could be used to great advantage, whereas now they are just so much waste land. It seems also that it might be advisable for the School Committee to confer with the Office of Civilian Defense, Recreational Division, and between the two of them work out some program to take care of these children during the summer while their parents are away from home. I ask suspension of the rule and the passage of the order.

The order was passed under suspension of the rule.

RESURFACING OF CHIPMAN STREET, WARD 17.

Coun. WICKES offered the following:
Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor,

to resurface with smooth pavement, Chipman street, Ward 17.

Passed under suspension of the rule.

REPORT OF COMMITTEE ON PARKMAN FUND.

Coun. MUCHNICK, for the Committee on Parkman Fund, submitted the following:

Report on message of Mayor and order (referred May 17) for appropriation of \$35,000 from Parkman Fund income for use on Common and Parks in Existence on January 12, 1887—that same ought to pass.

Report accepted; order passed, yeas 13, nays 0

OPENING OF AMERENA PLAYGROUND.

Coun. COFFEY offered the following:

Ordered, That his Honor the Mayor request the Park Commissioner to open the Amerena Playground in the Jeffries Point section of East Boston.

Passed under suspension of the rule.

RECESS.

The Council voted, on motion of Coun. COFFEY, at 4.40 p. m., to take a recess subject to the call of the Chair. The members reassembled and were called to order at 5.02 p. m., Coun. HURLEY in the chair.

EXECUTIVE COMMITTEE REPORTS.

Coun. TAYLOR, for the Executive Committee, submitted the following:

1. Report on order (referred today) concerning post-war work program for City of Boston—recommending adoption in following new draft, viz.:

Ordered, That the President of the City Council appoint a committee for the purpose of preparing plans, etc., for adoption of a post-war program by the City of Boston jointly with the City Planning Board.

Report accepted; said order passed.

2. Report on message of the Mayor and order (referred today) accepting the bequest of Elizabeth G. Desmond—that the order ought to pass.

Report accepted; order passed.

OBSERVANCE OF INDEPENDENCE DAY.

Coun. WICKES offered the following:

Ordered, That his Honor the Mayor be requested to arrange a special patriotic observance, including a big military parade in downtown Boston, in connection with the municipal observance of Independence Day.

Passed under suspension of the rule.

Adjourned at 5.10 p. m., on motion of Coun. TAYLOR, to meet on Monday, June 14, 1943, at 2 p. m.

CORRECTIONS.

In May 24 meeting, page 186, near end of second column, on "Information re Abatevents by Assessing Department," Coun. Carey's remarks should read as follows:

"Coun. CAREY—I want to care for the record that this was not the first week I have been in the office there when Mr. Dowd wasn't around. If his health isn't good and he can't carry on the duties of the office, then we will make an allowance for him. However, courtesy and impartial consideration must be given the taxpayers, regardless of his health."

Also, on page 191, near top of second column, Coun. Coffey's remarks on "Bills Pertaining to Boston Employees," should read:

"She (Susan Donovan) has no right to work in that department at a salary of \$2,700 a year while a member of the Legislature, and having two trucks" (not 'sons') working for her."

CITY OF BOSTON.

Proceedings of City Council.

Monday, June 14, 1943.

Regular meeting of the City Council, in the Council Chamber, City Hall, at 2 p. m., President HANNON in the chair. Absent, Coun. Foster, Goode, Langan, Linehan and Lyons.

The meeting was opened with the salute to the flag.

APPOINTMENTS BY THE MAYOR.

Subject to confirmation by the Council, the Mayor submitted the following appointments, viz.:

Weighters of Coal: E. H. Carner, 5 Arlington street, Cambridge, Mass.; Ray Obin, 72 Spring street, Watertown, Mass.; Roland M. Gustin, 13 Josephine street, Dorchester, Mass.; John James Aheru, 31 East Newton street, Boston, Mass.

Weighters of Goods: Charles F. Allen, 26 Danforth street, Jamaica Plain, Mass.; Frank Preston, 3 Otis street, Watertown, Mass.; Michael Collins, 16 Fairbury street, Roxbury, Mass.; William Turner, 104 F street, South Boston, Mass.; Patrick Cauley, 21 Rosemary street, Jamaica Plain, Mass. Severally laid over a week under the law.

ATTENDANCE OF ASSISTANT CORPORATION COUNSEL AT COUNCIL MEETINGS.

The following was received:

City of Boston,

Office of the Mayor, June 14, 1943.

To the City Council.

Gentlemen,—I transmit herewith communication from the Corporation Counsel regarding your order of May 24, 1943, regarding the assignment of one of his assistants permanently to the City Council to attend all regular meetings of the Council and also all committee meetings.

Respectfully,

MAURICE J. TOBIN, Mayor.

City of Boston,

Law Department, June 7, 1943.

Hon. Maurice J. Tobin,

Mayor of Boston.

Dear Mr. Mayor,—This is in reply to the memorandum from your office sending me for consideration and report the order of the City Council passed on May 24, 1943, as follows:

"Ordered, That the Corporation Counsel be requested, through the Acting Mayor, to assign one of his assistants permanently to the City Council to attend all regular meetings of the Council and also all committee meetings."

I do not feel that it is practicable to make the arrangement suggested by this order. While I appreciate the desirability of making available to the City Council and its committees sound and prompt advice on the various legal matters that may arise in the course of their work, I do not think the proposed arrangement would be an efficient means to that end. With possibly a few exceptions, it requires at least some notice and the chance for use of a library to give sound opinions on such matters. It is the present custom in the Law Department, in the case of the City Council and its committees, not only to answer written requests for opinions, but also for the Corporation Counsel or one of his assistants to appear personally, whenever possible, upon request. In the case of such personal appearances, even though we attempt to comply with the request regardless of the nature or length of the notice, the value of the result is much greater if there is first an indication of the nature of the question and even a comparatively short time allowed for research in the library. This would not be possible at all in the case of a man required to be present continually.

It has been suggested that if one Assistant Corporation Counsel were assigned by me to attend all regular meetings of the Council and all committee meetings he would become so familiar with their powers and duties that he could advise them on many matters without the necessity for research or reference to books. While one man, if so assigned, might well be familiar with procedural matters, the variety of legal questions which may arise in the work of the Council and its committees is practically unlimited, and obviously beyond the offhand knowledge of any one man. Apart from the fact that one man could not answer the questions without the chance for research, there is the further consideration that the man or men in the Law Department best fitted to make the research may depend on the type of question, and that in most cases it seems better, if possible, to give the Law Department notice, by telephone or otherwise, and allow the matter to be looked into by the man best able to do so.

There is the further consideration that a good deal of time would inevitably be wasted by the presence of an Assistant Corporation Counsel at all meetings of the Council and its committees. Necessarily a great deal of the business would concern matters of policy and not questions of law, and the presence of the particular assistant would be of little or no value, and would make him unavailable for legal work elsewhere.

I feel that the arrangement suggested in the Council's order would not only require a great deal of extra and unnecessary time on the part of one Assistant Corporation Counsel, but that it would diminish rather than increase the present availability of the Law Department and its facilities for service to the City Council and its committees.

Yours very truly,

ROBERT H. HOPKINS,
Corporation Counsel.

President HANNON—If there is no objection, the communication will be placed on file.

Coun. D. F. SULLIVAN—Mr. President, I would like to have it referred to the Executive Committee and to have the Corporation Counsel sent for.

The communications were referred to the Executive Committee with the understanding that the Corporation Counsel would be asked to appear before the committee.

CONSTRUCTION OF SIDEWALKS, WARD 17.

The following was received:

City of Boston,

Office of the Mayor, June 14, 1943.

To the City Council.

Gentlemen,—I transmit herewith communication from the Commissioner of Public Works regarding your order of May 24, 1943, regarding the construction of new sidewalks on both sides of Idaho and Bailey streets, Dorchester, Ward 17.

Respectfully,

MAURICE J. TOBIN, Mayor.

City of Boston,

Public Works Department,

June 9, 1943.

Arthur C. Carey,

Chief Clerk, Mayor's Office.

Dear Mr. Carey,—This is in reference to the following order that was passed in the City Council on May 24:

"Ordered, That the Public Works Commissioner be requested, through his Honor the Mayor, to construct new sidewalks on both sides of Idaho and Bailey streets, Dorchester, Ward 17."

Upon investigation I find that there are gravel sidewalks on Idaho street, and we shall be unable to comply with the provisions of the above with reference to this street, because, in accordance with a ruling of the War Production Board, no new sidewalks can be installed at any location where dirt sidewalks exist.

The reconstruction of the defective sidewalks on Fuller street has been included in the sidewalk reconstruction program of the department for the current year. We will be unable, therefore, to consider installing new sidewalks on Bailey street because of the large cost involved in the latter-referenced sidewalk reconstruction work.

We have an appropriation of \$50,000 for sidewalk construction work, and we are attempting to allocate it evenly among the twenty-two wards in the city, and, because of this, there are not sufficient funds in the appropriation allocated for Ward 17 to provide for the reconstruction of the Bailey street sidewalks.

Consideration will be given, however, to reconstructing these walks during the year of 1944.

Respectfully yours,

GEORGE G. HYLANO,
Commissioner of Public Works.

Placed on file.

WATER FACILITIES FOR VICTORY GARDENS, ETC.

The following was received:

City of Boston,

Office of the Mayor, June 14, 1943.

To the City Council.

Gentlemen,—I transmit herewith communication from the Park Commissioner regarding your order of May 24, 1943, requesting water facilities for Victory Gardens; to open drinking fountains; and also convenience stations at Overlook in Franklin Park.

Respectfully,
MAURICE J. TOBIN, Mayor.

City of Boston,
Park Department, May 27, 1943.

Arthur C. Carey,
Chief Clerk, Mayor's Office.

Dear Sir,—I have your memorandum of May 25, with inclosure, order from the City Council requesting water facilities for Victory Gardens; to open drinking fountains; and also convenience stations at Overlook in Franklin Park.

Please be assured everything possible will be done to comply with this request.

The Overlook building has been repaired to a certain extent, the toilet facilities and water have been turned on and the building was used during the preceding week. What fountains are working have also been turned on. I will try and put in some pipe for watering the Victory Gardens, if it is possible to obtain the pipe.

Very truly yours,
WILLIAM P. LONG, Chairman.

Placed on file.

SALE OF TWO MARINE BOILERS.

The following was received:

City of Boston,

Office of the Mayor, June 14, 1943.

To the City Council.

Gentlemen,—I am in receipt of a communication from the Fire Commissioner in which he requests authority to sell two marine boilers now in the "John P. Dowd" fire boat.

These boilers were built in 1908 and have been ordered out of service by the United States Coast Guard Marine Inspection and Navigation Service. In the opinion of the Fire Commissioner these two old boilers are worth approximately \$1,000.

I therefore submit to your Honorable Body the attached order for the sale of these boilers at the price suggested, at public auction, and respectfully request passage of the order by your Honorable Body.

Respectfully,
MAURICE J. TOBIN, Mayor.

City of Boston,
Fire Department, May 20, 1943.

Hon. Maurice J. Tobin,
Mayor of Boston.

Dear Sir,—I respectfully request that your Honor obtain permission from the City Council for the sale of two old Scotch type, double-furnace, coal-fired, wet-back, boilers, which are to be removed from fire boat, Engine 47, "John P. Dowd," of this department. The boilers weigh approximately 42,000 pounds and have a total capacity of 1,300 square feet of heating surface and each boiler has a diameter of 10 feet, 6 inches and is 11 feet long. The two boilers have a combined horsepower of 600 at 140 pounds steam pressure and were built by the Hodge Boiler Works, East Boston, in 1908.

The fireboat has been out of service for several months because of the fact that the United States

Coast Guard Marine Inspection and Navigation Service has condemned the boilers for use on the boat.

It is the intention of this department to have the old boilers removed and new boilers installed on the fire boat.

The two old boilers which we desire to sell are worth approximately \$1,000.

Respectfully yours,
W. A. REILLY, Fire Commissioner.

Ordered, That the Fire Commissioner be, and hereby is, authorized to sell at public auction, at an upset price of \$1,000, two boilers to be removed from the fire boat, Engine 47, "John P. Dowd."

Referred to Executive Committee.

APPROPRIATION FOR CHESTNUT HILL AVENUE FIRE HOUSE.

The following was received:

City of Boston,

Office of the Mayor, June 14, 1943.

To the City Council.

Gentlemen,—I am in receipt of the attached communication from the Superintendent of Public Buildings in which it is requested that an appropriation of \$20,000 be made available to permit the completion of alterations and additions to old Fire House No. 29, Chestnut Hill avenue, Brighton. The explanation offered in support of this request is in my opinion adequate and I consequently submit for your approval an order providing for the transfer of the sum requested from the Reserve Fund. I respectfully recommend adoption of this order by your Honorable Body.

Respectfully,
MAURICE J. TOBIN, Mayor.

City of Boston,
Public Buildings Department,
June 10, 1943.

Hon. Maurice J. Tobin,
Mayor of Boston.

Dear Mr. Mayor,—I respectfully request that the sum of \$20,000 be made available as soon as possible to complete the alterations and additions to old Fire House 29, Chestnut Hill avenue, Brighton, Mass.

The reconstruction of this building was started originally by the W. P. A. As you know, all projects under the W. P. A. have been stopped. In this case we have been left with a building 85 per cent completed but in its present condition uninhabitable. There remains only the interior finishing work to be done.

We have purchased most of the material under W. P. A. that is now on hand and the Federal Government has spent considerable money already on this project also.

I feel that if this building be left standing unoccupied as it is now, it will soon deteriorate and the money invested by the City and Government will have been wasted.

Therefore, I earnestly ask your approval of the expenditures so that we can finish the project and have it occupied in a short time.

Respectfully yours,
LEO F. POWER,
Superintendent of Public Buildings.

Ordered, That in accordance with the provisions of section 3-B of chapter 436 of the Acts of 1909 as most recently established by chapter 604 of the Acts of 1941, the City Auditor be, and hereby is, authorized to make the following transfer:

From the appropriation for Reserve Fund, \$20,000, to the appropriation for Public Buildings Department, Old Fire House No. 29, Chestnut Hill Avenue, Brighton, Alterations and Additions, \$20,000.

Referred to Executive Committee.

LOCKERS AT SAVIN HILL BEACH.

The following was received:

City of Boston,

Office of the Mayor, June 14, 1943.

To the City Council.

Gentlemen,—I transmit herewith communication from the Park Commissioner regarding your order of May 24, 1943, requesting lockers or other

suitable equipment for the storage of clothing of bathers using the beach at Savin Hill.

Respectfully,
MAURICE J. TOBIN, Mayor.

City of Boston,
Park Department, June 1, 1943.

Arthur C. Carey,

Chief Clerk, Mayor's Office.

Dear Sir,—I have your memorandum of May 27 with inclosure, order of the City Council of May 24, 1943, requesting lockers or other suitable equipment for the storage of the clothing of bathers using the beach at Savin Hill.

I regret exceedingly to inform you that the Park Department has no funds available for this purpose. Furthermore, the former bath house at this beach was deliberately destroyed by vandals, five different times being set on fire. Then, when Malibu Beach was built, the people of the Savin Hill district preferred that the bath house be erected in that area.

Very truly yours,
WILLIAM P. LONG, Chairman.

Placed on file.

PETITIONS REFERRED.

The following petitions were received and referred to the committees named, viz.:

Claims.

Bouve-Boston School of Physical Education, for compensation for damage to property at 105 South Huntington avenue, caused by city car.

Joseph L. Connell, for compensation for damage to car caused by an alleged defect in Seaver street.

Fred J. Gardini, for compensation for damage to car caused by an alleged defect at Farragut road and Second street.

M. Harry Goldburgh, for compensation for damage to property at 238 Hemenway street, caused by break in water pipe.

Benjamin Goodman, to be reimbursed for execution issued against him.

Daniel G. Lacy, for refund on parking license.

John A. Ryan, to be reimbursed as result of accident which occurred while in performance of duty.

Hyman Young, for compensation for damage to car caused by an alleged defect in Warren avenue, Charlestown.

Committee on Licenses.

Petition of The Equipment Company for permit for driveway opening at Mindoro street side of 30 Prentiss street, Ward 9.

Executive.

Petition of Helen G. O'Brien, to be paid an annuity on account of death of her husband, Charles F. O'Brien, late member of Fire Department.

PETITIONS FOR CHILDREN TO APPEAR.

Petitions for children under fifteen years of age to appear at places of public amusement were received, as follows:

Doris B. McIntyre, Hyde Park High School, June 23.

Joseph Rubin, Brown Hall, June 25.

Gertrude Dolan, Jordan Hall, June 29.

Permits granted under usual conditions.

APPROVAL OF CONSTABLE'S BOND.

The constable's bond of Bert Oppenheim, having been duly approved by the City Treasurer, was received and approved by the Council.

QUERY RE CURFEW ORDINANCE.

Coun. SCANNELL—Mr. President, I would like to know whether the Committee on Ordinances is ready to report anything on the curfew ordinance? I believe they have had public hearings and have had time to consider the matter, and feel that they should report back one way or the other.

Coun. FISH—Mr. President, it has been impossible to get a quorum of the committee. A meeting was called for last week to act upon the matter, and we could not get a quorum. Another meeting will shortly be called.

POST-WAR PLANNING BOARD.

Notice was received of the appointment by the Mayor of a Post-War Planning Board, consisting of William Stanley Parker, chairman; Thomas F. Sullivan, Robert H. Hopkins, George G. Hyland, William P. Hickey and James J. Mahar.
Placed on file.

BATHING FACILITIES AT SAVIN HILL BEACH.

Coun. HANNON offered the following:
Ordered, That his Honor the Mayor be requested to direct the Park Commissioner to provide bathing facilities and lockers at the Savin Hill Beach.
Passed under suspension of the rule.

ELECTION OF OLD SOUTH ASSOCIATION MANAGERS.

Coun. HANNON offered the following:
Ordered, That the Council proceed to the election of two managers of the Old South Association in Boston.
Referred to Executive Committee.

STRANGERS' DIRECTORY OF BOSTON.

Coun. HANNON offered the following:
Ordered, That the City Clerk be authorized to prepare and have printed, from time to time in booklet form, for free distribution to service men and other visitors to the city, a strangers' directory of Boston and vicinity, to contain a list of historic locations, directions for the use of our travel facilities and such other information as he may deem of value, the expense to be charged to the Contingent Fund.
Referred to Executive Committee.

SKELETON FORCE ON SATURDAYS.

Coun. HANNON offered the following:
Ordered, That his Honor the Mayor be requested to direct all department heads to observe his order providing for the maintenance of a skeleton force on Saturday.
Passed under suspension of the rule.

ADDITIONAL BUS SERVICE.

Coun. HANNON and HURLEY offered the following:
Ordered, That the trustees of the Boston Elevated Railway be requested, through his Honor the Mayor, to provide bus service from the corner of Blue Hill avenue and West Cottage street to the Columbia Station of the rapid transit.
Passed under suspension of the rule.

ROPING OFF STREETS.

Coun. HANNON, for Coun. LYONS and LANGAN, offered the following:
Ordered, That the City Messenger be directed to rope off the streets along the route of the annual road race to be conducted by the Holy Name A. A. on Saturday, June 26, the expense of same to be charged to the City Council fund for ropes, flags and stakes.
Passed under suspension of the rule.

PROPOSED BANNING OF "MISSION TO MOSCOW."

Coun. HANLEY offered the following:
Ordered, That his Honor the Mayor request the City Censor to ban the showing of the film entitled "Mission to Moscow" in view of the fact it is a propagandizing film of distorted truth with an ulterior motive of glorifying a dictatorship government that is abhorrent to American ideals and principles, especially at this time when the flower

of our American youth are fighting, suffering and dying for the retention and perpetuation of our form of government.

Coun. CAREY offered the following:

Ordered, That his Honor the Mayor be requested to take immediate steps to prevent the showing of the motion picture entitled "Mission to Moscow" in Boston on the grounds that it is outright Communist propaganda, is a deliberate distortion of the truth, and expresses contempt for our democratic institutions.

Coun. HANLEY—Mr. President—

Coun. TAYLOR—Mr. President.

President HANNON—For what purpose does the gentleman rise?

Coun. TAYLOR—I move that this be sent to the Committee on Rules, it having nothing to do with the Council business.

President HANNON—It is a motion which can be made. Councilor Hanley.

Coun. HANLEY—Mr. President, in answer to Councilor Taylor, about one year ago, on April 6, 1942, this distinguished councilor from Ward 12 introduced an order asking for the banning of a film in which appeared the actor Lew Ayres, and the councilor asked suspension of the rule and the passage of the order. At that time, Mr. President, you were not in the chair and it was not referred to a committee but was passed under suspension of the rule. Now this same gentleman—and I use the word advisedly—

Coun. TAYLOR—Mr. President.

President HANNON—For what purpose does the gentleman rise?

Coun. TAYLOR—I ask that those remarks be stricken out, I think they are insulting.

President HANNON—The Chair does not believe that the gentleman intended any insult, but the Chair will ask that the gentleman be careful not to cast any aspersive remarks at any one.

Coun. HANLEY—Thank you, Mr. President. I am merely reading from the public record which each and every one of us make. Mr. President, Communism at one time had a most beautiful meaning. It meant that all humanity would work together harmoniously for the common good of all. But today it has developed into the meaning that we know of. Karl Marx, the human parasite who lived and fed upon the misery, sorrow and suffering of the poor of England and collaborated with Engels, devised what you might call *Das Kapital*. *Das Kapital* is the Bible of the Communists and its three leading disciples are Lenin, Trotsky, and Stalin, two of whom have since passed away, one by natural death and the other by assassination. At the present time we have in the Soviet Republic a dictator by the name of Joseph Stalin, who at one time studied for the priesthood in the Greek Orthodox Church. He was expelled, and he utilized his qualifications in promulgating the communistic philosophy of Karl Marx. Joseph Stalin is the greatest murderer that the world has ever seen, a man who outranks Caligula, Caesar and Nero, and, according to Archbishop Curley his bloody hand has committed many murders, among the Russian people. Archbishop Curley said: "Stalin is a red-handed murderer who grinned while three million people were dying in the Ukraine for the lack of bread. Today, brushing aside all unnecessary verbiage, we of the United States are fighting side by side with Stalin, the greatest murderer of men the world has ever known. We are doing this because he is fighting Hitler." Stalin, who raped Estonia, Finland and Latvia, who signed a pact with the Japanese government, and a few months ago signed another pact with the Nipponese government granting them certain rights within the Soviet border, the same gentleman who clasped the dirty and bloody hand of Adolf Hitler in robbing those countries that I mentioned before; the same gentleman who sent his migration south of the Rio Grande and grabbed those poor children of misery and tried to inculcate into their fertile brains the deadly opiate of Communism. And Communism is an intrinsic evil and no Christian who would save civilization can collaborate with it in any of its forms. Those words were written and spoken by Pope Pius XI in his encyclical on Communism. And our own Attorney-General, Mr. Biddle, discussed Communism as an ulcer that feeds and lives upon the misery that they and their kind produce. Communism was the birthplace of Nazism and Fascism. One force against another force; one persecution against another persecution. Have we in our intelligence and our education forgotten the fundamental of

human nature that one persecution begets another persecution, that whether that persecution is Jewish or Christian it begets the opposite? Now, we may attack Joseph Stalin, we may attack Adolf Hitler, we may attack Benito Mussolini, but unless we attack the cause that produced those men we are only emulating what Don Quixote did four hundred years ago when he attacked the windmill. Joseph Stalin, who sent his hordes of communists into Catholic Spain and tried to wipe out the Catholic religion; Joseph Stalin, the greatest messenger from the pits of hell that has ever written upon the dirty pages of history! And in Hollywood they are utilizing the film "Mission to Moscow" for the purpose of infiltrating into the minds of emotional people, whose condition is brought about by war, the venom of Communism. Hollywood, the capital of the moving picture industry, has tried to glamorize a murderer, a man who bates democracy and has on many occasions denounced democracy. Hollywood script and scenario writers dipped their pens in the ink of untruth and with the aid of professional players they are projecting upon the screen of America the deification of Satan's most powerful accomplice, Communism. The boys of the United States are not fighting for Joseph Stalin, and neither are the Soviet people fighting for America. And I challenge any member of the Boston City Council to show me on a map of the world today any place that is known as Russia. Russia is as non-existent as the original thirteen colonies. The name is, United Soviet Socialist Republics; the dictator is Joseph Stalin. I only hope that the writers of Hollywood will dip their pens into the ink of truth and write in glowing terms of the cavalade of America since that intrepid explorer, Christopher Columbus, discovered it on San Salvador. I ask a suspension of the rule and the passage of the order.

Coun. MUCHNICK—Mr. President.

Coun. CAREY—Mr. President.

President HANNON—For what purpose does the gentleman rise?

Coun. CAREY—Having introduced an order which is to go along with the order of Councilor Hanley, I think I should be given the floor at this time.

President HANNON—The Chair is perfectly willing. Does Councilor Muchnick wish to yield?

Coun. MUCHNICK—I shall be glad to yield.

President HANNON—Councilor Carey.

Coun. CAREY—Mr. President, the motion picture "Mission to Moscow" is a deliberate attempt to belittle the part being played by our boys in the present war while at the same time it eulogizes Joseph Stalin or his every act both prior to and since Russia's entrance into the war. It highly praises Stalin for signing a non-aggression pact with Hitler while the French and British diplomats were present in Moscow desperately endeavoring to have Stalin join up with the Allies in fighting the Nazi machine. It is a complete and deliberate distortion of historical facts, and a severe blow at our democratic institutions. This film condones the notorious purges under Stalin and there is nothing in the picture to show Russia's brutal invasion of Finland, Estonia, and Latvia, and the stab in the back which Stalin gave to Poland while that little nation was busily engaged at the front in a life and death struggle with Hitler's hordes. "Mission to Moscow" ridicules the legislative branch of our government, referring to the United States Senate as being composed of isolationists and idiots, and it depicts America and her Allies as appeasers, giving this as an excuse for Stalin's signing of the non-aggression pact with Hitler. As Archbishop Kiley so well says in the *Herald Citizen*, official publication of the Milwaukee Catholic archdiocese: "Such a distortion of history may well be a part of a scheme to whitewash the Bolsheviks and play into the hands of the Communists in this country, whose sinister plans make one of our worst perils." To my mind, "Mission to Moscow" is nothing more than communistic propaganda and should be barred from the motion picture houses and theaters of Boston. It has been denounced by priests, press, and public, and we in Boston, bome of the Cradle of Liberty, want no part of it. I am asking permission, Mr. President, to include in the minutes of the City Council an editorial which appeared in the *Boston American* under date of June 3, 1943, with the heading, "Must We Grovel?" denouncing this picture.

[The editorial referred to is as follows:

"We have a military alliance with Soviet Russia. Must we for that reason grovel before her leaders, her quarter-of-a-century rule by assassination and her political and economic totalitarianism?"

"The answer of the picture 'Mission to Moscow' would seem to be 'Yes' on the part of some of our leaders and the motion picture makers that connected it.

"'Mission to Moscow,' made from former Ambassador Joseph E. Davies' hook of the same name, all but asks Stalin, Kalinin, Litvinoff & Co. to please excuse us for being a free democratic country.

"It presents these conspirators against not only the liberties of their own people but—through the activities of their Comintern—against the liberties of every other people as sane, tolerant, chemical-pure statesmen.

"This picture, with all its distortions of facts, its entire omission of Mr. Davies' vivid descriptions in his hook of the terroristic régime of blood and butchery in Russia and its Red propaganda of 'stock-shots,' taken straight out of Moscow-made films, is little short of an alliance between Communism and our American democracy.

"The tie-up appears to be tacitly indorsed by the Executive of the nation, for he appears in the picture not only as a character but as The Sponsoring Character.

"This film is such an insult to all Americans that even liberals and left-wingers have risen against it in stormy indignation.

"Max Eastman, former communist and founder of the New Masses, calls 'Mission to Moscow':

"'The high point of a wave of national self-abasement that healthy Americans ought to regard with alarm.'

"Two such old-line radical weeklies as 'The Nation' and 'The New Republic' condemn 'Mission to Moscow.'

"'The Nation' calls it 'historical falsification' and the 'New Republic' says 'that to a democratic intelligence it is repulsive and insulting.' 'Life' calls it 'whitewash.'

"Dorothy Thompson, who has sometimes traveled to the left, says:

"'The characters are phony; the history is phony; the tastelessness of the film is appalling.'

"Dr. Sidney Hook, of New York University, says:

"'What we are witnessing in 'Mission to Moscow' is a propaganda build-up for conducting purges and frameups in this country on the Moscow style.'

"'It is a blow to democratic unity in America and effectively plays into Goehhels' hands.'

"Dr. Harry Gideonse, liberal-minded president of Brooklyn College, says:

"'I felt a deep sense of shame that such trash should be presented as a historical document based on official American Government documents.'

"Edmund Wilson, the intellectual, says:

"'Mission to Moscow' is a fraud on the American public.

Eugene Lyons, editor of the 'American Mercury', Russian-horn and who lived six years in Russia as United Press correspondent, says that a 'Cyclone of nationwide indignation is on the way.'

"Anne O'Hare McCormick, brilliant writer on international subjects for the New York Times, says:

"'If anything is calculated to cause misunderstanding between the two countries it is the false picture of America, the false picture of Russia and the false picture of history that are combined in the distorted composite to which the former Ambassador unluckily gives his authorization in an introductory speech.

"'The film does not even stick to the facts in his hook.'

"'Mission to Moscow' contains a 'smear,' among other 'smears,' on the United States Senate that is a disgrace to Hollywood.

"It depicts the Senate, as Dorothy Thompson truly says, 'as composed exclusively of isolationists and idiots.'

"In this film, Americans will find nothing of Russia's rape of Poland, her theft of the Baltic states or the murders of Alter and Ehrlich, Polish Jewish Socialists.

"Americans will find nothing of the infamous alliance of Russia with Hitler except some hypocritical mumblings about 'self-defense' from Stalin—and nothing at all about the alliance that England and France offered Soviet Russia for mutual defense.

"Here, too, is a scene the makers of this picture conveniently 'forgot':

"Stalin shaking hands with Von Ribbentrop in 1939 and Premier Molotov's cynical comment:

"'Fascism is a matter of taste. Our friendship (that is between Hitler and Stalin) is cemented with blood.'

"We are at war. We war for the greatest principle conceivable—Human Liberty and Tolerance.

"We war for the American Way of Life.

"And yet here is a picture going the rounds of the country with a great fanfare that glorifies the hoodiest régime of modern times—the Red régime of Russia—and that sneers at and 'smears' all that is American by comparison."]

I am sure, Mr. President, that nobody in Boston, with the exception of those who want to set aside the valorous deeds of the thousands of boys from this country who are scattered today on some ten fronts of the known world, fighting for democracy and for all that is decent in human life as against those who would depict on the screen a devil out of hell itself, and would endeavor to raise him to the status of the heavenly angels, would care to have this film shown in our city. I sincerely hope that his Honor the Mayor will give to the orders that have been introduced by Councilor Hanley and myself the immediate consideration that must be given today in order that we here in Boston may show that we want no part of such films as "Mission to Moscow." Let them depict on the screens of Boston the doings of the heroic boys, thousands in number, who have left this city and are giving up their very lives that we may live, and throw into the ashen film which I believe has been so well entitled, "Mission to Moscow."

The question came on Coun. Taylor's motion to refer the orders to the Committee on Rules.

Coun. MUCHNICK—Mr. President, I yield to no one in my admiration for the boys who are fighting on ten fronts in defense of your life and mine, and in defense of our American institutions, and it is because I yield to no one that I respectfully ask that his Honor the Mayor not be requested to ban this particular picture. I hold Mr. Stalin and Communism in the same high regard that my two distinguished colleagues do; I have no use for the communistic form of government, the same as probably every member of this Council. But it is the American practice to let people see things for themselves, to read things for themselves, and to pick the truth from the untruth. I don't know if the two distinguished councilors who have preceded me have had occasion to see the film or not. I myself have not. If they have seen it, it clearly has not changed their minds about Communism. They have the same regard for it now as they had prior to the introduction of the order, and if they have not seen it and are going to see it I am sure that they will not swerve in their opinions about Communism and about Americanism. It is not the American way to run away from things nor to hide from things. I for one have enough confidence in the people of the City of Boston and in Americans generally to say to them, go out and see this picture, or any other picture. It is not our method to attempt to hide things from people, or people from things, and I ask respectfully that these two orders do not pass. Let us not censor things which may not be to our liking. I am sure that our American citizens know what is the truth and what is not the truth.

Coun. TAYLOR—Mr. President, it certainly is a pleasure to come here to the Council Chamber every Monday and listen to patriotic speeches. We are all patriots.

Coun. HANLEY—Mr. President.

President HANNON—For what purpose does the gentleman rise?

Coun. HANLEY—I do not believe I term it patriotism.

Coun. TAYLOR—Mr. President, I desire to term them patriotic speeches. It is good to see the good old American flag waved —

Coun. HANLEY—Mr. President.

President HANNON—For what purpose does the gentleman rise?

Coun. HANLEY—I hope the American flag will always wave.

Coun. TAYLOR—I hope so too, Mr. President, and I enlisted in one war to try to help see that this flag kept on waving.

Coun. HANLEY—Mr. President.

President HANNON—The Council will be in order. There will be no remarks except those addressed to the Chair and through the Chair.

If any councilor wishes to make any comment he will address the Chair and wait until he is recognized by the Chair. Councilor Hanley, for what purpose do you rise?

Coun. HANLEY—I believe that the gentleman is inferring that I should have enlisted in the last war with him.

Coun. TAYLOR—Mr. President, a point of order.

President HANNON—The gentleman will state his point of order.

Coun. TAYLOR—I am not inferring any such thing. I know he was too young at that time, Mr. President.

Coun. HANLEY—Thank you!

President HANNON—Councilor Taylor.

Coun. TAYLOR—I will agree that at that time he was too young. Talk is cheap, Mr. President. We can all get up here and express our patriotism with the hope that it gets into the newspapers and that the public will think we are doing everything possible for their best interests. Well, if you want to demonstrate your patriotism in a more concrete way there are other ways of doing it. One course, in my opinion, Mr. President, that will hurt our country while at war is to get up on the floor of a public forum and attempt to condemn and denounce another country, which perhaps has not the same form of government that we have, to denounce them and condemn them, our allies in this war, all fighting with the same purpose of exterminating those who would take away from us our form of government. I say, Mr. President, that no fifth column could do a better job. To create disunity amongst our allies is to do something against us in our war effort. We should not try to create dissension among those who are fighting shoulder to shoulder with us in order to defeat our enemies. That is not good and sound judgment, Mr. President. It is unwise, regardless of what publicity you may acquire as the result of it. I don't know what this picture contains. I have never been a defender of Communism. The old government that we have got here now is good enough for me. It has given my people an opportunity to come from countries where they have been persecuted and they were allowed to come here and be educated and make a living and rise higher. I certainly would not be against any such form of government, so that I am not a defender of Communism. I am satisfied with our type of government. But I think it is unwise for any of us here who wish to preach against Communism to come in here and make statements against one of our allies at a time when we are at war. It does not breed unity; it breeds dissension. If we have political differences of opinion this is not the time to express them, to try to create disunity. Our enemies will love that kind of thing. They are spending millions and millions of dollars to create that kind of a picture. Let us not here be innocent dupes. I don't know what this picture shows, and I don't believe that either of my brothers have seen the picture. If they have, I wish they would tell me about it. They are picking up articles that they have read, or newspapers or statements that they have received from somebody else. I don't know where the picture is being shown around this part of the country as yet. Why have to do with something that we don't know anything about? Why make fools of ourselves? These editorials may be the expression of one man, and one man alone, and he can be wrong. Let us judge for ourselves. Let us see a preview of that picture—and I know that that can be arranged by the City Censor. Let us see for ourselves whether or not it spreads propaganda detrimental to the people of this country. That is the reasonable way to act, I think the way we should act, and the only way we will act, Mr. President.

Coun. HANLEY—Mr. President, it seems that a difference of opinion is a cause for disunity. When our people fought for and acquired this form of government that was a vast difference of opinion. Many of our leading statesmen collaborated and they evolved the type of government that you and I have lived under, Mr. President. In the last war President Wilson, who was the boss then of President Roosevelt, said, "We do not need less criticism but more. It is hoped that criticism will be constructive, but better unfair criticism than autocratic repression. Honesty and competency require no shield of secrecy." Mr. President, about a month ago various religious sects assembled in this historic City of Boston, and one of the leading rabbis of the Jewish faith

discussed the policy of Great Britain relative to Palestine, which was contrary to the writing and the intent and the spirit of the Balfour Agreement. Freedom of discussion is one of the cornerstones of American liberty. A few weeks ago the freedom of the press was jeopardized at the Flood Conference. The press was barred. They do not allow the second-class privilege to periodicals, magazines, that may hold an opposite opinion to the present administration. One of the avenues of opinion is the film industry, and it should not be utilized for propaganda; it should be used always to protect our form of government. Of old it was written, "The power of the pen is mightier than the sword." Relative to seeing the film, I do not believe either of the gentlemen ever saw George Washington. I do not believe any of them ever saw Moses. I do not believe any of them ever saw Joseph Stalin in the flesh. But we take the stories from men of repute, who know what they are talking about, and who use facts and not fancy, who use the shield of truth and not the shield of error. "Mission to Moscow" is unfriendly to our form of government and it should be banned by the City of Boston, which has always been the birthplace of American freedom.

Coun. CAREY—Mr. President, I was greatly interested in the remarks of the councilor from Ward 12 (Coun. Taylor) relative to the old, old theory of Let's all stand together. In the present war as in every war, there are two opposing forces; one known as the Allies and the other as the Axis powers. On the side of the Allies we have a nation, Russia, that has refused to sever its relation with the nation with whom we are at present engaged in conflict. If the councilor from Ward 12 can justify his request that we all stand together, then why does Stalin still maintain his peaceful atmosphere with Japan, a nation that we are fighting and against whom we have sent thousands of men, machines, ships, and what not? I think it is a good idea that we all stand together, but the man who has been beatified in the film "Mission to Moscow" does not believe in that. He believes, in so far as Japan is concerned, in taking a middle of the road attitude. I don't believe that it is necessary for one to see a film in order to ask that it be condemned. If I recall correctly, when the councilor from Ward 12 a year ago introduced an order here asking that we go on record as opposing any films in which Lew Ayres was an actor, he admitted that day that he had not seen the particular Lew Ayres film regarding which he sought to introduce his order here. I have submitted here for the record an editorial appearing in the *Boston American*, and in that editorial will be found the comments of some thirty or forty individuals, many of whom are men of prominence, religious writers, and many others who have seen the film, and they feel, in their true American way, that this film should be put in the rubbish can. I don't have to see it or even take the word of others, but let us take the criticisms of those who have seen this film. Let us keep it out of Boston. We don't need a preview. We might have asked for that a year ago when we were trying to keep Lew Ayres off the screen of this city.

Coun. TAYLOR—Mr. President, just to answer a couple of questions that the councilor from Ward 10 (Coun. Carey) propounded, when he made the statement, Why doesn't Russia declare war on Japan? The only answer I can give to that is that any eight-year-old boy could make a sensible answer to that, Mr. President. As far as Lew Ayres is concerned, the situation is absolutely not analogous. Lew Ayres at that particular time was a conscientious objector, at a time when this country was looking for men to fight for their country. Lew Ayres had made a good living in this country, and when the time came for him to take up arms to defend this country he was not there and it was a repudiation of him on that line and not for anything which his pictures portrayed. In my opinion, the arguments of my colleagues are rather weak.

Coun. HANLEY—Mr. President, relative to Lew Ayres, the man was a conscientious objector for the sole purpose that he did not want to kill his fellow men, and those ideas were inculcated in his mind and were expressed in a great picture which came from Hollywood. That same gentleman has since gone into the armed forces, and I have never yet heard any reflection on that ban in this hallowed chamber. For the benefit of the record, the titular head of the Communist Party in this country was a conscientious objector in the last war, and he served time in a Federal peni-

tentary. He was accused, he was indicted, he was convicted by a jury of falsification of passports and he served a term, and our own President released him for the sake of unity.

The question came on reference of the order to the Committee on Rules, and it was declared lost. Coun. TAYLOR doubted the vote and asked for a roll call.

Coun. TAYLOR—Mr. President, a point of information. As to the point of information, are we acting on both orders?

President HANNON—Yes. I understand the two orders are the same.

The roll was called, and the reference to the Committee on Rules was refused, yeas 2, nays 13:

Yeas—Coun Muchnick, Taylor—2.
Nays—Coun. Carey, Coffey, Dwyer, Fish, Hanley, Hannon, Kelly, Kinsella, Russo, Scannell, D. F. Sullivan, M. H. Sullivan, Wickes—13.

Coun. MUCHNICK—Mr. President.
President HANNON—For what purpose does the gentleman rise?

Coun. MUCHNICK—Will both questions be acted on at once or separately, on suspension of the rule and passage of the orders?

President HANNON—If the gentleman wishes the questions to be acted upon separately, the Chair will be happy to comply. The first question if the gentleman so wishes, will be on suspension of the rule.

Coun. MUCHNICK—I would like it, Mr. President.

The question came on the suspension of the rule, which was declared lost. Coun. HANLEY doubted the vote and asked for a roll call. The roll was called, and the rule was suspended, yeas 12, nays 2:

Yeas—Coun. Carey, Coffey, Dwyer, Fish, Hanley, Hannon, Kelly, Kinsella, Russo, Scannell, D. F. Sullivan, Wickes—12.

Nays—Coun. Muchnick, Taylor—2.
The question then came on the passage of the orders.

Coun. MUCHNICK—Mr. President.
President HANNON—For what purpose does the gentleman rise?

Coun. MUCHNICK—On a point of information.

President HANNON—The gentleman will state his point of information.

Coun. MUCHNICK—It is my understanding, Mr. President, that in order for the rules to be suspended there must be a unanimous vote.

President HANNON—The Chair is informed by the clerk that in order for the rule to be suspended a two thirds vote of those present and voting is necessary.

Coun. MUCHNICK—That is not what the Chair told me sometime ago.

President HANNON—At that time the councilor did not appeal to the Chair.

Coun. MUCHNICK—I did appeal to the Chair, Mr. President, and that was my request at that time.

President HANNON—On your request I conferred with the City Clerk and he informs me that a two thirds vote of those present and voting is necessary. The question now comes on the passage of both orders.

Coun. KINSELLA—Mr. President.
President HANNON—For what purpose does the gentleman rise?

Coun. KINSELLA—A point of order.
President HANNON—Councilor Kinsella.

Coun. KINSELLA—Mr. President, this is a damned prolonged debate, but I have been thinking while the various gentlemen have been talking that one question that seems to have tormented the Body might very easily be answered. We were informed that an eight-year-old boy could answer the question. But the answer was not forthcoming. But in my honest opinion one of the reasons that Russia has not seen fit to attack Japan is that it would be attacking in effect their own brothers. Anyone who knows anything about history knows that really Russia is Asiatic, the same as the Japanese and the Chinese. They have more in common than perhaps any other two races in the world, where there is such a slight difference in character. It is common knowledge that they have a common ancestry in that part of the world, and practically all of Russia is Asiatic. Just a short while ago, Mr. President, the fishing rights—

Coun. TAYLOR—Mr. President, a point of order.

President HANNON—The gentleman will state his point of order.

Coun. TAYLOR—I wonder whether or not my colleague from Ward 2 would answer the question as to whether these same people, Japan and Russia, have been at war on previous occasions?

President HANNON—I do not think the gentleman is stating a point of order.

Coun. TAYLOR—I ask whether or not he will yield to a question.

Coun. KINSELLA—I will answer the question, councilor, in just a minute.

President HANNON—Councilor Kinsella.

Coun. KINSELLA—About three weeks ago the newspapers printed a story to the effect that Russia had renewed with Japan certain fishing rights. Just the other day when we picked up the newspapers, we read that when the Japs visited the island of Attu the hulk of the food supplies there were dried fish. A white man could not live very long on dried fish. And yet Russia, by a voluntary act of three weeks to a month ago, renewed permission to the Japanese to take from the sea their main commodity of food, for no other purpose than to keep them alive while she fights an enemy of the United States, Nazi Germany. Now, in return for that Japan will supply Russia with fish, and at the same time we are supplying Russia with arms. Wake Island fell because we did not get help there in time. Russia has not lost a battle because we did not get supplies there in time. We know that they ran caravans of camels and motor vehicles and air transport over the Carpathian mountains, bringing them in the supplies that we could not get to our own boys on Wake Island or on Corregidor. And we can do it for the nation that unquestionably will be our opponent in the field in the next ten years, and anyone who does not want to accept that as a fair statement I venture to say is not familiar with the facts. They hate us with the hatred that is only described as Satanic. They have absolutely no regard for our principles in spite of the fact that they have a great use for the materials of warfare and the medicines and food that we are sending them. We have sent them hutter, which they never got in Russia in their life before, and they let it rot. They didn't know what to do with it in many instances, and were found polishing their leather hoots with the hutter that we had to do without. I wonder if the same steps, the same religiously determined efforts were made to get a pound of hutter to our own boys who knew what it was and how to appreciate it and to use it. Mark my words, in ten years time—not in another generation—we will be fighting what we will then condemn as a foreign ideology, Communism. Many of the chief influences in this country today, in Washington, in Boston, in New York, and all over the country, have communistic affiliations. Even our dictator President took them under his wing and gave them unhridled power. And I challenge refutation.

Coun. RUSSO—Mr. President, I want to stand with and congratulate my two colleagues from Wards 10 and 11 (Coun. Carey and Hanley) for bringing this to light in the City Council. I do not know of any words that could better express it than by merely stating that I am wondering if we, the people of the world, at times consider what brought those conditions about. I only have in mind, Mr. President, that after the last World War I was young and not understanding, but as we go along we learn a little more every day. We found the peaceful people of Italy going along their way, and today they are under so-called Fascism. I am only wondering whether or not, Mr. President, it was not a direct outcome of Communism that brought that country into Fascism. I am only wondering whether or not it was not a direct outcome of Communism that brought Nazi-ism into being. I am only wondering whether or not it was not Communism that brought Spain into the same fold. I have not seen this picture, "Mission to Moscow." I don't know anything about it, but, as many of you perhaps have learned from others, the word that has gone around day in and day out is that it would be a detriment to the people if shown in the City of Boston, detrimental to our ideas, detrimental to our democratic way of life. May I ask the men who are controlling our film industry to give to America a Mission to America and not a Mission to Moscow?

Coun. TAYLOR—Mr. President, I just wish to make the statement that I will not vote upon

these particular orders because I have no personal knowledge of what is in the picture.

The orders were passed.

PAINTING OF WHITE STRIPES, WARD 11.

Coun. HANLEY offered the following:

Ordered, That his Honor the Mayor request the Traffic Commissioner to paint white stripes at all dangerous intersections and crosswalks in front of churches, schools, in Ward 11.

Passed under suspension of the rule.

DUST NUISANCE IN PLAYGROUNDS.

Coun. HANLEY offered the following:

Ordered, That his Honor the Mayor request the Park Commissioner to eliminate or at least mitigate the dust nuisance in all Ward 11 playgrounds.

Passed under suspension of the rule.

REPORT OF COMMITTEE ON FINANCE.

Coun. KELLY, for the Committee on Finance, submitted the following:

Report on message of Mayor and order (referred June 7) for loan of \$500,000 for construction of sewerage works—recommending that same ought to pass.

The report was accepted and the question came on the passage of the order.

Coun. KELLY—Mr. President, this is the order that was referred to the Committee on Finance originally for a million dollars, and the committee saw fit to cut it down to \$500,000, which lacked one vote of passing in the Council. Another order was resubmitted to the Council by his Honor the Mayor for \$750,000, which did not pass. This order came in at the last meeting for \$500,000. It is my understanding that the money in the budget which has been appropriated will be exhausted by the middle of July, and the committee has voted in favor of passing the \$500,000.

The roll was called and the order failed of passage, yeas 13, nays 2 (fifteen votes being necessary for passage):

Yeas—Coun. Chase, Dwyer, Fish, Hanley, Hannon, Hurley, Kelly, Kinsella, Muchnick, Seannell, M. H. Sullivan, Taylor, Wickes—13.

Nays—Coun. Carey, Russo—2.

Coun. RUSSO—Mr. President.

President HANNON—For what purpose does the gentleman rise?

Coun. RUSSO—On a point of information.

President HANNON—The gentleman will state his point of information.

Coun. RUSSO—I am only wondering if I can find out through the Chair just what the situation is. For four weeks or so these orders for a million dollars, then \$750,000, were voted on, and then we voted at one time on \$500,000.

President HANNON—The order has already been acted upon, so that the Chair will have to rule that the councilor is out of order.

Coun. RUSSO—Mr. President.

President HANNON—For what purpose does the gentleman rise?

Coun. RUSSO—I was only wondering, Mr. President, if I could get that information through the Chair. I was only explaining the information that I was seeking, and if I can't have it it is perfectly all right.

President HANNON—I do not believe the Chair can obtain the information, as a matter of fact, on this matter. Thirteen having voted in the affirmative and two in the negative, the order is rejected, fifteen votes being necessary for passage.

Coun. TAYLOR—Mr. President.

President HANNON—For what purpose does the gentleman rise?

Coun. TAYLOR—I move reconsideration, and that the matter be laid over until the next meeting.

President HANNON—Councilor Taylor moves reconsideration. All in favor vote yes.

Coun. RUSSO—Mr. President.

President HANNON—For what purpose does the gentleman rise?

Coun. RUSSO—I wonder on reconsideration if I will be able to get that information.

President HANNON—The Chair will rule that if reconsideration prevails, the whole subject will be thrown open again to debate.

Reconsideration prevailed.

Coun. MUCHNICK—Mr. President.

President HANNON—For what purpose does the gentleman rise?

Coun. MUCHNICK—For the purpose of making a motion.

President HANNON—The gentleman will state his motion.

Coun. MUCHNICK—I move that the matter be laid on the table for one week.

The motion was carried, and the matter was laid over for one week.

Coun. COFFEY—Mr. President.

President HANNON—For what purpose does the gentleman rise?

Coun. COFFEY—To speak on the order.

President HANNON—The order has been defeated, and has been laid over.

Coun. COFFEY—I ask reconsideration.

President HANNON—Councilor Coffey moves reconsideration of the vote just taken in which the order relative to the sewer loan was laid over for one week.

Coun. COFFEY—Mr. President, the only reason I am asking for this is that I would like to ask the councilors from Ward 12 and Ward 14, who voted in the affirmative today and who have voted against it a couple of months ago, if they can give any reason why they now are changing their minds.

Coun. TAYLOR—Mr. President, may I answer the question?

President HANNON—The gentleman may.

Coun. TAYLOR—Mr. President, I had originally voted for a million dollars and then \$750,000 for the reasons that I advanced upon the floor of this Council, that it would be for the best interests of the taxpayers to vote \$1,000,000 or \$750,000 so that this matter would not come up every year and possibly cost the taxpayer an extra ten cents on each thousand dollars valuation. I voted against the \$500,000 loan order for I was in hopes that the Council before the year was over would change its mind and see my point of view, but having seen fit not to see my point of view, the question now comes on the \$500,000. As I understand it, if this money is not raised by a loan the employees in that particular division will not get paid, because there is no money appropriated for it and no money in the loan order for it.

Coun. MUCHNICK—Mr. President, being one of those two to whom a question was put, may I answer it by asking that all of Councilor Taylor's remarks be adopted as my own, if he has no objection?

President HANNON—That is agreeable to the Chair.

The question came on reconsideration of the vote to lay the order over for one week.

Coun. FISH—Mr. President, a point of information. Didn't I understand that there was certain legislation going through which would change the number of votes necessary here? Was that ever passed?

President HANNON—The Chair is ignorant of many things that occur in the Legislature, councilor.

Coun. RUSSO—Mr. President, on reconsideration, being one of the original councilors who voted for the \$500,000 and against the \$1,000,000 and against the \$750,000, but who voted for the \$500,000, I would like to know what brought it about that they are now asking \$500,000 when they could have asked for \$500,000 two months ago and received it.

Coun. KELLY—Mr. President, as chairman of the Committee on Finance, I suppose I could have had another meeting last Thursday, but we would not have accomplished anything more unless somebody had changed his mind. I voted against the \$1,000,000 loan order when it came to the Council, and I was one of the councilors who voted to amend the order and cut it down to \$500,000, because I felt at that time, upon information I received from the Commissioner of Public Works, that \$500,000 was enough. He told me at that time that \$500,000 would cover salaries for 1943 and 1944, and any work be anticipated doing in the year 1943, so that I was satisfied in my own mind that \$500,000 would be enough for at least the balance of this year, for the salaries for this year and for the year 1944. That is how we came to the amount of the loan order, cutting it from a million to \$500,000. Of course, a new loan order

was sent in to the Council for \$750,000. I suppose when the \$750,000 order did not pass, there was only one other thing left to do, and that was to send in the loan order for \$500,000, which should have been passed in the first place. That is how the \$500,000 was arrived at, by the Finance Committee amending the original million-dollar order and cutting it down to \$500,000, because they felt in their own minds that \$500,000 would be a sufficient amount of money.

Coun. TAYLOR—Mr. President, may I ask the chairman of the Finance Committee a question?

Coun. KELLY—Certainly.

President HANNON—The gentleman will ask the question through the Chair.

Coun. TAYLOR—Mr. President, I would like to ask the chairman of the Finance Committee, if this \$500,000 is not appropriated, in his opinion will there be sufficient money for the payment of the salaries this year in that particular department?

Coun. KELLY—I understand, Mr. President, that if the \$500,000 is not appropriated the money on hand will run out somewhere around the 20th of July. That is the report that I have, that the money will run out about the 20th of July if this \$500,000 is not appropriated.

Coun. COFFEY—Mr. President, some time ago this entire Body rejected an order that was before us for voting machines, and to our surprise and amazement, regardless of the City Council, the voting machines were used. We were told at that time about a transfer of funds within the department. And I might say here and now, as the councilor from Ward 10 (Coun. Carey) has been saying for the three and a half years that I have been here, that this money could come in on the budget, and now that that is too late the money could be appropriated for salaries without any trouble; and if it is only going to last until July 20 in any event, if this order is defeated next week, there is nothing to stop his Honor the Mayor or the Public Works Commissioner from sending over for enough salary money to carry these men on the pay roll for the rest of the year.

Coun. CAREY—Mr. President, I appreciate the remarks of the councilor from Ward 1, but one thing I want to remind the councilor about is that the tax rate has not yet been declared and that of the \$500,000, if my memory serves me right, there is \$175,000, or approximately that amount, which will be necessary for salaries. Now I have yet as a member of this Council for five and a half years to vote against any money that would be necessary for salaries for city employees. In voting against the \$500,000 today I did not have that in mind. There is no need of horrowing this money as a matter of fact. \$175,000 is going to be used this year for salaries. Some of the money is going to be used for construction of sewers. The work is going to be done this year. It might be an argument that the construction of those sewers is going to be of an enduring nature and that the benefits are going to be derived in years to come. That is the only argument that I can see that might induce one to change his vote here. But I still want to remind the Council that the tax rate has not yet been declared and that though this Body refused to authorize a loan of \$500,000 the Mayor of the city still has the opportunity to add that \$500,000 to the necessary expenses of the City of Boston this year before he declares the tax rate, and let him do that. In that way we are not depriving the employees of their salary. We are not depriving the department of the money that will be necessary to buy pipe and items necessary in the construction of these sewers. The tax rate has not yet been declared. Let us put this \$500,000 into the necessary expenses of the city, and then in time, when the tax rate is declared, you will have a real tax rate and not a fictitious one.

Coun. RUSSO—Mr. President, just a moment for the record. I wish to state that never in my three and a half years in the Council have I voted against paying the city workers, and I don't believe I will be the one who will stop paying them. I want to say that a true picture was not given of the situation to the Appropriations Committee. A true picture of the running of the City of Boston was not given. I might also say that I read day in and day out where cities and towns are reducing their tax rate, and still I have yet to find anything in the *City Record* where the expenses have been reduced in our city. May we inform his Honor the Mayor that that item might be reduced and that we have other departments that we could well do away with, and in that way he can get the money that is needed.

The question came on reconsideration. Reconsideration was granted.

Coun. TAYLOR—Mr. President.

President HANNON—For what purpose does the gentleman rise?

Coun. TAYLOR—A point of information.

President HANNON—The gentleman will state his point of information.

Coun. TAYLOR—Mr. President, I understood that the only question that was before the Body at the time was whether or not it would be laid over for one week, we having already voted to reconsider the matter.

President HANNON—We have reconsidered laying it over for one week so that the matter is still before the Body. The question is now on the passage of the order.

Coun. TAYLOR—Mr. President, I made a motion to reconsider, which was passed, and Councilor Muchnick made a motion to lay it over for one week. That is when Coun. Coffey asked to speak on reconsideration of laying it over for one week.

President HANNON—The question now comes on laying it over for one week.

The order was laid over for one week.

BUNKER HILL DAY PARADE.

An invitation was received from the Chief Marshal of Bunker Hill Day Parade, Robert E. Stanton, to members of Council to participate in Bunker Hill Day Parade to be held in Charlestown on Thursday, June 17, at 2 p. m.

President HANNON—The Chair is indebted to Councilor Kinsella and will now ask the councilor whether there were any special arrangements made for meeting place.

Coun. KINSELLA—Mr. President, as I understand it, there is to be a luncheon at twelve o'clock noon on the 17th of June at the Lobster House on Warren Bridge, sponsored by the City of Boston and the Massachusetts Legislature, and the members of the Legislature and the City Council are welcomed with any friends that they may bring along. That is at twelve o'clock, prior to the parade, which starts at 2.15. After the parade is finished, about five o'clock, of course open house will prevail in the entire district, and, this being my first year when I am in a position so to do, I want to extend a personal invitation to all councilors and attachés to stop in after the parade or at any other time from then on, at my house, No. 7 Belmont street. That applies to the councilors and their friends and the attachés. I think they will find that a holiday spirit prevails around the town on that day.

President HANNON—Thank you, councilor.

REPORT OF COMMITTEE ON APPROPRIATIONS.

Coun. DWYER, for the Committee on Appropriations, submitted the following:

Report on message of Mayor and supplementary appropriation order (referred May 17) for Suffolk County Court House—recommending passage of accompanying new draft, viz.:

Ordered, That the sum of \$129,452.78 be, and hereby is, appropriated for the purposes hereinafter specified, said amounts to be raised by taxation on the polls and estates in the City of Boston, and that all orders heretofore or hereafter passed by the City Council relating to appropriations, taxes and the interest thereon, apply to the appropriations and taxes herein provided for.

Special Appropriation.

Snow Removal.....	\$100,000 00
Suffolk County Court House, Custodian.	
B. Contractual Services.....	28,082 48
East Boston District Court.	
G. Incidentals.....	250 30
Boston Juvenile Court.	
A. Personal Service.....	1,120 00
	<u>\$129,452 78</u>

The report was accepted, and the question came on the passage of the order in new draft.

Coun. COFFEY—Mr. President, may I have somebody on the committee give a breakdown of these figures?

Coun. DWYER—Mr. President, originally his Honor the Mayor submitted an order for \$131,135.09. Your Committee on Appropriations held a meeting last Thursday afternoon at 3.30 o'clock, and to that meeting there was invited the Acting Sheriff of Suffolk County. He was invited by me personally as the chairman of the committee, in the presence of a great many councilors, and he accepted the invitation. The purpose of the invitation to him to come there was for him to explain the expenditure of \$1,680.31 that he spent in the Suffolk County Court House without the approval of this Body or without coming before this Body on this appropriation. The Sheriff accepted the invitation to be there, and some time after the meeting was called to order the City Messenger went through the entire floor looking for him, but he was not there. Therefore, the committee voted to strike out the \$1,680 and approve the rest of the supplementary appropriation as submitted by his Honor the Mayor. I will state what the figures are, Mr. President, if the members want the breakdown. There is \$100,000 special appropriation for snow removal; there is \$28,082.48 for contractual services in the B item, Suffolk County Court House. That is spent under Mr. Davenport; it is for heat. There is \$250.30 for the East Boston District Court as an appropriation for reimbursement of a cash bail that was deposited in the Federal National Bank and which was lost in the closing of the bank. There is \$1,120 for probation officer in the Boston Juvenile Court.

Coun. TAYLOR—Mr. President, may I inquire through you what this \$1,680 was spent for?

President HANNON—Councillor Dwyer.

Coun. DWYER—Mr. President, this money was spent by the Acting Sheriff to furnish so-called jurors' rooms in the Court House, and this committee was desirous of finding out if these rooms had ever been used, and desired a full explanation of how he spent this amount of money to fit up these rooms and where they were. And in view of the fact that the Acting Sheriff, after promising faithfully to be here to make a detailed explanation of this expenditure, did not show up, the committee voted to strike this amount out of the appropriation.

The question came on the passage of the order.

Coun. COFFEY—Mr. President, I see the clerks are anxious, but after all we are the fellows who run for office and who spend our money and our time to be elected here, and if we want to spend an extra hour here that is our business. Let us spend an extra hour, let us be fair with everybody and everything, and let us run this thing right. They are a little bit peeved; they want to get home. That is too bad for them. They are getting good salaries here, and they ought to be satisfied to stay here a little longer on Mondays if we so see fit, to pass our judgment on city business. Now I would still like to get some more information. In the first place, I would like to ask if the Sheriff has authority to go ahead and expend a certain amount of money without first coming to the City Council to have it approve that expenditure. On this matter he has spent some \$1,680 and the only thing we know about it is that when an order comes in we are asked to pass on some \$1,680 which was supposed to have been spent for rooms in the Court House. In other words, they want to keep those jurors cooped up. And I would like to ask for some more information, which is on another item, a little later. If we get the information as to what right he has to spend \$1,680,—if he has that right I don't know—I would like to know if he has the right to go ahead and spend a certain amount of money and then come to us after the money is spent, or if he has to come to us first.

Coun. FISH—Mr. President, it may be advisable to send this to the Executive Committee today to see if we can get the information, and I so move.

President HANNON—Councillor Fish moves that the order be referred to the Executive Committee.

Coun. COFFEY—Mr. President, may I ask the councilor through the Chair who we could get this information from?

Coun. HURLEY—Mr. President, I think we can get the information from the Corporation Counsel if this matter is referred to the Executive Committee. Probably he could enlighten us as to our rights and as to the Sheriff's rights.

Coun. COFFEY—Mr. President, if we are going to take the word of Mr. Hopkins, then I think that the statement that was made by the councilor from Ward 2 (Coun. Kinsella) some time ago should fit. Every time we have had that man down here he has hemmed and hawed and never given us a complete answer. Not once has he told us what is going on in the City of Boston because honestly I don't believe that he knows. I don't believe he is capable of being the Corporation Counsel. Furthermore, one day he sent word down here that he was sick. He was not sick; he was up with Mr. MacDonald in the State House all that day, who was receiving hundreds of thousands of dollars of tax abatement funds on land that he owned. Then Mr. Hopkins sent word down to us that he was sick and could not attend the meeting, and be sent down one of his associates. I don't think that we should take the word of Mr. Hopkins. I think we ought to put into effect the order that was drawn up by the councilor from Ward 9 (Coun. D. F. Sullivan) and get our own legal talent here, paying him a decent salary, so that he can come in here and advise us, and advise us rightly. I think we have been advised wrong ever since I have been up here. When you try to pin them down for an answer, they don't know the answer themselves. I think it is about time that we did something about appointing somebody here. Give him a \$5,000 salary, even though we have to put him on the Council pay roll as one of the attachés, somebody who will give us something for something, and not come down here like Hopkins has come down from time to time and tell us he doesn't know, he has not had time to study it. In fact, I don't have much faith in anything he would tell us. It was just a position that somebody has made for the man, and he got the appointment. So that I don't want to take his word for it. I would still like to ask Councillor Fish if he knows of any other place that we can get this information other than from Hopkins.

President HANNON—The question is on reference of the matter to the Executive Committee.

Coun. FISH—Mr. President, I think the inquiry made by the councilor from Ward 1 is almost impossible. I wonder how long we are going to allow not only the Sheriff but every department head to spend money as they see fit and then submit the bills to the City Council. My understanding is that the money should be appropriated first, before they can place any hand on it or obligate the city. I think that the only way we can get the information here—there may be two—one is from the Acting Sheriff himself, and how much he spent and why he spent it, and then if there is no confidence in the legal department—and I frankly admit that I have less than Councillor Coffey—then let us hire an attorney, having a change in the Council procedure and contracting some bills just as do the department heads, and then we will pay the money as they do.

Coun. D. F. SULLIVAN—Mr. President, the hour is getting late and the City Auditor's office is closing, I understand, around 4.30. I move, Mr. President, that you have the City Messenger have the Auditor bring us here the pay rolls for the last eight years of the Law Department, and also the bills which the Acting Sheriff or the Court House Commission have obligated themselves on relative to this \$1,600.

President HANNON—The question is on reference to the Executive Committee.

Coun. DWYER—Mr. President, I hope that this will not go to the Executive Committee. We ought to take this matter into our own hands now and not give them the \$1,680. Let him pay this bill that he incurred. I do not see any necessity for sending this to the Executive Committee. He had his day when he could have appeared before this committee, and he agreed that he would come before your committee and explain why he spent this money, and how it went, and he was only across the street five minutes before the meeting was called. It was not that he was a great distance away or could not come here. A great many of the councilors saw him and talked with him, and knew that he had promised to come here. So I say, Mr. President, let us pass this supplementary budget today as amended by your committee and strike out the \$1,680, and if he can show us any authority at a later date, let us take care of it some other way. I hope that we will act on this now.

Coun. TAYLOR—Mr. President, I do not condone the action of the Acting Sheriff in not appearing before the committee, but there is a serious question which has arisen in my mind as to whether

or not, if the Court ordered the Sheriff to furnish these particular rooms, the Court would not have the right to order the payment of that money regardless of whether the Council passed the appropriation. We ought to get some advice on the matter, Mr. President.

Coun. KINSELLA—Mr. President, when the Acting Sheriff agreed to come up here, I am told that he made some talk that was not generally heard, that in giving the orders for the care of the jurors, he ran into some difficulties. It seems as though there were no available rooms in the hotels in Boston that were not rented absurdly and extravagantly high for jurors. It appears that they were put up some place, which proved to be inadequate, as the result of which he finally had issued an order of the Court, I believe he said, to provide even more livable quarters than they were having at the Copley-Plaza Hotel at \$11 a day. Now I am not an attorney, but it seems to me the attorneys on the Council should know whether if the Court ordered the care of the jurors there where the jurors are better sequestered, he did not have the right to incur this bill. But how it can be foisted upon the City of Boston is beyond me, as it seems to me it is a county proposition.

The question came on the motion to refer the matter to the Executive Committee, and the report of the Appropriations Committee on the supplementary appropriation order was so referred.

Coun. TAYLOR doubted the vote and asked for a roll call.

Coun. COFFEY—Mr. President, I asked for the floor before you put the vote.

President HANNON—The vote has been taken.

Coun. COFFEY—I was on my feet while the vote was in progress.

President HANNON—I had called for the yeas and nays.

Coun. COFFEY—You had called for the yeas. You did not even get the vote on the yeas when I asked for the floor, and I say I am right in asking for the floor. I want some information, and I intend to get some information here before I will be satisfied.

President HANNON—The same problem is still before the Council, and the councilor will still have an opportunity.

Coun. COFFEY—Mr. President, in regard to the talk given by the councilor from Ward 2 (Coun. Kinsella), I take that with a grain of salt. I know he is very friendly with the Acting Sheriff, and I am not very friendly with him, thank God, and I don't want to be friendly with him. I don't want to be friendly with "Soupy" Mellen, as he is known up around the Court House. Anybody who has spent any time around there will tell you about "Soupy" Mellen. What I want to get is this,—and I insist on getting it now for once, regardless of whether the Court ordered it or not—and I don't believe the Court ordered him, because when we had the hearing before us some time ago he made the statement that he would like to convert some of those rooms for jurors. He did not say he was ordered to do so by the Court. He said that he would like to. It seems as though he has just gone ahead and fixed these rooms over to suit himself, and he is going to confine these jurors and make them prisoners, keep them in there twenty-four hours a day. I want some more information, and I think we are a damned poor bunch if we don't insist on getting it. I want to find out why this man went ahead and fitted up these rooms and spent some \$1,680 of the taxpayers' money without coming to the Council and asking for it. He knew when he was before us on the budget, and he told the chairman of the Committee on Appropriations that he wanted to fix those rooms up, but he never asked us for an appropriation of \$1,680 in advance, but he is asking for it now. I want to know, Mr. President, and I think we should get that information, and I think we are a damned poor body of men if we can't get it. I want to find out whether or not he has authority to spend that money without first coming to the Council and asking for an appropriation.

Coun. DWYER—Mr. President, I think that the committee by its action in striking that \$1,680.31 out has shown that in its opinion he was not doing the right thing. If the supplementary budget is passed as amended by the committee, Mr. Mellen won't have his \$1,680.31.

President HANNON—The question is on the adoption of the report.

Coun. COFFEY—Mr. President, I would like to have the snow removal item of \$100,000 broken

down to find out where the money has gone to. Here it is, a hot summer day, and we find that we have an item of \$100,000 for snow removal.

Coun. DWYER—Mr. President, I have not got the exact figures on the breakdown, but Mr. Hyland appeared before the committee, along with the Budget Commissioner—

Coun. COFFEY—Mr. President.

President HANNON—For what purpose does the gentleman rise?

Coun. COFFEY—To ask the gentleman to yield for a minute.

Coun. DWYER—All right, I will yield.

Coun. COFFEY—Mr. President, in view of the fact that the chairman of the Committee on Appropriations admits he has not got the figures broken down, I move that this matter be laid on the table—the entire matter.

The question came on Coun. Coffey's motion to lay the matter on the table. The motion was declared lost. Coun. COFFEY doubted the vote and asked for a roll call. The roll was called, and the motion lost, yeas 5, nays 9:

Yeas—Coun. Carey, Chase, Coffey, Fish, Taylor—5.

Nays—Coun. Dwyer, Hanley, Hannon, Hurley, Kelly, Russo, D. F. Sullivan, M. H. Sullivan, Wickes—9.

President HANNON—The question now comes on the supplementary budget appropriation as recommended by the Appropriations Committee.

Coun. TAYLOR—Mr. President, a point of order. I think the question before us was in reference to sending to the Executive Committee.

President HANNON—That motion has been defeated.

Coun. COFFEY—Mr. President, I now move that this order be sent back to the Committee on Appropriations.

Coun. TAYLOR—Mr. President, a point of order.

President HANNON—The gentleman will state his point of order.

Coun. TAYLOR—I have been here all the time, Mr. President, and I do not recall voting on that question. Councilor Coffey was speaking on that very question when I asked for a roll call. I would like to find out from the record whether or not we have had a vote on that motion to refer to the Executive Committee.

Coun. HURLEY—Mr. President.

President HANNON—For what purpose does the gentleman rise?

Coun. HURLEY—Mr. President, I would like to say that I think the councilor from Ward 12 is right.

President HANNON—For the purpose of clarifying the record, the stenographer will read the minutes and see what did happen to the motion.

Coun. COFFEY—Mr. President, when I moved that this matter be laid on the table didn't that defeat the other motion that was before the Body for reconsideration, that the order be sent to the Executive Committee?

President HANNON—It took precedence over any motion before the Body. But the Chair is of the opinion—and he is willing to be corrected—that the Chair called up a vote on reference to the Executive Committee, and the Chair declared the vote defeated, and the councilor from East Boston objected. But the Chair declared the vote defeated, and as far as the Chair is concerned, the vote has been defeated, unless the record of the stenographer indicates that the Chair is in error.

Coun. TAYLOR—Mr. President, a point of order. As I recall, at the time the vote was being called, Councilor Coffey got up and asked for the floor, and he said at that time that the vote was in progress.

President HANNON—Yes.

Coun. COFFEY—There was no calling of the vote at the time.

President HANNON—The vote was taken. Unfortunately the gentleman from Ward 12 did not hear it.

Coun. D. F. SULLIVAN—Mr. President, you are right on that. The vote was in reference to referring the order to the Executive Committee, and you did take the vote and announced the motion lost.

Coun. TAYLOR—A point of order, Mr. President. I would like to refresh the President's memory. You will recall, the vote was taken by a voice vote, and I doubted the vote and asked for a roll call. At that time Councilor Coffey asked for the floor, and then he said he wished to speak

on the matter. There was never any calling of the roll on that, Mr. President.

President HANNON—If the gentleman from Ward 12 did ask for a roll call, the Chair will apologize, for there was no calling of the roll. The Chair did not recall that the gentleman from Ward 12 asked for a roll call.

Coun. TAYLOR—I did, Mr. President, May I ask the Chair, then, how was it that Councilor Coffey got the floor to speak on this other question?

President HANNON—The Chair will state that Councilor Coffey reminded the Chair that he was on his feet, and the Chair said "Yes, but the vote has been declared." The Chair then told Councilor Coffey that the question before the Body was still the adoption of the supplementary budget, and Councilor Coffey was therefore recognized, and then he moved that the matter be laid on the table.

Coun. RUSSO—Mr. President.

President HANNON—For what purpose does the gentleman arise?

Coun. RUSSO—Mr. President, I would like to enlighten the Body here that we are losing too much time, and if you will refer to the stenographic record, and if we will all keep quiet for a minute, we may be able to know what really transpired.

President HANNON—The Chair would like to proceed. Councilor Coffey has made a motion that we resubmit this matter to the Committee on Appropriations.

Coun. TAYLOR—Mr. President, a point of order.

President HANNON—The gentleman will state his point of order.

Coun. TAYLOR—Mr. President, I still insist that I asked for a call of the roll, and there was never any call of the roll, or if there was, I would like to know what the vote was on the calling of the roll.

President HANNON—The Chair is doing his utmost to satisfy the gentleman from Ward 12 and the Chair will be most grateful if the stenographer will read off the minutes, and if the gentleman from Ward 12 and these other gentlemen will kindly lend their ears we will find out what transpired and will then be able to proceed. The Chair will now declare a recess and ask the stenographer to read the minutes regarding the matter under discussion.

(The official stenographer stated that his notes showed that Coun. Taylor had doubted the vote and asked for a roll call; that Coun. Coffey then addressed the Chair, and Coun. Taylor's request for a roll call was overlooked.)

President HANNON—The Chair was evidently mistaken. Councilor Taylor did doubt the vote and ask for a roll call, and the clerk will now call the roll.

Coun. COFFEY—Mr. President, a point of information.

President HANNON—The question is on the roll call.

Coun. COFFEY—A point of information.

President HANNON—The gentleman will state his point of information.

Coun. COFFEY—Does the Chair know who is going to be present at the executive session if this is referred to the Executive Committee?

President HANNON—No.

Coun. COFFEY—Another point of information.

President HANNON—The gentleman will state his point of information.

Coun. COFFEY—I would like to know if the chairman of this committee could get those figures at the Executive Committee session, because he claimed here on the floor today that he did not have them at the present time. That is, the breakdown.

President HANNON—The chairman, I am sure, will have an opportunity to do it, and will try to give you a breakdown of those figures.

Coun. COFFEY—Mr. President.

President HANNON—For what purpose does the gentleman arise?

Coun. COFFEY—This is another point of information.

President HANNON—The gentleman will state his point of information.

Coun. COFFEY—Can the Chair advise me as to who we can get who would appear before the Executive Committee so that we could get this information, if it is possible to do it now?

President HANNON—The Chair will suggest that the chairman of the committee get in touch with the City Auditor and anyone else that might have the information.

The question came on referring the matter to the Executive Committee. The roll was called,

and the report of the Appropriations Committee was referred to the Executive Committee, yeas 11, nays 3:

Yeas—Coun. Carey, Cbase, Fish, Hanley, Hannon, Kelly, Scannell, D. F. Sullivan, M. H. Sullivan, Taylor, Dwyer, Hurley, Russo—11.

Nays—Coun. Dwyer, Russo—3.

Coun. COFFEY—Mr. President, I move reconsideration. The only reason I move reconsideration is this, we are going back into executive, the same as we have been doing since I have been a member of the Council, and we are going to get the same evasive answers that we have been getting since I have been a member of the Council. I do not see any reason why we should go into executive and have the Public Works Commissioner brought here, and have Mr. Hopkins here to give his opinion, which is no opinion at all, or have Mr. Fox up here, and that is the gentleman that I would like to have, But I don't think we should go into executive. Some of the members have been growling a little bit when they got on their feet as to the lateness of the hour. Maybe Mr. Fox is not down there. I think we ought to take a recess and see if we can get these gentlemen, see if they are available. The chances are that Mr. Fox is not available because there is one of his assistants there. Further, I really think that this matter should be postponed to a later date, and have a hearing on it, and have these gentlemen there that have got these figures, who can give us the figures broken down—not as a whole sum—so that we can find out just where the moneys were spent. And at the same time I would like to get somebody to tell me—I have been trying for the last half hour to find out—as to what right the Acting Sheriff has to go ahead and spend certain sums of money, or if he has that power—and maybe he has; I don't know—but I would like to know why he did not come before our committee, or come before the Appropriations Committee during the budget hearings and ask for this money. For, as I stated before, he has provided these rooms for these jurors so that he can lock them up twenty-four hours a day. I am not just going to take Mr. Hopkins' word, and I think the majority are with me in that respect. Even those who are very friendly with the administration admit that Mr. Hopkins has made a very poor Corporation Counsel for the Law Department; that his answers have been evasive on most occasions; he never knew what we wanted even in the executive hearings. He pleaded, "I have not had time," or "You did not give me sufficient notice," and the several times we did give him sufficient notice he came down here and his answers were still evasive. Once we summoned him down here and he did not even show up, giving some excuse that he was sick, and he was up at the State House that day with Mr. MacDonald of the East Boston Development Company, Only recently he has approved another large abatement for Mr. MacDonald. I for one am not going to take the word of Mr. Hopkins. George Hyland can come here and give us the figures, but he is the Public Works Commissioner, and he would not know these things that the money was expended for. But I still want those figures broken down, and want somebody with authority to tell us what authority we have got, and what authority we have not got. In the three and a half years that I have been here, we have been struggling along, not knowing whether we have been going or coming. Sometimes we would ask for a decision and when we got it we would find out we were within our rights. Then it would be too late to act on it. So that I don't see any sense sending this to executive. I think most of these men will be gone anyhow. I would like to have reconsideration prevail now, and have the matter go back to the Committee on Appropriations and have these men summoned before us at some time so that we can spend the entire day with them if necessary. I hope that reconsideration will prevail.

Coun. DWYER—Mr. President, I am sorry to say that at the time my brother councilor asked me for the figures I did not have them. I have a complete set of figures on the \$100,000 breakdown from Mr. Hyland that he furnished me along with the other member of the committee that was there that day. I would like to send a set of figures over to Councilor Coffey, if he would like to look at them. The City Messenger will take them over.

Coun. COFFEY—May I ask for a recess while I am looking over these figures?

President HANNON—There is a motion before the Body to reconsider.

Coun. COFFEY—I think this is very important, Mr. President. There is an item here of over \$100,000.

President HANNON—If the gentleman wishes to withdraw his motion, he may do so. It is a motion for reconsideration.

Coun. COFFEY—Then can I put the motion in effect again?

President HANNON—It is already voted to the Executive Committee. You can make a motion to go into recess.

Coun. COFFEY—Talking on the order—that is the kind of advice we have been getting; it is the kind of advice that I do not want and will not stand for as long as I am a member here. I don't care who gives it. They are going to give correct information or else. After all, we are paying the salaries. I don't know why I should withdraw my motion. It can still be in effect. But I do think we should get a break once in a while. We are not getting them. I have not been getting them. I don't think it is a bit fair. I think that if I ask for this I don't have to go ahead immediately on it. I think my motion could well go in effect. I think the ruling could be made so that the members of the City Council can get a break once in a while instead of having to listen to the advice that sometimes is correct and sometimes is not so correct. In the first place, I would like to challenge that advice. I would like to know on what authority these members of the Boston City Council have to take the rulings of the clerk here. I would like to know. I would like to ask that information now, Mr. President. Do we have to take a ruling from the clerk here? Is there anything in our charter that says we do?

President HANNON—For the benefit of the gentleman, the Chair will state that there is nothing that compels anybody to take the advice of anybody else. The Chair in its wisdom, trying to be fair to all members, is happy to be guided by those who possess more information than he does. If I were seeking information relative to East Boston, I would be happy to confer with the councilor from East Boston. If I were seeking information relative to other sections of the city, I would go to the councilors who represent those sections of the city. In seeking information relative to the conduct of proceedings in the Council, I go to the clerks, who, in my way of thinking, are more qualified and better versed in those matters than I. But as far as the opinions that are being given being binding, thank God I still have common sense and free judgment, and I weigh the opinion as it is given to me, and I try to rule in keeping with the opinions given me before and in keeping with the rules as laid down in the rule book, which is possessed by each and every Council member.

Coun. COFFEY—Mr. President, the reason that I ask that is this, you know yourself that bills have been introduced here by the clerk in the Legislature, and we have had no information about them. Other matters have come down here to the City Clerk that we knew nothing about, were not told about. I think it is about time that we stood up on our feet and demanded to know what is going on. We have been getting it good up in the Legislature this year—we have been getting it damned good—too damned good—and I think it is about time that we changed the tactics of some of these people, especially those who are on our pay roll, the City Council pay roll. I think that information should be given to us, if they are going to file any bills. I think the information should be given to us before they file them. We have found out that these bills have been filed, and then after a bill has been acted on in committee, we discover that it was a bill pertaining to the Council. One bill here that the City Clerk saw fit to file was to cut down the vote on the present members of the Boston City Council, or to substitute military substitutes for those in the service. Something that was ridiculous. After I made a complaint about it, the bill was withdrawn. That was only one matter. There were several other matters. Before we act on this, I think that we ought to have some action on Councilor Dan Sullivan's bill. I think something ought to take place so that we can hire our own counsel, so that we can find out what is going on once and for all, so that we can get an honest opinion, an opinion that is fair. If we as members of the Council are in the right, we ought to be told so; if we are in the wrong, we ought to be told so. Mr. President, I don't know

what the hell kind of a Body this is. Everybody can walk in and out through the door that wants to. It is everybody's business what goes on in here. You can't do it up in the Legislature. What the hell kind of a Body are we? I am sick, tired and disgusted with it. While we are talking, nobody pays any attention to what is going on, what has been done, and to hell with it. Each time when I ask for a roll call to see how some of these councilors vote, I get a great kick out of it. There is a lot of backbiting going on around and a lot of something else going on, and I am sitting here, and I get a great kick out of it. So that as far as I am concerned, I don't care what the hell happens to this.

The question came on reconsideration of the vote by which the matter was referred to the Executive Committee. Reconsideration was refused, and the matter stood referred to the Executive Committee.

CONFIRMATION OF APPOINTMENT.

President HANNON called up, under unfinished business, No. 1 on the calendar, viz.:

1. Action on appointment submitted by the Mayor June 7, 1943, of Guy B. Barca, to be a Constable, authorized to serve civil process upon filing bond.

The question came on confirmation. Committee, Coun. Taylor and Hanley. Whole number of ballots 12; yes 12, and the appointment was confirmed.

APPOINTMENT OF JOHN A. BREEN.

President HANNON called up No. 2 on the calendar, under unfinished business, viz.:

2. Ordered, That the appointment by his Honor the Mayor of John A. Breen to be a member of the Boston Housing Authority for the term expiring January 8, 1948, be, and hereby is, confirmed and approved.

Coun. DWYER moved that No. 2 be referred to the Committee on Rules; declared lost.

Coun. DWYER doubted the vote and asked for a rising vote. The motion to refer to the Committee on Rules was carried by a rising vote 6 to 5.

Coun. COFFEY—Mr. President, that is what I mean. If one man can control three or four votes here, the rest of us had better get out.

Several members addressed the Chair, and Coun. M. H. Sullivan was recognized.

Coun. M. H. SULLIVAN—Mr. President, I would like to move to have the remark of Coun. Coffey stricken from the record because if anybody tries to control the votes of other members it is he.

President HANNON—The motion is out of order.

CONGRATULATIONS TO DR. ELLIOTT P. JOSLIN.

Coun. M. H. SULLIVAN offered the following: Resolved, That the members of the Boston City Council, in meeting assembled, hereby extend their heartiest congratulations to Dr. Elliott P. Joslin, consulting physician at the Boston City Hospital, upon the recognition justly accorded his merits as a medical authority in the award made to him of the Distinguished Service Medal of the American Medical Association, at the recent convention of that distinguished organization.

Unanimously passed under suspension of the rule.

NAMING OF VESSEL IN HONOR OF ENSIGN O'TOOLE.

Coun. KELLY and HURLEY offered the following:

Resolved, That the City Council of Boston in meeting assembled hereby endorses the action for the Secretary of the Navy in naming a new destroyer escort vessel in honor of Ensign John A. O'Toole of Ward 15 of Dorchester who was mortally wounded during the invasion of North Africa and who received posthumously an award of the Navy Cross and the Purple Heart for gallantry in battle.

The resolution was passed by unanimous vote.

RESURFACING OF WARD 15 STREETS.

Coun. KELLY offered the following:
 Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to resurface the following streets in Ward 15: Blakeville street, Longfellow street.
 Passed under suspension of the rule.

DOUBLING OF GOVERNMENT ALLOTMENT TO CERTAIN DEPENDENTS.

Coun. FISH offered the following:
 Resolved, Whereas, Many married men are now being inducted into the armed services of the country;
 Whereas, In most cases these men are the main support of their family;
 Whereas, Living costs have steadily increased; be it
 Resolved, That the Boston City Council, in meeting assembled, favor Federal legislation which will double the government allotment to their dependents; and be it further
 Resolved, That a copy of this be sent to the members of the Massachusetts delegation in Congress.
 Referred to Committee on Rules.

ADJUSTMENT ON WATER BILLS FOR VICTORY GARDENS.

Coun. FISH offered the following:
 Ordered, That an adjustment be made on all water bills which would serve to abate in full the charges for water used to cultivate Victory Gardens.
 The question came on suspension of the rule and the passage of the order.

Coun. FISH—Mr. President, I think everybody in the vicinity of Boston, wherever possible, if they have the available land to cultivate, will this year have a Victory Garden, due to the present food shortage and the threatened food shortage this coming winter. I think that we should recognize these people who are making this contribution. I believe that the people of East Boston, Dorchester, Roslindale, Roxbury and other sections—they are equal in Boston—should be treated the same. I understand that facilities are already being prepared to give free water to those planting Victory Gardens in Franklin Park, but why should they be the only ones selected? I ask only in this order that everybody in Boston who is planting a Victory Garden have the same treatment. I think some solution along this line can be worked out. The water will be consumed in the next quarter, and if the Water Department would compare the bills of this quarter with the comparable bills of last year, and if there is really an excessive amount of water used this year and upon investigation they find that there is a Victory Garden on that particular piece of property, they could abate the difference. In that case it would be reasonable to assume that the added water was used for Victory Garden purposes.

Coun. RUSSO—Mr. President, I heartily agree with Councilor Fish. I also wish to bring to the attention of the various departments that come within the scope that we have many pieces of land throughout the City of Boston—I know that I have plenty in my own ward—where buildings have been torn down, leaving the land in a very, very bad condition. We could utilize those various spots, and I would be very glad if they could be put in condition so that they could be used for Victory Gardens. We could very well utilize all those places. And, in addition, they are sort of an eyesore to the people of the city, and especially to those who come into the city to visit.

The order was passed under suspension of the rule.

ARMY SIGNAL CORPS TRAINING PROGRAM.

Coun. CAREY offered the following:
 Ordered, That his Honor the Mayor be requested to communicate immediately with Hon. Henry L. Stimson, Secretary of War, and with General Dawson Olmstead, Chief of the U. S. Army Signal Corps in Washington, and strongly urge that a directive be issued authorizing the enlistment of young men who have reached their seventeenth

birthday but have not yet become eighteen years of age in the Army Signal Corps Enlisted Reserve in order that they may be eligible for training in radio in the Army Signal Corps Training Program.

The question came on suspension of the rule and the passage of the order.

Coun. CAREY—Mr. President, it might appear that in that order we were trying to dictate to the War Department as to a matter of enlistment, but, as my remarks will probably show, that is not the purpose of it at all. I wish to call the attention of the Council to the possible discontinuance of an excellent and vital army pre-training program for young men who are preparing to enter the armed service of their country. This worthwhile program is threatened with termination on or before June 30, 1943, because provision has not been made to qualify additional young men for this excellent course of training. This is a serious condition of affairs in that, unless orders are received in a few days, an investment of about \$750,000 in training equipment will be rendered almost useless, a highly competent staff of professional instructors will be dissolved, an additional burden will be placed on the army to instruct this highly specialized branch, and several hundred young men from the City of Boston will lose this opportunity to prepare themselves for service in the army. It is asked in this order that his Honor the Mayor communicate with Secretary Stimson and General Olmstead and strongly urge them to authorize the enlistment of young men of seventeen and up to eighteen in this signal corps enlisted reserve for training in radio to commence as soon as possible so that, after they are eighteen, they will be ready to enter active service for field training and assignment to a unit. This will allow the courses to continue as young men now nearing eighteen may start in the next course on July 1 and monthly thereafter. The Boston School Committee has been, and is, very much interested in the continuance of this valuable training. They have allowed the use of facilities of four of their largest buildings, Boston Trade School, Public Latin School, Teachers College and the Mechanic Arts High School. About 900 young men, many from the City of Boston, are now receiving free training with pay in radio, operating in two eight-hour shifts. Their instructors are recognized civilian experts in radio theory and construction. The Boston School Committee has voted unanimously to request the War Department to continue this radio training for their graduates, past and present. The number of young men who can be trained at one time is 4,500, and it would be a tragedy if this number of young men preparing to enter the service of their country should be deprived of this special training in radio for which they believe they are best fitted. A pay roll loss of over \$300,000 monthly to our State of Massachusetts, over \$125,000 monthly in Boston alone, is certain if this training is discontinued. This instruction is of tremendous assistance to the Signal Corps in that it assures the corps of a continuous flow of highly pre-trained radio men, trained by the best civilian radio experts with long years of experience. Also, the facilities for training, equipment, laboratories, etc., are excellent. The value of the training equipment purchased and in use is set at \$750,000. This program is also of vital interest to the parents in every district in the City of Boston, through which their sons can be given proper training before they enter the armed services, to do their share in the winning of this war. Many young men, now under eighteen, want to prepare themselves now for the army, and they should not be deprived of this opportunity, particularly when all the facilities are now available and running smoothly. I sincerely hope that we will not lose this pay roll, which is of such vital importance to the city, and that these young men who are contemplating entering the service of their country may be given this opportunity to be trained in radio, so that when they do enter the service of their country, they may be assigned to a unit where their training will be of some benefit to them. I think it is highly important to each and every councilor in this city, because I know that in every ward of the city there are these young men who want to specialize in some particular phase of army life, and I hope that the Mayor will recognize the importance of it and will do his utmost to communicate with Secretary Stimson and General Olmstead to see

that this program is not discontinued. I ask a suspension of the rule and the passage of the order.

The order was passed under suspension of the rule.

CONGRATULATIONS TO U. S. CORPS OF ENGINEERS.

Coun. D. F. SULLIVAN offered the following:

Resolved, That the City Council of Boston in meeting assembled hereby extend their congratulations to the officers and men of the Corps of Engineers of the United States Army who, on Wednesday next, June 16, observe the 168th anniversary of the founding by Congress of their corps.

Passed under suspension of the rule.

INCREASE FOR HOSPITAL EMPLOYEES.

Coun. D. F. SULLIVAN offered the following:

Ordered, That the Manpower Commission and the trustees of the Boston City Hospital be requested, through his Honor the Mayor, to advise the City Council what steps have been taken to give the employees of the Boston City Hospital and the Boston Sanatorium a permanent raise.

The question came on the suspension of the rule and the passage of the order.

Coun. D. F. SULLIVAN—Mr. President, the reason for this order is that back in February of this year, when the appropriation went through for the city employees, the Budget Commissioner and the City Auditor informed us that there were plans under way for making a survey of the various institutions for the purpose of giving those underpaid workers at the free institutions a permanent increase in salary. Here it is in June, four months later, and no action has been taken to give them that permanent raise. I understand that the tax rate is ready to be announced, and I am asking now, Mr. President, that this order be referred to the Hospital Committee and that the Hospital Trustees and the Survey Committee, or the Manpower Commission appointed by the Mayor, be called in, and let us get to the bottom of what has happened to that permanent pay raise that was promised to the hospital employees way back in February.

The order was referred to the Committee on Hospitals.

EAST BOSTON RELIEF HOSPITAL.

Coun. COFFEY offered the following:

Ordered, That the Trustees of the Boston City Hospital be requested, through his Honor the Mayor, to reopen the East Boston Relief Station on a 24-hour-day basis.

Passed under suspension of the rule.

RECESS.

On motion of Coun. RUSSO the Council voted at 5.15 p. m. to take a recess subject to the call of the Chair. The members reassembled and were called to order by President HANNON at 6 p. m.

EXECUTIVE COMMITTEE REPORTS.

Coun. TAYLOR for the Executive Committee submitted the following:

1. Report on report of Committee on Appropriations *re* supplementary appropriation order (referred today) recommending that report be accepted.

The report was accepted, and the order in proposed new draft was accepted, yeas 15, nays 0:

Yeas—Coun. Carey, Coffey, Chase, Dwyer, Fish, Hanley, Hannon, Hurley, Kelly, Russo, Scannell, D. F. Sullivan, M. H. Sullivan, Taylor, Wickes—15.

Nays—0.

2. Report on message of Mayor and order (referred May 24) for appropriation of \$5,000 to be expended by the Park Department for erection on Common of temporary memorial for war dead—recommending reference to the Committee on Appropriations.

Report accepted; said reference ordered.

3. Report on message of Mayor and order (referred today) for sale of two boilers from fire boat, Engine 47, "John P. Dowd," at upset price of \$1,000—that same ought to pass.

Report accepted; said order passed.

4. Report on message of Mayor and order (referred today) for transfer of \$20,000 from Reserve Fund to appropriation for Public Buildings Department, old Fire House 29, Chestnut Hill avenue, Brighton, for alterations and additions—that same ought to pass.

Report accepted, and the question came on the passage of the order.

Coun. HURLEY—Mr. President, I hope that the Council will pass that order today. I think Councilor Maurice Sullivan has worked very hard and run into plenty of obstacles in getting things for the citizens of his district in Brighton and he should be commended for his hard work in pushing this matter forward as he has.

The order was passed yeas 15, nays 0.

5. Report on order (referred today) that City Clerk have printed a strangers' directory of Boston and vicinity—that same ought to pass.

Report accepted; order passed.

6. Report on order (referred today) that Council proceed to election of two managers of Old South Association—that same ought to pass.

Report accepted; said order passed.

The question then came on the election of two members of the Council as managers of the Old South Association.

The clerk called the roll, the members announcing their choice as their names were called, and Coun. Chase and Scannell both received fifteen votes, and were therefore declared elected managers of the Old South Association.

7. Report on message of Mayor and communication from Corporation Counsel (referred today) regarding presence of Assistant Corporation Counsel at meeting of Council—recommending that same be placed on file.

Report accepted; placed on file.

Adjourned, on motion of Coun. KELLY, at 6.11 p. m., to meet on Monday, June 21, 1943, at 2 p. m.

CITY OF BOSTON.

Proceedings of City Council.

Monday, June 21, 1943.

Regular meeting of the City Council in the Council Chamber, City Hall, at 2 p. m., President HANNON in the chair. Absent, Coun. Foster, Goode, Kinsella, Langan, Linehan and Wickes.

The meeting was opened with the salute to the Flag.

APPOINTMENTS BY THE MAYOR.

Subject to confirmation by the Council, the Mayor submitted the following appointments:

Constable for term of one year, beginning with first day of May, 1943, without power to serve civil process and to serve without bond: Paul J. McCarthy, 306 Hyde Park avenue, Ward 19.

Weigher of Coal: Jesse C. Manning, 836 Hancock street, Abington, Mass.

Severally laid over a week under the law.

SAVIN HILL PLAYGROUND.

The following was received:

City of Boston,

Office of the Mayor, June 21, 1943.

To the City Council.

Gentlemen,—I transmit herewith communication from the Park Commissioner relative to your order of May 25, 1943, requesting that the beach at Savin Hill Playground be cleaned up.

Respectfully,

MAURICE J. TOBIN, Mayor.

City of Boston,

Park Department, June 4, 1943.

Arthur C. Carey,

Chief Clerk, Mayor's Office.

Dear Sir,—I am acknowledging your memorandum of May 25 with inclosure, order of the City Council requesting that the beach at Savin Hill Playground be cleaned up.

A personal visit made to Savin Hill Playground on Tuesday, June 1, showed the ball field to be in excellent condition. There was no necessity either of oiling it or rolling it at the present time. In talking with the group that was playing there, they informed me that they considered the field in very good condition.

The beach had debris left there from the tide, which was going out at the time, and the man in charge of the ball ground was cleaning the beach. It will be kept in a cleanly condition during the summer months.

Very truly yours,

WILLIAM P. LONG, Chairman.

Placed on file.

PETITIONS REFERRED.

The following petitions were received and referred to the committees named, viz.:

Claims.

Walter I. Austen, for compensation for loss of wedding ring at City Hospital.

Augustine Frati, to be reimbursed as result of accident which occurred while in performance of duty.

Jessie A. Hart, for compensation for damage to car and injuries caused by city car.

K. A. Kibbe, for compensation for damage to car by city truck.

Andrew J. Lynam, for compensation for damage to car by city truck.

Antonio Policorinis, for compensation for damage to car by city truck.

Star Book Binding Company, for compensation for damage to car by street sweeper.

PERMITS FOR CHILDREN TO APPEAR.

Petition for permit for children under fifteen years of age to appear at places of public amusement was received, viz.:

Margaret E. Butman, Recital Hall, June 26. The permit was granted under usual conditions.

PROMPT ATTENDANCE AT MEETINGS.

President HANNON—Under Reports of City Officers, I sent out a letter to each of the councilors calling their attention to Rule 1, which provides that meetings shall begin at two o'clock, and I think, in all fairness to all of the members of the Council, the meetings should start as promptly as possible. I hope the members will cooperate with me in that. Likewise, I want to call attention to Rule 27, which provides that "No person, excepting officials connected with the city council, and duly assigned reporters of the daily newspapers, shall be allowed in the anterooms or upon the floor of the council chamber while the council is in session. . . . The city messenger shall enforce this rule." I am going to ask the cooperation of all the members in the enforcement of this rule, and in doing so we do not intend to work a hardship, but in order to be fair I shall have to be strict in the enforcement of this rule, and I am going to ask the City Messenger, through the police officers, to see that nobody is permitted upon the floor except as provided under Rule 27.

FIRST AID STATION, HAYMARKET SQUARE.

Coun. RUSSO offered the following:

Ordered, That the trustees of the Boston City Hospital be requested, through his Honor the Mayor, to put into operation a first aid station at the old Haymarket Relief Station with an ambulance to be stationed there twenty-four hours a day.

Passed under suspension of the rule.

CONFIRMATION OF EXECUTIVE APPOINTMENTS.

President HANNON called up, under unfinished business, No. 1 on the calendar, viz.:

1. Action on appointments submitted by the Mayor June 14, 1943, of E. H. Carner, Ray Obin, Roland M. Gustin, John J. Ahern, to be Weighers of Coal; and Charles Fallen, Frank Preston, Michael Collins, William Turner, Patrick Canley, to be Weighers of Goods.

The question came on confirmation. Committee, Coun. Hanley and Taylor. Whole number of ballots 13; yes 12, no 1, and the appointments were confirmed.

BRIEF RECESS.

Coun. DWYER—Mr. Green, the Clerk of Committees, is bringing in an order for the Committee on Appropriations that I would like to ask the Council to act on. It will be in shortly.

President HANNON—The Chair will declare a short recess.

Short recess beginning at 2.18 p. m.

President HANNON—The Council will be in order.

REPORT OF COMMITTEE ON APPROPRIATIONS.

Coun. DWYER, for the Committee on Appropriations, submitted the following:

Report on message of Mayor and order (referred from Executive Committee June 14) for transfer of \$5,000 from Contingent Fund, to be expended by Park Department, for temporary war memorial on Boston Common—that same ought to pass.

The report was accepted and the question came on the passage of the order.

Coun. DWYER—Mr. President, I ask that this order of \$5,000 be assigned to the next meeting.

The order was laid over for one week.

Coun. DWYER—Mr. President, I move that the meeting be now adjourned.

Coun. FISH—Mr. President.

President HANNON—For what purpose does the gentleman rise?

Coun. FISH—Mr. President, I called a meeting of the Ordinance Committee last Wednesday for the purpose of acting on the curfew law, but unfortunately I was taken sick and I understand that there was not a quorum at the meeting, and it has been agreed that I poll the members of the committee here now to find out how they stand. I am pretty nearly through with that and I would like to have the opportunity of returning this order to the Council itself this afternoon.

Coun. DWYER—Mr. President, I will withdraw my motion to adjourn.

President HANNON—If there is no objection the motion of Councilor Dwyer to adjourn will be withdrawn, and the Chair will declare a brief recess, subject to the call of the Chair.

Recess from 2.21 p. m. until 2.30 p. m.

Later in the session Councilor DWYER asked reconsideration of the vote to lay over for one week the \$5,000 appropriation order. Reconsideration was granted. The question then came on the passage of the order.

Coun. RUSSO—Mr. President and members of the Boston City Council, I wish to state that as a member of the Appropriations Committee, when the meeting was held I called someone here and asked them to notify the committee that I would be about five or ten minutes late in getting to the meeting. Nevertheless, that courtesy was not extended to me by my colleagues, and when I reached the committee meeting the matter had been already passed upon. Mr. President, we are going today to pass upon an appropriation of \$5,000 of the taxpayers' money of the City of Boston. If my colleagues here will recall, a few weeks back, when the Boston City Council passed a resolution in order to honor the boys who have already made the supreme sacrifice in this World War II by naming the malls of the Boston Common for the respective branches of the armed forces of our country, and where a temporary plaque would have been erected there to have the names go on, we found that his Honor the Mayor did not approve of that resolution, where it would have meant not over \$100 of the taxpayers' money. The sentimental value was there and we were trying to recognize the boys of the City of Boston who are in the armed forces. But he has seen fit to bring before this Council an order appropriating \$5,000. I cannot see why he should spend \$5,000 now on a temporary plaque when we could have had the same meaning and the same respect for not over \$100. This is not in any way saying that we do not want to honor the boys. As I said before, the sentimental reasons were behind it, and why should we appropriate \$5,000 now on a temporary plaque when, if this war should end in a short time, there would be \$5,000 thrown to the wind? I have already stated on this floor that after this war is over we will want to appropriate, not \$5,000 in order to honor the boys who have made the supreme sacrifice and those boys who are coming back, but twenty times as much, even \$100,000 if it is needed, and I don't believe that the City Council today should pass an order appropriating \$5,000. I ask this Body not to accept this \$5,000 appropriation, and they should get away from the idea that by not adopting this order we are not as patriotic as anybody else. I have been told, Mr. President, that in taking this stand I would be looked upon as unpatriotic. I challenge anyone here, or any other place, in so far as my patriotism is concerned. The boys who are in the armed forces know my feeling for them. The American Legion know my feeling for them. The Veterans of Foreign Wars know where I stand. And I have no fear. If we want to do something for our boys who are in the armed forces, then I say that we ought to call upon his Honor the Mayor not to fill any positions in those two departments that he has placed individuals in, but to wait until the boys get back and give them an opportunity to take an examination so that they may qualify for those positions, and not have the positions filled today, taking advantage of their absence while our boys are fighting across. I hope that this order will not pass.

Coun. DWYER—Mr. President, before answering my brother I would like to ask the clerk to read the order to the entire Body.

The order was again read by the clerk.

The question came on the passage of the order.

Coun. DWYER—Mr. President, this order originally was referred to the Executive Committee. Somehow or other it went to the Committee on Appropriations. This is not an appropriation, Mr. President. This Council has already appropriated the sum of \$325,000 in the Contingent Fund to be spent for various matters such as this that might come up. This particular matter is merely allocating a part of that \$325,000, as to how it will be spent. Mr. President, the Committee on Appropriations did not intend to be discourteous to their fellow member. He received a notice through the mail of the time of the meeting and the place of the meeting. Shortly after the meeting was under way one of the attachés of the Council came in and asked to have the meeting held up. The matter seemed such a good proposition for all concerned that the committee decided to go along and advise the brother member when he got there of the action they had taken, and the vote of the committee on it was 6 to 1 to approve this matter. I hope, Mr. President, that the Council will back up the Committee on Appropriations and pass this order.

Coun. COFFEY—Mr. President, about a month ago I introduced an order requesting his Honor the Mayor to erect suitable plaques in every ward throughout the entire city. I have asked his Honor the Mayor probably three times since I introduced that order if he would not take some action on it. Information has come to me now that the Mayor is going to appoint a committee from the heads of the various organizations, such as the American Legion, the Veterans of Foreign Wars, the Disabled American Veterans, and the Spanish War Veterans to make a study throughout the entire city. I have asked the Mayor three or four times to do that, and I am in hopes that in the very near future he will appoint that committee to make a study. It is only natural that I go along with this order. It is to the honor of the heroes of World War II to place their names on a tablet on Boston Common, and this, to my mind, is to be an everlasting thing, it will not be a temporary plaque. A considerable sum of money is going to be spent, and I am sure it will be one of the greatest plaques we have ever had. I think the greatest plaque within the state is the one they have over in Everett, and I hope we will get one similar to the one over there. It is the most beautiful one I have seen. It is a monolith of granite and there is plenty of space there for other names to be added. I hope that this order will pass, and I can't see any reason why anyone should vote against it.

Coun. TAYLOR—Mr. President, when the order was originally offered in this Council by Councilors Hurley and Russo for the purpose of erecting a plaque on Boston Common it was unanimously passed by this Body. I felt that the Body was interested in those boys who were willing to offer up their lives for the defense of their country and that something should be done to give them recognition of some kind by the Boston City Council as parts of the particular branches of the service in which they were enlisted. At that time we voted unanimously, and the cost of the proposition never entered into it in any way. And I don't think any of us should change our minds now for any reason, whether it be a personal one or otherwise. The mere fact that the Mayor of Boston disagreed with the form of our order, as to how the memorial should be put upon Boston Common, should not change our views that something should be done, in so far as a memorial is concerned, for our boys. So far as the amount of money is concerned, I do not see where anybody can object to it. On the 4th of July the City of Boston spends somewhere between \$15,000 and \$20,000 for the purpose of entertaining the children and grownups to demonstrate our patriotism, whether it be in times of peace or in times of war. How any man can get up on the floor for a personal grievance or any other reason and object to appropriating \$5,000 to demonstrate to the outside world that we appreciate the services that our boys are rendering is beyond my comprehension. In my opinion, regardless of what the amount may be, I don't think anybody ought to object to it.

Coun. RUSSO—Mr. President, first in answering my colleague from Ward 21 (Coun. Dwyer), we are informed that the vote that was cast in the committee was 6 to 1. I would like to know if that one was the councilor who is now speaking and being recorded against it while not being present at the meeting. I don't know how anyone can take the attitude whether a person is for it or against it until a vote has been cast. Secondly, if the message was delivered when I called, the vote should not have been taken. I have waited in many committee meetings for a half hour and an hour, and I have never said "Let's go ahead" without somebody else. But that is not here or there. In answering my distinguished colleague from Ward 12 (Coun. Taylor), I am very glad that he has brought out that the City Council some time ago passed the order for naming these malls on the Boston Common and bringing those things out, Mr. President. The Mayor knew at that time that there was an order of \$5,000 to be appropriated. Why in God's name did we pass that other order when we had no intention of carrying it out. Why didn't we kill the first order and let this one here go through? It is not a question as far as personality is concerned. It is a question whether or not the Council is going to be consistent with itself. That order had ample time to be killed.

The Council knew about this \$5,000 appropriation because the \$5,000 appropriation was released in the newspapers the very same day that the committee was acting upon the other one. Why in God's name did the Council accept the report of the committee, and why in God's name did they accept the order? Now they come along and say "This is a fine order." I have not said whether it was a good order or a bad order. I said I voted for the first one for sentimental reasons. It is not a question of money. I believe I have made it clear from the first time I spoke that if twenty times \$5,000 was needed after this war I would be for it. I ask the Council to be consistent with itself. When we knew there were these orders to be acted upon, why in God's name did we act upon one and accept it when we knew that the other was confronting us?

Coun. DWYER—Mr. President, for your information and the information of the entire Council, the gentleman arrived at the committee meeting when the members were discussing how they were going to vote on the order, and the same gentleman wished to be recorded against it, so that he did vote against the order in committee meeting.

Coun. RUSSO—Mr. President, in answering my colleague I will say that I wish he would examine his conscience first and speak the truth.

Coun. DWYER—Mr. President, I do not need to examine my conscience; I am speaking the truth. The other members of the committee who were there when he arrived know that we were discussing the situation and as to how we would vote on it, and they know that he said that he wanted to vote against the order, that he was going to oppose it and speak against it.

Coun. RUSSO—May I ask that the clerk of the committee be brought in here to state if I cast my vote either for it or against it?

Coun. HANLEY—Mr. President, the order before the Boston City Council today can be termed political suicide for any man who would vote against it. It is so termed because any man could utilize it against any one of the twenty-two councilors seeking re-election in November. Any opponent could bring out that such a man was definitely against the boys who are fighting our battles today. His Honor the Mayor does not come up for re-election for another two years, and by that time I believe the war will have passed into the annals of history, and the emotionalism produced by the war will be once again dominant, and the cry that will go up from a hundred and thirty million people will be, "What are you going to do that is both constructive and for the welfare of our people?" Monuments have been put up since the beginning of time, and they will be put up until the consummation of the world. But how many men in public life have ever done anything constructive for the boys of the world who are offered on the sacrificial altar of the god of war? Offered up as a propitiation to Mars! That is paganism both in ideal and in meaning. His Honor the Mayor, who was sick at the time according to the newspaper accounts, went down to the South,

and he knew very well that action should have been taken upon an order presented to this Honorable Body by the Honorable Joseph Russo and the Honorable William F. Hurley. Whether it was told him or not I don't know, but I know that actions speak louder than words, and I know that principle is above partyism and politics. I say this, and I say it definitely, that his Honor the Mayor should have had the intestinal fortitude to be for or against the original order presented for the purpose of memorializing the boys who are fighting, suffering and dying on the far-flung posts of the world. His Honor the Mayor should have at least the courage to say he was opposed to the order presented to this Council and passed unanimously by each and every member, and each and every member had the opportunity to speak for or against it. And I saw the caricature of each and every one of us in the Hearst newspaper as we gave our word, praising the laudable idea, and two months later we are forgetting the principle that was involved in the order. Principle, Mr. President, is above popularity. His Honor the Mayor is the Mayor of Boston because he was chosen by the people, and he can be destroyed by the people. The \$5,000, under the circumstances and at a time like this, is a drop in the bucket. Councilor Coffey from Ward 1, a disabled veteran of the last war, who has been honored by his constituents in East Boston, a man who, since he joined this Body, on many occasions has helped to uplift the people of East Boston, has denounced those men who have tried to jeopardize our civic rights or liberty. This past week he has lauded the idea of Councilor Daniel F. Sullivan and Councilor Fish for post-war rehabilitation for those boys who are fighting for you and for me. Councilor James Coffey, who knows what this war is all about, who fought and who suffered in the first World War, who was badly wounded and whose services to the country were never properly recognized when he came back from the front by those who would have lauded his efforts while the war was on, after it was over became one of the unemployed. He knows what war is all about. Monuments are stone and marble and mortar, but they are something not living. They are not living things. Let us do nothing that will be displeasing to the boys who are at the far-flung posts of the world, when they return. Once again, for the benefit of the councilors, I will say that for anyone to vote against this order would be interpreted by those who may oppose us as an unfriendly attitude toward our boys, and it would be so utilized. I will vote for the \$5,000, and I am saying now that his Honor the Mayor had better get rid of his indifference, his apathy and maybe his lethargy and do something for the boys not only now but when they get back.

The roll was called and the order was passed, yeas 15, nays 0:

Yeas—Coun. Carey, Chase, Coffey, Dwyer, Fish, Hanley, Hannon, Hurley, Kelly, Lyons, Muchnick, Scannell, D. F. Sullivan, M. H. Sullivan, Taylor—15.

Nays—0.

REPORT OF COMMITTEE ON ORDINANCES.

Coun. FISH, for the Committee on Ordinances, submitted the following:

Report on order (referred April 26) *re* curfew for children under sixteen years of age after 9 p. m. in certain sections of the city—that same ought not to pass.

The report was accepted.

President HANNON—The question now comes on the passage of the ordinance.

Coun. D. F. SULLIVAN offered the following:

Ordered, That the City Council of Boston hereby determines that there is a reasonable likelihood that the health and safety of any child under sixteen years of age may be endangered by his or her presence in or on any street, walk, or other public place within the corporate limits of the city between the hours of eleven o'clock p. m. and five o'clock a. m., unless accompanied by his or her parent, grandparent, legal guardian, or an adult member of such child's household; and in accordance with the ordinance heretofore passed, the presence of any child under sixteen years of age, not so accompanied, within the hours specified, is hereby prohibited on and after July 1, 1943, and

until otherwise determined by the Mayor and City Council, the enforcement of said ordinance to be carried out in the following manner:

1. On a first offense, the child is to be taken to the police station and the parent, grandparent, or legal guardian is to be called in for reprimand by the police officials.

2. On a second offense, the child is to be taken to the police station and later released in the custody of the parent, grandparent, or legal guardian, and the police official in charge is to forward the name of the child to the juvenile probation officer in that district who, in turn, shall send for the parent, grandparent, or legal guardian for further reprimand.

3. The third time this child violates the curfew law will result in the parent, grandparent, or legal guardian being taken into court on the charge of being a contributing factor in the child's delinquency.

Coun. SCANNELL—Mr. President.

President HANNON—For what purpose does the gentleman rise?

Coun. SCANNELL—A point of information.

President HANNON—The gentleman will state his point of information.

Coun. SCANNELL—Mr. President, if there is an ordinance before the Body, don't you think that the Body should act on the ordinance first before there is a substitute order passed?

President HANNON—While the ordinance is before the Body it is subject to amendment before adoption by the Body, and this is an amendment to the ordinance.

Coun. SCANNELL—I understood that this was a substitute order by my colleague from Ward 9. I don't know whether it is an amendment or a substitute order.

President HANNON—It is a substitute order in the form of an amendment. The clerk will read the order.

The order was again read by the clerk.

The question came on substitution.

Coun. D. F. SULLIVAN—Mr. President, I move now that the order be laid on the table for one week.

President HANNON—Councilor D. F. Sullivan moves that the order be laid over for one week.

Coun. DWYER—Mr. President, I would like to suggest that it be referred back, the particular order, to the Committee on Ordinances. As I understand it, Acting Commissioner Kavanagh—

Coun. TAYLOR—Mr. President, a point of order.

President HANNON—The gentleman will state his point of order.

Coun. TAYLOR—Do I understand that there is a motion to lay on the table?

President HANNON—There is a motion to lay on the table, which is not debatable. The point is well taken. The question comes on laying on the table.

Coun. D. F. SULLIVAN—Mr. President, I will withdraw my motion to lay on the table.

President HANNON—Councilor Sullivan withdraws his motion to lay on the table. Is there objection?

Coun. TAYLOR—Mr. President, I object.

President HANNON—Councilor Taylor objects. The question is on the motion to lay on the table.

Coun. FISH—Mr. President.

President HANNON—For what purpose does the gentleman rise?

Coun. FISH—A point of order.

President HANNON—The gentleman will state his point of order.

Coun. FISH—Do I understand that this is an amendment to the original curfew order that was put in here, and that they will both go back to the Committee on Ordinances?

President HANNON—Yes, they both will be laid on the table if the amendment carries; if not, then a further motion may be offered to refer them both back to the Committee on Ordinances.

Coun. FISH—The original order of curfew, then, today can neither be rejected nor accepted by the Body—is that so?

President HANNON—That is correct.

Coun. COFFEY—Mr. President, a point of information.

President HANNON—The gentleman will state his point of information.

Coun. COFFEY—I wonder if anybody here can tell me the purpose of having this laid on the table for one week.

President HANNON—The motion is not debatable. If the gentleman wishes to respond, the Chair will be happy to recognize Councilor Daniel Sullivan.

Coun. D. F. SULLIVAN—Mr. President, the purpose of it was because last week there was a meeting of the Ordinances Committee called, but, a quorum not being present, there was no meeting held. At that time I was prepared to present an amendment. Knowing that the order was going to be reported back today, I had this order drawn to offer this afternoon, and the reason I want to have it laid over one week is to give the councilors an opportunity to study it.

The question came on laying the matter on the table. The motion was lost. The question then came on the adoption of the substitute order.

Coun. DWYER—Mr. President, I move that this order be sent back with the original to the Committee on Ordinances. I do that for this reason: I believe at the time the Committee on Ordinances met the acting superintendent, or Commissioner Kavanagh, expressed his views. Now that Commissioner Timilty is back on the job I think that the Committee on Ordinances ought to hear his views on this matter and in turn submit them to the entire Body.

The question came on referring the two orders to the Committee on Ordinances. The orders were so referred.

ABANDONED SCHOOL CENTERS AS RECREATION CENTERS.

Coun. HANNON offered the following:

Ordered, That his Honor the Mayor communicate with the School Committee relative to the advisability of renovating abandoned school buildings for the use of children as recreation centers.

Passed under suspension of the rule.

EMPLOYMENT OF DISABLED VETERANS.

Coun. FISH offered the following:

Resolved, That the Boston City Council in meeting assembled oppose the method used by certain doctors assigned to defense industries which prevent disabled veterans of the present war from gaining employment;

Resolved, That his Excellency the Governor, through his Honor the Mayor, be requested, by use of his emergency war powers, to demand that concerns engaged in defense industry in Massachusetts give employment to those who have been honorably discharged for minor physical disability from the armed forces of our country and who now seek to be re-employed.

The question came on suspension of the rule and passage of the resolution.

Coun. FISH—Mr. President, as Councilor Hanley has well said, monuments and plaques are nothing but cold brick, stone and mortar. Something should be done for these boys—there is no question about it. Do we have to wait until the war is over? They were heroes yesterday but today they are forgotten. If what I hear is true—and I have every reason to believe it—there are doctors employed in the defense industries who refuse to give a physical examination to a young boy, a veteran of this present war, who goes to them seeking employment. He presents his physical honorable discharge and the doctor goes no farther. He refuses to give him an examination. I wonder if that is the reward that these boys are going to get. I wonder if that is just in the State of Massachusetts or is it nation-wide, which would be a matter for Congress. Since it is here in Massachusetts, I don't think we should wait. I am asking that the Mayor bring this to the attention of the Governor, who, under his emergency war powers, should make a thorough investigation of this matter. The mere fact that a boy is discharged because of physical disability from the armed forces is no indication that he can't accept one of the hundreds of different types of jobs in defense industry. Think it over, gentlemen. What is going to happen when the rest of them come home if these boys are not even given a physical examination and not even given a chance to accept a job as a guard? Think it over.

Coun. COFFEY—Mr. President, I feel grateful to Councilor Fish. I read in the *Boston Post* this morning where somebody at the Veterans Bureau was giving out the information that two thousand claims of veterans of World War II have already been filed at the Veterans Bureau for compensation. If a veteran being discharged from this war has a medical discharge he has a very good chance of getting compensation from the Government and also getting rehabilitation by being sent to a school or a college for a four-year training period, so that he will be able to qualify and come out and make his living even though he may have a handicap, regardless of how bad that handicap may be. But most of these boys who are being discharged now will have no chance whatsoever of receiving compensation. They have been given a disability discharge, which, in the eyes of the Veterans Bureau and the Army doctors, means that these boys had entered the service with this disability, and in ninety-nine out of every one hundred cases these boys are not going to receive compensation. Now, as Councilor Fish has so well stated, and as has been said on the floor of this Council in the past, we know of instances where men have been employed by different concerns for a period of years, they have then been inducted into the service. After being in the service for a short period of time they have been found to have some disability, and as a result of that disability they got a disability discharge, which means that when they go up for compensation to the Government they are not going to get any compensation because of the fact that the doctor who discharged them from the service has a clear-cut case of where they had entered the service with this disability. I know of instances where the boys who have these disability discharges have come back to work in their old places of employment and just as soon as they saw the disability discharge the doctor, as Councilor Fish has stated—and his information is absolutely correct—the doctor would not even go to the trouble of giving them a physical examination, and the insurance company would not take them back into the employment at the place of business that they left to enter the armed forces. I think it is a case where the Governor should step in. I think that he and the Governor's Council should hold a meeting and bring in the insurance companies which insure the business concerns throughout greater Boston, and ask them why they are not taking these boys back into their former positions. The councilor here from Ward 2 (Coun. Kinsella) has stated one particular case in Charlestown of a man who was employed for eighteen years, and after being in the service three months he was given a disability discharge, and when he went back to his place of employment they refused to re-employ him because of the fact that the insurance company would not take him as he then was a bad risk. I hope that something is done in the near future. I hope that this order will reach the Mayor's desk immediately and that some action will be taken on it, that it will be sent along to the Governor and to the Governor's Council and that they will take action to see that these boys are given employment,—and in most cases they want to go back to the employment they left when they were inducted into the service.

Coun. HURLEY—Mr. President, I want to commend Councilor Fish, because a case has been brought to my attention in the past two weeks of a man who was employed for twenty-five years by one of our big public service corporations that is operating in Boston, and he never had a sick day in his twenty-five years working for that company. He was drafted by the United States Government and served with the United States forces for a period of about six months, when he received a physical disability discharge and went back seeking his old job, and they told him that as the result of getting a physical disability discharge from the Government he would have to submit to a physical examination. I think that it is a shame that people who have been employed for years, and, as in a case like this, have good health records, should be penalized because they served the country for six months. I think that this order should pass today and that there should be some action taken on the matter, whether by the City of Boston, the State of Massachusetts, or the Federal Government. It is a very, very important order, Mr. President.

At the request of Councilor Hanley the resolution was again read by the clerk.

Coun. HANLEY—Mr. President, I believe that order specifies defense industry.

President HANNON—Yes.

Coun. HANLEY—Could not the order be amended to cover private employers and public employers other than defense industries? Can it be amended that way?

President HANNON—Yes.

Coun. FISH—Mr. President, if I understand the purpose of the amendment it is to have it apply to city or state employees, I don't think it would apply, because I should have said when I was on my feet earlier that the civil service do accept them back with no reservations. Is that what you had in mind?

Coun. D. F. SULLIVAN—Mr. President, I wish to inform the distinguished councilor from Dorchester that no city employee can go back to work until he has a certificate from the doctor stating that he is physically able to work. Until he has that letter the civil service will not authorize the department head to place him back to work.

Coun. FISH—Mr. President, that being the case, I believe that at least the doctors acting for the civil service would give the physical examination, and the doctors that I referred to in the defense plants accept the physical disability discharge and give no further examination, just turn them away. But I think in the civil service the doctors would give the physical examination, but if not I think the amendment should go on.

Coun. COFFEY—Mr. President, I would like to add an amendment to that to read "all business."

President HANNON—The Chair will state that if the word "defense" was stricken out it would include concerns generally, and if the councilor wishes to include defense and other industries the Chair will accept the amendment "defense and other industries" as suggested by the councilor from East Boston.

Coun. FISH—Mr. President, I feel that I should object to the words "other industries," because of the fact that I feel that those doing defense work are almost an integral part of this war. While the war is going on they are receiving all their orders and their full income from the Government, and I believe that it should be confined to the defense industries. I do not believe it would be upheld legally if it went into private industry.

Coun. HANLEY—Mr. President, there are at the present time various classifications of industry. The general term is private industry. There are industries today in Boston receiving large orders from the Army and the Navy for procurement of food and various products that are required for the prosecution of the war, and I believe with Councilor Coffey that the resolution should be amended to take in private industry and also the rules and regulations laid down by his Honor the Mayor in collaboration with his Excellency the Governor to take care of public employees.

The amendment offered by Councilor Coffey was accepted, and the question came on the suspension of the rule and the adoption of the resolution as amended.

Coun. CAREY—Mr. President, may I ask that you give us just how the resolution will now stand.

Coun. D. F. SULLIVAN—Mr. President, this has a lot to do with the workmen's compensation act and private industry in not reemploying these men. Wouldn't that have quite a bit to do with it?

President HANNON—The Chair would state that from the Chair's observation of course there are many things that enter into the matter, but I think that the purpose of the resolution is merely to convey to his Honor the Mayor and to his Excellency the Governor the fact that the Council as a body feels that some pressure should be brought to bear on the employing agencies so that they will give preference in re-employment to those boys who come back.

The resolution as amended was read again.

Coun. CAREY—Mr. President, do I understand that there is some hesitancy on the part of the public employers to take back these men who have been in the armed services, and have been given a medical discharge?

President HANNON—Councilor Fish stated at some length that cases have been called to his

attention where they would not even be given the courtesy of an examination to see whether or not they were qualified for re-employment.

Coun. CAREY—Wouldn't it be well in the amendment to say, "defense industries and all other business establishments, both public and private"?

President HANNON—The Chair is perfectly willing to receive any amendment, because I feel that we all have the same idea; we would like to cover the field, and the Chair will accept any amendment which any councilor feels is important or might more properly convey the thoughts of the Council.

Coun. CAREY—I think that question possibly might arise, and so I make that as a motion.

President HANNON—Councilor Carey moves an amendment to include all concerns, both public and private.

Coun. CAREY—That is right, Mr. President.

The question came on the amendment offered by Councilor Carey. The amendment was carried. The question then came on the suspension of the rule and the adoption of the resolution, as amended, and the rule was suspended and the resolution adopted.

SHOWER BATHS IN PLAYGROUNDS.

Coun. CHASE offered the following:

Ordered, That the School Committee and Park Commission be requested, through his Honor the Mayor, to make immediate arrangements for the installation of shower baths in all playgrounds under their jurisdiction.

Passed under suspension of the rule.

COMMITTEE MEETING ON CURFEW ORDINANCE.

Councilor FISH asked unanimous consent to make a brief announcement, and, there being no objection, the consent was granted.

Coun. FISH—Mr. President, I know that most of the members won't receive a notice of the meeting of the Committee on Ordinances which is to be held at one o'clock on Thursday. Just the committee members are notified. So that I hope that any other members of the Council who are interested will be present at the meeting at one o'clock on Thursday.

Adjourned, on motion of Coun. FISH, at 2.25 p. m., to meet on Monday, June 28, 1943, at 2 p. m.

CITY OF BOSTON.

Proceedings of City Council.

Monday, June 28, 1943.

Regular meeting of the City Council in the Council Chamber, City Hall, at 2 p. m., President HANNON in the chair. Absent, Coun. Fish, Foster, Goode, Langan, Linehan, Wickes.

The meeting was opened with the salute to the flag.

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, 1943, without power to serve civil process and to serve without bond: Lester J. McCarthy, 12 Coleman street, Ward 15; Joseph Greenfield, 33 Wyoming street, Ward 12, *vice* David Gordon.

Severally laid over a week under the law.

AMERENA PLAYGROUND.

The following was received:

City of Boston,
Office of the Mayor, June 28, 1943.

To the City Council.

Gentlemen,—I transmit herewith communication from the chairman of the Board of Park Commissioners relative to your order of June 7, concerning Amerena Playground in the Jeffries Point section of East Boston.

Respectfully,
MAURICE J. TOBIN, Mayor.

City of Boston,
Park Department, June 22, 1943.

Arthur C. Carey,

Chief Clerk, Mayor's Office.

Dear Sir,—I have your memorandum of June 14, with inclosure, order from the City Council that the Amerena Playground in the Jeffries Point section of East Boston be opened.

I have informed Councilor Coffey we never close the playgrounds. Investigation shows that playground is in fairly good condition—there is a man there at all times. True, the fieldhouse is not open, due to vandalism—the vandals broke into the building and ripped the inside of same apart and it will cost the city approximately \$3,500 to put it in condition. They were brought into court and the judge placed them on probation.

Very truly yours,
WILLIAM P. LONG, Chairman.

Placed on file.

BUS SERVICE TO COLUMBIA STATION.

The following was received:

City of Boston,
Office of the Mayor, June 28, 1943.

To the City Council.

Gentlemen,—I transmit herewith communication from Edward Dana, President and General Manager of the Boston Elevated Railway, relative to your order of June 14, concerning the operation of bus service from Blue Hill avenue and West Cottage street to the Columbia Station.

Respectfully,
MAURICE J. TOBIN, Mayor.

Boston Elevated Railway Company,
June 22, 1943.

Mr. Arthur C. Carey,

Chief Clerk, Mayor's Office.

Dear Mr. Carey,—In reply to your letter of June 16, together with order of the City Council requesting operation of bus service from the corner of Blue Hill avenue and West Cottage street to Columbia Station, I would say that the

operation of such bus service is not permitted under regulations prescribed by O. D. T.

Yours very truly,

EDWARD DANA,
President and General Manager.

Placed on file.

ADJUSTMENT ON WATER BILLS.

The following was received:

City of Boston,
Office of the Mayor, June 28, 1943.
To the City Council.

Gentlemen,—I transmit herewith communication from the Commissioner of Public Works relative to your order of June 14, concerning adjustment on water bills.

Respectfully,
MAURICE J. TOBIN, Mayor.

City of Boston,
Public Works Department,
June 22, 1943.

Arthur C. Carey,

Chief Clerk, Mayor's Office.

Dear Mr. Carey,—I return the following order that was passed in the City Council on June 14:

"Ordered, That an adjustment be made on all water bills which would serve to abate in full the charges for water used to cultivate victory gardens."

The department is precluded from taking favorable action regarding the above-referenced order because, in my opinion, it would be impossible to determine what percentage of the water delivered to a particular premises was used for the purpose of watering Victory Gardens.

Respectfully yours,
GEORGE G. HYLAND,
Commissioner of Public Works.

Placed on file.

RESURFACING CERTAIN WARD 15 STREETS.

The following was received:

City of Boston,
Office of the Mayor, June 28, 1943.
To the City Council.

Gentlemen,—I transmit herewith communication from the Commissioner of Public Works, relative to your order of June 14, and concerning the resurfacing of Blakeville and Longfellow streets.

Respectfully,
MAURICE J. TOBIN, Mayor.

City of Boston,
Public Works Department,
June 22, 1943.

Arthur C. Carey,

Chief Clerk, Mayor's Office.

Dear Mr. Carey,—I return the following order that was passed in the City Council on June 14:

"Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to resurface the following streets in Ward 15: Blakeville street, Longfellow street."

The department at the present time cannot comply with the provisions of the above-referenced order because the War Production Board will approve reconstruction work only on main highways or public streets that are essential to the successful prosecution of the war.

In the event that this policy is changed some time during the current year, I assure you that consideration will be given to resurfacing the above-referenced two streets.

In the meantime, department forces will take steps to patch them, in order that they may be kept in a reasonably safe condition until such time as we are able to resurface them.

Respectfully yours,
GEORGE G. HYLAND,
Commissioner of Public Works.

Placed on file.

RESURFACING OF CHIPMAN STREET.

The following was received:

City of Boston,
Office of the Mayor, June 28, 1943.
To the City Council.

Gentlemen,—I transmit herewith communication from the Commissioner of Public Works

relative to your order of June 14, concerning the resurfacing of Chipman street, Ward 17.

Respectfully,
MAURICE J. TOBIN, Mayor.

City of Boston,
Public Works Department,
June 16, 1943.

To Arthur C. Carey, Chief Clerk, Mayor's Office.
From George G. Hyland, Commissioner, Public Works Department.

Subject: Chipman Street.

Dear Sir,—I return herewith order in City Council that the Commissioner of Public Works resurface with smooth pavement Chipman street, Ward 17, and this will advise you that at the present time, due to war conditions and a ruling of the War Production Board, this department cannot do any resurfacing on residential streets that are not considered essential to the successful prosecution of the war.

GEORGE G. HYLAND,
Commissioner of Public Works.

Placed on file.

SIDEWALKS ON EAST FIFTH STREET.

The following was received:

City of Boston,
Office of the Mayor, June 28, 1943.

To the City Council.

Gentlemen,—I transmit herewith communication from the Commissioner of Public Works relative to your order of June 14, concerning the replacement of the present brick sidewalks on East Fifth street.

Respectfully,
MAURICE J. TOBIN, Mayor.

City of Boston,
Public Works Department,
June 16, 1943.

To Arthur C. Carey, Chief Clerk, Mayor's Office.
From George G. Hyland, Commissioner, Public Works Department.

Subject: East Fifth Street.

Dear Sir,—I return herewith order in City Council that the Commissioner of Public Works replace the present brick sidewalks on East Fifth street, from L street to Farragut road, South Boston, with granolithic walks.

This department has only a very limited appropriation for the replacing of existing sidewalks with concrete and, as the cost of this work would far exceed the amount allotted for this type of work in this ward, I regret to advise you that it will not be possible to do the work at this time.

GEORGE G. HYLAND,
Commissioner of Public Works.

Placed on file.

BATHING FACILITIES AT SAVIN HILL BEACH.

The following was received:

City of Boston,
Office of the Mayor, June 28, 1943.

To the City Council.

Gentlemen,—I transmit herewith communication from the chairman of the Board of Park Commissioners, relative to your order of June 14, concerning bathing facilities and lockers at the Savin Hill Beach.

Respectfully,
MAURICE J. TOBIN, Mayor.

City of Boston,
Park Department, June 21, 1943.

Arthur C. Carey,
Chief Clerk, Mayor's Office.

Dear Sir,—I have your memorandum of June 16, with inclosure, order of the City Council requesting this department to provide bathing facilities and lockers at the Savin Hill Beach.

I regret exceedingly to inform you that the Park Department has no funds available for this purpose. Furthermore, the former bath house at this beach was deliberately destroyed by vandals, five different times being set on fire. Then, when Malibu Beach was built, the people of the Savin Hill district preferred that the bath house be erected in that area.

Very truly yours,
WILLIAM P. LONG, Chairman.

Placed on file.

DUST NUISANCE IN WARD 11 PLAY-GROUNDS.

The following was received:

City of Boston,
Office of the Mayor, June 28, 1943.
To the City Council.

Gentlemen,—I transmit herewith communication from the chairman of the Board of Park Commissioners relative to your order of June 14, concerning the elimination of the dust nuisance in all Ward 11 playgrounds.

Respectfully,
MAURICE J. TOBIN, Mayor.

City of Boston,
Park Department, June 21, 1943.
Arthur C. Carey,

Chief Clerk, Mayor's Office.

Dear Sir,—I have your memorandum of June 16, with inclosure, City Council order to eliminate or at least mitigate the dust nuisance in all Ward 11 playgrounds.

I regret exceedingly to inform you that the Federal Government prohibits the use of any oil on any of the playgrounds.

Very truly yours,
WILLIAM P. LONG, Chairman.

Placed on file.

EXTENDED SCHOOL FACILITIES FOR CERTAIN CHILDREN.

The following was received:

City of Boston,
Office of the Mayor, June 28, 1943.
To the City Council.

Gentlemen,—The School Committee of Boston has determined to establish extended school services for children between three and fourteen years of age of employed mothers, and the United States Government, through the Federal Works Agency, offers to contribute the sum of \$7,688 towards the cost of such services.

Under the provisions of chapter 493 of the Acts of 1943 the city cannot engage in Federal Works Projects without the approval of the City Council and I accordingly recommend the passage of the accompanying order.

I am informed that unless the arrangements are completed within ten days the contribution will no longer be available, so it is important that the Council take immediate action on the order.

Respectfully,
MAURICE J. TOBIN, Mayor.

Whereas, The School Committee of the City of Boston has by vote determined that sufficient need exists in the City of Boston for extended school services for children between three and fourteen years of age of employed mothers and has, subject to the approval of the City Council, voted that said services should be established and maintained; now, therefore, pursuant to chapter 493 of the Acts of 1943 of the Commonwealth of Massachusetts, it is

Resolved, By the City Council of the City of Boston, that the said City Council of the City of Boston hereby approves the establishment and maintenance of such extended school services.

Referred to Executive Committee.

APPROPRIATION FOR AMERICANIZATION BUREAU.

The following was received:

City of Boston,
Office of the Mayor, June 28, 1943.
To the City Council.

Gentlemen,—I am advised by the Director of the Americanization Bureau that the authorization of funds made by your Honorable Body under date of May 19, 1942, will be exhausted with the payment of this week's pay roll. I feel that it is desirable to maintain the activities of this Bureau and, therefore, submit herewith an order authorizing an additional appropriation of \$12,500. It is estimated that this amount will provide for the activities of the Bureau to the end of the current year. I respectfully recommend adoption of the accompanying order by your Honorable Body.

Respectfully,
MAURICE J. TOBIN, Mayor.

Ordered, That the sum of \$12,500 be, and hereby is, transferred from the Contingent Fund to the appropriation for the Bureau of Americanization, to be expended by the said Bureau, under the direction of the Mayor, in the prosecution of its duties.

Referred to Committee on Appropriations.

PETITIONS REFERRED.

The following petitions were received and referred to the committees named, viz.:

Claims.

Oscar C. Smith, for compensation for damage to property at 106 Clare avenue, caused by backing up of sewage.

Charles B. and Thomas F. McLaughlin, for compensation for damage to property at 49 Creighton street, caused by break in water pipes.

Doe, Sullivan & Co., Inc., for compensation for damage to property at 61 and 63 Faneuil Hall Market, caused by backing up of sewage.

Gertrude Morrissey, for compensation for injuries caused by an alleged defect at 20 Trenton street, Charlestown.

McLaughlin's Restaurant, Inc., for refund on victualler's license.

Charles Hatch, to be reimbursed for execution issued against him.

LIST OF JURORS.

The following was received:

City of Boston,
Office of the City Clerk,
June 28, 1943.

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. 45, was this day filed with me. It contains 11,013 names.

Respectfully,
W. J. DOYLE, City Clerk.

Placed on file.

President HANNON offered the following:

Ordered, That the City Clerk be hereby directed to cause the names on the Jury List (City Document No. 45), 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.

CLASSIFICATION OF CLERKS AND ASSISTANTS.

The following was received:

Municipal Court of the Charlestown District,
June 15, 1943.

City Council, City of Boston.

Gentlemen,—Under the provisions of chapter 447 of the Acts of 1941, it is provided that the clerks and assistant clerks of court of Suffolk County "shall be classified by the Board as provided by sections 48 to 56, inclusive, of chapter 35 of the General Laws."

Although representatives of the clerks have appeared before his Honor, the Mayor of the City of Boston, before the City Council, have submitted tentative schedules to his Honor and to the Budget Commissioner, no action has been taken to comply with this act. Furthermore, the Budget Commissioner appeared before the Council and was to report back to the Council with certain data required by the Council. We have no information that he has ever reappeared on this matter.

We have been informed that some assistant clerks in this group have been classified and, in addition, have received substantial increases in salary. We ask that the clerks of this court be equitably classified.

We have written to his Honor the Mayor reciting the above facts and this letter to the City Council, who are designated to perform the duties prescribed in section 51 of said chapter 35, asking that this legislation be complied with, or that the City Council forward the case as an appeal to the

Board under the Director of Accounts of the Commonwealth, under the provisions of section 52, as amended by chapter 73 of the Acts of 1938.

Yours truly,
JAMES J. MULLEN, Clerk.
GEORGE E. IRVING, Assistant Clerk.

Referred to Committee on County Accounts.

APPOINTMENT OF INSPECTORS OF ANIMALS.

Notice was received from the Health Department of appointment of Edwin A. Lewis, of 63 Walk Hill street, Jamaica Plain, as lay inspector of animals on October 10, 1939 (permanent), and of Thomas Harwood, of 6 Niles street, Brighton, as lay inspector of animals on August 19, 1940 (permanent).

Placed on file.

APPROVAL OF CONSTABLE'S BOND.

The constable's bond of Guy B. Barca, having been duly approved by the City Treasurer, was received and approved.

AUDIT OF CEMETERY DIVISION.

A communication was received from the State Director of Accounts submitting a report of an audit of the books and accounts of the Cemetery Division of the Park Department, from January 1, 1941, to February 23, 1943, and of Mount Hope Cemetery, from April 1, 1940, to March 18, 1943.

Placed on file.

APPOINTMENT OF LOUIS P. LEONARD.

Notice was received of appointment by the Mayor of Louis P. Leonard of 391 Hanover street, Boston, to be an Overseer of the Public Welfare, for term ending April 30, 1946.

Placed on file.

MINORS' LICENSES.

Applications for minors' licenses were received from five newsboys. Licenses granted under usual conditions.

SOLDIERS' RELIEF.

Coun. RUSSO, 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.

Coun. D. F. SULLIVAN in the chair.

CORRECT STREET NUMBERS.

President HANNON offered the following: Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to direct the Supervisor of Permits in charge of street numbering to see that correct street numbers are affixed to all properties.

In connection with the above order, President HANNON submitted the following letter for incorporation in the minutes:

Dr. R. Guralnick,
256 Bennington Street,
East Boston, Mass.

June 18, 1943.

Mr. Thomas Hannon, Jr.,

President, Boston City Council.

Dear Sir,—Allow me the liberty of addressing you, and through you, the rest of our city fathers, on a matter of vital importance to the members of our so-called noble profession, as well as to citizens of Boston at large. Although I do not in this instance represent anybody but my humble self, I am sure, however, that my plea to you, gentlemen, will meet with the hearty approval of my many colleagues.

The matter I am pleading for concerns "numbers." Yes, dear city fathers, "numbers!" Not policy numbers or pool operators' numbers, that have had a tendency to perplex our cultured city until a comparatively recent time, but plain and highly legitimate house numbers; numbers that are supposed to decorate the facades of our houses as they line our streets in orderly sequence. No doubt, such numerals do decorate a great deal of our houses, and are put there in conspicuous places and painted in colors easily distinguishable from their background, and the weary seeker can find the number he is looking for. But alas! such display of good sense and helpful information is unfortunately rare. Most of the time such information is woefully lacking. In a great many houses such numerals are shyly hidden from the gaze of the passer-by by a last winter's storm door that has never been removed in anticipation of the vagaries of next winter. Other numbers have a tendency to dexterously adorn the centers of the rubber door mats of the good old days, apparently not sure that revelation to the outsider is the better policy to pursue. Still others, although painted somewhere over the entrance to the house, frequently require a climb of stairs equal to two or three flights—such houses being built on a hilly side of the street. In despair, one takes occasional courage to ring the nearest bell to inquire for the wanted number, only to be admonished for such rashness by an irritated dweller. Then again, the number may even be painted somewhere on the side of the door, but in such a fashion as to be utterly indistinguishable from its background. Still other dwellers do not themselves know the numbers of the houses in which they live, no such number ever having been painted on, and they are content with signs of their own, such as the fourth house from the corner, or the house next to the one with the yellow shutters.

In short, dear President and City Fathers, this is a fervent plea from one of your doctors to please correct this seemingly unimportant but, in reality, very vital item. And what with our shortage of the "medicos," the corresponding increase of emergency calls and night calls that has fallen to the lot of us oldsters—also the dimouts and shortage of flashlights and flashlight batteries—this much time-and-energy-consuming effort of looking for concealed or totally absent numbers surely calls for your consideration.

I do hope, gentlemen, that you will give this matter your most considerate attention, for which please accept my thanks, backed up, I am sure, by the gratitude of many of my colleagues.

Very respectfully yours,

R. GURALNICK.

The letter was placed on file, and the order was passed under suspension of the rule.

PREVENTION OF RACIAL DISTURBANCES.

Coun. TAYLOR offered the following:

Whereas, The unity of our nation is imperative in the interest of victory in the war; and

Whereas, There have been several disturbances like the grave outbreaks in Detroit which have followed similar racial disturbances in Birmingham, Alabama, and Beaumont, Texas; and

Whereas, There appear to be organized attempts to incite the white majority of our nation against our fellow citizens with a black skin; and

Whereas, We believe these outbreaks are organized either directly by enemy agents or by tools of the enemy operating through the Ku Klux Klan and other such un-American organizations; and

Whereas, Such disturbances can only mean aid and comfort to Hitler and Tojo; and

Whereas, These disturbances are created for the purpose of causing dissension and disunity amongst the American people; be it

Resolved, That we the members of the Boston City Council, in meeting assembled, interested in preserving our nation's unity and democracy, urge our President, Franklin Delano Roosevelt, to immediately take steps for a full and complete investigation of these disturbances and to take forceful action to eradicate these organized groups who are responsible for this condition.

Coun. RUSSO—Mr. President.

Chairman D. F. SULLIVAN—For what purpose does the gentleman rise?

Coun. RUSSO—I have an order which is very similar to the one which has just been offered by Councilor Taylor.

Coun. RUSSO offered the following:

Ordered, That his Honor the Mayor be requested to consider the advisability of appointing a large committee, made up of educators, clergymen, business men and prominent citizens of the City of Boston, for the purpose of devising ways and means to forestall and combat demonstrations of racial hatred such as recently took place in Detroit, and to put into operation a program of advertising to bring about a better understanding between racial groups.

The orders were severally referred to the Committee on Rules.

THE NEXT MEETING.

Coun. DWYER offered the following:

Ordered, That the next meeting of the City Council be held on Monday, July 12, 1943, at 2 p. m.

The order was passed under suspension of the rule. Later in the session Coun. DWYER said:

Mr. President, I ask reconsideration of the action of the Council on the order that when the next meeting is held that it be held on July 12. July 12 is the day that the Mayor's Field Day is being held, and I understand that it will start before noon-time, and it might be hard to get a quorum on that day, so that I ask reconsideration and that the order read that the meeting be held on the 13th at two o'clock.

Reconsideration prevailed. The question then came on the motion that the next meeting be held on July 13, at 2 p. m.

Coun. TAYLOR—Mr. President, I would like to move to amend that motion by striking out "July 13" and making it July 19.

Coun. DWYER—Mr. President, speaking on the amendment, I understand that we have to draw jurors, and, while I would be most happy to have it on the 19th, if we set it for the 19th we are likely to have to have a special meeting for the drawing of jurors.

Coun. TAYLOR—Mr. President, in view of that fact I would not want to withdraw my amendment, because I think that the President could ask for a special meeting of the Council for that purpose only and that it would only take about ten minutes and we could draw the jurors.

Coun. COFFEY—Mr. President, talking on the amendment, I want to go along as I have always gone along and oppose any postponement of our regular meeting. At one other time we had great difficulty in getting the members together here to draw jurors. Some of the members complained that they were not notified in time. And I remember one time in particular when we waited probably an hour and a half before we did get a quorum. I think that it would not inconvenience us very much to come here two weeks from tomorrow, and I think we ought to hold that meeting two weeks from tomorrow in view of the fact that if we do not meet again for some three weeks, between now and the next three weeks God knows what may happen, and something may come up that we should act on. I hope the amendment is defeated and that we meet two weeks from tomorrow.

The question came on Coun. Taylor's motion to amend the order offered by Coun. Dwyer by striking out the date "July 13" and inserting the date "July 19." The motion to amend was lost. The question then came on the passage of the order offered by Coun. Dwyer that the next meeting of the Council be held on July 13, at 2 p. m., and the order was passed.

RAISING OF RENTS IN DEFENSE PROJECTS.

Coun. COFFEY offered the following:

Ordered, That the chairman of the Boston Housing Authority, John A. Breen, be requested, through his Honor the Mayor, to appear before the Boston City Council for the purpose of explaining the raising of rents in defense projects which is not in conformity with the rules set up by the Rent Control Board.

Coun. COFFEY—Mr. President, I would like to have this referred to a committee so that during the week we can summons Mr. Breen down. I

have received several letters from defense workers living in housing projects in my district who claim that their rents have been increased anywhere from \$5 to \$10. Maybe Mr. Breen could explain why those rents have been increased.

The order was referred to the Committee on Public Welfare.

SURVEY OF EAST BOSTON POSTAL DISTRICT.

Coun. COFFEY offered the following:

Ordered, That the Postal Authorities be requested, through his Honor the Mayor, to make a survey of the East Boston Postal District with a view of opening a sub-financial station in the Orient Heights Post Office in view of the fact that the only Financial Station in East Boston is at the other end of the ward.

Coun. COFFEY—Mr. President, my reason for introducing this order is that the post office in East Boston is down at the lower end of the town, and it is fully a mile and a half for the people of the Orient Heights section to get down to that post office. I am asking that the postmaster be requested, by his Honor the Mayor, to open up a sub-station in the other section of the town so that the people of the Orient Heights section will not have to go a mile and a half to get to an office.

The order was passed under suspension of the rule.

IMPROVEMENT OF CAR SERVICE.

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 survey of the service on the Dudley Street-Allston line and the Jamaica-Dudley Street line with a view to improving same.

Coun. CAREY—Mr. President, I just want to say for the record that I think it is a miracle that serious accidents have not happened on the buses that carry the patrons of the Elevated on the Allston-Dudley Street line. The drivers of those buses sit on the left-hand side of the buses and the patrons are allowed to get in those buses and completely obstruct the view of the driver to his right. You can't blame the patrons. I have been at stops along the route and I have waited in the Dudley Street Terminal for a bus to go in the direction of the Roxbury Crossing-Mission Church section many nights, and it is a shame the way that people are crowded into those buses. Those buses are carrying passengers two or three times their capacity. There is bound to be an accident sometime unless something is done to eliminate the dangers which arise as the result of that overcrowding. We have been given to understand that the Elevated has been forced to make a 20 per cent reduction in bus transportation in order to meet the O. D. T. requirements, but it looks to me as though they have made something like a 50 per cent reduction on the Allston-Dudley Street line. The people are packed in those buses so that they can't move around, and if anything should happen nobody could get out. The drivers are all right, but with one operator on a car if anything happened it would be very, very disastrous. Going to the Jamaica Plain-Dudley street line, I have had complaints from people on that route asking if the Elevated has canceled the line completely. I am informed that on some days the schedule is not maintained within 20 per cent of what it should be. So that I have introduced this order, hoping that the Elevated will make an immediate survey and see if they can't improve the conditions that are now existing on both those lines.

The order was passed under suspension of the rule.

PROPOSED DONATION FROM SUFFOLK DOWNS TO MILK FUND.

Coun. COFFEY offered the following:

Ordered, That the Mayor request the officials at Suffolk Downs to donate some of the proceeds from the additional eighteen days of racing to the Milk Fund for the school children of the City of Boston.

Passed under suspension of the rule.

POINT OF INFORMATION.

Coun. SCANNELL—Mr. President, I rise seeking information. Has there been a report back from the Committee on Ordinances in regard to the curfew ordinance that we have had up for the last five or six weeks?

Chairman D. F. SULLIVAN—Not as yet. Councilor Fish, the chairman of that committee, is not present.

CONFIRMATION OF APPOINTMENTS.

Coun. DWYER moved that Nos. 1 and 2 be taken from the calendar, under unfinished business, viz.:

1. Action on appointment submitted by the Mayor June 21, 1943, of Paul J. McCarthy to be a Constable without authority to serve civil process and to serve without bond.

2. Action on appointment submitted by the Mayor June 21, 1943, of Jesse C. Manning to be a Weigher of Coal.

The question came on confirmation. Committee, Coun. Scannell and Kinsella. Whole number of votes 12, yeas 12, and the appointments were confirmed.

PROVIDING OF SHOWERS.

Coun. HANLEY offered the following:

Ordered, That his Honor the Mayor request the Fire Commissioner to provide showers from hydrants for the children of Ward 11 during July and August, the time and place the same as in former years.

Ordered, That the Park Commission be requested, through his Honor the Mayor, to provide showers for the children at Highland Park, Ward 11.

Severally passed under suspension of the rule.

RECESS.

On motion of Coun. HANNON the Council took a recess at 2.35 p. m. The members re-assembled at and were called to order by President HANNON at 3.03 p. m.

REPORT OF COMMITTEE ON CLAIMS.

Coun. HANLEY, for the Committee on Claims, submitted the following:

Report on petition of Thomas F. Brett (referred May 17) for reimbursement for amount of execution issued against him on account of his acts as operator of motor ambulance belonging to City Hospital—recommending passage of accompanying order, viz.:

Ordered, That the sum of fifty dollars (\$50) be allowed and paid to Thomas F. Brett in reimbursement for amount of execution issued against him on account of his acts as operator of a motor ambulance belonging to the City Hospital, said sum to be charged to the Contingent Fund.

Report on petition of Thomas F. Brett (referred May 17) for reimbursement for amount of execution issued against him on account of his acts as operator of motor ambulance belonging to Hospital Department—recommending passage of accompanying order, viz.:

Ordered, That the sum of seventy-five dollars (\$75) be allowed and paid to Thomas F. Brett in reimbursement for amount of execution issued against him on account of his acts as operator of a motor ambulance belonging to the City Hospital, said sum to be charged to the Contingent Fund.

Orders severally passed under suspension of the rule.

EXECUTIVE COMMITTEE REPORTS.

Coun. TAYLOR, for the Executive Committee, submitted the following:

Report on message of Mayor and resolve (referred today) approving establishment and maintenance of extended school services for children between three and fourteen years of age of employed mothers—that same ought to pass.

Report accepted; said resolve passed.

APPROPRIATION FOR SEWERAGE
WORKS.

President HANNON called up No. 3 on the calendar, under unfinished business, viz.:

3. Ordered, That under the provisions of section one of chapter one hundred and seventy-eight of the Acts of nineteen hundred and thirty and section five of chapter two hundred and twenty-four of the Acts of nineteen hundred and thirty-six the sum of five hundred thousand dollars (\$500,000) be, and the same is hereby, appropriated, to be expended under the direction of the Commissioner of Public Works, for the construction of sewerage works, 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.

Coun. CAREY—Mr. President.

President HANNON—For what purpose does the gentleman rise?

Coun. CAREY—Before the roll is called I would like to say that I have been against this \$500,000 sewer loan, hoping that it might be included in the budget. After all, it should be a part of the budget. There is some \$175,000 of this money to be used for salaries. A week ago when this matter was before the Council it was defeated on a vote of thirteen in favor and two against. I was one of those who voted against it. Since then the tax rate has been declared. In my remarks a week ago I stated that I desired to see this sum included in preparing the tax rate. That was not done, however. I do not want to be interpreted as making any rightabout face in changing my vote on this particular matter. As long as I am a member of this Council a shillelagh is not going to be used over my head. I am accountable to the good people of Ward 10 who sent me here on three successive elections, and I will report back to them in the coming fall. I want them to feel that I have done a good job, that at least I have tried to be conscientious with the people not only of that district but of the entire city. There is, however, the danger of the employees going without pay. There is, of course, also the possibility that this matter might lay on the table for sixty days and automatically become effective. Because of the fact, however, that I am against any possibility whatsoever of the time coming when city employees might go without pay, I am going to vote for this loan today. But if I am a member of the City Council next year I am going to wage a very decisive fight at the time the budget is in the City Council in an effort to do all that I can to see that items such as this are hereafter included in the budget. \$175,000 of this money being used for salaries is definitely current expenses and should be in the budget. There is another portion of this amount of \$500,000 that will be used to purchase pipe and what not in connection with sewer construction and repair, and that is a current expense also and should be in the budget.

The question came on the passage of the order.

Coun. KELLY—Mr. President, I just want to make myself clear on the order. When the original loan order came up for a million dollars some months ago I was one of the councilors who voted against it, because I felt that \$500,000 would be enough at that time. I can remember at the two hearings which we held on the matter, as chairman of the Committee on Finance, asking the Commissioner of Public Works what amount of money would be spent for actual work in 1943 and what amount would be needed for salaries in 1943 and 1944, and he agreed that \$500,000 would be enough money, so that that is why I voted against the million dollars, and also voted against the \$750,000. I took a decided stand, Mr. President, without any pressure being brought on me, at the

time when the million-dollar order was submitted and returned to the Boston City Council, using my own mind and intelligence that \$500,000 was enough. Nobody was bringing any pressure on me to vote for the \$750,000. I took a decided stand on that. I was one of the members of the Council that wanted to make an amendment to the \$750,000 order, cutting it down to \$500,000, as I was satisfied that \$500,000 would be enough money, and that is why I am now satisfied to vote for the \$500,000.

Coun. RUSSO—Mr. President, as my two colleagues, the previous speakers, have stated, I am also one of those who saw fit to vote against the million dollar loan when it first came into this Council, and I was against the \$750,000, and I was for the \$500,000 at that time. I have been asking, What was the reason that the Council was not given a proper picture in so far as the Appropriation Committee was concerned? It appears that \$500,000 is sufficient for that particular department, to carry them through 1943 and for the salaries of 1944. As I have said before, I do not intend now, and neither have I done it in the past, to stop any laborer from receiving his pay. However, I will say that I hope that this year will be a warning and that in future years the Council will be given a proper picture of the appropriations and a proper picture of all of the departments and that they will not put in for anything exceeding that, in order that we may go on and conduct the business of the city, and maintain the city in a good financial condition.

Coun. MÜCHNICK—I would like, Mr. President, to refer the councilor to the very able remarks of Councilor Taylor two weeks ago on this floor in answer to his question.

The roll was called and the order was passed, yeas 16, nays none:

Yeas—Coun. Carey, Chase, Coffey, Dwyer, Hanley, Hannon, Hurley, Kelly, Kinsella, Lyons, Muchnick, Russo, Scannell, D. F. Sullivan, M. H. Sullivan, Taylor—16.

Nays—0.
The order will come up for its second reading and passage in not less than fourteen days.

APPOINTMENT OF COMMITTEE ON PLANS
FOR POST-WAR PROGRAM.

Pursuant to order passed by the Council June 7 1943, the President appointed as members of a committee for the purpose of preparing plans, etc., jointly with the City Planning Board, for adoption of a post-war program by the City of Boston, the following: Co-chairmen, Coun. D. F. Sullivan and Fish, and Coun. Carey, Coffey, Hurley, Dwyer and Hanley.

STATEMENT BY COUNCILOR KINSELLA.

Coun. KINSELLA—Mr. President, I would like permission to make a brief statement about an order which Councilor Coffey introduced today.

There being no objection, consent was granted.
Coun. KINSELLA—This is not a question of unanimous consent. It concerns a meeting of a committee, and I would like to say that the councilors in whose districts there are housing projects might like to know that a meeting will be held at one o'clock on Thursday. It concerns the rentals in the housing projects, and it is of vital importance to the councilors, where they have projects, to attend the meeting at one o'clock on next Thursday.

Adjourned at 3.13 p. m., on motion of Coun. M. H. SULLIVAN, to meet on Tuesday, July 13, 1943, at 2 p. m.

CITY OF BOSTON.

Proceedings of City Council.

Tuesday, July 13, 1943.

Regular meeting of the City Council in the Council Chamber, City Hall, at 2 p. m., President HANNON in the chair. Absent, Coun. Coffey, Fish, Foster, Goode and Lyons.

The meeting was opened with the salute to the Flag.

JURORS DRAWN.

Jurors were drawn for the Superior Criminal Court, Coun. HURLEY presiding at the box in the absence of the Mayor, as follows:

Seven additional grand jurors, Superior Criminal Court, to appear July 28, 1943:

William Nicholl, Ward 6; Sydney Zipperstein, Ward 14; John W. Holmes, Ward 16; Oscar G. Talanian, Ward 16; John F. McGovern, Ward 19; Joseph L. Scully, Ward 20; John J. Hickey, Ward 22.

Seventy-one traverse jurors, Superior Criminal Court, to appear August 2, 1943:

Louis D'Addario, Ward 1; Joseph M. Lopilato, Ward 1; Michael J. McGee, Ward 1; Anthony Oliveri, Ward 1; George Stoner, Ward 1; Samuel J. Dobie, Ward 2; Peter A. Donovan, Ward 2; D. Joseph Lordan, Ward 2; John P. McGuinness, Ward 2; Frederick V. Monahan, Ward 2; Anthony Bellofatto, Ward 3; Nicholas Constantino, Ward 3; Joseph Ingeme, Ward 3; John M. Thornton, Ward 3; Charles S. Grey, Ward 5; Robert T. Marshall, Ward 5; Harold J. Bowman, Ward 6; Patrick J. Burke, Ward 6; Gustav K. Klemm, Ward 6; Thomas A. Nee, Ward 6; Harry E. Richardson, Ward 6; Henry Charles Christian, Ward 7; Arthur L. Fay, Ward 7; Hubert J. J. Floor, Ward 7; Frank J. Leonard, Ward 7; Alexander B. Strachan, Ward 7; Frank D. Craig, Ward 8; Edward W. Dockham, Ward 8; Wesley F. McGlory, Ward 8; Kenneth G. Wilkinson, Ward 8; Daniel H. Grady, Ward 9; James McCormack, Ward 9; Maurice L. Smith, Ward 9; Lawrence J. Doyle, Ward 10; William Garber, Ward 10; John S. Rose, Ward 10; Joseph M. Boyle, Ward 11; Timothy Buckley, Ward 11; Edward J. Franz, Ward 11; Willard H. Ellis, Ward 12; Ralph Harris, Ward 12; Wilfred E. Jacobs, Ward 12; Ronald Keswick, Ward 12; Cosmos P. McTaggart, Ward 12; Abraham Rosenbaum, Ward 12; Martin Glennon, Ward 13; Michael J. McMahon, Ward 13; Abraham L. Aransky, Ward 14; Maurice Lakin, Ward 14; Garrett Walsh, Ward 15; Frank LaCamera, Ward 16; Henry F. Wessling, Ward 16; John F. Coghlan, Ward 17; Harry Nathanson, Ward 17; Thomas J. Crump, Ward 18; Walter J. Dwyer, Ward 18; Percy E. Foote, Ward 18; Joseph Gangemi, Ward 18; Bernard H. Levine, Ward 18; Robert W. Parrott, Ward 18; James A. McCarrison, Ward 19; Thomas D. Sullivan, Ward 19; Peter J. Larkin, Ward 20; Leonard C. Leen, Ward 20; George E. Prue, Ward 20; David Gopin, Ward 21; William J. Kilduff, Ward 21; Sidney Lemberger, Ward 21; Frank J. Donahue, Ward 22; Alton B. Forshner, Ward 22; James J. Garbally, Ward 22.

APPOINTMENTS BY THE MAYOR.

Subject to confirmation by the Council, the Mayor submitted the following appointments, viz.:

Weighers of Coal: Frank R. Oxley, 3 Staniford street, Boston; Abraham J. Rabinovitz, 314 Amory street, Jamaica Plain.

Constables for term of one year, beginning with first day of May, 1943, without power to serve civil process and to serve without bond: Frank E. Donnellan, 925 East Fourth street, Ward 6; Leo P. Marshall, 4 Dudley place, Ward 9; Henry P. McGowan, 15 Burwell road, Ward 20; Jeremiah F. Brennan, 1 Mystic street, Ward 2.

Severally laid over a week under the law.

PAINTING OF WHITE STRIPES AT DANGEROUS INTERSECTIONS.

The following was received:

City of Boston,
Office of the Mayor, July 13, 1943.
To the City Council.

Gentlemen,— I transmit herewith communication from the Traffic Commissioner regarding your order of June 14, 1943, concerning the painting of white stripes at all dangerous intersections and crosswalks in front of churches and schools, in Ward 11.

Respectfully,
MAURICE J. TOBIN, Mayor.

City of Boston,
Boston Traffic Commission, July 1, 1943.
Hon. Maurice J. Tobin,
Mayor of Boston.

Dear Mr. Mayor,— This is in reply to Council order dated June 16, 1943, which read as follows:

"Ordered, That his Honor the Mayor request the Traffic Commissioner to paint white stripes at all dangerous intersections and crosswalks in front of churches, schools, in Ward 11."

Please be advised that orders have been issued to do this painting, as requested, and we expect to start the week of July 5, 1943.

Respectfully,
GEORGE G. HYLAND,
Acting Traffic Commissioner.

Placed on file.

CLEANING STREETS, WARD 15.

The following was received:

City of Boston,
Office of the Mayor, July 13, 1943.
To the City Council.

Gentlemen,— I transmit herewith communication from the Public Works Commissioner relative to your order of May 17, 1943, concerning the immediate cleaning up of the streets in Ward 15.

Respectfully,
MAURICE J. TOBIN, Mayor.

City of Boston,
Public Works Department,
June 10, 1943.

Mr. Arthur C. Carey,
Chief Clerk, Mayor's Office.

Dear Sir,— I am in receipt of your memorandum of May 25, 1943, concerning the following order in Council, dated May 17, 1943:

"Ordered, That his Honor the Mayor instruct the Public Works Commissioner to immediately clean the streets in Ward 15, Dorchester."

This ward comes under the jurisdiction of District C-13, Dorchester, and the foreman in charge of that district has reported that, on account of the shortage of help and the breakdown of equipment, the work in this district was temporarily set back.

Now that the equipment is repaired, it is expected that conditions will be improved.

Very truly yours,
GEORGE G. HYLAND,
Commissioner of Public Works.

Placed on file.

CORRECT STREET NUMBERS.

The following was received:

City of Boston,
Office of the Mayor, July 13, 1943.
To the City Council.

Gentlemen,— I transmit herewith communication from the Public Works Commissioner regarding your order of June 28, 1943, concerning the Supervisor of Permits in charge of street numbering, to see that correct street numbers are affixed to all properties.

Respectfully,
MAURICE J. TOBIN, Mayor.

City of Boston,
Public Works Department,
July 1, 1943.

Arthur C. Carey,
Chief Clerk, Mayor's Office.

Dear Mr. Carey,— This is in reference to the following order that was passed in the City Council on June 28:

"Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to direct the Supervisor of Permits in charge of street numbering, to see that correct street numbers are affixed to all properties."

The department will do everything within reason to comply with the provisions of the above-referenced order during the current year.

I might say at this time that there probably are very few locations throughout the city where residences or business properties have the wrong street number affixed to their premises. However, a check will be made regarding this matter and, as stated, we will do everything within reason to adjust the matter, in conformity with the above-referenced order.

Respectfully yours,
GEORGE G. HYLAND,
Commissioner of Public Works.

Placed on file.

SHOWERS FOR CHILDREN, HIGHLAND PARK.

The following was received:

City of Boston,
Office of the Mayor, June 13, 1943.
To the City Council.

Gentlemen,— I transmit herewith communication from the chairman of the Boston Park Department regarding your order of June 28, 1943, concerning showers for children at Highland Park, Ward 11.

Respectfully,
MAURICE J. TOBIN, Mayor.

City of Boston,
Park Department, July 1, 1943.

Arthur C. Carey,
Chief Clerk, Mayor's Office.

Dear Sir,— I have your memorandum of June 30, with inclosure, order from the City Council, regarding showers for the children at Highland Park, Ward 11.

Please be assured it will be a pleasure to give this order every consideration. An investigation will be made immediately.

Very truly yours,
WILLIAM P. LONG, Chairman.

Placed on file.

SURVEY OF SERVICE ON CERTAIN CAR LINES.

The following was received:

City of Boston,
Office of the Mayor, July 13, 1943.
To the City Council.

Gentlemen,— I transmit herewith communication from the trustees of the Boston Elevated Railway relative to your order of June 28, 1943, concerning a survey of service on the Dudley Street-Allston and the Jamaica Plain-Dudley Street lines.

Respectfully,
MAURICE J. TOBIN, Mayor.

Boston Elevated Railway,
July 8, 1943.

Mr. Arthur C. Carey,
Chief Clerk, Mayor's Office.

Dear Sir,— Since the receipt of your letter of June 30, with order of the City Council regarding a survey of service on the Dudley Street-Allston and the Jamaica Plain-Dudley Street lines, counts have been taken on each of the lines, which show that the service is adequate to meet the present riding requirements on the Jamaica Plain-Dudley Street line and the need of some additional service between 5 and 6 p. m. on the Allston-Dudley Street line. Arrangements have been made to add four trips during this period, to be operated between Dudley Street and Coolidge Corner.

The riding is being closely watched on these lines, as well as on other lines, and adjustments in service are made as necessary to provide for increased riding.

Very truly yours,
EDWARD DANA,
President and General Manager.

Placed on file.

SHOWERS FOR CHILDREN, WARD 11.

The following was received:

City of Boston,
Office of the Mayor, July 13, 1943.
To the City Council.

Gentlemen,— I transmit herewith communication from the Fire Commissioner relative to your order of June 28, 1943, concerning showers from hydrants for children in Ward 11.

Respectfully,
MAURICE J. TOBIN, Mayor.

City of Boston,
Fire Department, July 2, 1943.
Hon. Maurice J. Tobin,
Mayor of Boston.

Dear Sir,— I am returning herewith to your Honor a copy of the following order which was passed by the City Council:

"Ordered, That his Honor the Mayor request the Fire Commissioner to provide showers from hydrants for the children of Ward 11 during July and August, the time and place the same as in former years.

In City Council June 28, 1943. Passed.

Attest:
W. J. DOYLE, City Clerk."

We are anxious at all times to provide showers from hydrants for the children of our city wherever and whenever possible in accordance with the standards of previous years. In some cases, however, we are restricted due to the shortage of manpower which prevents us from detailing a fireman to stand by and attend to a shower at various times in various locations; but as stated above, at all times we shall do the best we can.

Very truly yours,
WM. ARTHUR REILLY, Fire Commissioner.
Placed on file.

TRANSFERS FROM PARKMAN FUND INCOME.

The following was received:

City of Boston,
Office of the Mayor, July 12, 1943.
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 passage by your Honorable Body.

Respectfully,
MAURICE J. TOBIN, Mayor.

City of Boston,
Park Department, July 6, 1943.
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
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When making up the budget estimates for the year 1943, 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 1943, 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 Committee on Parkman Fund.

Coun. M. H. SULLIVAN in the chair.

REIMBURSEMENT OF CERTAIN COUNTY OFFICIALS.

The following was received:

City of Boston,
 Office of the Mayor, July 13, 1943.
 To the City Council.

Gentlemen,—Under the provisions of chapter 46 of the Acts of 1941, appropriations are authorized for the purpose of reimbursing county officials for any deficits resulting from deposits in closed banks where said deposits are supported by a proof of claim or other evidence. I am advised that the Clerk of the Supreme Judicial Court and the Clerk of the Charlestown District Court have in their possession proofs of claim on the Federal National Bank and the Charlestown Trust Company, respectively, on which balances of \$570.41 and \$700.37, respectively, still remain unpaid. Since the assets of these two banks have been completely liquidated and no further dividends will be paid, the balances previously mentioned represent deficits of the type that are covered by the provisions of chapter 46. In order to reimburse the two officials concerned, I submit herewith a transfer order, which will provide the necessary funds within the appropriations of the two courts, and respectfully recommend its adoption by your Honorable Body.

Respectfully,
 MAURICE J. TOBIN, Mayor.

Ordered, That under the provisions of section 3B of chapter 486 of the Acts of 1909, as established by chapter 604 of the Acts of 1941, the City Auditor is hereby authorized to make the following transfer:

From the appropriation for Registry of Deeds, A-2, Temporary Employees, \$1,272.22, to the appropriation for Supreme Judicial Court, G, Incidentals, \$571.85; Municipal Court, Charlestown District, G, Incidentals, \$700.37.
 Referred to Executive Committee.

WELCOME TO COUNCILOR LINEHAN.

Chairman SULLIVAN—I want to take this opportunity to extend a most hearty welcome to one of our members who has been serving in the thick of the battle in the Pacific area. I refer to a former President of the Council, an outstanding City Councilor and outstanding citizen of the City of Boston, a clean-cut young man, who has proven in the battle line, just as he has proven here, his ability, his integrity, his purpose, and his splendid patriotism. So that we welcome here this afternoon the councilor from Ward 7, Thomas E. Linehan. [Applause.]

SHOWERS IN ALL PLAYGROUNDS.

The following was received:

City of Boston,
 Office of the Mayor, July 13, 1943.
 To the City Council.

Gentlemen,—I transmit herewith communication from the chairman of the Boston Park Department relative to your order on June 21, 1943, concerning showers in all playgrounds under the jurisdiction of the Park Department.

Respectfully,
 MAURICE J. TOBIN, Mayor.

City of Boston,
 Park Department, June 28, 1943.
 Arthur C. Carey,
 Chief Clerk, Mayor's Office.

Dear Sir,—I have your memorandum of June 24, with inclosure, order from the City Council requesting showers be installed in all playgrounds under the jurisdiction of the Park Department.

I will be glad to give this every consideration. Many of our playgrounds already have showers. The showers at their best should always be housed and never left out in the open as they cannot be controlled. If it is possible at all to comply with the request, it certainly will be a pleasure.

Very truly yours,
 WILLIAM P. LONG, Chairman.

Placed on file.

PETITIONS REFERRED.

The following petitions were received and referred to the committees named, viz.:

Claims.

Walter I. Austen, to be reimbursed for loss of wedding ring at morgue.

Horace Bowker, Jr., for compensation for injuries caused by steam roller.

Charles L. Cronan, for compensation for damage to property at 87 Belgrade avenue, caused by water being shut off.

Frank Donlan, to be reimbursed as result of accident which occurred while in performance of duty.

Frederick J. Ford, to be reimbursed as result of accident which occurred while in performance of duty.

Goodenough & Russell, for compensation for damage to property at 69 and 71 Faneuil Hall Market, caused by defect in sewer.

H. W. Harrigan, for compensation for injuries caused by an alleged defect in Beacon street.

Joseph Jacobs, for compensation for injuries and damage to car by city truck.

Paul Kasabian, for compensation for damage to car by fire truck.

Yervant Kebabjian, for compensation for damage to car by fire truck.

Eva L. Lemaitre, for compensation for injuries caused by an alleged defect in Eliot street.

Anna M. Lynn, for compensation for injuries caused by an alleged defect in Tremont street.

Henry J. O'Brien, to be reimbursed for damages incurred while in performance of duty.

Margaret O'Shea, for compensation for injuries caused by an alleged defect in Faneuil Hall Market.

Constantino Plescia, for compensation for damage to property at 2A Prince street, caused by break in water main.

William Smith, for compensation for damage to car by city ambulance.

Julius Suskind, for compensation for injuries received on ferry.

Joseph Yankowsky, to be reimbursed for execution issued against him.

Morris Rosenberg, for rebate on golf dues at George Wright Golf Course.

Executive.

Petition of Agnes M. Bickford to be paid an annuity on account of death of her husband, Leslie B. Bickford, late member of the Police Department.

ORGANIZATION OF CITY PLANNING BOARD.

Notice was received of the organization of the City Planning Board as follows: William Stanley Parker, chairman; Ernest A. Johnson, vice chairman; Frederic H. Fay, honorary consultant; Frank H. Malley, executive director; Mary T. Downey, secretary.

Placed on file.

NOTICE OF INTEREST IN CONTRACT.

Notice was received from William Stanley Parker, member of the City Planning Board, that he had been engaged for architectural service in connection with a temporary structure to memorialize the Spanish War.

Placed on file.

President HANNON in the chair.

REMOVAL OF POSTERS.

Coun. CAREY offered the following:
 Ordered, That the City Censor be requested, through his Honor the Mayor, to take immediate steps to have the suggestive posters removed from in front of a certain motion picture theater on Washington street.

Coun. CAREY—Mr. President, one might ask, Why does the City Council find it necessary to introduce orders asking that films be banned, that advertising of films be restricted, and that closer supervision of certain theaters be exercised? I say "certain theaters," because there are in this city three or four theaters that constantly use the sex appeal medium in an attempt to pack the house. Thank God, all of the theaters in Boston are not using similar means! Anything that the City Council might do to bring about a more manly and non-suggestive method of advertising cheap burlesque, sex appeal film, and stopping degrading tactics on the part of certain theaters, is a work well done. There is a theater on Washington street that is at the present time showing a film that is intended by its lobby posters to warn one of the dangers of what we might describe as sex appeal, of prostitution, and of licentious living. This particular theater has, as long as I can remember, either been a burlesque house or has shown on its screen nothing but smutty, cheap and indecent pictures. And now this theater comes along with a film that, by the advertising on the posters in its lobby, will do more harm to the youth of our city and the youth of other cities who might come into Boston, especially during the vacation season, than most anything else that the mind can conceive of. I say that it is a shame that more strict supervision is not exercised over certain theaters in this city. Just a few weeks ago a member of this Body, Councilor Hurley, I believe, acquainted the members of the Council with certain goings on in a theater—and I think possibly he had in mind the theater that this order refers to—and if the councilor's remarks were true—and I don't doubt that they were, I believe that they were—that theater ought to be closed up as Councilor Hurley well said at that time. The film that is being shown at this particular theater might be called one of health, and health from the standpoint of physical health and mental health, but we have a health department in this city, and we have other means in this city through which we can take care of the young and the older ones who might enjoy seeing such a film, and we don't need to have a theater that from time immemorial, I believe, has done nothing but open its doors morning, noon and night to take into its coffers the earnings of the people who are going to see nothing but filth and dirt and slime and mud. The only reason that it uses the posters which are being displayed in its lobby is to pack that theater, and that theater doesn't give a damn whether anything is done to improve the health, mental or physical, of the men in the armed services. Speaking about the armed services, I say it is a shame, because on one of its posters they refer to our great Navy in a sense that is anything but commendable. But that theater has never done anything but show enticing pictures that are degrading, are ruinous, and which never should be tolerated in this city. I stood in the lobby of that theater this morning for about ten minutes. There were five young men there. I don't believe any of those boys were over fourteen years of age. One of them, who appeared to be the oldest of the group, was telling the other youngsters—and of those four remaining, I think two or three of the boys could not have been over twelve years old, as a matter of fact—but the older fellow, apparently the oldest of the group, was telling those young boys all about what that picture was about, so to speak. That theater, if I recall correctly, in advertising some of its cheap burlesque in times past, and the movies which have been shown up there, has said as a part of its ad, "For adults only." In other words, only adults could get into the theater. But lo and behold, Mr. President, in the lobby of the theater there constantly will be displayed the posters that are indecent, that are suggestive, that will do nothing but destroy the moral health and the mental health and the physical health of the youth of this city, and, as I said before, the youth of any of the neighboring communities who may come here to Boston to spend the day with us. There is another theater, in the Back Bay district, I might say in passing, that seems to take pride also in advertising its movies as one of complete nudity. "You never saw the like of it before." And using all such terms as that in order to pack that house. We are a Catholic city—Boston is. Something has got to be done. I do not attempt to, and I do not mean to stand here as a reformer, but something has got to be done. We are at war. Is there a feeling on the part of the officials that because we are at war we have to be a little looser

in our morals, that we have got to say, "Well, there has got to be relaxation found in certain things, and in the theater in one instance; we have got to relax a little bit"? I say, No. The fact that we are at war is all the more reason why we should tighten up. How much longer is this condition going to be allowed? It is a month ago, I believe, that Councilor Hurley complained about a theater and, as I said a minute ago, I think he had the same theater in mind. And yet nothing is done. We are in the midst of a summer season. There are more youngsters in this city now than there are ordinarily in the course of a year from neighboring cities, and there are more youngsters downtown here from the outlying sections of the city than is usually the case. Are we going to have the lives of those youngsters ruined during the vacation season? I belong to the Catholic Church and at the beginning of each vacation season I hear the priest warn the parents and the children of the dangers which lie around during the vacation season. They are doing their part in order to see that the youngsters are taken care of, so that when the vacation season is over they will return to school wholesome and clean and decent, physically, mentally, and morally. But if we are going to permit films to be shown, and posters to be displayed in the lobbies of theaters, that are suggestive, from which the youngsters supposedly acquaint themselves with the dangers, which teachings should come only through the health department or through proper educational functions or institutions, then we are not taking proper care of those youngsters. Yes, the City Council has an important duty to do. We stand here with the right and the privilege to criticize and the opportunity to correct, and I say that we are not doing our duty if we do not do everything that we possibly can to warn against and to guard against the permission that is exercised by some of these cheap theaters that never showed a clean or decent thing in their lives either on the screen or on the stage, if we do not do something to curb them, for the sake of the city itself. I was disgusted to read in the newspaper here a short while ago—the *Boston Traveler*, as a matter of fact, which was running a series of articles—and I will say that if the facts were true as they were depicted in those articles, then the City of Boston should hang its head in shame. Yet those writers, who wrote those articles, must have had some basis for putting into print for the public to read the reports and the information that was contained in those articles. It is about time something was done. I hope that the City Censor will lose no time in visiting this theater and in having these posters taken out of that lobby, and if that theater cannot henceforth show decent films, or whatever it might be, whether it is on the spoken stage or on the screen, that will be healthful and clean and decent, then something has got to be done to padlock the place.

Coun. HURLEY—Mr. President, I heartily agree with the speech just made by the councilor from Ward 10. He has talked about posters being placed in the lobby that are being viewed by the youth of Boston. It was only last week that there was one of those deceptive photographs, depicting a soldier—one of our men in the armed services—in one of those deceptive photographs which are so filthy that one of our big Boston papers refused a copy of that advertisement in the morning. As a result they had a little photographic artist's work done on the copy and it was accepted by the paper in a later edition. I think that something should be done about this, not alone in their lobbies but their displays in the Boston papers. They will go to anything in the depth of filth and dirt to get publicity to attract people in. "For Men Only." Something to attract attention by their posters, "For Men Only." And, as Councilor Carey well said, the lobby is crowded with children of eight, nine, ten, eleven, and twelve years of age, pointing out those deceptive photographs, the two-meaning photographs—and that is what they were printed for, was to be deceptive and to be filthy and low and dirty. They don't care how they get their money. They don't care how they cater to as long as they get those dimes and quarters rolling in. I think that in a Catholic city such as we have something should be done about it, and done about it right away. I heartily agree with the councilor's order, and I believe it is time to stop this introducing of orders and let it go by the wayside. Let us get action, and

if the councilor wants action I will go down there with him some night and I will rip the things out of the lobby, and let the police act then. If we can't get action by the regular procedure, let us go down and take it in our own hands and rip the lobby to hell.

The order was referred to the Committee on Public Safety.

Coun. CAREY—Mr. President, I was going to ask that the order be passed under suspension of the rule. It is not that I have not any confidence in my colleagues here to do their part also to clean up the city, but I hope the committee will have a meeting soon and that we can take definite action on this.

Coun. M. H. SULLIVAN—Mr. President, would it be permissible to have the Committee on Public Safety meet during the recess today?

President HANNON—Under the rules there must be a 24-hour notice.

Coun. H. M. SULLIVAN—Then we will meet tomorrow afternoon at three o'clock.

CONFIRMATION OF EXECUTIVE APPOINTMENTS.

President HANNON called up, under unfinished business, No. 1 on the calendar, viz.:

1. Action on appointments submitted by the Mayor June 28, 1943, of Lester J. McCarthy and Joseph Greenfield, to be Constables without authority to serve civil process and to serve without bond.

The question came on confirmation. Committee, Coun. Russo and Hurley. Whole number of ballots 12, yeas 12, and the appointments were confirmed.

LOAN FOR SEWERAGE WORKS.

President HANNON called up, under unfinished business, No. 2 on the calendar, viz.:

2. Ordered, That under the provisions of section one of chapter one hundred and seventy-eight of the Acts of nineteen hundred and thirty and section five of chapter two hundred and twenty-four of the Acts of nineteen hundred and thirty-six the sum of five hundred thousand dollars (\$500,000) be, and the same hereby is, appropriated, to be expended under the direction of the Commissioner of Public Works, for the construction of sewerage works, and that the City Treasurer be authorized to issue, from time to time, upon request of the Mayor, bonds or certificate of indebtedness of the city to said amount.

On June 28, 1943, the foregoing order was read once and passed, yeas 16, nays 0.

The question came on the second passage of the order. The roll was called and the order was given its second reading and passage, yeas 15, nays 0:

Yeas—Coun. Carey, Hanley, Hannon, Hurley, Kelly, Kinsella, Langan, Linehan, Muchnick, Russo, Scannell, D. F. Sullivan, M. H. Sullivan, Taylor, Wickes—15.

Nays 0.

CLEANING OF CITY HALL EXTERIOR.

Coun. HANNON offered the following:

Ordered, That the Superintendent of Public Buildings be directed by his Honor the Mayor to immediately arrange to have the outside of City Hall cleaned in order that the building may present a suitable appearance to visitors to our city who stop in front of City Hall while touring the city in horse-drawn vehicles.

Passed under suspension of the rule.

SHOWERS FOR CHILDREN.

Coun. HANNON offered the following:

Ordered, That the Fire Commissioner be requested, through his Honor the Mayor, to provide showers for the children in all sections of Boston.

Passed under suspension of the rule.

COMPENSATION TO RECIPIENTS OF AID.

Coun. D. F. SULLIVAN offered the following:

Ordered, That his Honor the Mayor devise ways and means to compensate recipients of Welfare

Aid, Mothers' Aid, and Old Age Assistance for the loss which they have sustained through the discontinuance of milk stamps.

Passed under suspension of the rule.

SHOWERS FOR CHILDREN.

Coun. MUCHNICK offered the following:

Ordered, That his Honor the Mayor request the Fire Commissioner to provide showers from hydrants for the children of Ward 14 for the balance of the present summer in all sections of said ward where the same is possible.

Passed under suspension of the rule.

ELECTION OF PERMANENT CITY MESSENGER.

Coun. M. H. SULLIVAN offered the following: Ordered, That the City Council proceed to the election of a permanent City Messenger.

The order was declared referred to the Committee on Rules.

Coun. M. H. SULLIVAN—Mr. President,

President HANNON—For what purpose does the gentleman rise?

Coun. M. H. SULLIVAN—A point of information.

President HANNON—The gentleman will state his point of information.

Coun. M. H. SULLIVAN—On a matter pertaining strictly to the business of the city and the City Council, why should it be referred to the Committee on Rules?

President HANNON—The Chair has made the reference and there is no debate on it.

Coun. TAYLOR—Mr. President, a point of order.

President HANNON—The gentleman will state his point of order.

Coun. TAYLOR—Do I understand that it is referred to the Committee on Rules under Rule 12?

President HANNON—Yes.

Coun. TAYLOR—Mr. President, as I understand that rule, that is pertaining to orders that do not have anything to do with Council business.

President HANNON—Is the gentleman stating a point of order?

Coun. TAYLOR—I move that the—

President HANNON—The gentleman is not moving anything. The gentleman is stating a point of order. What is the point of order?

Coun. TAYLOR—My point of order is that that does not come within Rule 12, Mr. President.

President HANNON—The Chair will inform the gentleman from Ward 12 that the Chair is the judge. The rule specifically says, matters which in the opinion of the Chair. The Chair has expressed his opinion and there is no debate on the matter.

Coun. TAYLOR—Mr. President, a point of information.

President HANNON—The gentleman will state his point of information.

Coun. TAYLOR—Do I understand that it is left in the discretion of the Chair as to whether or not matters pertain to Council business?

President HANNON—The Chair is unable to tell the gentleman from Ward 12 whether the gentleman from Ward 12 understands anything correctly; the Chair only knows how the Chair understands things.

Coun. TAYLOR—Mr. President, I move that the order—

President HANNON—The gentleman cannot move anything.

Coun. RUSSO—Mr. President, a point of information.

President HANNON—The gentleman will state his point of information.

Coun. RUSSO—Am I right in saying that the Council took action on this matter some time ago and stipulated a certain date?

President HANNON—The gentleman is correct. Later in the session Coun. TAYLOR moved that Coun. M. H. Sullivan's order, which had been referred to the Committee on Rules, be withdrawn from that committee and put before the Body.

President HANNON—The gentleman is out of order.

President HANNON—The gentleman will state his point of information.

Coun. RUSSO—Am I right in saying that the Council took action on this matter some time ago and stipulated a certain date?

President HANNON—The gentleman is correct. Later in the session Coun. TAYLOR moved that Coun. M. H. Sullivan's order, which had been referred to the Committee on Rules, be withdrawn from that committee and put before the Body.

President HANNON—The gentleman is out of order.

Coun. TAYLOR—A point of information, Mr. President.

President HANNON—The gentleman will state his point of information.

Coun. TAYLOR—Do I understand that we can't have a two-thirds vote on that?

President HANNON—You do, sir.

Coun. M. H. SULLIVAN—Mr. President.

President HANNON—For what purpose does the gentleman rise?

Coun. M. H. SULLIVAN—A point of information.

President HANNON—The gentleman will state his point of information.

Coun. M. H. SULLIVAN—I would like to know the content of Rule 12.

President HANNON—I think the Sergeant at Arms will give you a rule book. Are there any further motions, orders, and resolutions? A motion is in order to adjourn.

Coun. TAYLOR—Mr. President, I would like to appeal from the Chairman's ruling.

President HANNON—There is no appeal.

Coun. HANLEY—Mr. President, I move we adjourn.

Coun. TAYLOR—A point of order, Mr. President.

President HANNON—The gentleman will state his point of order.

Coun. TAYLOR—I think we should be given an opportunity to make a motion before we rush an adjournment. I understand we have something in executive. I would like a point of information, Mr. President.

President HANNON—The gentleman will state his point of information.

Coun. TAYLOR—Mr. President, if I understand the rule, when any order is referred to any committee I understand that we have a right to come before this Body and ask that it be withdrawn from the committee and acted upon by the Body, except under Rule 12 that it does not pertain directly to Council business. Do I understand the Chair is making a decision that the election of a City Messenger does not pertain to Council business?

President HANNON—The Chair is making the decision that, in the opinion of the Chair, there is no vacancy in the position of City Messenger, so that therefore nobody can be elected to the position, but the Chair, in deference to those who seem to think otherwise, has referred the matter to the Committee on Rules for clarification. That is the opinion of the Chair.

Coun. TAYLOR—Mr. President, a point of information.

President HANNON—The gentleman will state his point of information.

Coun. TAYLOR—I think the question hinges really on the fact whether or not you in your discretion say that it does not come within Council business. If you say it does not come within Council business we have no right to make such a motion until thirty days have elapsed; but if it does come within the Council business I think that a vote of two-thirds majority still holds under our own rules.

President HANNON—The Chair will, then, state that it does not come within Council business.

Coun. TAYLOR—I just wanted to know what the basis of the arbitrary decision was.

APPROPRIATION FOR AMERICANIZATION BUREAU.

Coun. KINSELLA—Mr. President.

President HANNON—For what purpose does the gentleman rise?

Coun. KINSELLA—To make a motion.

President HANNON—The gentleman will state his motion.

Coun. KINSELLA—I move that the order of June 28 concerning the appropriation of the Americanization Bureau be taken from the Committee on Appropriations and acted upon by the Body.

President HANNON—Councillor Kinsella moves that the order of June 28, which was referred to the Committee on Appropriations, be recalled from the committee. Not being there thirty days it will require a two-thirds vote.

Coun. D. F. SULLIVAN—Mr. President, I move that you rule the gentleman out of order because he cannot ask for a recall vote until it has been in there thirty days.

President HANNON—The Chair will rule that the point of order is well taken. The rule states that "Any matter referred to a committee may be recalled by a majority vote of all the members of the Council, if such matter is not reported upon within one month from the date of reference." Is there anything further?

THE NEXT MEETING.

Coun. D. F. SULLIVAN—Mr. President, I move that when we adjourn that we adjourn until July 26.

Coun. HURLEY—Mr. President, I make a motion that we adjourn for one month. I move to amend Councillor Sullivan's motion, making it one month.

President HANNON—Councillor Hurley amends Councillor Daniel Sullivan's motion, that when we adjourn today we adjourn to meet four weeks from yesterday.

Coun. HURLEY—That is right, Mr. President; four weeks from July 12.

The amendment was lost.

Coun. HURLEY—Mr. President, the reason I asked for that four weeks, is that there is very little business pertaining to the City of Boston, and I know that on Mondays I can do a lot of work for my constituents, those living in my district, and a lot of times in here on a Monday I feel that I have wasted a whole day.

Coun. SCANNELL—Mr. President, speaking on the adjournment.

President HANNON—The vote is not now in doubt.

Coun. HURLEY—Mr. President, I doubt the vote and ask for a roll call.

Coun. SCANNELL—Mr. President, speaking on this recess for a month, I understand that there is an order in regarding the Americanization Bureau, where I understand that some men have not been paid for three weeks. I am not going to vote for an adjournment of one month where some men have not been paid. I understand that some of these men are married men and they need the money as soon as they can get it.

The question came on the motion to adjourn for four weeks from July 12. The roll was called and the motion lost, yeas 3, nays 10:

Yeas—Coun. Hurley, Kinsella, Taylor—3.

Nays—Coun. Carey, Hanley, Hannon, Kelly, Muehnick, Russo, Scannell, D. F. Sullivan, M. H. Sullivan, Wickes—10.

Coun. HURLEY—Mr. President, after listening to the councillor from Ward 6, I make a motion that we meet next Monday and clear this matter up about giving aid to departments that have no money, and, being on the Committee on Appropriations, I will ask our chairman to have a meeting this week.

President HANNON—The amendment has been defeated. The question now comes on the original motion offered by Councillor Daniel Sullivan that we adjourn until two weeks from yesterday.

Coun. HURLEY—Mr. President, may I offer another amendment,—that in view of the fact that there are departments in Boston operating without money, that we meet next Monday.

President HANNON—The Chair is informed by the clerk that the longer time comes first. The question is on adjourning until two weeks from yesterday.

Coun. HURLEY—Mr. President, I think, after hearing this statement—and I did not know about it—if that department is without money I think it is a crime to go two weeks and let these people go without their money for two weeks. I think it is our duty to have the Committee on Appropriations sit this week and come back here as fast as possible, which will be next Monday, and pass this appropriation so that these people may get their salaries. I don't think anyone in Boston today wants to be walking around without money in their pocket, and I don't want them to. If those men are without their money let us come in here next Monday and give them their money. I will be no party to letting this thing go for three or four weeks when there are departments in Boston which are shy of money, when a little help from me will give them the money.

Coun. KINSELLA—Mr. President, in line with those facts I would say that if the Appropriations Committee will concede a point and surrender con-

trol of the matter and not wait until next Thursday we can take steps here today which will make it possible to accomplish two purposes at once,—be able to get our adjournment for three or four weeks, and be able to dispatch the business so that these people can get their money. I do not like to see these things. The weather is hot and I am in no mood to fight with anybody, but it seems to me to be a meritorious case which we are asked to consider. We do not hold our own money up. I think the committee in its generosity and public spiritedness should surrender control for once and let us pass the \$12,500. It is not for today or tomorrow; it runs until the end of the year. Then we can take three, four, or five weeks, to which we are justly entitled, out of the hottest part of the year.

President HANNON—The Chair will offer the suggestion that if Councilor Daniel Sullivan and the other councilor will withdraw their motions now before the Body and substitute a motion that we go into executive session, probably we can iron this out and then come back from executive session later and straighten it out.

Coun. RUSSO—Mr. President.

Coun. D. F. SULLIVAN—Mr. President.

President HANNON—Councilor Sullivan has already spoken on the matter.

Coun. D. F. SULLIVAN—I have not already spoken, Mr. President.

President HANNON—I thought you made the original motion.

Coun. D. F. SULLIVAN—I just made the motion but I have not spoken on the matter.

President HANNON—If the gentleman has not spoken on the matter I will apologize and recognize him.

Coun. RUSSO—I will yield to my colleague, Mr. President.

President HANNON—Thank you.

Coun. D. F. SULLIVAN—Mr. President, I will not withdraw my motion to adjourn for two weeks for the simple reason that they have been without pay for three weeks. The order did not come in to us until two weeks ago. Why didn't they put it in back in May when the Council could have had plenty of time to act upon it? Last Monday a meeting of the Appropriations Committee was called for 10.45, and those present were the Chairman, Councilor Russo and myself, besides four other gentlemen who were representing the Legion organizations, and we postponed the hearing at that time until Thursday afternoon, and those gentlemen have consented to come back again on Thursday afternoon and present their case. I don't know whether they are for it or against it. It is the same old story of these appropriations coming into this Body at the last minute and expecting the Council to act immediately. It is just as the statements have been made. If they were running short of cash, why didn't they come in at the right time? I move, Mr. President, that we adjourn for two weeks.

The question came on the motion to adjourn until July 26.

Coun. TAYLOR—Mr. President, a point of information.

President HANNON—The gentleman will state his point of information.

Coun. TAYLOR—Is it permissible under our rules now to make a motion to withdraw this order from the Committee on Appropriations and refer it to the Executive Committee?

President HANNON—The Chair has already decided that it is not, councilor.

Coun. TAYLOR—Do I understand that a two-thirds vote will not prevail in a case of this sort?

President HANNON—There is nothing in the rules which the Chair can find which permits withdrawing until after the 30-day period has elapsed.

Coun. TAYLOR—Mr. President, a point of information.

President HANNON—The gentleman will state his point of information.

Coun. TAYLOR—I may be wrong, and if so I should like to get further information, but it has always been the custom here in the past, if we wanted to withdraw something from a committee we could do it by a two-thirds majority vote, and I can't find anything in the rules to prevent it.

President HANNON—The only thing in the rules is that it states that "Any matter referred to a committee may be recalled by a majority vote

of all the members of the Council, if such matter is not reported upon within one month from the date of reference."

Coun. TAYLOR—That is right, by a majority vote, Mr. President. But it has always been a custom of the Council on a two-thirds vote in the event that thirty days have not elapsed. I think since that rule has been in effect a good many things have been passed. I think it should be abrogated now.

President HANNON—The Chair agrees with the gentleman from Ward 12 that there should be a change in the rules, but all I can do is to interpret the rules as they now exist.

Coun. TAYLOR—It has always been a custom in the past that we could do it with a two-thirds vote, and there has been no change in the rules since then. I would like to make a motion now to withdraw from the Committee on Rules this matter and refer it to the Executive Committee.

President HANNON—The gentleman is out of order on his motion. The motion before the Body is on adjournment until two weeks from yesterday (July 26).

Coun. KINSELLA—Mr. President, just a further point which Councilor Sullivan's statement has brought to my mind. By his own admission they did not show up yesterday. There were three in attendance on one of the hottest days of the year. What guaranty have we that any action will be taken, that there will be a quorum of the committee next Thursday? I know the councilor is a decent fellow—I am not trying to flatter him or use honeyed words—but I do not think he will disagree with me when I say that we do not hold our own money up. We do not like to have to wait for it when it is due; we like to get it when it is due. Why don't they relax control and let us settle it right in here? If we petisist in heving to the literal meaning of the rule we are going to deprive these people of their money for a few weeks more. I don't think that any one of them is in a position to borrow money against the accrued but not payable wages or salaries earned. I think we ought to be generous in our attitude and take into account the weather and all, because there is no one here, Councilor Sullivan or anyone else, who can guarantee enough men to take action on Thursday. You bring back these gentlemen, who are for or against, as the councilor says he doesn't know their attitude, and it is going to leave a very sour taste in their mouths if they must postpone the meeting from Thursday to another date in the future. Why can't we take it up and settle it one way or the other today? I think it would be the generous thing to do if they would surrender control of it and allow us to thrash it out right here on the floor.

Coun. RUSSO—Mr. President, what my colleague, Councilor Daniel Sullivan, has just stated, is the exact truth. We had a meeting of the Appropriations Committee only yesterday, and we had people invited to attend that meeting, individuals, whether representing themselves or representing organizations, and they came there to be heard, but because there was no quorum present we had to tell those gentlemen that another meeting was going to be called for Thursday of this week. I don't think that it is fair, after those individuals have left their work in order to be present at a meeting, that the Council should take action without giving them an opportunity to be heard. I believe, Mr. President, that the members of the committee, when they are notified that a meeting is to be held, should make it their business to be present and not wait until the Council meeting to say some of the honeyed words. I believe that the business of the City of Boston should be properly conducted.

The question came on the motion to adjourn until July 26.

Coun. CAREY—Mr. President, I merely want to say that I will not go along with my good friend from Ward 9 on his motion to adjourn for two weeks because I have consistently voted against adjournment of this Council, feeling that we were elected to be here on Mondays and we should be here unless sickness or something else makes it impossible. The point taken by Councilor Sullivan was an excellent one when he called attention to the fact that this matter was only sent in here two weeks ago, and according to the information which has reached us the employees of that department have been going

without pay for three weeks. This is not the first time that we have had a matter sent in here at the last minute.

Coun. MUCHNICK—Mr. President.

President HANNON—For what purpose does the gentleman rise?

Coun. MUCHNICK—A point of order.

President HANNON—The gentleman will state his point of order.

Coun. MUCHNICK—It seems to me that the gentleman is not speaking on the motion to adjourn for two weeks by bringing out that other matters have been sent in at the last minute.

Coun. CAREY—Mr. President, I dislike to differ, but in my opening remarks that was the very point I spoke upon, the matter of adjourning for two weeks. Time and time again, Mr. President, we have had this very same thing happen, and I don't know just why it is necessary that things should happen so. I am against letting any city employee go without his or her pay. But why do these things have to come in to us at the last minute? That is not such a big department down there, although from information that has come to me it is being increased all the time. There is no reason why we should not have had this matter placed before us some time ago. We have passed at one time during the year a sum of money that was supposed to be large enough to carry them through. Now, what has happened that the money has run out so quickly? If for some good reason it has, then there should have been foresight enough downstairs to have sent the request in here weeks ago and not wait, as a matter of fact, until—if the information is correct—the employees in that department have already gone without pay for two weeks. What is the necessity now for hasty action here? According to the information given us by Councilor Sullivan and Councilor Russo, there were representatives of the organizations at that committee meeting yesterday who wanted to be heard on the matter. They had a right to be heard. It is too bad that we do not have more requests from the people of the city to come in here and be informed from time to time as to what is going on here. I think it would be a good thing if the residents of the city were to know a little more about what is going on, and if they have a just complaint I am going to listen to them.

The question came on the motion to adjourn until July 26. The motion was lost. Coun. D. F. SULLIVAN doubted the vote and asked for a roll call. The roll was called and the motion lost, yeas 2, nays 11.

Yeas—Coun. Hanley, D. F. Sullivan—2.

Nays—Coun. Carey, Hannon, Hurley, Kelly, Kinsella, Muchnick, Russo, Scannell, M. H. Sullivan, Taylor, Wickes—11.

Coun. KINSELLA—Mr. President, I now move that we take a recess for the purpose of going into executive session.

AMENDMENT OF COUNCIL RULES.

Coun. TAYLOR—Mr. President, I would like to make a motion.

President HANNON—Will you hold it until we come from Executive Committee?

Coun. TAYLOR—I think this might be referred to the Executive Committee and that is why I would like to offer it now.

Coun. TAYLOR offered the following:

Ordered, That the rules of the City Council be amended by striking out the following words in the last paragraph of Rule 13: "if such matter is not reported upon within one month from the date of reference."

Referred to the Committee on Rules.

RECESS.

On motion of Coun. KINSELLA, the Council voted to take a recess at 3.17 p. m., subject to the call of the Chair. The members reassembled and were called to order by President HANNON at 3.30 p. m.

EXECUTIVE COMMITTEE REPORTS.

Coun. TAYLOR, for the Executive Committee, submitted the following:

Report on message of Mayor and order (referred today) authorizing transfer of \$1,272.22 from appropriation for Registry of Deeds to appropriation for Supreme Judicial Court—that same ought to pass.

The report was accepted, and the order was passed, yeas 15, nays 0:

Yeas—Coun. Carey, Chase, Dwyer, Hanley, Hannon, Kelly, Kinsella, Langan, Linehan, Russo, Scannell, D. F. Sullivan, M. H. Sullivan, Taylor, Wickes—15.

Nays—0.

Adjourned, on motion of Coun. KINSELLA, at 3.31 p. m. to meet on Monday, July 19, 1943, at 2 p. m.

CITY OF BOSTON.

Proceedings of City Council.

Monday, July 19, 1943.

Regular meeting of the City Council in the Council Chamber, City Hall, at 2 p. m., President HANNON in the chair. Absent, Coun. Coffey, Fish, Foster, Goode, Langan, Linehan, Lyons.

The meeting was opened with the salute to the Flag.

AVAILABILITY OF SCHOOL YARDS FOR CHILDREN.

The following was received:

City of Boston,

Office of the Mayor, July 19, 1943.

To the City Council.

Gentlemen,—I transmit herewith communication from the School Committee of the City of Boston relative to your order of June 7, 1943, concerning the availability of school yards during the hours of daylight for school children.

Respectfully,

MAURICE J. TOBIN, Mayor.

City of Boston,

School Committee, June 29, 1943.

Hon. Maurice J. Tobin,
Mayor of Boston.

Dear Sir,—At a conference of the School Committee held on Wednesday afternoon, June 23, the Committee received the order passed in City Council June 7, 1943, requesting the Committee, through your Honor, to make available, as playgrounds to school children, all school yards during the hours of daylight, and to assign supervisors to direct and supervise the said school yard playgrounds.

The School Committee has asked me to inform the Council, through your Honor, that the Committee would be pleased to open up all school yards as playgrounds, with supervision, if additional funds were made available for the purpose. It will not be possible to increase the number of playgrounds at the present time within the available appropriation.

The Committee would inform the Council that at the present time there are 107 school yard playgrounds operating, and in addition there are twenty-nine children's corners functioning in Park Department playgrounds; also in Health Centers, city play areas, etc., or a total of 149 playgrounds.

Very truly yours,

ELLEN M. CRONIN, Secretary.

Placed on file.

USE OF ABANDONED SCHOOL BUILDINGS.

The following was received:

City of Boston,

Office of the Mayor, July 19, 1943.

To the City Council.

Gentlemen,—I transmit herewith communication from the School Committee of the City of Boston relative to your order of June 21, 1943, concerning the advisability of renovating abandoned school buildings for the use of children as recreation centers.

Respectfully,

MAURICE J. TOBIN, Mayor.

City of Boston,

School Committee, July 2, 1943.

Hon. Maurice J. Tobin,
Mayor of Boston.

Dear Sir,—The School Committee has received the order passed by the City Council

June 21, requesting your Honor to communicate with the School Committee relative to the advisability of renovating abandoned school buildings for the use of children as recreation centers.

The School Committee would respectfully report that there are very few abandoned school buildings at the present time and the available funds for alteration and repair of school buildings will not permit of renovating any buildings for use as recreation centers. The Committee feels that the present provision for school and park playgrounds is pretty generous, but the Committee would be very glad to extend the recreation provisions if money for the purpose were made available.

Very truly yours,

ELLEN M. CRONIN, Secretary.

Placed on file.

SHOWERS IN SCHOOL PLAYGROUNDS.

The following was received:

City of Boston,

Office of the Mayor, July 19, 1943.

To the City Council.

Gentlemen,—I transmit herewith communication from the School Committee of the City of Boston relative to your order of June 21, 1943, concerning the installation of showers in all school playgrounds.

Respectfully,

MAURICE J. TOBIN, Mayor.

City of Boston,

School Committee, July 8, 1943.

Hon. Maurice J. Tobin,
Mayor of Boston.

Dear Sir,—At a recent conference the School Committee received the order passed by the City Council June 21, 1943, requesting the Committee, through your Honor, to make immediate arrangements for the installation of shower baths in all school playgrounds.

The School Committee finds that at the present time there are but fourteen playgrounds that lack shower equipment and requisitions are now in the hands of the Department of School Buildings for the installation of shower heads in these yards, in order that showers may be made available for the children using these yards. Just as soon as Mr. Mahar is able to secure the necessary equipment it will be installed.

Very truly yours,

ELLEN M. CRONIN, Secretary.

Placed on file.

APPOINTMENT BY THE MAYOR.

Subject to confirmation by the Council, the Mayor submitted the following appointment, viz.:

Constable for term of one year, beginning with first day of May, 1943, without power to serve civil process and to serve without bond: Louis Taylor, 38 Intervale street, Ward 14.

Laid over for a week under the law.

PETITIONS REFERRED.

The following petitions were received and referred to the committees named, viz.:

Claims.

Centre Hardware Company, for compensation for damage to property at 4200-4206 Washington street, Roslindale, caused by overflow of water.

Joseph J. Dwyer, for compensation for damage to property at 6 Church street, Dorchester, caused when street was put through.

Ruth Flaherty, for compensation for injuries caused by city truck.

Vincent Geguzis, for compensation for damage to property at 49 Buttonwood street, caused by water being shut off.

M. Harry Goldburgh, for compensation for damage to property at 238 Hemenway street, caused by break in water main.

Anastasia Kelly, for refund on dog license.
Margaret Riley, for compensation for injuries caused by city truck.

Dorothy Stimberis, for compensation for damage to property caused by city truck.

Louis DiVito, for compensation for damage to property at 162 Liverpool street, caused by water flooding premises.

APPOINTMENT OF FRANCIS C. GRAY AS SCHOOL BUILDINGS COMMISSIONER.

Notice was received from his Excellency Governor Saltonstall of appointment of Francis C. Gray of Boston to Board of Commissioners of School Buildings of City of Boston, there having been no appointment by two surviving members after death of William Lee.

Placed on file.

APPOINTMENTS BY THE MAYOR.

Notice was received from the Mayor of the following appointments:

John M. Hayes, 18 Churchill road, West Roxbury, to be principal assessor, for term ending March 31, 1948, *vice* Fred A. Moncewicz, resigned.

Paul T. Oswald, 100 Tyndale street, West Roxbury, to be deputy assessor *vice* John M. Hayes, resigned.

John J. O'Connor, 164 Marine road, South Boston, to be deputy assessor, military substitute for Francis J. McFarland, now serving with armed forces.

Thomas J. Murphy, 12 Florida street, Dorchester, to be deputy assessor *vice* Fred E. Bolton, deceased.

Severally placed on file.

RESIGNATION OF JOHN M. HAYES.

Notice was received from Board of Assessors of resignation of John M. Hayes, deputy assessor, appointed by the Mayor as principal assessor.

Placed on file.

SOLDIERS' RELIEF.

Coun. RUSSO, 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.

The report was accepted and the order was passed.

SOLARIUM ON SAVIN HILL BEACH.

Coun. HANNON offered the following:

Ordered, That the trustees of the George Robert White Fund be requested, through his Honor the Mayor, to make plans for the erection of a solarium on Savin Hill beach.

Passed under suspension of the rule.

WADING POOL AT FRANKLIN FIELD.

Coun. MUCHNICK offered the following:

Ordered, That the Board of Park Commissioners be requested, through his Honor the Mayor, to construct a wading pool at Franklin Field and that said construction be done as soon as is reasonably possible.

Passed under suspension of the rule.

USE OF "A" COUPONS.

Coun. MUCHNICK offered the following:

Ordered, That the Office of Price Administration be requested, through his Honor the

Mayor, to work out some plan whereby motorists may use their "A" coupons for the purpose of driving their families to local beaches and picnicking grounds for the balance of the summer.

Coun. MUCHNICK—Within the last week or so the Office of Price Administration has entered a new ruling whereby persons going to distant places for vacation purposes may make one round-trip by the use of their "A" cards, or by the method of getting extra gasoline. It is estimated that the average round-trip per person per summer will be in the neighborhood of 200 miles. It seems that those persons who aren't fortunate enough to have summer places to which to go have been left out. If those persons who don't have regular summer places were permitted to use their "A" cards for the same purpose,—to take their families to local beaches and picnic grounds,—the average trip for anybody in Boston to the local beaches would be around 15 miles, and, under those circumstances, to eat up the 200 miles persons will have in going to summer homes, a man could make twelve or thirteen trips during the course of the summer with his family. It seems only fair that provisions should be made for those who are not fortunate enough to have summer homes to which to go. I ask suspension of the rules and adoption of the order.

The order was passed under suspension of the rules.

APPROPRIATION FOR BUREAU OF AMERICANIZATION.

Coun. DWYER, for the Committee on Appropriations, submitted the following:

Report on message of Mayor and order (referred June 28) appropriating \$12,500 for Bureau of Americanization—recommending that same ought to pass.

The report was accepted and the question came on the passage of the order.

Coun. RUSSO—I rise for a point of information.

President HANNON—State your point.

Coun. RUSSO—I would like to ask how many votes are necessary for this to go through.

President HANNON—Twelve votes are necessary.

Coun. RUSSO—Mr. President, on this appropriation of \$12,500 for the Americanization Bureau, we all realize that when this Bureau was first formed it was given to us to understand that only two individuals were going to be employed in that department, and they at the meetings stated they could carry on the business, the functioning, of this particular Bureau. Today we are concerned with the fact that, beginning with a pay roll of \$7,000 originally, it has been brought up to \$25,000,—and I believe it is more than \$25,000, because when the figures were given to the Committee on Appropriations last week the chairman of that particular Bureau was unable to answer the question asked on pay rolls, and I, for one, do not believe that the committee had the proper information. Nevertheless, at that hearing, for the benefit of my colleagues that weren't present, I wish to call to your attention the fact that there was present the Adjutant of the American Legion, Mr. Curran, Suffolk County Commander of the American Legion and past commander of a post of the American Legion. They strenuously emphasized that they were opposed to this appropriation. I can fully understand the action of his Honor the Mayor in putting into this particular department some of the individuals that he wants to take care of. I have no argument with any of these individuals or with his Honor the Mayor, but, nevertheless, I can't help but be opposed to this appropriation and am explaining my position. I believe that this department, which is now a duplicate of various departments which the Federal Government and the State

Government have functioning, is really of no value to the people of the City of Boston. Consequently, as Mr. Curran brought out at a committee meeting, when this bill was presented to the Legislature, to have this department go into civil service without a competitive examination—and I use the exact words that Mr. Curran stated—when the question was asked of him if he had opposed it in the Legislature he said he had strenuously opposed it, but it was a "must" bill. Next, we realize that this bill being passed by the State Legislature is putting the City of Boston in the position of paying out more money and putting them on civil service. Mr. President, even though the State Legislature has forced into the City of Boston this extra added expense—and we realize as far as we are concerned it was the State Legislature and that if a mistake has been made they have made it up there, and also his Excellency the Governor in signing this particular bill, and also the Commissioner of Civil Service for approving it—I am only wondering, if we could vote upon this and pass it, if we are not adding still another mistake. I don't believe that two wrongs make a right. We have the power here today, in order to keep our pledges—even if some of the officials would want to break their pledges—and I believe it is up to us to keep our pledges that we have made, each and every one of us, because I know that I have,—to keep our promise to the boys who are fighting in this horrible war, to safeguard their rights to give them an even opportunity, so that when they come back they may come back to the City of Boston to find some of these positions open for them, that they may take the examination, and if they are able to pass it to be put in these various departments. But no, Mr. President, we find in this particular bureau that has been sent down to the City Council that they are trying to eliminate giving those boys an equal opportunity. Yes, this is only the stepping-stone, and if we allow it here in the City of Boston and in other cities and towns in our nation it is allowed, what are our boys going to find when they do come back? Are we going to do the same as in the last World War, when, after a little while, as one of our colleagues here in this room brought to our minds, the newspapers carried the statement at that time that 90 per cent or more of criminals were the individuals who had borne arms to fight for democracy? I made a public statement some time ago that it is up to the Federal Government and the State and City Governments to make sure that the rights of these boys are being protected. Will they be protected if we, the Boston City Council, allow this appropriation to go through, to fill these jobs without a competitive examination, to shut the doors on these boys when they do come back? Yes, you may say it is only four or five jobs, but, Mr. President, it is only four or five in that department. We know differently. There are many more in various other departments,—not only in the City, but in the State and the Federal Government. That is why I am opposed to it, Mr. President, because I believe that it is an injustice to these boys who are not here to ask for themselves that they be given their rights. They are sacrificing everything that they have. They are even sacrificing their own precious life, and we here at home,—are we not going to appreciate that sacrifice and leave the doors open for them to have competitive examinations on all positions? Why do you want to rush these positions to be filled in now? I have heard many a public official on many public platforms say that they are trying to protect the rights of the boys. This is only one of them. The American Legion is strenuously opposed to our appropriating this money. They realize that the State Legislature has made a mistake, but, as Mr. Curran stated, it was a "must" bill. If it was a "must" bill in the State Legislature, then I say must it be a "must" bill here in the City Council? When

these individuals received their positions in this particular department there were only two. Now we are confronted with nine. They knew at that time when they received their positions that we had no guarantee so far as their being civil service and in so far as their being placed in permanent positions. They are the ones that have asked to be put away, taking the advantage while our boys are fighting, taking advantage because they are not here to speak for themselves. I didn't ask for it; they did. And if they have asked for it, then let us be united to keep these vacancies open until our boys come back. That is the least that we, the City Council, can do for these boys. As I said before, I have no personal grievance against anybody; I have no argument with anyone; but let us be logical, let us do something, and start it now, by keeping these positions open for our boys, and not appropriate this money.

President HANNON—The question is on the adoption of the order recommended by the committee.

Coun. SCANNELL—Mr. President, speaking on this appropriation order for the Americanization Bureau, I have heard the comments from my colleague from Ward 3 in regard to young men fighting for our country. As I well stated at the committee hearing, the Massachusetts Legislature passed this bill to have the Bureau of Americanization go on as a civil service body. Now, Mr. President, there is no doubt in my mind that the American Legion should have stood up when that bill was before the Legislature and had all these thoughts in mind. But, Mr. President, as I understand it, there are men in that department who have served in the last World War, and there are women in that department who are on the Auxiliary of the American Legion. As I stated before, Mr. President, we should protect the boys that are fighting for our freedom. But, as I stated on this floor before, I shall never vote against giving a man his week's pay, which is justly due him, and I shall never vote to fire a man, or I shall never vote to do away with a job in any city department. So, therefore, Mr. President, I don't think that there should be any comment about this department. This department was created three years ago. We have veterans that are working in this department. We have the wives of dead veterans working in this department. So I don't believe there is any question of the veterans' preference in this matter. I think the right thing to do is to pass the appropriation, and if there is any argument this vacancy should have been held over it is up to the Legislature when that bill comes up and it has nothing to do with the City Council.

Coun. CAREY—Mr. President, I heartily agree to a great extent with what the councilor from Ward 3 has said to us regarding the transfer of this money, but we are absolutely powerless here today to try to right a gross wrong that has been wrought upon the City Council through the enactment of any legislation regarding which the City Council had no voice. Why does a charter permit the election of the City Council? Only because those who originally framed it and those who since have had to do with revisions of that charter have agreed that the City of Boston, through a City Council, should have a voice in what was going on regarding city affairs. But the Great and Honorable Court of the State of Massachusetts and the Governor of the Commonwealth felt the City Council of Boston should have nothing to say regarding the placing of jobs such as the department of Americanization Bureau under Civil Service. The Americanization Bureau has been functioning off and on since 1919, and yet at no time in practically a quarter of a century, ever before, was anything done to create a civil service status in that department through the methods that were used and adopted by the State Legislature at its last session. As a matter of fact, that department is civil service today. The bill was

signed by the Governor on June 1st; the law became effective thirty days after signature, so those employees have been civil service employees of the City of Boston since the first day of this month. There is absolutely nothing we can do today to change the condition that exists down there. I feel, however, that I would be remiss in my duty here as a City Councilor if I didn't strenuously raise my objection to the tactics that were employed in foisting this department permanently on the City of Boston, without giving every one, veteran or not, an opportunity to compete for those jobs down there. The door has been closed under the terms of the bill once it was signed by the Governor, to be effective within thirty days, and those employees, solely because they had been previously appointed to those positions, automatically became civil service employees, and we can vote from now to doomsday against transfer of money to pay them, but it will have no effect whatsoever. I don't make those remarks too willingly. I have nothing against anyone holding a job in that department. My plaint is against the methods that were used,—the same methods that were used to give a civil service status to other departments in this city. Time and time again I have sat here in my chair and have listened to other orders, and have introduced orders myself, asking that the legislative agent of the City of Boston, or the Mayor's office, keep the members of the City Council informed as to what was going on at the State House pertaining to this city. They have ignored our requests continually. We don't know what is going on. Someone might tell you there is a calendar printed there every day. We don't know anything about those calendars. They come out every morning at the session. We are not at the State House. We are at the City Hall. I feel it only fair that the City Council should be given an opportunity to appear before the various committees of the State House every time there is a "must" legislation before that body up there and give us at least the opportunity to raise our objections and have something put before us about the bills. I certainly feel that this is a gross flaunting of civil service to have had any such action taken by the Legislature as was taken in this case here, but, as I said in my opening remarks, we can talk from now until doomsday and there is nothing to be done about it. You cannot right the wrong. Those employees down there have worked for their pay. They are justly entitled to it, and for that reason, Mr. President, I feel compelled to vote for it.

Coun. KINSELLA—Mr. President, there are a few things that, in my honest opinion today in this matter, richly deserve saying. On July 1st, Mr. President, along with the other members of the Body, I had occasion to call at the treasurer's office for money that had accrued to me as a City Councilor, and I received the same amount as all the other members of this Body,—\$175 and some cents,—\$100 of which was the first six months' accumulation of the \$200 increase the Legislature granted us; and I am wondering how many councilors refused to take it, in spite of the fact that we weren't consulted by the Legislature. There was no rider on the bill, but we didn't get up as psalm-singing, sanctimonious hypocrites and ask for recognition of the high and mighty position of councilor before we took it. We had nothing to say about it. Why, now, do we take the Legislature to task for failing to recognize us as councilors in the matter of the acceptance or rejection by referendum, or by the expression of the Legislature? Mr. President, we sit here one day a week, although we function 168 hours a week as councilors, and do public service, and I am not flattering anybody when I say that they are as much on call night and day of the 168 hours a week as I am myself; and I stated publicly that \$200 was a direct slap in the face for men who were charged with the responsibility day in and day out of getting far better paying jobs for laborers on National Defense than the procurer of the job was getting himself. And

every dime of that \$50 a week that laborers are getting is usable by them and within their own family, with no drain on them such as we have to contend with, and you all know that I am right. And now comes the opportunity to give somebody a civil service job by means of an examination. I have always been for it, and am more so today. We talk about not holding up their pay. You might as well hold up their pay as to question the validity of the act that created the jobs. I don't see why we should become contentious over this. These people are all there in good faith. They started off as we started off, by being needy human beings. On that score alone we ought to exercise honorable Christian generosity towards them. And as for the opposition voiced at the meeting, it is only by courtesy, and by courtesy alone, that we allow pressure groups that may come in and make themselves heard. There is nothing in the law—and the legal minds in this Council can confirm my statement—there is nothing in the law that says we must admit them, and by invitation, if you please, as many of them think should be extended to them. We are dealing with human beings and, as such, we ought to exercise towards them the justice we ask for ourselves. A pretty spectacle we have made of ourselves, taking an increase and not fighting about it,—taking it gladly,—taking it gladly and making no point about the failure to recognize us. The Legislature's judgment is not always sound and good. It isn't as often bad as it is good. Mr. President, I earnestly hope we have reached the peak in debate on this matter, and that the next gesture will be to pass the appropriation order and recognize the fact that those people didn't bring any pressure to bear on the action of the committee, and let us get down to essential city business other than that.

Coun. HANLEY—Mr. President, on June 7, 1943, City Auditor Fox sent a memorandum to the Americanization Bureau stating specifically that the funds allocated by the City of Boston for that department were about at an end. And on June 28, approximately three weeks later, the Americanization Bureau took it upon themselves, through his Honor the Mayor, to send a memorandum to the Boston City Council asking that \$12,500 be allocated to that department and to obtain such a fund from the Contingent Fund. Three weeks had elapsed before that Bureau recognized the memorandum from City Auditor Fox, and through the press they attacked the City Council vociferously. They called it parliamentary legerdemain. It is a beautiful term, especially when the man that writes it usually writes the editorials for practically every newspaper in the country. (Councilor Hanley asked that the representatives of the newspaper be kept quiet at this point.) The freedom of the press is the cornerstone of American liberty. The press was never intended to make the news; they were intended to report the news. They should report it in an unbiased, in an unprejudiced manner,—not because a man happens to be a chief executive of a city or the state or the nation. They are supposed to report the news the way they see the news, and not according to their own interpretation. Eighty-five per cent of the press opposed President Roosevelt for a third term, but their opinions didn't carry weight, even though the principle that they advocated was 100 per cent. And here in Boston, when his Honor the Mayor utilized a hodge-podge method in not banning the film "Mission to Moscow," I gave a prepared statement to the press, and they refused to print it. It didn't hurt me. My publicity was gained from the forty-eight states of this nation. I came in here without the press and I will stay in here without the press, even though they will try to jeopardize those City Councilors who are not rubber stamps for the man on the second floor. The purging season is now on,—the purging season for those City Councilors who place principle above men. They are now going to try to purge you. The word "purge" means to cleanse. I really believe that cleansing should

be done on the second floor, and to get rid of those barnacles and those derelicts from the political past who came down from Beacon Hill and other city appointive positions. In the Americanization Bureau four men were appointed in the past month under non-competitive examination. Do you call that freedom? It looks more like dictatorship to me. A dinner, maybe a small drink, a pat on the back, a slap on the back and a hand-clasp and "I will take care of you when the Legislature prorogues." Well, I don't intend to sit idly by and allow the press or an elective or appointed official to jeopardize any body that I belong to. We are elected by the same vote, as Councilor Kinsella well said a few weeks ago, the same vote that elects the President, the Governor, the Mayor and the Congressman,—the same vote that can destroy any man in public life, the same vote that can create from private life an individual into public life, the same type of people that have made America what it is. And I don't intend to sit idly by and allow vituperous matters to utilize the editorial columns of our press to jeopardize this Honorable Body. They may call that political suicide, but, as I said before, the press has won American liberty but they should never be tolerated as licensed news makers. Those men on the right who report the news,—they don't make the news; they never have; they never will, unless they run for office. They are supposed to report the news and not try to utilize the pen to jeopardize any man in public life. They shouldn't take it upon themselves to jeopardize a man because they don't like his looks or the way he speaks,—the way he talks or the way he walks. That isn't their prerogative. His Honor the Mayor is very friendly with the press. He should be. He is the Mayor of Boston. But he isn't beyond reproach. I remember him when he was a small boy, a poor boy, from the Mission Hill district. He became Mayor of Boston through the direct vote of the people and may he never forget that it is the people that made him and the people that can break him. The Americanization Bureau is nothing more nor less than a bureau for cast-offs and for those who will be utilized against each and every one of you when you seek re-election. Well, let them come into Ward 11. I make the statement now. Let his Honor the Mayor come into Ward 11, as he did four years preceding, and I will make him one of the most delicate derelicts that has come into the City of Boston, and I don't mean maybe.

President HANNON—The question is on the adoption of the order recommended by the committee.

Coun. RUSSO—Mr. President, in order to enlighten the Body on what my colleague from Ward 6 stated in his opening remarks,—that there are men and women in the Americanization Bureau who are veterans—may I say this, that if they are veterans, why should they hide and try to run away from a competitive examination? I believe that the American Legion should know that these individuals are members of the American Legion. But, still, if an organization is as blind as that, to be opposed to these tactics to be used, then what are we going to do about it? I fully understand also that the State Legislature was the one that passed this bill and put them under the protection of civil service, and the cry has always been that the Boston City Council has no power. But, for the love of God, what are we going to do when something that is within our power comes in and we sit idly by and let it go by? Then we should have no power and should have no say in it. But, as long as I am in the City Council, if I can't exercise my wish in my heart, at least I can exercise my voice according to my dictation. Are you going to sit by and say that the Council has no power? This is one moment we have the power now to pass. Are you going to allow yourselves to put under the protection of civil service a bureau

that has nine employees now, and four have been placed in the last month? And, mind you, four have been placed in the last month while the newspapers have been carrying out the fact that they haven't been paid. What is his Honor the Mayor doing putting people in positions when he knows there isn't any appropriation for them? Are you trying to blame the City Council, which is blameless? How long are you going to stand for it? It is things like this that add up. Yes, the City Council has no power. Well, for the love of Mike, when there is power you don't exercise it, and if you let the State Legislature, or any other body, tell the City of Boston what we should do with our money, then I say the State Legislature isn't to blame, that it is ourselves, the Boston City Council, who appropriate the money to have these departments functioning. Are we going to sit idly by? They have ninety days in order to put into that department any individual they see fit,—ninety days after the Governor has signed that bill they can put them in that department and be protected by civil service. And, my colleagues, I ask what has the bill done in order to help naturalization? There hasn't been one thing done. I would like to know if they have written to Congressmen or Senators. These aren't the individuals who know how to read and write, not the individuals that know how to speak the English language, but the individuals who are crying for help to become part of this nation are the fathers and mothers, the same as mine and some of yours, that came to these shores to seek a haven and a country, in order to give to their children—and that their children in turn have given to this state and nation of ours in America. What have they done? Nothing. Do we realize that immigration has been stopped? And who are they going to naturalize? And are we going to allow here in the City of Boston a department maintained under civil service which will be of no value? I hope to get an act passed through Congress whereby it will give the opportunity to any man or woman who has been in this country since July 1, 1924, and who is over fifty years of age, to become an American by and through the process of naturalization without being put through the process of answering some technical questions, without asking them if they know how to read and write, because I have firmly come to the conclusion, not only now but since I arrived at the age of understanding, that these individuals we call aliens today are the individuals who have made America what America has been since we came into being. Are we going to allow now this department to be protected under civil service? Nine of them now. They have ninety days to fill this department with any number they see fit. I read an editorial—I don't know for what reason, but some newspapers in the City of Boston came out with the heading "Pay Rolls Must be Met." I wonder if this particular newspaper knows that these four individuals lately placed, only two weeks ago,—that there was no money there. And why should his Honor the Mayor, or anybody else, put anybody to work when there is no money there? Is that the fault of the Boston City Council? And, mind you, within the past year four or five individuals have been put in. I didn't know about it, and I don't believe there is anyone in the Council that knew about it. Let us stop "kidding" ourselves. Let us be honest with ourselves and not say that we haven't got the power, but let us exercise whatever little power we have at our command. And again I stress we help these boys who are fighting for you and me, and that you are here present to protect their rights.

Coun. CAREY—Mr. President, were it not for the fact that the remarks of the councilor from Ward 2 were so condemning of himself, I wouldn't pay any attention to them. But within the last few weeks he introduced an order in this Council severely criticizing

the officials of the Chelsea Naval Hospital because, as he says, of the case of a fellow who had returned here to this country and was involved in an accident. And yet today he approves of the action of the Legislature that said to that boy, "You can't come back and try to get a job for yourself." And, "I, as a City Councilor of Boston, am heartily in favor of a Legislature that closes the door to you and the likes of you, who have been out there fighting for me and for mine." It doesn't take you but a short while to forget that the very ones he was boosting to the high heavens a few weeks ago he doesn't give a damn about today, and neither does he care for those others in the city who might want to take an examination to obtain the job that they are rightly entitled to. I don't have to apologize to the councilor from Ward 2 for accepting the \$200 the Legislature voted to the City Council. They voted themselves \$360, and I felt the \$200 they voted was little enough, and I know I have earned my increase, but I don't stand here with any direct intention of patting myself on the back. I mention that simply to impress on the councilor from Ward 2 that what I took I felt I justly and honestly deserved, and the only income I have is what I get here as a member of the City Council. We have been charitable with the employees of the Americanization Bureau. As I said when I was on my feet before, the Americanization Bureau has been functioning for nineteen years, off and on. It has been functioning for the six years I have been a member of this Council, and I have voted for their appropriation because I felt there was some valuable work being done down there. Why there is necessity for making it a permanent department of the city at this time is hard to understand. We have given them a chance to earn a living. We haven't closed the door in their faces, but that doesn't take away from the fact that if they are to be given their jobs permanently under civil service status they should be expected to do what thousands of other employees of the City of Boston have had to do,—qualify for that job through competitive civil service examination.

Coun. KINSELLA—Mr. President, I hope I haven't boosted the blood pressure of my good friend from Ward 10, nor am I unmindful of what I said several months ago with regard to the treatment accorded that young fellow at the hospital at Chelsea. But I have heard many of the boys here take to task a system that allows a veteran because of his preference, even because of straight service, or service connected with disability,—that allows that veteran to take that job over some pal of his or theirs. Where is the consistency? Now, I think if we offer a brief review of the life of this bill we might find out that probably nobody from this Body went up to the State House hearing and bothered to record himself, first of all as a taxpayer and secondly as a member of a body that was being passed by.

Coun. RUSSO—May I rise for a question? President HANNON—If the gentleman yields he yields for all purposes.

Coun. KINSELLA—I do not yield. Now, Mr. President, we are making a mountain out of a mole hill. I have been sitting here for the last fifteen minutes and I have been wondering just what I would do if it were possible to shake the hands of the men who years ago, in their far-sightedness, deprived this Body of any power. I believe that those men—

Coun. TAYLOR—I rise to a point of order. President HANNON—State your point.

Coun. TAYLOR—I don't think the gentleman is speaking on the subject.

Coun. KINSELLA—Mr. President, we were discussing the lack of authority in the Body. I simply want to compliment the judgment of the gentlemen who struck out—

Coun. TAYLOR—I rise to a point of order. President HANNON—State the point of order.

Coun. TAYLOR—I don't think that has any bearing on the subject.

President HANNON—The councilor will please confine his remarks to the subject under debate. The subject is the adoption of the order of the Committee on Appropriations.

Coun. KINSELLA—I shall make no more references that will injure the delicate feelings of any member of the Body. Now, Mr. President, at this point I might say to my fellow colleagues that we are faced with the necessity of saying that no new body should be created. Nobody should be taken care of, and yet we refuse to recognize the fact that the instant we win we try to take care of people who are responsible for our winning. We try to get as many constables as possible. We try to get cement inspectors, not one of whom has been known to come home tired after a day's work, for which he is paid more in many instances than many civil service employees,—and I defy contradiction. And would we dare hold up salaries of constables; or would we dare, as I said last week, hold up anything that has already accrued to us? I don't know of any wealthy individuals in that Bureau down there. I don't know that any one of them, given the necessity for some fast money, could get it as freely as any one of us, and on the title, by God, that the public has given us. And if that is a little too much for anyone to swallow I won't retreat from that position, because it is true. We can get more than they can get, and only because we are members of the Boston City Council, and we have the brass and the temerity to throw mud on the intention to give for services to be rendered to people who are in themselves decent and respectable people. I hope that without any more debate the matter will be put to a vote and favorably acted upon.

Coun. HANLEY—Mr. President, it seems from the remarks of my good friend and colleague, Councilor Kinsella, that he is making a direct accusation that the City Council is holding up the pay roll of the Americanization Bureau. I stated in my remarks that on June 7, 1943, Auditor Fox sent a memorandum to that department telling them that the funds were practically depleted. Now, since you became the President of this Honorable Body, Mr. President, you have made these committees function,—function far better than any preceding President—and I don't make that accusation unadvisedly. Mr. Flannagan said, "I thought, gentlemen, that the memorandum would be referred to the Executive Committee and that it would slide right through." And my good friend and colleague, Councilor Daniel F. Sullivan, said, without equivocation, that that may have been the business of the past Council, but this Council functions according to parliamentary procedure. It is referred to the Appropriations Committee for further study and for interrogation. And Mr. Flannagan said, "That is something new to me." One thing about this Honorable Body, Mr. President, as it is convened today, is that it is getting the respect of the so-called political parasites who feed and live upon a man who, because of his handsome features and maybe his executive ability, is the Mayor of Boston, but they are not dictating to you, Mr. President. You have your rule and you have lived up to it, and I, for one, am very proud to be associated with you and to have cast my vote for you, and I don't intend to allow any member to cast aspersions at this Body as to holding up the pay roll, when that pay roll is held up by the man who sent the memorandum on June 23, and the following Monday was July 5. There was no need; it was adjourned for one week later, due to the Mayor's Field Day. We had it the following Tuesday. Your committee has worked well, Mr. President. They have come back with a report. It is up to the members to vote for or against it, and not to cast aspersions at their colleagues.

The question came on the passage of the order and the roll was called and the order was passed, yeas 13, nays 2:

Yeas—Coun. Carey, Chase, Dwyer, Hannon, Hurley, Kelly, Kinsella, Muchnick, Scannell, D. F. Sullivan, M. H. Sullivan, Taylor, Wickes—13.

Nays—Coun. Hanley, Russo—2.

PICTURE OF FORMER CITY MESSENGER LEARY.

Coun. HANNON offered the following:

Ordered, That the City Messenger be directed to procure a picture of former City Messenger Edward J. Leary and to have this picture hung in a suitable place in the office of the City Messenger.

The order was passed under suspension of the rule.

REMOVAL OF SUGGESTIVE POSTERS.

Coun. M. H. SULLIVAN, for the Committee on Public Safety, submitted the following:

Report on order (referred July 13) for removal of suggestive posters from in front of Washington street motion picture theater—that same ought to pass.

The report was accepted and the question came on the passage of the order.

Coun. CAREY—Mr. President, I was very glad to hear at the meeting of the Public Safety Committee on Wednesday last that the City Censor had visited the theater against which that order was directed and agreed with the complaint I had made about these suggestive posters, and caused them to be banned immediately. I sincerely hope that that is the beginning in this city, not only of the banning of indecent posters, but also of indecent films in the City of Boston. We have no place in Boston for it. There is much in the way of education that can be depicted in our films and on our posters without having resort made to the tactics employed by certain theaters in this town. As I said last week, thank God all the theaters in Boston are not so evil-minded.

The order was passed.

Coun. D. F. SULLIVAN—I rise to a point of information.

President HANNON—State your point of information.

Coun. D. F. SULLIVAN—Last Tuesday the Mayor sent several appointments to the Body, and, of course, they have to be laid over one week, under the rules. Is there any way of having that rule suspended.

President HANNON—That is a statute and cannot be suspended.

PLANS FOR POST-WAR VOCATIONAL TRAINING.

Coun. M. H. SULLIVAN offered the following:

Ordered, That the Boston School Committee be requested, through his Honor the Mayor, to formulate immediate plans to inaugurate extensive post-war vocational training courses in plastics, radar and other recent inventions, so that veterans of the present war and civilian citizens may have an opportunity to rehabilitate themselves in the post-war world.

Coun. M. H. SULLIVAN—Mr. President, I recall ten years ago a man campaigning for Mayor of Boston was virtually elected on the slogan that Boston is a vanishing city. There are no new industries attracted to Boston over a period of years as a result of the demands of the statutes that no allowance be abated to incoming concerns. Boston is still a vanishing city, to my mind. We have attracted none of the new inventions

that are common today. We have attracted none of the firms that have set up their business in other sections of the nation. I see no reason, after this struggle is over, why Boston should not become, as far as aeronautics is concerned, a leading city. No city can take its place so far as aeronautics is concerned. It is probably the most geographically central point for aeronautics in this nation. We are an hour nearer to Europe, and when transatlantic flyers come over here undoubtedly that hour will be invaluable. We feel we should attract the aeronautical industry here. Plastics are being taught in our schools in Boston at the present time, but I understand from technicians that there is not one plastic school in Boston that is worth while. It is still unexploited. I feel that possibly on the shoulders of the Boston School Committee the very future of historic Boston rests. They are responsible for bringing in new industries to Boston. There are industries which may be attracted to Boston if we are able to provide, immediately upon the conclusion of this horrible dilemma, men qualified in plastics, and I hope the School Committee will immediately formulate plans and conduct an investigation into the possibility of introduction into high schools and trade schools of the city for these new industries.

The order was passed under suspension of the rule.

ADDITIONAL VACATION, HOSPITAL EMPLOYEES.

Coun. HANNON offered the following:

Ordered, That his Honor the Mayor confer with the trustees of the Boston City Hospital relative to granting to employees of the hospital an additional week of vacation in lieu of the days lost as the result of not being permitted to perform as a skeleton force on Saturdays.

Passed under suspension of the rule.

TRAFFIC SIGNS, WARD 17.

Coun. WICKES offered the following:

Ordered, That the Traffic Commissioner be requested, through his Honor the Mayor, to place "Stop" or "Slow" signs at the intersection of Greenbrier and Park streets, Ward 17, as a means of avoiding automobile accidents at this point.

Passed under suspension of the rule.

ADDITIONAL BENCHES ON BOSTON COMMON.

Coun. WICKES offered the following:

Ordered, That the Park Commission be requested, through his Honor the Mayor, to place additional benches on Boston Common, particularly near the entrances to the subway at Park and Boylston streets, and also opposite West street.

Passed under suspension of the rule.

THE NEXT MEETING.

Coun. DWYER moved that when the Council adjourn it be to meet on August 2, 1943.

Coun. D. H. SULLIVAN—Mr. President, it is a fact unfortunately that it has been only six days since the last meeting. I move that we meet next Monday. I hope the order to adjourn two weeks does not carry.

President HANNON—Councillor Dwyer's motion has precedence, being for a longer period of time.

The motion to adjourn for two weeks was declared lost.

Coun. D. F. SULLIVAN—May I make an announcement?

President HANNON—Councilor D. F. Sullivan asks unanimous consent to make a statement. The Chair hears no opposition.

Coun. D. F. SULLIVAN—For the committee you appointed relative to making a study of post-war projects, I wish to announce we are going to hold a committee meeting next Thursday at one o'clock p. m., and at this time we are calling before us the head of the City Planning Board. We intend to hold meetings from time to time,

calling in various department heads relative to finding out what plans they are making on post-war projects, and we would like to hear from some of the councilors, if they would inform the members of the committee what projects they are interested in, because we would like to see if we can't get the various departments to draw some plans for them.

President HANNON—The Chair has received the notice and wishes to thank the committee for the activity displayed.

Adjourned at 3.20 p. m. to meet on Monday, July 26, 1943, at 2 p. m.

CITY OF BOSTON.

Proceedings of City Council.

Monday, July 26, 1943.

Regular meeting of the City Council held in the Council Chamber, City Hall, at 2 p. m., President HANNON presiding. Absent, Coun. Chase, Coffey, Fish, Foster, Goode, Langan, Linehan, Lyons, Wickes.

The meeting was opened with the salute to the Flag.

TRANSFER TO ASSESSING DEPARTMENT.

The following was received:

City of Boston,

Office of the Mayor, July 26, 1943.

To the City Council.

Gentlemen,—Under a change made by the Legislature in the procedure relating to the filing of abatements, it is imperative that all tax bills be placed in the mail on or before September 1st. In order to accomplish this, it has been necessary for the Assessing Department to employ additional temporary employees. No provision for an appropriation to cover the compensation of these employees was provided in the original budget. I submit, herewith, an order providing for the transfer of fifteen thousand dollars from the Reserve Fund to the Assessing Department budget. I respectfully recommend adoption of the same by your Honorable Body.

Respectfully,

MAURICE J. TOBIN, Mayor.

Ordered, That under the provisions of section 3B of chapter 486 of the Acts of 1909 as amended by chapter 604 of the Acts of 1941, the City Auditor be, and is hereby, authorized to make the following transfer:

From the appropriation for Reserve Fund, \$15,000, to the appropriation for Assessing Department, A, Personal Service, \$15,000.

Referred to Committee on Appropriations. Coun. TAYLOR—Mr. President.

President HANNON—For what purpose does the gentleman rise?

Coun. TAYLOR—If there is no objection, I would like to make a motion that the \$15,000 transfer be referred to the Executive Committee. It is a transfer due to the fact that the bills have got to be out before the first of September and it is mighty important to the city. Since it is a transfer I think it is perfectly logical for it to go to the Executive Committee.

President HANNON—The only objection the Chair has, counselor, is the fact that all of these lately are transfers. There has been no appropriation in the budget, and the order itself so states. After all, the Committee on Appropriations appropriates money for the year, and if there is no appropriation in the budget I think it rightly belongs to the Committee on Appropriations.

Coun. TAYLOR—Mr. President, if I may add, there has been a new law passed by the Legislature about the time that the bills must be sent out in order that people may perfect their abatements properly, and the bills this year are different than they are ordinarily. As I understand it, by a law passed by the Legislature, you have got to stipulate a lot more on a bill than was formerly done, and it necessitates the hiring of many more temporary employees than we have had before. I think it is something that was not foreseen, and I think for the benefit of the city that quick action should be taken on it by the Council and that it should be sent to Executive, where we can get all the information. I am not trying to take anything away from

the Appropriations Committee, but it is a matter of expedition here.

President HANNON—The only thing I will say in reply to that is that in the order it states that the bills must be sent out by the first of September. If there is any great necessity we can meet next Monday, and I will ask the Appropriations Committee to meet this week so that we will have it next Monday, which will be near the first of August. I don't think in that way that we will be losing anything.

TRANSFER TO PARK DEPARTMENT.

The following was received:

City of Boston,

Office of the Mayor, July 26, 1943.

To the City Council.

Gentlemen,—I am forwarding request for transfer from Special Appropriation, Head House, South Boston, Repairs, Etc., to Park Department, and recommend adoption of the accompanying order by your Honorable Body.

Respectfully,

MAURICE J. TOBIN, Mayor.

Ordered, That under authority of section 3B of chapter 604 of the Acts of 1941, the City Auditor be, and hereby is, authorized to transfer:

From the appropriation for Special Appropriation, Head House, South Boston, Repairs, Etc., \$5,000, to the appropriation for Park Department, B, Contractual Services, \$5,000.

Referred to Committee on Appropriations.

PETITIONS REFERRED.

The following petitions were received and referred to the committees named, viz.:

Claims.

Edith M. Burns, for compensation for injuries caused by an alleged defect in Summer and Federal streets.

Susan Caccarillo, for compensation for injuries caused by patrol wagon.

Harold F. Couch, for compensation for loss of clothing at L Street Bath.

Cleone Cummings, for compensation for damage to car by city truck.

Americo D'Allesandro, for compensation for damage to car by patrol wagon.

Eva D'Allesandro, for compensation for injuries caused by patrol wagon.

Film Exchange Transfer Company, Inc., for compensation for damage to truck by city truck.

Louise Gebrands, for compensation for injuries caused by an alleged defect in Linden Park street.

Harold A. LaMotta, to be reimbursed for executions issued against him.

Yolanda Nappi, for compensation for injuries caused by patrol wagon.

Angelina Patti, for compensation for damage to property at 243 Chelsea street, caused by defective water pipe.

John A. Stafford, to be reimbursed as result of accident which occurred while in performance of duty.

Miller Terminal and Transfer Company, for compensation for damage to truck by city truck.

Mary F. Mahoney, for compensation for damage to property 41 Strathmore road, by fire truck.

APPOINTMENTS BY THE MAYOR.

Notices were received of the following appointments by the Mayor, viz.:

Philip E. Bennett, 133 Mt. Vernon street, to be member of Board of Real Estate Commissioners, for term ending May 1, 1945.

Daniel M. Driscoll, 94 Beacon street, to be member of Board of Real Estate Commissioners, for term ending May 1, 1946.

William F. Keesler, 67 Milk street, to be member of Board of Real Estate Commissioners, for term ending May 1, 1944.

Placed on file.

DESIGNATION OF DANIEL M. DRISCOLL AS CHAIRMAN.

A communication was received from the Mayor designating Daniel M. Driscoll of 94 Beacon street as chairman of the Board of Real Estate Commissioners of City of Boston.

Placed on file.

LOCKER ROOM, CHARLESBANK.

The following was received:

City of Boston,
George Robert White Fund,
July 21, 1943.

Mr. Wilfred J. Doyle,
City Clerk.

Dear Sir,—At a meeting of the trustees of the George Robert White Fund held on Wednesday, June 30, 1943, quoting from the records:

"An order adopted by the City Council under date of March 15, 1943, requesting that a sum of money be provided from the income of the George Robert White Fund to erect a temporary locker room on the Charlesbank was considered. In the opinion of the trustees compliance with this order would be contrary to the opinion expressed by Mr. White in his will that the income of the fund should not be used "for small and comparatively unimportant needs." The secretary was instructed to advise the City Council accordingly."

Yours very truly,

CHARLES J. FOX, Secretary.

Placed on file.

SOLDIERS' AID.

Coun. RUSSO, 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.

REPORT OF COMMITTEE ON POST-WAR PLANS.

Coun. D. F. SULLIVAN, for the Committee on Post-War Plans, submitted report of its hearing on July 22, viz:

Thursday, July 22, 1943, meeting at 1 p. m.

Meeting called to order by Chairman, Coun. Daniel F. Sullivan.

Present: Councilors Carey, Dwyer, Russo, Mr. Parker, Chairman of the City Planning Board, and Mr. Malley of the Planning Board.

In reply to a question by Councilor Sullivan as to whether or not the City Planning Board was considering the demolition of the "E1" structure from Forest Hills to the South End and the building of a subway in its stead as a post-war project, Mr. Parker and Mr. Malley made the following statement:

"Although we are wholly in favor of this project one thing that we must be very careful of is the spending of money unnecessarily in preparing plans for projects which cannot be started immediately after the war. The proper way to determine what contract plans should be made first is through the Capital Improvement Program which the Mayor's Committee is now preparing. This program is based on an analysis of the city's income from numerous sources and the city's commitments to debt service and operating expenses. It is limited to plans prepared by the City Planning Board which includes only needed facilities in the way of public utilities, recreation, schools, streets and similar municipal features based on the present and future

distribution of population and business. This procedure really necessitates two types of plans: (1) Comprehensive city-wide plans relating all of the improvements to each other and to the people who are going to use them, and (2) Detailed construction plans which are necessary for actual construction work. The program on which we are working at present includes only projects which are to be financed solely by the City of Boston. As yet we are not certain that we will receive any Federal grants and we would be hesitant to gamble fifty to a hundred thousand dollars of the city's money in preparing plans for projects which might not start."

Mr. Parker stated that within two months' time he would have prepared a list of projects needing construction plans which might be the basis for an appropriation for the preparation of such plans by several departments.

Mayor's Committee: William Parker, Chairman; James Maher, School Buildings Department; George Hyland, Public Works Department; William Hickey, Traffic Department; and Robert H. Hopkins, Law Department.

Meeting adjourned 3.30 p. m.

The report was accepted.

REPORT OF COMMITTEE ON PARKMAN FUND.

Coun. MUCHNICK, for the Committee on Parkman Fund, submitted the following:

Report on message of Mayor and order (referred July 13) appropriating \$32,000 from income of Parkman Fund to be expended under direction of Park Commissioners—that same ought to pass.

Report accepted; said order passed, year 12, nays 0.

Yeas—Coun. Carey, Dwyer, Hanley, Hannon, Hurley, Kelly, Kinsella, Muchnick, Russo, Scannel, D. F. Sullivan, Taylor—12.

Nays—0.

BEER ON DRAUGHT.

Coun. CAREY offered the following:

Ordered, That the Licensing Board of the City of Boston be requested, through his Honor the Mayor, to conduct an investigation to ascertain why beer on draught cannot be purchased during the evening hours in certain night clubs, cafes and taverns in the downtown section of the city, thereby compelling service men and others to purchase beer by the bottle.

Coun. CAREY—Mr. President, that order might be looked upon with a certain degree of humor, but if the facts as presented to me are true—and I have no doubt that they are because they come from responsible sources—then there is nothing humorous about the order, but, rather, there is in vogue in the City of Boston one of the most vicious rackets that ever existed in the city, and one that results in nothing but horrible robbery. One of the chief, and I think I should say perhaps the most important, licenses granted under the license that is issued to cafes, night clubs and taverns to sell liquors and beer is the one that allows them to sell beer on draught, but there are some night clubs, cafes and taverns in the downtown section of Boston that, as I get it, night after night, as early as eight o'clock in the evening on some occasions, have no beer for sale on draught, and the only way that service men or other patrons can obtain beer is by paying from 25 cents to 35 cents a bottle. That, Mr. President, definitely is highway robbery! There is no excuse for it. There might be some excuse once in a great while for one of these liquor-dispensing places to run out of beer on draught, but when it happens night after night, and especially on Saturday nights, with the Sunday business still to go, I say it is a racket and should be corrected, and corrected immediately. Imagine, Mr. President, service men particularly, who are here in the city on leave and on furlough, some of them who have gone down into the

pit of hell itself in this war, who are doing everything that they can to win this war in order that we might have these establishments and other establishments, being forced to pay 25 cents to 35 cents for a bottle of beer, when the most important function, as I see it, of most of these places is to dispense that beer on draught at 10 cents a glass. And in these bottles, Mr. President, I don't believe there is over a mouthful over a glass full. Yet instead of getting that glass full for 10 cents, Mr. President, the patrons of those establishments are forced to pay from 25 cents to 35 cents. What a racket! How long are they going to get away with it? It is a condition that is a disgrace to the city! There is no need of it. I have talked to some of the breweries and they tell me that they have no trouble supplying beer to these establishments. And the only reason that these dispensing establishments do not have it available is because it is convenient for them not to have it available, and, of course, the profits amount to 100, 150, and 200 per cent more by selling 10-cents-a-bottle beer—and I say 10-cents-a-bottle beer because that is the price on practically all beers, and the drinking establishments can buy it under that at wholesale price, perhaps for less than 6 or 7 cents, yet instead of providing that 10-cent-glass of beer for these patrons, they prefer to gouge them, to profiteer, to set aside all that is ethical in the decent conduct of that business, and compel them, by refusing to supply the beer on draught, to buy the beer in bottles at 25 cents to 35 cents. I certainly hope that the Licensing Board will lose no time in making an appropriate investigation and in bringing to account and closing down establishments that they find are guilty of this practice.

The order was passed under suspension of the rule.

RECONSTRUCTION OF DUDLEY STREET.

Coun. HANNON and HURLEY offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to reconstruct Dudley street over its entire length.

Passed under suspension of the rule.

CONFIRMATION OF APPOINTMENTS.

On motion of Coun. D. F. SULLIVAN and MUCHNICK, the Council took up Nos. 1, 2 and 3 on the calendar, under unfinished business, viz.:

1. Action on appointments submitted by the Mayor July 13, 1943, of the following-named persons to be Constables, without authority to serve civil process and to serve without bonds: Jeremiah F. Brennan, Frank E. Donnellan, Leo P. Marshall, Henry P. McGowan.

2. Action on appointment submitted by the Mayor July 19, 1943, of Louis Taylor, to be a Constable without authority to serve civil process and to serve without bond.

3. Action on appointments submitted by the Mayor July 13, 1943, of Frank R. Oxley and Abraham J. Rabinovitz, to be Weighers of Coal.

The question came on confirmation. Committee, Coun. Muchnick and D. F. Sullivan. Whole number of votes 12, and the appointments were confirmed.

PROPOSED CONFIRMATION OF JOHN A. BREEN TO BOSTON HOUSING AUTHORITY.

Coun. HURLEY—Mr. President, I move that we take from the Committee on Rules the appointment of John Breen to the Boston Housing Authority. It has been in Rules since June 14.

President HANNON—The Chair will ask the chairman of the Committee on Rules whether or not it has been in that committee since June 14.

Coun. CAREY—Mr. President, I don't remember the date exactly. It has been in there for some time. I have, as a matter of fact, on two occasions called meetings of the committee since that order and other orders were put in the committee, but unfortunately there was no quorum present, and I could not get them together.

President HANNON—Has it been in the committee over thirty days?

Coun. CAREY—I shall have to consult the Clerk of Committees to make sure of it.

President HANNON—Will the gentleman withhold his motion until we talk with the Clerk of Committees?

Coun. HURLEY—Yes, Mr. President. Later in the session Coun. HURLEY said: Mr. President, I would like to withdraw my motion on referring the confirmation of John Breen from Rules to this Body, and will ask that the chairman of the Committee on Rules call a meeting and act on the matter promptly.

President HANNON—Councilor Hurley asks unanimous consent to withdraw his motion. If there is no objection the motion will be withdrawn.

There being no objection the motion was withdrawn.

COMMUNICATION FROM CLERK OF CHARLESTOWN COURT.

The following was received:
Municipal Court of the Charlestown District,
Clerk's Office,
July 14, 1943.

Mr. Thomas J. Hannon, Jr., President, Boston City Council.

Dear Sir,—Before receiving your letter of June 28, 1943, I have received a letter from the Budget Commissioner, the substance of which is that "there appeared to be no reason for superseding the recommendations of the previous Budget Commissioner, and the matter is therefore in statu quo."

What these recommendations referred to are, I do not know. I do know that the Council in June, 1942, adopted an order requesting that the Budget Commissioner proceed with this classification, as you stated in your letter of June 28, 1943. There was a hearing on this matter before the Council, and the Budget Commissioner was asked to furnish certain information to the Council. This has not been done and no further hearing on the matter has been held.

In the last paragraph of your letter you state that it appears from the last section of the law, however, that the classification must be initiated by the Budget Commissioner and the Mayor. I do not agree with this interpretation and I wish that you would check on it.

Chapter 447 of the Acts of 1941 says in part that "Clerks and assistant clerks of court shall be classified by the Board in the manner prescribed by sections 48 to 56, inclusive, of chapter 35."

Section 56 prescribes that in Suffolk County the duties for the Board in Section 51, except (c) which is the appeal clause, shall be performed by the City Council of the City of Boston. Thus I think that the law is clear and I therefore request that this matter which has been before the Council in June, 1942, again be brought before them for their consideration.

The whole matter is based on an act of the Legislature and I don't believe as a matter of law that any Budget Commissioner can place an act of the Legislature in statu quo, particularly since certain persons in this group have apparently been classified for some time.

Very truly,
JAMES J. MULLEN, Clerk.

Placed on file.

CLASSIFICATION OF MUNICIPAL COURT CLERKS' SALARIES.

Coun. KINSELLA offered the following: Ordered, That the Budget Commissioner, through his Honor the Mayor, be ordered and required to classify the salaries of the clerks in the Municipal Court in Charlestown in accordance with the terms of chapter 447 of the Acts of 1941.

Coun. KINSELLA—Mr. President, briefly to get a few vital facts on the record, I will say that I am in possession of a letter dated July 22, 1943, from the Clerk of the Charlestown Municipal Court, in which he makes the same request contained in the order just read, but in which he goes a little further and suggests a salary figure for himself, for his chief assistant and for his second assistant. At the present time, Mr. President, the Clerk of the Charlestown District Court receives \$3,375 a year, and he asks that this amount be increased to \$4,200; the first assistant clerk receives \$2,531.75 currently, and he asks that he be increased to \$3,200 per year; the second assistant clerk receives at the present time \$2,250 a year, and he asks that he be increased to \$3,000 a year. Mr. President, the Clerk of the Charlestown Municipal Court has been thirty-three years in the public service, having entered it in 1910. In 1912, by special act of the Legislature, the position of assistant clerk was created. Mr. Mullen over the course of the years has bettered his position from that of assistant clerk to that of clerk, which he occupies today. I am informed, Mr. President, that at a salary of \$2,250 a year presently for the second assistant clerk, that figure is considerably less than two assistant probation officers receive, and is \$250 per year less than court officers receive. The court officers receive \$2,500 a year. Some months ago, under another budget commissioner, we had extensive hearings on the question of classification of salaries for clerks in the county courts. I don't think anything further can be said here on that score, but I have confined this order particularly to the Charlestown District Court, in view of the fact that it appears that no concerted action has been taken by the County Court Clerks Association as a group, and therefore Mr. Mullen, on behalf of himself and his first and second assistants, is proceeding to bring the matter again to our attention. I ask suspension of the rule and passage of the order at this time.

The question came on the suspension of the rule and the passage of the order.

Coun. TAYLOR—Mr. President, this matter came before the Council, I believe, last year, or it may have been two years ago, and it was thoroughly discussed by the Council and I think was unanimously recommended. What disposition has been made of it I do not know. I would like to amend Councilor Kin-sella's motion to include all the district courts of Suffolk County.

Coun. KINSELLA—I have no objection to the amendment. I would like to say, however, that this action was taken particularly for Charlestown because of the fact that no concerted action could be had on the part of the county clerks as an association.

The question came on Coun. Taylor's amendment to include all the district courts in Suffolk County. The amendment was carried, and the order, as amended, was passed.

ADJUNCT TO SOLDIERS AND SAILORS RELIEF DEPARTMENT.

Coun. HANLEY and D. F. SULLIVAN offered the following:

Ordered, That his Honor the Mayor consider the advisability of collaborating with his Excellency the Governor and establish an adjunct to the Soldiers and Sailors Relief Department, a clearing house for men and women honorably discharged from the armed forces because of disability, said adjunct to

be utilized for their rehabilitation to civilian life and employment.

Coun. HANLEY—Mr. President, one of the greatest stigmas attached to any human being is the knowledge that he is no longer required for the prosecution of a peaceful life. Certain individuals who have ended their services in the armed forces, who have received physical or mental incapacitations while in the service, are honorably discharged at the present time with a medical certificate. When they seek employment from their would-be employer they are asked who their former employer was, and they are asked the reason for leaving. They ask the would-be employee why he was discharged, and his answer is that the Army could no longer utilize his service. He is either physically or mentally disqualified. And immediately the meeting is adjourned and the would-be employee is shown the door. Now, it is happening, Mr. President, and emotionalism is the prevailing factor. If in time of war, our intelligence, which an omnipotent Creator has given us, is dormant, what is going to happen to the boys and girls who are at the present time in the snowbanks of the Arctic wastes, in the sand dunes of the Sahara Desert, and the tropical wastes, offering up their lives in order that the Stars and the Stripes may always be unfurled to the breeze? What is going to happen when peace comes again to the world and they are recognized for one day, the day of the big parade—what is going to happen on the morrow when they want employment from their former employer and they may have received some physical or mental disability while in the service? I am sure that his Honor the Mayor will take cognizance of the principle woven into this clumsy order and set himself up on a pedestal for all time in the forty-eight states of our union, for them to look up to him as one man who had the courage and the intelligence and the intestinal fortitude to do something. Some constructive action is required. Eulogy is something for the past and something for the dead; but these young men who are being thrown out and have lost the tempo of the time because of the Army, Navy, and Marine requirements, are seeking employment, and the door is shut in their faces. I believe that the Soldiers and Sailors Committee can form an adjunct and utilize it as a clearinghouse in order that these men may become once again rehabilitated to civilian life. They do not want financial reimbursement; they want work and they want a living wage commensurate with the standards of American decency. Man was never created to stop a bullet, to go homeless, to go naked, to be starved. Man is the acme of perfection in the creative world. Man has been dignified, and being dignified requires and demands dignity from his fellow man. Man was never intended to be cast in the army of the unemployed when he has his physical and mental qualifications. That is why governments are formed, and that is why governments will always live, but unless governments get down to the principle of their constitutionality, those governments will fall in the same manner that governments have fallen down through the corridors of time. The man in the armed forces should be utilized as well for the prosecution of peace as for the prosecution of war. We can find plans for the direction of the war; we can, we will, and we must find plans for the prosecution of a peaceful life. Money is a means of exchange; it was never intended and it never should be the medium of control.

The order was passed under suspension of the rule.

NON-SUPPORT OF PARENTS BY CHILDREN.

Coun. HANLEY offered the following:

Ordered, That his Honor the Mayor request the Public Welfare authorities to withhold any financial penalizing effect on parents if the children do not contribute to their support. Passed under suspension of the rule.

HEALTH UNIT, WARD 11.

Coun. HANLEY offered the following:

Ordered, That his Honor the Mayor make plans for the construction of a municipal building, said building to contain gymnasium, branch library, and health unit, in a centrally located spot in Ward 11, preferably city-owned property.

Coun. HANLEY—Mr. President, Ward 11, which comprises parts of Roxbury, Jamaica Plain and Forest Hills, is one of the largest in area of the twenty-two wards in Boston—not in population, but in area. It is recognized as a part of Boston on one day of the year, and that is tax day, when the people of my district are compelled by law to pay into the treasury of the City of Boston a tax based on the assessed value of their property. But as far as improvements are concerned, it is the most devoid district of the entire twenty-two. I do not blame any one man or group of men, but I am asking his Honor the Mayor, utilizing your term, Mr. President, "to be fair," and to give to the people of Ward 11 a municipal building for the young people in my district, where they may enhance their learning by a branch library and develop their physical abilities in a gymnasium, and to alleviate any suffering or sorrow by a health unit. I am sure his Honor the Mayor will recognize the content of this order and remove any discrepancy which has been imposed against the people of Ward 11 over a period of years, and will have erected a municipal building as a post-war enterprise.

The order was passed under suspension of the rule.

REQUESTED REVOCATION OF LICENSES FOR ARCADES.

Coun. RUSSO offered the following:

Ordered, That his Honor the Mayor be requested to direct the Chief of the Licensing Division to immediately revoke the licenses granted to arcades in Ward 3.

Coun. RUSSO—Mr. President, I believe that these arcades are bad things. There is no question that they have got by for quite some time. Ever since these individuals under the guise of arcades have invaded Ward 3, if I may use that expression, with their pin ball machines, I have been calling them to the attention of his Honor the Mayor because I believe that those pin ball machines and those places are not healthy for my district, and I don't believe that they are healthy for the City of Boston. I am only wondering, Mr. President, what is behind all this. I am only wondering why it is that these individuals from out of the City of Boston can come in and set this up with so much authority, without consulting the person that represents the district, without consulting the people that form the district, and still be allowed to function, when there was a ruling some time ago that they were running illegally. I am only wondering, when somebody got after them a year and a half or so ago, and the City Censor, who is the licensing authority, made a public statement, which I read in the press, that they were to close up at 12 o'clock at night and open at 8 o'clock in the morning. I am only wondering if that

is a step in trying to fool the people of the City of Boston. I am only wondering what is behind all this, when the statement was made that they should open up at 8 o'clock in the morning and close at 12 o'clock at night, and still, day in and day out, they are open after 12 o'clock. I have been there at half-past one or two o'clock in the morning and have seen these places operating. Are these individuals so big as to bring back some of the statements that I have heard, that they don't care for the district, they don't care for the City Council? I am only wondering if they are caring for his Honor the Mayor. What is behind all this? I keep quiet. I don't intend to throw out of business any legitimate enterprise. But I believe, Mr. President, that a true picture must be given to the people of the City of Boston, and that they should not be given honeyed words by newspapers or otherwise and then something else done. I am only asking that his Honor the Mayor close immediately this amusement, so called. If any of you go down and pass by some of these places you will see yourself that they are unhealthy for decent people of the City of Boston. You go there and you will find, as I stated some time ago, children of tender age, boys and girls, and I don't believe that it is for their best interests that they be there. These pin ball machines have been ruled illegal. Why not shut them out of the City of Boston? I hope that his Honor the Mayor will take proper steps to stop "kidding" and give us facts.

The order was passed under suspension of the rule.

THE NEXT MEETING.

Coun. D. F. SULLIVAN—Mr. President, I move that when we adjourn today we adjourn for two weeks.

The motion was lost.

DAY OFF FOR WARD MAIDS AND ASSISTANTS.

Coun. D. F. SULLIVAN offered the following:

Ordered, That the trustees of the Boston City Hospital be requested, through his Honor the Mayor, to give ward maids and ward assistants one day off in seven.

Passed under suspension of the rule.

AIR CONDITIONING, HOSPITAL.

Coun. D. F. SULLIVAN offered the following:

Ordered, That the trustees of the Boston City Hospital be requested, through his Honor the Mayor, to consider the advisability of air-conditioning the employees' cafeteria, kitchen, and the X-ray rooms.

Passed under suspension of the rule.

Adjourned, on motion of Coun. RUSSO, at 3.06 p. m., to meet on Monday, August 2, 1943, at 2 p. m.

CITY OF BOSTON.

Proceedings of City Council.

Monday, August 2, 1943.

Regular meeting of the City Council in the Council Chamber, City Hall, at 2 p. m., President HANNON presiding. Absent, Coun. Coffey, Fish, Foster, Goode, Langan, Linehan, Lyons, Russo, Taylor.

The meeting was opened with the salute to the Flag.

President HANNON—The Chair is going to ask all members to stay in here at all times today because we are not only going to draw jurors but we have two or three matters which demand twelve votes. So that will all members please be available or, if going out, will they please leave word where they are so that we can find them?

JURORS DRAWN.

Sixty-nine jurors for Criminal Court and ninety-seven for Civil Court were drawn, Coun. KINSELLA presiding at the box in the absence of the Mayor, as follows:

Sixty-nine traverse jurors, Superior Criminal Court, to appear September 13, 1943:

Domenico Pisano, Ward 1; Marcus Krichmar, Ward 2; Michael Bevilacqua, Ward 3; Samuel Coleman, Ward 3; Carmelo Distefano, Ward 3; Angelo Parziale, Ward 3; Arthur W. Davis, Ward 4; John A. Miller, Ward 4; Almon V. T. Pine, Ward 4; William A. Bunton, Ward 5; Granville C. Ryan, Ward 5; Michael J. Hayes, Ward 6; Raymond P. Wheeler, Ward 6; John P. Mahan, Ward 7; Harold T. McCarthy, Ward 7; Walter R. McCarthy, Ward 7; John F. Sweeney, Ward 7; Henry Thompson, Ward 7; Frederick H. Voigt, Ward 7; Malcolm Yorke, Ward 7; Paul Zirolli, Ward 7; Gordon E. Atkinson, Ward 8; Cyril M. Johnston, Ward 8; Herman H. Patterson, Ward 8; Charles J. Hodson, Ward 9; Frederick Hillier, Ward 10; Fred J. McCormick, Ward 10; Max Baron, Ward 12; Aaron Copenhagen, Ward 12; Benjamin Pudolsky, Ward 12; Samuel Stahl, Ward 12; Peter J. Burke, Ward 13; Henry A. Gustafson, Ward 13; Martin T. O'Donnell, Ward 13; Carl J. Eklund, Ward 14; Samuel Holstein, Ward 14; Saul J. Kaufman, Ward 14; Morris Kesselman, Ward 14; Eli Kripke, Ward 14; David Milden, Ward 14; David J. Shapiro, Ward 14; William Baker, Ward 15; Daniel S. Beaton, Ward 15; Emil V. Tris, Ward 15; Luther B. Harvey, Ward 16; Frank A. Last, Ward 16; Anthony A. McGaffigan, Ward 16; Thomas F. McGrail, Ward 16; Carl M. H. Oberg, Ward 16; Francis X. White, Ward 16; Joseph Resnick, Ward 17; Clemens Spang, Ward 17; Stephen Davenport, Ward 18; John P. Greer, Ward 18; Philip Grosser, Ward 18; George A. Lucy, Ward 18; George A. Savage, Ward 18; Joseph Cooney, Ward 19; William Slade, Ward 19; Lester J. Wright, Ward 19; Hedley W. Howlett, Ward 20; Louis J. Birger, Ward 21; Harry Davidson, Ward 21; Henry Glovinsky, Ward 21; Chester A. Swanson, Ward 21; Robert J. Bolger, Ward 22; Edward J. Havecan, Ward 22; George F. McCarthy, Ward 22; Howard Haines Murphy, Ward 22.

Ninety-seven traverse jurors, Superior Civil Court, to appear September 13, 1943:

Felix F. Albano, Ward 1; Umberto Alosa, Ward 1; Giuseppe Giacompo, Ward 1; James Lanza, Ward 1; Charles J. Pedalino, Ward 1; Thomas Rozzi, Ward 1; Donnino R. Donnini, Ward 2; George A. Nelson, Ward 2; Michael Catalfo, Ward 3; Albert Dello Russo, Ward 3; William Guinzali, Ward 3; James O'Keefe,

Ward 3; James F. Spinale, Ward 3; John Visconti, Ward 3; Arthur L. Brown, Ward 4; Albert Goebel, Ward 4; J. Victor Miller, Ward 4; William C. Walther, Ward 4; Howard Worthington, Ward 4; Richard Burt Clamp, Ward 5; Richard F. Ellis, Ward 5; Joseph E. McCarthy, Ward 5; Harry Pokat, Ward 5; Arthur G. Porter, Ward 5; Lester Watson, Ward 5; George H. Baker, Ward 6; William T. Horan, Ward 6; Michael F. Schofield, Ward 6; August Doetsch, Ward 7; Stanley Dragun, Ward 7; George A. Heger, Ward 7; William J. McCarthy, Ward 7; Martin McDonough, Ward 7; Joseph J. Nortwick, Ward 7; Walter J. Rogers, Ward 7; Frederick L. Toomey, Ward 7; Grover F. Grady, Ward 8; Theodore C. Kelley, Ward 8; William Kennefick, Ward 8; Habeeb M. Hanna, Ward 9; Patrick J. Menton, Ward 9; John A. Solomon, Ward 9; Frederick T. Starck, Ward 9; John R. French, Ward 10; Charles Gibbons, Ward 10; Herbert E. Jenner, Ward 10; James O'Rourke, Ward 10; Michael F. Cherry, Ward 11; William N. Drumme, Ward 11; Peter A. Foley, Ward 11; Patrick Hawkins, Ward 11; Charles D. Muise, Ward 11; Robert S. Sweeney, Ward 11; Samuel Berger, Ward 12; Jacob Freedman, Ward 12; Morris Gersh, Ward 12; George B. Jones, Jr., Ward 12; William F. O'Connor, Ward 12; Dexter Peters, Ward 12; Israel J. Rosenthal, Ward 12; Abraham R. Ryter, Ward 12; Andrew S. Carten, Ward 13; Arthur P. Desmond, Ward 13; Francis B. Doherty, Ward 13; Stephen A. Donlan, Ward 13; John J. Hayes, Ward 13; John T. O'Halloran, Jr., Ward 13; Harland S. Parsons, Ward 13; Jacob M. Levenson, Ward 14; Morris Pearlman, Ward 14; Albert H. Ranen, Ward 14; Louis Sack, Ward 14; Joseph Saleson, Ward 14; Samuel Winnick, Ward 14; Charles J. Little, Ward 15; George F. Mitchell, Ward 15; Edgar Snyder, Ward 15; William E. Quilty, Ward 16; John N. Levins, Ward 17; Cornelius George Brown, Ward 18; Francis T. Jenkins, Ward 18; Philip A. Martino, Ward 18; John F. Murphy, Jr., Ward 18; Walter W. Spaulding, Ward 18; Archibald L. White, Ward 18; Pierce J. Bruen, Ward 19; Edward Franklin Coolidge, Ward 19; Ernest Grierson, Ward 19; Charles A. Dunkel, Ward 20; Bernard J. Kukorites, Ward 20; Philip A. Paquet, Ward 20; Albert F. Robie, Ward 20; Jesse J. Zimmerman, Ward 21; Bernard J. Duncan, Ward 22; Michael J. Greeley, Ward 22; Vincent P. Kelly, Ward 22; Thomas J. Mitchell, Ward 22.

THE NEXT MEETING.

Coun. M. H. SULLIVAN moved that when the Council adjourn it be to meet three weeks from today, August 23. The motion was carried.

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 first day of May, 1943, without power to serve civil process and to serve without bond; John E. Gallagher, 1 Sterling square, Ward 7.

Weighers of Coal: William J. Rode, 14 Woodford street, Dorchester; Barbara Bogle, 77 Seymour street, Roslindale.

Weighter of Goods: Barbara Bogle, 77 Seymour street, Roslindale.

Severally laid over a week under the law.

ADDITIONAL APPROPRIATION FOR HOUGHTON AND DUTTON BUILDING.

The following was received:

City of Boston.

Office of the Mayor, August 2, 1943.
To the City Council.

Gentlemen,—I am advised by the Custodian of Foreclosed Real Estate that an additional

appropriation of \$75,000 is necessary for renovation work in the National War Agencies building, formerly known as the Houghton and Dutton building. Of this additional amount requested, roughly \$40,000 is required to provide additional floor space leased to the Federal Government and for changes in floor layouts which have developed since the original construction work started. To conform to the provisions of the new building code recently adopted by your Honorable Body additional requirements in relation to public safety, totalling approximately \$9,000, must be provided for. The remainder will be used for renovation of additional space for prospective tenants who have indicated a willingness to house their activities within the building provided suitable alterations were made. The additional space taken by the Federal Government together with the new tenants under consideration will materially increase the rental revenue of the building and provide for greater occupancy of the premises. I submit, herewith, the necessary appropriation order and respectfully recommend its adoption by your Honorable Body.

Respectfully,
MAURICE J. TOBIN, Mayor.

Ordered, That in addition to the amount already authorized to be expended for the reconstruction, repair and alteration of the building standing at the corners of Tremont, Beacon and Somerset streets, the sum of \$75,000 be, and the same hereby is, appropriated from the income of the Foreclosed Real Estate Division, exclusive of proceeds from the sale of foreclosed property, for the following purpose:

Foreclosed Real Estate, Emergency Reconstruction.....\$75,000

Coun. DWYER—Mr. President, President HANNON—For what purpose does the gentleman rise?

Coun. DWYER—In view of the fact that when we adjourn we are to adjourn for three weeks, in order to take action on this appropriation order I move, sir, that it be referred to the Executive Committee.

President HANNON—If there is no objection the order will be referred to the Executive Committee.

Coun. HANLEY—Mr. President, I believe we are setting a precedent which will obtain henceforth throughout the entire year. I ask, Mr. President, that the matter be referred to the Appropriations Committee, where it properly belongs.

The question came on reference to the Executive Committee. The Chair was in doubt. The roll was called and the order was referred to the Executive Committee, yeas 8, nays 3:

Yeas—Coun. Chase, Dwyer, Hurley, Kelly, Muchnick, Scannell, M. H. Sullivan, Wickes—8.

Nays—Coun. Carey, Hanley, D. F. Sullivan—3.

ACCEPTANCE OF CHAPTER 289.

The following was received:
City of Boston,
Office of the Mayor, August 2, 1943.
To the City Council.

Gentlemen,—I transmit herewith a copy of chapter 289 of the Acts of 1943, and recommend its acceptance by your Honorable Body.

The first section provides that the vote of two thirds of the members of the City Council, exclusive of those in the military or naval forces of the United States and who are not present at the meeting at the time of the vote, shall be a sufficient number for the passage of orders which now require a vote of two thirds of all the members, which is fifteen votes. This provision affects orders for a considerable number of purposes, of the most important being:

Appropriations for armories, celebration of holidays, quarters for veterans, incidental expenses, and parks.

Orders for the sale or purchase of land.
Orders for loans, except loans for civilian defense and public welfare, which are already provided for.

The members of the Council are familiar with the situation which has arisen since the beginning of the war, but it seems advisable to recount it as a matter of record.

Six of the twenty-two members of the Council are in the military or naval forces of the United States, which leaves sixteen members at hand to attend meetings, and of these sixteen it is possible and perhaps probable that one or more may shortly leave for war service.

It also appears to be contemplated that the members who are in the service, but occasionally are able to take part in meetings, may be precluded from so doing by Government regulations.

These facts, together with the possibility of the sickness or enforced absence of some of the remaining members, might result in a situation where there would not be fifteen members even to attend meetings.

The first section of the act is designed to meet this problem.

The second section of the act covers the matter of drawing jurors. Under the present law a meeting to draw jurors requires the attendance of twelve members, a quorum of the whole Council. Even before the war it was many times a difficult matter, often on short notice, to obtain the presence of twelve members for this purpose, especially during the vacation period and the present circumstances will render it even more difficult.

This section provides that a majority of sixteen, or nine members, shall be a sufficient number to proceed with the drawing.

The drawing of jurors, surrounded as it is by the safeguards in the statutes and the efficient procedure established by the City Clerk's office, has become a formal matter, and can be done as safely in the presence of nine members as in the presence of twelve.

The third section of the act provides that it does not become effective unless accepted by the City Council.

For the reasons recounted it no doubt will appear to the Council that the public interest will be served by the acceptance of the act.

Respectfully,
MAURICE J. TOBIN, Mayor.

Ordered, That chapter 289 of the Acts of 1943, entitled, "An Act Relative to the Vote Required for the Passage of Certain Orders by the City Council of the City of Boston and to the Number of Members Thereof Necessary to Proceed with the Drawing of Jurors, during the Present War," be, and hereby is, accepted.

Referred to the Committee on Rules.

PETITIONS REFERRED.

The following petitions were received and referred to the committees named, viz.:

Claims.

Albert Abrams and White Meat Shops, Inc., for compensation for damage to property and injuries caused by city car.

C. I. Brink, Inc., for compensation for damage to car by city truck.

Margaret L. Burke, for compensation for damage to property at 218 Harrison avenue, caused by police officer.

Fred DeBene, for compensation for injuries caused by an alleged defect in Beacon street.

Michael J. Elyko, for compensation for collapse of water boiler at 172 West Sixth street, caused by water being shut off.

Samuel Gordon, for compensation for damage to property caused by street sweeper.

Carmela Morteo, for compensation for injuries caused by an alleged defect in Beacon street.

Giuseppe Trana, for compensation for damage to car caused by an alleged defect in Beacon street.

Mary Trana, for compensation for injuries caused by an alleged defect in Beacon street.

Executive.

Petition of Madeline A. Groves, to be paid an annuity on account of death of her husband, Walter J. Groves, a member of the Police Department.

APPOINTMENT OF THOMAS A. FLAHERTY.

Notice was received of the appointment by the Mayor of Thomas A. Flaherty, 399 Bunker Hill street, Charlestown, to be a Transit Commissioner, for term ending April 30, 1945, vice Daniel P. McGillicuddy, resigned.

Placed on file.

COMMITTEE ON FORECLOSED REAL ESTATE.

Notice was received of the appointment by the Mayor of Daniel M. Driscoll, William F. Kessler and Philip E. Bennett to the Committee on Foreclosed Real Estate.

Placed on file.

APPOINTMENT OF NICHOLAS J. KING.

Notice was received from the Health Department of appointment of Nicholas J. King, 43 Cummins Highway, as medical inspector for Health Department, effective July 28, 1943.

Placed on file.

REPORT OF COMMITTEE ON LICENSES.

Coun. DWYER, for the Committee on Licenses, submitted the following:

Report on petition of the Equipment Company (referred June 14) for driveway opening at Mindoro street, Ward 9—recommending that permit be granted under usual conditions.

Report accepted; permit granted under usual conditions.

REPORT OF COMMITTEE ON APPROPRIATIONS.

Coun. DWYER, for the Committee on Appropriations, submitted the following:

1. Report on message of Mayor and order (referred July 26) transferring \$5,000 from appropriation for Head House, South Boston, to Contractual Services, Park Department—recommending that same ought to pass.

The report was accepted and the order was passed, yeas 13, nays 0:

Yeas—Coun. Carey, Chase, Dwyer, Hanley, Scannell, D. F. Sullivan, M. H. Sullivan, Wickes—13.

Nays—0.

2. Report on message of Mayor and order (referred July 26) for transfer of \$15,000 from Reserve Fund to appropriation for Assessing Department, A, Personal Service—recommending that same ought to pass.

Report accepted; said order passed, yeas 13, nays 0:

Yeas—Coun. Carey, Chase, Dwyer, Hanley, Hannon, Hurley, Kelly, Kinsella, Muchnick, Scannell, D. F. Sullivan, M. H. Sullivan, Wickes—13.

Nays—0.

REPORT OF COMMITTEE ON CLAIMS.

Coun. HANLEY, for the Committee on Claims, submitted the following:

Report on petition of Frank L. Mayo (referred June 7) 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 hundred seventy-six dollars be allowed and paid to Frank L. Mayo 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.

Report on petition of Charles Hatch (referred June 28) to be reimbursed for amount of execution issued against him on account of his acts as operator of motor truck belonging to Sanitary Division, Public Works Department—recommending passage of accompanying order, viz.:

Ordered, That the sum of one hundred four dollars and sixty-five cents be allowed and paid to Charles Hatch in reimbursement for amount of execution issued against him on account of his acts as operator of a motor truck belonging to the Sanitary Division, Public Works Department, said sum to be charged to the Contingent Fund.

Report accepted; said order passed.

Report on petition of Joseph Yankowsky (referred July 13) 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 ninety-one dollars and ninety cents be allowed and paid to Joseph Yankowsky 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.

Report on petition of Benjamin Goodman (referred June 14) 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-nine dollars and eighty-seven cents be allowed and paid to Benjamin Goodman 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.

REPORT OF COMMITTEE ON POST-WAR PLANS.

Coun. D. F. SULLIVAN, for the Committee on Post-War Plans, submitted the following:

Report No. 2.

Report of the Committee on Post-War Plans.

Thursday, July 29, 1943, 2 p. m.

Meeting called to order by Chairman, Coun. Daniel F. Sullivan. Present: Coun. D. F. Sullivan, Dwyer and Kelly, Col. Thomas F. Sullivan, Chairman Transit Department, and Mr. Malley of the Planning Board.

At this meeting the question of the demolition of the "El" structure and the building of a subway as a post-war project was raised. Coun. D. F. Sullivan wanted to know whether or not the city would be justified in gambling fifty to one hundred thousand dollars in preparing plans for this project since we have no guarantee that the Government will make

grants to cities for post-war projects, to which Colonel Sullivan replied:

"The plans to which you refer, called preliminary plans, were worked out back in 1936 by the W. P. A. They are on file in my office, could be drawn up in a few days and would meet Federal requirements. If my memory serves me correctly, the Charlestown project would cost in the vicinity of \$11,000,000 and the South End to Forest Hills project would cost approximately \$23,000,000."

Coun. Sullivan—Colonel, in the event that it is necessary to spend between fifty and one hundred thousand dollars on the preparation of these plans, would you say that it would be money wisely invested?

Col. Sullivan—Certainly. The community cannot stand still. We must go ahead.

Meeting adjourned at 3.10 p. m.

The report was placed on file.

RETIREMENT PRIVILEGES FOR VETERAN EMPLOYEES.

President HANNON, for Coun. FISH, offered the following:

Ordered, That the Retirement Board of the City of Boston be requested by his Honor the Mayor to grant the same retiring privileges to veterans working for the City of Boston as are granted to veteran employees of other city, town and state departments.

Passed under suspension of the rule.

INDORSEMENT OF DISABLED AMERICAN VETERANS' RESOLUTIONS.

President HANNON, for Coun. FISH, offered the following:

Ordered, That the Boston City Council, in meeting assembled, indorses the following resolutions, unanimously adopted by the Disabled American Veterans at their Annual Convention of 1943, namely,

"That widows of veterans who have died in the service receive an increase from \$38 per month to \$60 per month"; and

"That veterans working for the City of Boston be placed on the same retiring status as those of other city, town and state departments, who are allowed to retire after periods of service ranging from ten to fifteen years."

Passed under suspension of the rule.

"JOSEPH McGRATH MEMORIAL BATH HOUSE."

Coun. HANNON offered the following:

Ordered, That when the City of Boston constructs a bath house and solarium at Savin Hill Beach it shall be named the "Joseph McGrath Memorial Bath House," in honor of the former President of the Boston City Council who so long and faithfully served the residents of the Savin Hill section in public office.

Passed under suspension of the rule.

NARROWING OF SIDEWALKS, HUNTINGTON AVENUE.

Coun. CAREY offered the following:

Ordered, That the Commissioner of Public Works and Traffic Commission be requested, through his Honor the Mayor, to immediately suspend all work in connection with the narrowing of the sidewalks along Huntington avenue, from Brigham Circle to Wait street, Ward 10.

Cou. CAREY—Mr. President, I desire to say just a few words on that order, because I cannot understand why the Traffic Department and the Public Works Department have gone along with the work of narrowing the sidewalk, both sidewalks, in between Wait street and Brigham Circle in Ward 10. The Farragut School stands at the corner of Fenwood road and Huntington avenue, and there are several hundred children who attend the Farragut School. Huntington avenue, because of the completion of the Worcester Turnpike, has become a main artery of traffic out of Boston to all parts of the nation, and into Boston from all parts of the nation, yet with hundreds of school children attending that school the Traffic Department and the Public Works Department have seen fit to cut down the width of that sidewalk, it looks to me, in half. Now, I think that the lives of the children who attend the Farragut School are a great deal more important than the problem of making it possible for automobiles and trucks, and other vehicular traffic, to speed through that section. One might say that we do not have the traffic in any part of the city or the country today that we have had or will have later on, but that is just the reason why I feel that a serious mistake has been made in narrowing down those sidewalks. I protested vigorously two years ago when the matter was first broached to me, at which time I went out there and went over the plans with the Traffic Department and the Public Works Department. I am not an engineer and I am not a department head, but I have a little bit of common sense still left, and I think that one of the most serious mistakes that was ever made in this city is being made when we start to cut down our sidewalks in the city proper, or in the outlying sections such as Roxbury, Dorchester, Jamaica Plain or South Boston, and the other sections of the city, to make it possible for the speeding up of automobile traffic in residential sections such as that particular part of Huntington avenue. I can't understand what they had in mind. We have got to give some consideration to the pedestrians, the people who use the sidewalks. I do not believe that sidewalk now is over 5 or 6 feet in width, and yet we have got to accommodate the speedsters who are going to use that artery in coming into the city or in leaving the city. My first consideration is for the young kids, who must be taken care of, who are not always being given protection, the proper police protection, at that particular intersection. It is a primary school, and youngsters are entering those classes there at the age of five and one half years, and they don't know any more, of course, because of their tender age, than to run into the street. God knows that both those sidewalks were already narrow enough. I sincerely hope that this order will go immediately to the Mayor and that the Mayor will lose no time on it. He is well familiar with that particular neighborhood. I hope that he will lose no time in getting in touch with the Traffic Department and the Public Works Department and demand that they respect the safety of the people, both young and old, particularly the children in that section, and ask that the work be stopped. The Elevated poles have already been removed; the lighting poles have been removed. I daresay that if you wanted to get some of these poles removed yourself you would have to wait a long time to get it done. I am amazed at the speed at which they have accomplished the narrowing of these sidewalks there, and I sincerely hope that this order will not go to the wastebasket, but that the work will be stopped and those sidewalks will be left the width that the people there are accustomed to, and the width that is satisfactory because of the heavy vehicular traffic that goes through that particular section.

The order was passed under suspension of the rule.

WADING POOL, WARD 17.

Coun. WICKES offered the following:
 Ordered, That his Honor the Mayor be requested to ask the trustees of the George Robert White Fund to make a survey in Ward 17 with a view to constructing a wading pool for small children in a centrally located part of the district.
 Passed under suspension of the rule.

ROPING OFF STREET FOR BLOCK DANCING.

Coun. HURLEY offered the following:
 Ordered, That the City Messenger be, and he hereby is, authorized to rope off the street in front of the Roxbury Neighborhood House, Albany street, on the 11th and 25th of August, the expense of same to be charged to the City Council appropriation for Ropes, Stakes and Flags.
 Referred to Executive Committee.

DISCONTINUANCE OF AIR RAID SIRENS.

Coun. M. H. SULLIVAN offered the following:
 Ordered, That his Honor the Mayor be requested to confer with the authorities of the Massachusetts Public Safety Committee in an attempt to bring about the discontinuance of the use of air raid sirens and whistles to signal the start of the dimout in communities around Boston, inasmuch as such signals cause confusion to residents in the abutting districts of Boston Proper.

Coun. M. H. SULLIVAN—Mr. President, a number of the cities and towns in metropolitan Boston have adopted the system of sounding their air raid signals after sunset each night to signify the start of the nightly dimout and to notify the residents that it is time to pull down their shades. While that practice may have praiseworthy aspects, the fact is that it is causing widespread confusion even in Boston, and it is gradually reaching the point where the general public doesn't know whether to pay any attention to the sirens or not. I can't help but wonder what would happen if we were to be attacked by enemy planes just after sunset. In one community where they introduced the system of sounding the signals for the dimout a great deal of confusion resulted last week. Many persons thought that it was either an air raid or a test. Some wardens reported for duty. I happened to be visiting in West Roxbury a few nights ago when the sirens suddenly sounded. I thought it was an air raid test, since the Army at that time was planning a blackout. The people I was visiting, however, explained that the sirens were located in a community bordering Boston but that on a summer night, with all the windows open, it seemed as though they were only a short distance away. "We don't pay any attention to the air raid sirens any more," they told me. "We don't know whether it is for a blackout, a dimout, or whether they are just giving the signals a workout. The first few times we heard the signals we put out all our lights, and so did many other persons. Then we found out that the signals did not mean anything as far as we were concerned. The only thing we can figure out is just to ignore the signals. If it is a blackout or an air raid, the warden will have to come in and tell us." Mr. President, that situation holds true in many parts of Boston. Recently a section of Dorchester was blacked out because of a misleading signal which they heard. It seems to me that these signals are being sounded so often and for so many different things that it is almost like crying "Wolf," and the main purpose for which these sirens were intended is being defeated. I might add, Mr. President, that the Civilian

Defense officials here in Boston do not use the sirens to signal the start of the dimout or for any purpose other than that for which they were intended. This situation is created entirely by certain smaller cities and towns in Greater Boston, and I believe it should be corrected. Personally I question the need of sounding an air raid signal each night, waking up small children, in order to remind the public that they should pull down their shades. I know that the people of Boston understand that they are supposed to pull down their shades half-way after the dimout each night, and it would seem that the residents of the surrounding communities should know by now what they are expected to do, since we have had the dimout for a year.

The order was passed under suspension of the rule.

APPROVAL OF COODWIN-BRIDGES BILL.

Coun. M. H. SULLIVAN offered the following:

Whereas, Members of both parties in the United States Congress and no less than 280 newspapers in the nation have advocated passage of the Coodwin-Bridges bill, which provides that amounts paid by the taxpayer on insurance policies in effect on December 8, 1941, upon his own life or that of any dependent will be deductible from the gross income of the taxpayer in income tax computation, in an amount not exceeding 10 per cent of annual income of \$1,000, whichever is the lesser; therefore, be it

Resolved, That the members of the Boston City Council hereby express their approval of such legislation.

Referred to Committee on Rules.

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 Richfield and Olney streets, Ward 15.
 Passed under suspension of the rule.

EXTERMINATION OF RODENT LIFE.

Coun. CHASE offered the following:
 Ordered, That the Public Health Commissioner be requested, through his Honor the Mayor, to institute an annual weekly campaign on the extermination of rodent life in the City of Boston.

Coun. CHASE—Mr. President, the rodent life condition in the City of Boston is a very serious thing. I know that in my district, extending all the way from Columbus avenue—yes, and I have had complaints from as far as Beacon street, that large rats dominate certain alley sections of that part of the city. I know that a number of the councilors contend that in their sections the same conditions exist. I believe it is about time, Mr. President, that the municipal authorities actively endeavor to do something to terminate this menace to health and property. Hundreds of thousands of dollars are lost annually. These rats or rodents are carriers of disease. There have been some complaints of mothers actually being afraid to leave their babies in certain sections of buildings because of fear of the rats nearby. It is far from a joking matter, Mr. President. In the intown area of Boston, namely, Wards 2, 3, 4 and 5, and I believe certain other sections, such as South Boston and other places that have large freight yards, we have a very serious condition. I know that other large metropolitan cities in the United States are taking a very active part in terminating this menace, and I think it is

about time that our city try to do something to do away with it. I believe that an annual weekly campaign whereby the Public Health Commissioner with his aides would endeavor to educate the people as to the proper ways to terminate this nuisance should be recognized, and I believe that the city would be warranted in appropriating more money to the Health Department for creating a larger rodent life extermination department. I think that all those things would warrant his Honor the Mayor and the City Council in appropriating an allowance to the Health Commissioner. I know he is now struggling with one rat exterminator around the wharf areas, but we have the freight yards in the city—we have one in my section, and I believe four or five other places in the intown area, where these large rats are not only creating a nuisance but are menacing the health and the property of the people of Boston. I trust that his Honor the Mayor and the Health Commissioner will make a serious attempt to combat this nuisance.

Coun. SCANNELL—Mr. President, in speaking on this order, I believe it is a very good order, and that something should be done in regard to this rodent life here in Boston. Of course in my district of South Boston, I believe the rodents or the rats in South Boston are not as big as the rats in Councilor Chase's district, because I happen to know some of the conditions that exist up there. It is a very good order and I believe that there ought to be something done about it. There has been an improvement in my section of South Boston, brought about, not by the City of Boston but by the United States Government, who went in there and took thousands and thousands of these rodents out of the warehouse district. I know that conditions like that exist, but they have been cleaned up pretty well in South Boston. I trust that the order presented by Councilor Chase will pass and that there will be a speedy improvement of conditions in the Ward 4 section of Boston.

The order was passed under suspension of the rule.

RECESS.

On motion of Coun. SCANNELL, the Council voted at 3.30 p. m. to take a recess, subject to the call of the Chair. The members reassembled and were called to order by President HANNON at 3.56 p. m.

EXECUTIVE COMMITTEE REPORTS.

Coun. KELLY, for the Executive Committee, submitted the following:

1. Report on message of Mayor and order (referred today) appropriating \$75,000 from income of Foreclosed Real Estate Division for Emergency Reconstruction, Foreclosed Real Estate, Houghton and Dutton building—that same ought to pass.

Report accepted; said order passed, yeas 12, nays 1:

Yeas—Coun. Chase, Dwyer, Hanley, Hannon, Hurley, Kelly, Kinsella, Muchnick, Scannell, D. F. Sullivan, M. H. Sullivan, Wickes—12.

Nays—Coun. Carey—1.

2. Report on order (referred today) for roping off Albany street for block dancing—recommending passage of order in following new draft, viz.:

Ordered, That the City Messenger be, and he hereby is, authorized to rope off the street in front of the Roxbury Neighborhood House, Albany street, on the 11th and 25th of August, for block dancing, the expense of same to be charged to the City Council appropriation for Ropes, Stakes and Flags.

The report was accepted and the order in its new draft was passed.

ICE FOR DRINKING FOUNTAINS.

Coun. SCANNELL offered the following: Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to furnish ice for the drinking fountains throughout the city and to equip same with bubblers.

Passed under suspension of the rule.

ROPING OFF STREET.

Coun. SCANNELL offered the following: Ordered, That the City Messenger be, and he hereby is, authorized to rope off the street in front of the Oliver James Howe House, East Seventh street, South Boston, on the 5th and 19th of August for block dancing, the expense of same to be charged to the City Council appropriation for Ropes, Stakes and Flags.

Passed under suspension of the rule.

Adjourned, on motion of Coun. KINSELLA, at 4 p. m. to meet on Monday, August 23, 1943, at 2 p. m.

CITY OF BOSTON.

Proceedings of City Council.

Monday, August 23, 1943.

Regular meeting of the City Council in the Council Chamber, City Hall, at 2 p. m., President HANNON presiding. Absent, Coun. Foster, Goode, Langan, Linehan, Lyons.

The meeting was opened with the salute to the Flag.

APPOINTMENTS BY THE MAYOR.

Subject to confirmation by the Council, the Mayor submitted the following appointments, viz.: Charles Gildea, to be a Constable, without authority to serve civil process and to serve without bond, *vice* Jeremiah E. Murphy, resigned.

Weighers of Goods: Andrew Scander, 4 Harris avenue, Everett; Patrick Flaherty, 38 Sudan street, Dorchester.

Weighers of Coal: Joseph Adler, 4 Helen street, Hull; John J. Lavin, 191 Pemberton street, Cambridge; C. M. Riddock, 282 Newbury street, Boston.

Severally laid over a week under the law.

TRANSFER FOR PUBLIC CELEBRATIONS, ETC.

The following was received:

City of Boston,

Office of the Mayor, August 23, 1943.

To the City Council.

Gentlemen,—In order to meet the obligations for Public Celebrations and Conventions and Entertainment of Distinguished Guests for the remainder of the year, an additional appropriation of \$25,300 will be necessary.

I submit herewith an order transferring this sum from the Reserve Fund, and recommend adoption by your Honorable Body.

Respectfully,

MAURICE J. TOBIN, Mayor.

Ordered, That under authority of section 3B of chapter 604 of the Acts of 1941 the City Auditor be, and hereby is, authorized to transfer:

From the appropriation for Reserve Fund, \$25,300, to the appropriation for Public Celebrations, \$15,000; Conventions and Entertainment of Distinguished Guests, \$10,300.

Referred to Executive Committee.

TRANSFER TO COUNCIL APPROPRIATION.

The following was received:

City of Boston,

Office of the Mayor, August 23, 1943.

To the City Council.

Gentlemen,—The budget of the City Council requires an additional appropriation of \$3,000 made necessary by expenditures which were not anticipated at the time the budget was submitted.

I am forwarding herewith an order transferring this sum from the Reserve Fund, and recommend adoption by your Honorable Body.

Respectfully,

MAURICE J. TOBIN, Mayor.

Ordered, That under authority of section 3B of chapter 604 of the Acts of 1941 the City Auditor be, and hereby is, authorized to transfer:

From the appropriation for Reserve Fund, \$3,000, to the appropriation for City Council, B, Contractual Services, \$3,000.

Referred to Executive Committee.

DEVELOPMENT OF PLAYGROUND BY HENRY L. SHATTUCK.

The following was received:

City of Boston,

Office of the Mayor, August 23, 1943.

To the Honorable the City Council.

Gentlemen,—The Honorable Henry L. Shattuck recently donated to the City of Boston the sum of seven thousand five hundred dollars (\$7,500) for the purpose of acquiring certain lands adjacent to the James and Margaret M. Tobin Play and Rest Space situated on Albion street in the South End district of Boston. It was Mr. Shattuck's belief that this play and rest space should be supplemented by provision of space and facilities for the older children of that neighborhood. This gift was accepted and appropriated by your Honorable Body by an order passed in City Council, November 23, 1942, and approved by me November 24, 1942.

The Board of Park Commissioners selected, designated and requested that a certain parcel of land containing approximately eighteen thousand three hundred forty-nine (18,349) square feet, situated on Albion, Lucas, Village and Compton streets, adjacent to James and Margaret M. Tobin Play and Rest Space, be taken by the city for playground purposes. The Board of Street Commissioners by an order passed January 22, 1943, and approved by me January 27, 1943, took in fee for playground purposes the aforementioned parcel of land.

At the present time Mr. Shattuck would like to provide at his own expense some immediate improvements to this playground to provide facilities for its use and enjoyment by the older children of that neighborhood. Said facilities to be provided consist of the grading and asphalt surfacing of the major area of the playground to enable the installation of facilities and the drainage and flooding to permit wintertime ice-skating, the construction of a field house and handball courts, the erection of benches, drinking fountain and flagpole, the installation of tennis, badminton, shuffleboard and horseshoe courts, and the planting of trees.

I know you will join with me in expressing to Mr. Shattuck the city's appreciation of his public-spirited desire and generous action in providing facilities for the extended use and enjoyment of this playground.

I submit herewith an order whereby your Honorable Body may authorize the Park Department to permit the development and improvement of said playground by Mr. Shattuck.

Respectfully,

MAURICE J. TOBIN, Mayor.

Henry L. Shattuck,

50 Federal Street, Boston,

August 13, 1943.

Hon. Maurice J. Tobin,

City Hall, Boston.

Dear Mr. Mayor,—As you know, I contributed to the city last year \$7,500 for the taking through eminent domain proceedings of the property formerly belonging to the Railway Express Agency on Albion, Village, Compton and Lucas streets, adjoining the James and Margaret M. Tobin Play and Rest Space. In addition, I undertook to furnish the city with any sum in excess of that figure required to complete the payment for the land. The gift was accepted by vote of the City Council of November 23, 1942, approved by you on November 24, 1942. Since then a taking has been made, and a portion of Lucas street has been closed and added to the lot.

I am now prepared to proceed with the improvement of the lot in accordance with plans prepared by Messrs. Coolidge, Shepley, Bulfinch & Abbott, which have been submitted to and approved by Mr. Long, the chairman of the Park Department. I desire to proceed with the work at the earliest possible moment, in order to have it finished this autumn, and I hereby undertake to pay the full cost, on vouchers as and when submitted by a contractor selected by me, who I can assure you will be entirely competent.

I should like to have at the earliest possible time the necessary authority to go ahead. It may be that before I do so you will want an order of the City Council somewhat similar to that passed on July 21, 1941, and approved by you on July 22, 1941, preliminary to the improvements which I made on the James and Margaret M. Tobin Play and Rest Space. If you feel that such action

is necessary, I hope that you will be able to present a suitable order to the City Council at its meeting a week from next Monday,—or next Monday, if that is possible.

As stated in my letter to you of November 19, 1942, at the time I sent in my contribution of \$7,500 toward the purchase of the land, I wish after the war is over to have the privilege of erecting on this lot a memorial tablet to some persons whom I may wish to memorialize.

Yours very truly,

HENRY L. SHATTUCK.

Whereas, The City of Boston by an order passed in Board of Street Commissioners January 22, 1943, and approved by the Mayor of Boston, January 27, 1943, took in fee for playground purposes a certain parcel of land situated on Albion, Lucas, Village and Compton streets in the South End district of Boston; and

Whereas, The Honorable Henry L. Shattuck desires to develop and improve at his own expense said playground by providing facilities for its use and enjoyment by the older children in that neighborhood; now, therefore, it is hereby

Ordered, That the Park Department is authorized to permit the development and improvement of said playground by Henry L. Shattuck in accordance with plans filed with and approved by the Park Department, the said playground upon the completion of such development and improvement to be under the exclusive care, custody, control and management of the Park Department.

Referred to the Executive Committee.

VACATION PAY FOR EMPLOYEES ENTERING SERVICE.

The following was received:

City of Boston,

Office of the Mayor, August 17, 1943.

To the City Council.

Gentlemen,—I submit herewith an order providing for the acceptance of chapter 499 of the Acts of 1943. This act authorizes the payment to municipal employees who entered the armed forces of the country an amount equal to the vacation pay which the employee would have received in the year of entry into said service provided said employment had not been interrupted by enlistment or induction. While during the past two years I have authorized by executive order department heads to follow this same procedure, I believe in view of the action of the Legislature it is desirable to have acceptance of the vote of the Legislature officially inscribed on the records of the city.

Respectfully,

MAURICE J. TOBIN, Mayor.

Ordered, That chapter 499 of the Acts of 1943, an act entitled, "An Act Authorizing Certain Payment to Officers and Employees of Certain Counties and Municipalities Who Resign or Are Granted a Leave of Absence to Enter into the Armed Forces of the United States During the Present War" be, and the same hereby is, accepted.

Referred to Executive Committee.

TRANSFER TO PARK DEPARTMENT.

The following was received:

City of Boston,

Office of the Mayor, August 23, 1943.

To the City Council.

Gentlemen,—I am forwarding request for transfer from special appropriation, Head House Pier, South Boston, Repairs, Etc., to Park Department, and recommend adoption of the accompanying order by your Honorable Body.

Respectfully,

MAURICE J. TOBIN, Mayor.

Ordered, That under authority of section 3B of chapter 604 of the Acts of 1941 the City Auditor be, and hereby is, authorized to transfer:

From special appropriation, Head House Pier, South Boston, Repairs, Etc., \$6,200, to Park Department, B, Contractual Services, \$6,200.

Referred to Committee on Appropriations.

APPROPRIATION FOR EMERGENCY COMPENSATION ALLOTMENT.

The following was received:

City of Boston,

Office of the Mayor, August 23, 1943.

To the City Council.

Gentlemen,—The appropriation of \$400 for item J, Emergency Compensation Allotment, in the budget of the *City Record*, was miscalculated when submitted to and subsequently passed by your Honorable Body, and, therefore, will be insufficient to compensate the present quota of employees for the remainder of the year. To correct this deficiency I am submitting herewith an order appropriating an additional \$200, and 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, 1943, an additional sum of \$200 be, and the same hereby is, appropriated, said amount to be met from the income of the *City Record*, and any excess over income from taxes:

City Record, Publication of, J, Emergency Compensation Allotment, \$200.

Referred to Committee on Appropriations.

APPROPRIATION FOR BOARD OF ZONING ADJUSTMENT.

The following was received:

City of Boston,

Office of the Mayor, August 23, 1943.

To the City Council.

Gentlemen,—I am in receipt of the attached communication from the Board of Zoning Adjustment in which it is requested that an appropriation of \$8,000 be made available to permit of a re-study of the Boston Zoning Map, made necessary by amendments to the Zoning Law passed in 1941 by the Legislature. The Board also requests an appropriation of \$1,500 to carry on its routine work.

I submit herewith an order providing for an appropriation of \$9,500 from the Contingent Fund, and recommend adoption by your Honorable Body.

Respectfully,

MAURICE J. TOBIN, Mayor.

City of Boston,

Board of Zoning Adjustment,
June 28, 1943.

Hon. Maurice J. Tobin,

Mayor of Boston.

Dear Mayor Tobin,—At its meeting on June 11 the Board, after thorough consideration, voted to again request of your Honor that the sum of \$8,000 be made available to the Board for the prosecution of a re-study of the Boston Zoning Map. Similar requests were made under date of March 11, 1941, and May 7, 1942, copies of which are enclosed.

These previous requests were predicated on the fact that while the Zoning Statute has been kept up to date by amendments regularly made by the Legislature, the Zoning Map, designating the Use Districts of the city, has had no major changes to keep it current since its adoption in 1924; and that the anticipated adoption of the Building Code, which would automatically make effective the modern, far-reaching amendments to the Zoning Law passed in 1941 (chapter 373) made essential a re-appraisal of the Zoning Map.

Acceptance of the Building Code on June 15 caused the pending amendments to become automatically effective. These amendments provide, among other things, that all non-conforming uses shall be terminated by April 1, 1961, leaving, now, an eighteen-year period for amortization of location of such uses. In fairness to property owners it is highly desirable that the Zoning Map be re-appraised and necessary changes made to the end that owners of non-conforming uses may have the maximum time to plan for conversion of their properties. In addition to this fact and the reasons contained in detail in the enclosed previous requests of the Board, it is unquestionably to be expected that early in the post-war period there will be a very heavy increase in building construction. The Board strongly urges that this study be completed prior to this expanded build-

ing activity to the end that such construction will be for the best general interest of the municipality and will avoid undesirable developments such as those of the past which have contributed so heavily to the difficult problem of the city, particularly in real estate valuation.

In addition to the above the appropriation of the Board is exhausted except for an uncommitted balance of approximately \$100. At the meeting on June 11, it was:

"Voted, That the Board request of his Honor the Mayor the transfer of \$1,500 from available sources for routine operation of the Board for the ensuing year."

The entire amount requested herein will be expended substantially as follows:

One planning assistant at \$2,400 for eight months, \$1,600; two planning assistants at \$2,400 for seven months, \$2,800; consultant, eight days per month for six months, \$2,400; materials and publication, \$1,200; total for re-zoning study, \$8,000; routine operation of the Board, \$1,500; grand total, \$9,500.

Your Honor's approval of the above request is urgently recommended by the Board.

Very truly yours,
FREDERIC H. FAY,
 Chairman, Board of Zoning Adjustment.

Ordered, That the sum of ninety-five hundred dollars (\$9,500) be, and the same hereby is, appropriated, to be expended under the direction of the Board of Zoning Adjustment, said sum to be charged to the Contingent Fund.

Referred to Committee on Appropriations.

PETITIONS REFERRED.

The following petitions were received and referred to the committees named, viz.:

Claims.

Gustav W. Alberti, for refund of fee for parking space at 87 Jersey street, Boston.

Sam Andrews, for compensation for damage to property at 651A Centre street, caused by defective drain.

Luke Brennan, for compensation for damage to car caused by an alleged defect in Sumner Tunnel.

Thomas J. Connor, for compensation for damage to car by city truck.

Conway Company, Inc., for compensation for damage to property at 174 Federal street, caused by water.

John T. Donoghue, for compensation for damage to car caused by an alleged defect at 1975 Dorchester avenue.

Mrs. James Fontenarosa, for compensation for loss of clothing at Carson Beach.

Mae Lamphier, for compensation for injuries caused by an alleged defect at Sutherland and Orkney roads.

Sebastiana Malfa, for compensation for damage to property at 754 Huntington avenue, caused during repair of Huntington avenue.

Bernard F. McCabe, for compensation for damage to car caused by an alleged defect at Dorchester avenue and Washington street.

Irving Sampson, for compensation for damage to property at 625 Morton street, caused by bursting of water pipe.

Mrs. William Wagner, for compensation for injuries caused by an alleged defect at Boston Sanatorium.

Joseph F. Warren, for compensation for injuries caused by an alleged defect in Dudley street.

Douglas A. Watson, for compensation for damage to car by city car.

Solomon M. Young, for compensation for damage to car by city truck.

Committee on Licenses.

Petition of Westinghouse Electric and Manufacturing Company for driveway opening at 31 Tuckerman street, Ward 7.

Petition of George Lawley & Son Corporation for driveway opening at Walnut street, Ward 16.

ABSENCE OF MAYOR FROM CITY.

Notice was received from his Honor the Mayor of his absence from the city from August 9 to August 23.

Placed on file.

APPOINTMENTS IN HEALTH DEPARTMENT.

Notices were received from the Health Department of the following appointments, viz.:

Dr. Joseph C. Seymour, 534 Broadway, medical inspector.

William J. Kane, 715 Cummins Highway, provisionally appointed as inspector of housing and sanitation.

Americo Vazza, 88 Cottage street, East Boston, provisionally appointed as food inspector.

Severally placed on file.

CONFIRMATION OF APPOINTMENTS.

President HANNON called up, under unfinished business, Nos. 1 and 2 on the calendar, viz.:

1. Action on appointment submitted by the Mayor August 2, 1943, of John E. Gallagher to be a Constable without authority to serve civil process and to serve without bond.

2. Action on appointments submitted by the Mayor August 2, 1943, of William J. Rode, Barbara Bogle, to be Weighers of Coal; and Barbara Bogle, to be a Weigher of Goods.

The question came on confirmation. Committee, Coun. Russo and Dwyer. Whole number of votes 12, yes 12, and the appointments were confirmed.

REPORT OF COMMITTEE ON POST-WAR PLANS.

Coun. D. F. SULLIVAN, for the Committee on Post-War Plans, submitted the following report of meeting on Thursday, August 5:

At a meeting of your Committee on Post-War Plans, held on Thursday, August 5, 1943, Mr. Frank H. Malley, Executive Director of the City Planning Board, and Mr. Francis X. Lane, Executive Director of the Boston Housing Authority, appeared and told the committee of plans which they had in mind for a continuance of Federal housing after the war.

Mr. Lane stated that the two projects on which work has been suspended for the duration of the war, one in the South End and the other in the lower end of South Boston, will represent a total expenditure of \$8,800,000, of which \$2,100,000 has been expended for the acquisition of land, architectural plans, overhead expenses, etc. He said that actual contracts, estimated at pre-war prices, would be about \$6,200,000 for the two projects, but that beyond this there was nothing definite.

Both Mr. Malley and Mr. Lane said that it would all depend on what Congress does about the post-war era, and that at the present time there is a good deal of discussion about how much of this work should be public and how much private.

Mr. Lane further stated that the City Council has allowed the Housing Authority to build projects up to a total of fifty million dollars and that with the two projects mentioned above, together with what has already been built, approximately \$48,000,000 will have been used, so that if any further projects are contemplated by the Government, the Housing Authority will have to have the authorization of the City Council to go along.

He and Mr. Malley stated that they had surveyed practically the entire city and know existing conditions. They would like to do something about the North End and West End, but have run into a snag as the Federal Government has only allowed \$1.50 a square foot for land on which to construct housing projects and there are parts of the city where the price per square foot is much higher. Mr. Lane said that the Housing Authority is trying to get the Federal Government to change this.

There is also the question of how many people will be eligible for low-rent housing after the war and nobody knows what figure will be established for low-rent housing when the war is over.

When Mr. Lane was asked by Coun. Daniel F. Sullivan whether or not any plans have been prepared for the erection of a housing project in Ward 9, in the area bounded by Roxbury street, Tremont street, Ruggles street and Shawmut avenue, Mr. Lane replied that the Housing Authority was aware of the conditions existing in this

area and that it was very likely that if the Government allows them money to build projects after the war that there was no doubt in his mind that this would be one of the first areas considered.

Placed on file.

SOLDIERS' RELIEF.

Coun. RUSSO, for the Committee on Soldiers' Relief, submitted report recommending passage of order for payment of aid to soldiers and sailors and their families for the month of August.

Report accepted; said order passed.

COMMENDATION OF COUNCIL CHAMBER WORK.

Coun. CHASE, RUSSO and KINSELLA offered the following:

Resolved, That the Boston City Council commends the custodian and the workmen who have done such a splendid piece of work in brightening up the physical appearance of the Council Chamber.

The resolution was unanimously passed.

CLEANING OF CITY LOTS IN CHARLESTOWN.

Coun. KINSELLA offered the following:

Ordered, That the chairman of the Foreclosed Real Estate Division of the Department of Public Buildings, through his Honor the Mayor, be instructed and ordered to proceed, forthwith, to the removal of all debris from the vacant city-owned lots in the Charlestown district of the city.

Passed under suspension of the rule.

ACCEPTANCE OF KILMARNOCK STREET.

Coun. DWYER offered the following:

Ordered, That the Board of Street Commissioners be requested, through his Honor the Mayor, to accept and lay out Kilmarnock street, Ward 5, from 88 Queensberry street to 151 Park Drive, as a public way.

Passed under suspension of the rule.

ROPING OFF AMORY STREET FOR BLOCK DANCING.

Coun. HANLEY offered the following:

Ordered, That the City Messenger be, and he hereby is, authorized to rope off the street in front of the Jamaica Plain Neighborhood House, 276 Amory street, on the evening of August 25, for block dancing, the expense of same to be charged to the City Council appropriation for Ropes, Stakes and Flags.

Passed under suspension of the rule.

INCREASED SALARIES FOR POLICE SIGNAL SERVICE UNIT.

Coun. HANLEY offered the following:

Ordered, That his Honor the Mayor consider the advisability of increasing the basic yearly salaries of the members of the Boston Police Department Signal Service Unit.

Passed under suspension of the rule.

RECESS.

On motion of Coun. SCANNELL the Council voted at 2.32 p. m. to take a recess subject to the call of the Chair. The members reassembled and were called to order by President HANNON at 2.47 p. m.

EXECUTIVE COMMITTEE REPORTS.

Coun. TAYLOR, for the Executive Committee, submitted the following:

1. Report on message of the Mayor and order (referred today) that Park Department be authorized to permit development and improvement

of land on Albion, Lucas, Village and Compton streets, by Henry L. Shattuck, for playground purposes—that same ought to pass.

Report accepted; said order passed.

2. Report on message of Mayor and order (referred today) authorizing transfer of \$25,300 from Reserve Fund to appropriation for Public Celebrations and Conventions and Entertainment of Distinguished Guests—that same ought to pass.

Report accepted; said order passed, yeas 14, nays 0.

3. Report on message of Mayor and order (referred today) accepting chapter 499 of Acts of 1943—that same ought to pass.

Report accepted; said order passed.

4. Report on message of Mayor and order (referred today) transferring \$3,000 from Reserve Fund to appropriation for Contractual Services, City Council—that same ought to pass.

Report accepted; said order passed, yeas 14, nays 0.

REPORT OF COMMITTEE ON LICENSES.

Coun. FISH, for the Committee on Licenses, submitted the following:

Report on petition for driveway opening (referred August 23) of George Lawley & Son Corporation at Walnut street, Ward 16—recommending that same be granted under usual conditions.

Report accepted; said permit granted under usual conditions.

SERVICE FLAG IN COUNCIL CHAMBER.

Coun. HANNON and D. F. SULLIVAN offered the following:

Ordered, That the City Messenger be directed to procure and hang in the City Council Chamber a Service Flag for councilors who have entered the armed service.

Passed under suspension of the rule.

ROPING OFF DORCHESTER AVENUE FOR BLOCK DANCING.

Coun. KELLY offered the following:

Ordered, That the City Messenger be, and he hereby is, authorized to rope off the street in front of the Dorchester House, Dorchester avenue, on the evenings of August 11, 18, 25 and September 1, for block dancing, the expense of same to be charged to the City Council appropriation for Ropes, Stakes and Flags.

Passed under suspension of the rule.

STATEMENT BY COUNCILOR CAREY.

Coun. CAREY asked unanimous consent to make a statement. There being no objection Coun. Carey said:

Mr. President and Members of the City Council, we have with us today a veteran of the city service who is leaving us very shortly to enter the armed service of this country. I feel that I can speak for each and every member of this Council, being a veteran of the City Council myself as it is now constituted. I have spent six years with John Hynes and perhaps have had an opportunity to frequent his office, to study him and to seek his advice longer than most of the members of this Council, because at the present time there are but four or five other men who came here the day that I came here. I am sure that we are going to miss Johnny Hynes. We often hear the term "good fellow" used and I don't know of any more apt description that can be given to John Hynes than by saying that he is and always has been a good fellow. He has a knack of making and keeping friends. He has been a regular fellow in every way to me, and it goes without saying, to every member of the City Council. Johnny Hynes is one of those fellows who likes to help the other fellow. I am sure we are going to miss him. Without going into any lengthy oration I feel that we can sum it all up by saying, "Johnny, we are going to miss you; we wish you God speed; we will not forget you in our prayers, and it is our sincere wish that you will shortly return to us safe and sound, as you are now leaving us."

THE NEXT MEETING.

On motion of Coun. FISH the Council voted that when it adjourns it be to meet on Monday, September 13, 1943, at 2 p. m.

GEORGE WRIGHT GOLF COURSE.

Coun. TAYLOR offered the following:
Ordered, That his Honor the Mayor be requested to transfer the supervision of the George Wright Golf Course from the Park Department to some other department.

Coun. TAYLOR—Mr. President, a condition has existed out there on the George Wright Golf Course that has been, in the best words that I can describe it, abominable. It is a most expensive golf course, having cost the city and the government many millions of dollars. They have a beautiful club house, they have eighteen beautiful holes of golf, but I regret to say that after many years the course is on the downward path rather than going upward. It appears to me that the golf course is not receiving the supervision that it is entitled to receive. Many members of the golf course have complained to me about it and said that they will refuse to go there any more, and this has taken place during the past two years when members have been leaving this golf course, so that now, instead of a decent revenue coming from that golf course it has been gradually diminishing to the point where it is beginning to become a great burden upon the treasury of the City of Boston. And the only reason for it is that the course is not supervised properly. Just imagine members complaining that they are not receiving any hot water for shower baths! This condition has existed during the last three weeks, when members, after playing golf, have been unable to bathe themselves in warm water. The course is burned out, although they have one of the best irrigation systems

of any golf course in the country. The greens are in terrible condition. And the only reason that I can assign for it is that the Park Department has not been giving proper attention to that course. The man who is in charge of the course is unqualified to take care of a golf course, in my opinion. Complaints have been going in day in and day out. There was a delegation in last year to see his Honor the Mayor with the hope that something might be done, and the Mayor contacted the Park Department and instructed it to do something about the course, but nothing has been done—so much so that the course is in such condition that nobody who plays golf wants to go out there any more. For the best interests of the city I think that some other department head should be given an opportunity to see if he can't do something to make that course, which has cost the city and the government many millions of dollars, a decent one in the City of Boston.

Coun. SCANNELL—Mr. President, in regard to this matter I would like to have this order referred to the Committee on Parks and Playgrounds so that we can have a hearing on it and bring the Park Commissioner down here and find out why this golf course is not kept up. I do not believe that we should blame anybody but the Park Commissioner for this condition, and I don't think that we should blame any employee, as the councilor said he is not qualified, because I happen to know the gentleman who takes care of that golf course and I believe he is qualified and is able. It is just like street cleaning; it is just like cleaning your parks and playgrounds. The whole story is that it comes back to no help. So that I would suggest that this order go to the Committee on Parks and Playgrounds.

The order was referred to the Committee on Parks and Playgrounds.

Adjourned, on motion of Coun. SCANNELL, at 3 p. m., to meet on Monday, September 13, 1943, at 2 p. m.

CITY OF BOSTON.

Proceedings of City Council.

Monday, September 13, 1943.

Regular meeting of the City Council in the Council Chamber, City Hall, at 2 p. m., President HANNON presiding. Absent, Coun. Foster, Goode, Linehan, Lyons.

The meeting was opened with the salute to the Flag.

JURORS DRAWN.

Jurors were drawn in the manner prescribed by law, Coun. M. H. SULLIVAN presiding at the jury box in the absence of the Mayor, viz.:

Eighty-two traverse jurors, Superior Criminal Court, to appear October 4, 1943:

Vincent Bruno, Ward 1; Peter Caradonna, Ward 1; Michael A. DeMeo, Ward 1; Sebastiano DiMari, Ward 1; John G. Morgan, Ward 2; John W. Myers, Ward 2; David Berkman, Ward 3; Wilbur Bender, Ward 4; William W. Carpenter, Ward 4; William T. Hill, Ward 4; Frank R. Jacobson, Ward 4; Leo Lyeven, Ward 4; William Murdock Titus, Ward 4; Myles J. Joyce, Ward 5; John W. Moore, Ward 5; Paul J. Wheeler, Ward 5; Frederick H. Cobb, Ward 6; Antonio DeMinico, Ward 6; Joseph C. Hollfelder, Ward 6; Aloysius A. Marrin, Ward 6; Thomas F. McCabe, Ward 6; Leo W. Pistorino, Ward 6; John Wenz, Ward 6; Edward Defeo, Ward 7; Thomas A. Foley, Ward 7; James L. Ford, Ward 7; John J. Walsh, Ward 7; David Allan, Ward 8; Charles Theodore, Ward 8; Wilhelm Willems, Ward 8; James Hall, Ward 9; Frederick Morris, Ward 9; James H. Walker, Ward 9; Henry Dyer, Ward 10; Joseph M. Madden, Ward 10; Thomas B. Rourke, Ward 10; Clarence Sullivan, Ward 10; Irving Brown, Ward 11; Edward F. Henning, Ward 11; Joseph R. Black, Ward 12; Ralph E. Myers, Ward 12; William G. Pye, Ward 12; Ernest Ward, Ward 12; Harry J. Elwood, Ward 13; William J. Geary, Ward 13; Michael F. O'Malley, Ward 13; Louis H. Rosen, Ward 13; Samuel W. Gale, Ward 14; Max Liberman, Ward 14; Irving Portney, Ward 14; Myer Wolf, Ward 14; Morris Zlotnick, Ward 14; Louis F. Allaire, Jr., Ward 15; Frank J. Frazier, Ward 15; Harry Patz, Ward 15; Thomas J. Ward, Ward 15; Thomas F. Cloonan, Ward 16; William E. Dwyer, Ward 16; George Given, Ward 16; Charles A. McCarthy, Ward 16; Charles F. Considine, Ward 17; William M. Murphy, Ward 17; Benjamin Peters, Ward 17; William G. Quirk, Ward 17; Herman P. Heyn, Ward 18; Warren E. Holdridge, Ward 18; Windsor G. MacKinnon, Ward 18; Henry Gill Pierce, Ward 18; John F. Ryan, Ward 18; Andrew H. Seavey, Ward 18; John F. Cooney, Ward 19; Philip S. Batt, Ward 20; George E. Frost, 2d, Ward 20; Hugh A. Gillis, Ward 20; Oliver Kelbie, Ward 20; Edward F. Rogers, Ward 20; Harry P. Younker, Ward 20; Harry C. Humphreys, Ward 21; Martin F. Davis, Ward 22; Rufus Hatch, Ward 22; Stephen A. Mack, Ward 22; Frank Slovin, Ward 22.

One hundred ninety-two traverse jurors, Superior Civil Court, October Sitting, to appear October 4, 1943:

Nicola Belli, Ward 1; Leslie R. Bickford, Ward 1; Raffaello Ciburri, Ward 1; Frank A. Ellis, Ward 1; Stephen P. Hawes, Ward 1; Philip Hoffman, Ward 1; Thomas Holohan, Ward 1; Elmer A. King, Ward 1; Warren F. McDonald, Ward 1; Wallace E. Snowden, Ward 1; Newell L. Thompson, Ward 1; Raffaele Zecchino, Ward 1; William Aughwan, Ward 2; Edmund W. Collins, Ward 2; Daniel J. O'Connell, Ward 2; Richard H. Rose, Ward 2; Ralph G. Schribner, Ward 2; Joseph Sheridan, Ward 2; Harold E. Smith, Ward 2; Aniello J. Capodilupo, Ward 3; John G. Elias, Ward 3; Pasquale G. Iannessa, Ward 3; Frederick Marzano, Ward 3; Louis Mazzarella, Ward 3; Vincenzo Pignatone, Ward 3; Joseph Bellew, Ward 4; Albert J. Boudreau, Ward 4; Francis P.

Cavagnaro, Ward 4; Edward Chery, Ward 4; Patrick Corbett, Ward 4; Richard J. Drummev, Ward 4; George W. Leussler, Ward 4; Joseph McEneany, Ward 4; Clarence A. Poingdester, Ward 4; William H. Ross, Ward 4; David Vogel, Ward 4; John Beausang, Ward 5; David J. Bluette, Ward 5; George M. Broe, Ward 5; Frederick V. Haddan, Ward 5; David Hamilton, Ward 5; Edward Rose, Ward 5; Henry Rosen, Ward 5; Ernest E. Speers, Ward 5; John D. Thomas, Ward 5; Fred A. Darling, Ward 6; James L. Driscoll, Ward 6; Jeremiah Driscoll, Ward 6; Joseph M. Flaherty, Ward 6; William A. Francis, Ward 6; Alfred H. Holt, Jr., Ward 6; William O. Hanson, Ward 6; Joseph Kostick, Ward 6; Thomas L. MacLean, Ward 6; Charles L. Senter, Ward 6; Alexander W. Thompson, Ward 6; William G. Bryant, Ward 7; Francis X. Connors, Ward 7; George J. Garner, Ward 7; George C. Lane, Ward 7; Lawrence C. Malo, Ward 7; Frank W. Phinney, Ward 7; Joseph L. Thornton, Ward 7; Peter Martin Foley, Ward 8; Augusto Grasselli, Ward 8; James Grover, Ward 8; John Maltese, Ward 8; Leo M. McCormack, Ward 8; John H. Shepard, Ward 8; Luke E. Wentworth, Ward 8; Patrick A. Doyle, Ward 9; Ralph J. Mosher, Ward 9; David Hoffman, Ward 9; William Arthur Prince, Ward 9; John F. Stanlake, Ward 9; George W. Tibbetts, Ward 9; James F. Wooding, Ward 9; Lewis Woods, Ward 9; William L. Blockel, Ward 10; Robert A. Burns, Ward 10; Joseph DeGregorio, Ward 10; Paul J. Eddy, Ward 10; Francis J. Farmer, Ward 10; Laurence Griffin, Ward 10; Charles M. Jensen, Ward 10; James T. Kerressey, Ward 10; Vernon A. MacDonald, Ward 10; Leo F. MacNaughton, Ward 10; William F. Mahoney, Ward 10; Frank J. Meleedy, Jr., Ward 10; Robert C. Bock, Ward 11; Joseph C. Jordan, Ward 11; John P. Keady, Ward 11; Martin J. Walsh, Ward 11; Lewis Owens Brothers, Ward 12; Leo Myles Cheverie, Ward 12; Joseph H. Collins, Ward 12; Charles DeLaFlerrineri, Ward 12; Louis E. Fogel, Ward 12; Max Gidez, Ward 12; Max Hillson, Ward 12; Samuel H. Kline, Ward 12; James J. Mellon, Ward 12; Frank Montgomery, Ward 12; Harry M. Saks, Ward 12; Benjamin Stick, Ward 12; William J. Whitten, Ward 12; Ernest E. Basford, Ward 13; Fred L. Berry, Ward 13; Thomas J. Clifford, Ward 13; Ernest Foster, Ward 13; Neil E. Kelleher, Ward 13; John G. Mackin, Ward 13; William G. Moore, Ward 13; Alphonse J. Bois, Ward 14; Samuel Harry Cohen, Ward 14; Samuel Goldberg, Ward 14; Samuel Gutterman, Ward 14; Israel Miller, Ward 14; Maurice Shapiro, Ward 14; John G. Ingles, Ward 15; Angus McLeod, Ward 15; Matthew J. Ryan, Ward 15; Robert M. Spears, Ward 15; John J. Carr, Ward 16; James E. Coyne, Ward 16; Arthur W. Haley, Ward 16; William F. Manley, Ward 16; William A. McCarthy, Ward 16; James C. McDonough, Ward 16; Calogero Patti, Ward 16; Maurice J. Shea, Ward 16; Isaac Kane, Ward 17; Ronald R. McAlister, Ward 17; Ellsworth J. McLeod, Ward 17; Russell A. McMahon, Ward 17; Robery M. Murphy, Ward 17; Thomas J. Murphy, Ward 17; John H. Sheerin, Ward 17; Thomas J. Walsh, Jr., Ward 17; George G. Brown, Ward 18; Bernard J. Burke, Ward 18; Cecil R. Cannell, Ward 18; Samuel N. Flashner, Ward 18; James H. Henderson, Ward 18; Herbert D. Hurd, Ward 18; Thomas Keller, Ward 18; William Kells, Ward 18; Thomas F. Lalor, Ward 18; Joseph E. Norton, Ward 18; Benjamin N. Pearl, Ward 18; Stanley B. Pierce, Ward 18; Arthur L. Richardson, Ward 18; Frederick R. Waller, Ward 18; Edward D. Belanger, Ward 19; Ludwig A. Branneis, Ward 19; George Broderick, Ward 19; Patrick J. Carty, Ward 19; Stanislaus D. Connell, Ward 19; Joseph D. Cronin, Ward 19; Richard Flight, Ward 19; Joseph F. Griffin, Ward 19; James G. Hinchey, Ward 19; Joseph H. Maschke, Ward 19; Louis W. Rheame, Ward 19; Frederick A. Ryan, Ward 19; Leonard H. Travis, Ward 19; Alfred F. Barrett, Ward 20; James A. Cahill, Ward 20; George Archibald Dickie, Ward 20; George N. Graves, Ward 20; Martin E. Kelly, Ward 20; Robert Leech, Ward 20; Neil P. McNeil, Ward 20; Joseph H. O'Neil, Ward 20; Martin J. Walsh, Ward 20; Morris A. Cahan, Ward 21; John J. Flynn, Ward 21; John F. Foley, Ward 21; David I. Gilbert, Ward 21; John J. Harris, Ward 21; George F. Holmes, Ward 21; Frederick Meyers, Ward 21; Curtis A. Muller, Ward 21; Richard H. Murphy, Jr., Ward 21; William Rosenfield,

Ward 21; Harry Streletsky, Ward 21; Edward J. Cassily, Ward 22; Sarkis Chutchian, Ward 22; Vernet G. Grubbe, Ward 22; Michael Imbriano, Ward 22; Richard H. Walsh, Ward 22.

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 first day of May, 1943, with authority to serve civil process upon filing of the necessary bond: Solomon Gorfinkle, 70 Floyd street, Ward 14.

Weigher of Goods and Coal: Eric A. Rosedahl, 26 Bailey street, Ward 17.

Severally laid over a week under the law.

SALE OF GATE VALVES.

The following was received:

City of Boston,

Office of the Mayor, September 13, 1943.

To the City Council.

Gentlemen,—I am in receipt of a communication from the Commissioner of Public Works in which he sets forth a request for authority to sell to the Metropolitan District Commission three so-called Boston style gate valves.

Inasmuch as these valves are not needed by the Public Works Department and under the so-called Control Materials Plan of the War Production Board, this department is required to sell these valves to the Metropolitan District Commission, I recommend adoption of the accompanying order.

Respectfully,

MAURICE J. TOBIN, Mayor.

City of Boston,

Public Works Department,

September 13, 1943.

Hon. Maurice J. Tobin,

Mayor of Boston.

Dear Mr. Mayor,—I respectfully recommend that the inclosed order, which authorizes the sale by this department to the Metropolitan District Commission of three 36-inch so-called Boston style gate valves, be forwarded to the City Council, for approval by that body.

These valves are not needed by this department for further use, and it is my understanding that it is urgent for the Metropolitan District Commission to use them at this time.

Under the provisions of the so-called Control Materials Plan of the War Production Board, this department is required to sell these valves to the Metropolitan District Commission, and I respectfully request, therefore, that the order be forwarded to the Council, for approval, today, if possible.

Respectfully yours,

GEORGE G. HYLAND,
Commissioner of Public Works.

Ordered, That the Commissioner of Public Works be, and hereby is, authorized to sell to the Metropolitan District Commission, according to the rules of the War Production Board under Orders U-1, dated May 31, 1943, for the sum of \$5,339.40, three 36-inch Boston style gate valves with 6-inch by-passes, which are no longer needed for use in the city's water system.

Referred to Executive Committee.

USE OF PORTION OF COURT HOUSE BY GOVERNMENT.

The following was received:

City of Boston,

Office of the Mayor, September 9, 1943.

To the Honorable the City Council.

Gentlemen,—The City of Boston has been requested by the United States to permit the use and occupation of certain floor space in the new Suffolk County Court House which is owned by the City of Boston. The occupation of this space is deemed necessary by the military authorities for the prosecution of the war.

The Legislature in its most recent session by the enactment of section 4 of chapter 5 of the Acts of 1943 has authorized the City of Boston, together with all other cities and towns in the Commonwealth, "during the continuance of the existing

state of war between the United States and any foreign country, to enter into contracts for the use and occupation by the United States of any properties, real or personal, owned or held by them."

I transmit herewith an order whereby your Honorable Body may authorize me to enter into a contract for the use and occupation of a portion of the new Suffolk County Court House, described in the order, by the United States Government, for a nominal consideration, with the approval of the Commission for the Care, Custody and Control of the said Court House.

I recommend passage of the accompanying order.

Respectfully,

MAURICE J. TOBIN, Mayor.

Ordered, That his Honor the Mayor be, and hereby is, authorized, with the approval of the Commission for the Care, Custody and Control of the Suffolk County Court House, to enter into a contract with the United States of America, for a nominal consideration, for a term of five years from August 4, 1943, or for the duration of the war and six months thereafter, whichever period may be the shorter, for the use and occupation of a rectangular floor area, containing two hundred fifty (250) square feet, more or less, located twenty-five (25) feet east and ten (10) feet south from the northwest corner of the sixteenth floor, known as the "Pent House Floor," in the new Suffolk County Court House in the City of Boston, County of Suffolk and Commonwealth of Massachusetts, together with the right to construct a thirty (30) foot antenna with guys on the roof of said building, and to run wires from said antenna to the premises above described, to be used for such military uses as the United States Government may require.

Referred to Executive Committee.

INCREASED NUMBER OF DEPUTY SEALERS.

The following was received:

City of Boston,

Office of the Mayor, September 13, 1943.

To the City Council.

Gentlemen,—I submit herewith the accompanying ordinance for the purpose of increasing the number of deputy sealers of weights and measures from sixteen to eighteen.

These sealers are all under civil service and appointed from an established list.

While the original sealing of weights and measures is of great value, it is also necessary to periodically inspect these measures to see that they are kept up to the standard.

It is of vital importance, especially in these troublesome times, for the protection of the people that these inspections be made often and that the whole city be covered, and I am informed by the Sealer that this work cannot be properly done with his present small force.

For that reason, I recommend the immediate adoption of the ordinance.

Respectfully,

MAURICE J. TOBIN, Mayor.

City of Boston,

Weights and Measures Department,

September 13, 1943.

Hon. Maurice J. Tobin,

Mayor of Boston.

Sir,—The primary work of the Weights and Measures Department is to see to it that the purchaser receives full weight or measure for the price paid. Today this function is a most important one, because with the decrease in the amount of food, fuel oil, and gasoline by rationing, it is imperative that they get the full amount of their purchase and frequent inspections must be made to protect the purchaser.

In addition to the annual inspection of this department for the purpose of sealing and adjusting of weighing and measuring equipment of 10,000 retail establishments and 3,000 wholesale establishments, there is also an additional inspection to see how these weighing and measuring devices are used, to make sure that the public receives full weight and measure for any purchase made.

Furthermore, this office is giving its maximum cooperation with the Office of Price Administra-

tion and investigates the many complaints received from that office.

The result has been that the work-load of this department is far greater than at any time since the establishment of the office.

If additional personnel are granted, this department will be able to undertake more of this work that will result in further savings to the citizens of our city.

I respectfully request the addition of two more deputy sealers, which will increase the number in the department from sixteen to eighteen.

Sincerely yours,
JOHN F. MCCARTHY, Sealer.

An Ordinance Concerning the Weights and Measures Department.

Be it ordained by the City Council of Boston, as follows:

Chapter thirty-seven of the Revised Ordinances of 1925, as most recently amended by chapter one of the Ordinances of 1933, is hereby further amended in section one by striking out the second clause of said section and inserting in place thereof the following:

There shall be eighteen deputy sealers; and the salary paid to the sealer and to the deputies shall be full compensation for their services.

Referred to Committee on Ordinances.

TRANSFER OF LAND ON ALBANY STREET.

The following was received:

City of Boston,
Office of the Mayor, September 13, 1943.
To the City Council.

Gentlemen,—I am in receipt of a communication from the chairman of the Board of Real Estate Commissioners in which he sets forth a request to transfer from the Board of Real Estate Commissioners to the Public Works Department a parcel of land on the southeasterly side of Albany street, Boston, numbered 388 and containing 18,302 square feet.

Inasmuch as there is no immediate prospect for the sale of this parcel and there has been no interest shown by any prospective purchaser during the past year, I recommend the transfer.

Respectfully,
MAURICE J. TOBIN, Mayor.

City of Boston,
Board of Real Estate Commissioners,
August 27, 1943.

Hon. Maurice J. Tobin,
Mayor of Boston.

Dear Mr. Mayor,—I am presenting for your approval and that of the City Council, four copies of an order for the transfer from the Board of Real Estate Commissioners to the Public Works Department of a parcel of land on the southeasterly side of Albany street, Boston, numbered 388 in the numbering of said Albany street. This land is owned by the City of Boston by virtue of foreclosure, and contains 18,302 square feet.

I feel that this property should be transferred to the Public Works Department because they have built a permanent structure on the property and it is accessible to their main yard.

I have no immediate prospects for the sale and have had no interest shown by any prospective purchasers during the past year, therefore, I recommend the transfer.

Respectfully yours,
DANIEL M. DRISCOLL, Chairman.

Whereas, The City of Boston by a decree of the Land Court, Suffolk Registry District, dated November 29, 1935, foreclosed a right of redemption under a tax deed recorded with Suffolk Deeds, Book 5216, page 226, on about eighteen thousand three hundred and two (18,302) square feet of land on the southeasterly side of Albany street, numbered 388 in the numbering of said Albany street, between an estate of American Coal Company (numbered 374 and 376) and an estate now or formerly of Downes Realty Corporation (numbered 406); and

Whereas, The Commissioner of the Public Works Department of the City of Boston is desirous of using the above-described parcel of land as a district yard of the said Public Works Department; now, therefore, it is hereby

Ordered, That the said parcel of foreclosed tax title property be, and the same hereby is, transferred from the care, custody, control and management of the Chairman, Board of Real Estate Commissioners, to the care, custody, control and management of the Public Works Department.
Referred to Executive Committee.

TRANSFER OF LAND ON LAKE SHORE ROAD.

The following was received:

City of Boston,
Office of the Mayor, September 13, 1943.
To the City Council.

Gentlemen,—I am in receipt of a communication from the chairman of the Board of Real Estate Commissioners in which he sets forth a request to transfer from the Board of Real Estate Commissioners to the Park Department two parcels of vacant land.

This property is located at the northeasterly side, at end, leading from the westerly side of Lake Shore road, Brighton, containing 3,490 square feet.

Southwesterly side of Lake Shore road, Brighton, being lot fifty-one (51), containing 5,000 square feet.

This is to be used for park purposes and I recommend the transfer.

Respectfully,
MAURICE J. TOBIN, Mayor.

City of Boston,
Board of Real Estate Commissioners,
August 27, 1943.

Hon. Maurice J. Tobin,
Mayor of Boston,

Dear Mr. Mayor,—I am presenting for your approval and that of the City Council, four copies of an order for the transfer from the Board of Real Estate Commissioners to the Park Department of two parcels of vacant land. This land is owned by the City of Boston by virtue of foreclosure, and is to be used for park purposes.

The property is located at:
Northeasterly side, at end, leading from the westerly side of Lake Shore road, Brighton, containing 3,490 square feet.

Southwesterly side of Lake Shore road, Brighton, being lot fifty-one (51), T. A. Finneran plan, dated October 22, 1925, recorded with Suffolk Deeds, Book 4814, page 462, containing 5,000 square feet.

Respectfully yours,
DANIEL M. DRISCOLL, Chairman.

Whereas, The City of Boston by a decree of the Land Court, Suffolk Registry District, dated May 28, 1943, foreclosed a right of redemption under a tax deed recorded with Suffolk Deeds, Book 5217, page 444, on about thirty-four hundred and ninety (3,490) square feet of land on the northeasterly side, at end, leading from the westerly side of Lake Shore road, bounded and described as follows: South-easterly by a proposed street, southwesterly and northwesterly by an estate now or formerly of Commonweath Country Club, and northeasterly by an estate now or formerly of Chadwick; and

Whereas, The City of Boston by a decree of the Land Court, Suffolk Registry District, dated May 28, 1943, foreclosed a right of redemption under a tax deed recorded with Suffolk Deeds, Book 5614, page 578, on about fifty hundred (5,000) square feet of land on the southwesterly side of Lake Shore road, adjoining an estate now or formerly of Harry P. Chadwick, being lot fifty-one (51), T. A. Finneran plan, dated October 22, 1925, recorded with Suffolk Deeds, Book 4814, page 462; and

Whereas, The said parcels of land, hereinbefore described, are in the care, custody, control and management of the chairman, Board of Real Estate Commissioners; and

Whereas, Said parcels of land are adjacent to the Alice E. Gallagher Memorial Park and the Board of Park Commissioners desire to enlarge said park; now, therefore, it is hereby

Ordered, That the said parcels of foreclosed tax title property be, and the same hereby are, transferred from the care, custody, control and management of the chairman, Board of Real Estate Commissioners, to the care, custody, control and management of the Park Department to be used for park purposes.
Referred to Executive Committee.

TRANSFER FROM PARKMAN FUND.

The following was received:

City of Boston,
Office of the Mayor, September 13, 1943.
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 \$21,000 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 passage by your Honorable Body.

Respectfully,
MAURICE J. TOBIN, Mayor.

City of Boston,
Park Department, September 1, 1943.
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 \$21,000 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..... \$21,000

When making up the budget estimate for the year 1943, 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 1943, 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 \$21,000 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..... \$21,000

Referred to Committee on Parkman Fund.

TRANSFER TO PARK DEPARTMENT.

The following was received:

City of Boston,
Office of the Mayor, September 13, 1943.
To the City Council.

Gentlemen,—I am forwarding request for transfer from Special Appropriation, Head House, South Boston, Repairs, etc., to Park Department, and recommend adoption of the accompanying order by your Honorable Body.

Respectfully,
MAURICE J. TOBIN, Mayor.

Ordered, That under authority of section 3B of chapter 604 of the Acts of 1941 the City Auditor be, and hereby is, authorized to transfer:

From the appropriation for Special Appropriation, Head House, South Boston, Repairs, etc., \$3,500, to the appropriation for Park Department, B, Contractual Services, \$3,500.

Referred to Committee on Appropriations.

NARROWING OF HUNTINGTON AVENUE SIDEWALKS.

The following was received:

City of Boston,
Office of the Mayor, September 13, 1943.
To the City Council.

Gentlemen,—I transmit herewith communication from the Commissioner of Public Works

relative to your order of August 2, 1943, regarding the narrowing of the sidewalks along Huntington avenue, from Brigham Circle to Wait street, Ward 10.

Respectfully,
MAURICE J. TOBIN, Mayor.

City of Boston,
Public Works Department,
August 26, 1943.

Arthur C. Carey,

Chief Clerk, Mayor's Office.

Dear Mr. Carey,—This is in reference to the following order that was passed in the City Council under date of August 2:

"Ordered, That the Commissioner of Public Works and Traffic Commission be requested, through his Honor the Mayor, to immediately suspend all work in connection with the narrowing of the sidewalks along Huntington avenue, from Brigham Circle to Wait street, Ward 10."

The above-referenced order was passed while I was on vacation and it is my understanding that the work was suspended until I returned. On my return I revised the plans which provided for the narrowing of the sidewalk area to such an extent that I feel that the improvement will be satisfactory to all concerned.

The original work provided for the narrowing of the sidewalks to a width of eight feet, but this width has now been increased to ten feet, and I feel that it will provide for adequate sidewalk area for the pedestrians and still provide additional roadway space for the passage and stopping of motor vehicles, thereby tending to eliminate the bottle-neck condition that previously existed at this location.

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.

Marguerite D. Beatty, for compensation for damage to car by city truck.

John J. Brooks, to be reimbursed as result of accident which occurred while in performance of duty.

Jonquin Dearuda, to be reimbursed for accident which occurred at machine shop, Deer Island.

Josephine DePasquale, for compensation for damage to property at 16 Cedar street, Roslindale, caused by water being shut off.

Grace DiCesare, for hearing on claim.

John J. Doyle, to be reimbursed as result of accident which occurred while in performance of duty.

John S. Fitzgerald, for compensation for damage to property at 28 Cliff street, caused by break in water pipe.

Lina H. Gaunt, to be reimbursed for clearance of title in Land Court.

John A. Gust, to be reimbursed as result of accident which occurred while in performance of duty.

John A. Gust, to be reimbursed as result of accident which occurred while in performance of duty.

Viola H. Henderson, for compensation for injuries caused by police officers.

Paul F. Hughes, for compensation for damage to car by police car.

Cecile Kearney, for compensation for damage to coat and dress in elevator, City Hall Annex.

W. G. Kofeod, for compensation for damage to car by city car.

W. L. Lightbourne, for refund on building permit.

James A. McCabe, to be reimbursed for execution issued against him.

Henry C. McCarthy, to be reimbursed for execution issued against him.

Catharine A. McGinley, for compensation for damage to property at 81 Morton street, caused by defective water main.

Margaret Naughton, for compensation for injuries caused by Water Department vehicle.

Gaspar V. Salvo, for compensation for damage to car by city truck.

Helen J. Sheehan, for compensation for injuries caused by an alleged defect at 250 Gallivan Boulevard.

Mary G. Troy, for compensation for damage to dress caused by an alleged defect on Boston Common.

Executive.

Petition of Mary C. Connolly to be paid annuity on account of death of her brother, Malachi F. Reddington, late member of Fire Department.

Petition of Elsie Manton to be paid annuity on account of death of her husband, Percy F. Manton, late member of Police Department.

Petition of Mary Mahoney to be paid annuity on account of death of her brother, John J. Moriarty, late member of Fire Department.

Petition of Mary J. Magoun, to be paid annuity on account of death of her husband, George T. Magoun, late member of Fire Department.

TRACK LOCATION.

Notice was received from the Board of Street Commissioners of track location (104th) granted to Boston Elevated Railway Company, left-hand crossover on Summer street, South Boston, south of bridge over Reserved Channel.

Placed on file.

APPOINTMENT OF ALFRED BECK, JR.

Notice was received of appointment by the Mayor of Alfred Beck, Jr., 60 Congress street, Boston, to be member of City Planning Board, for term ending April 30, 1947, *vice* Sydney Conrad, resigned.

Placed on file.

APPOINTMENT OF WALTER J. MALLOY.

The following was received:

City of Boston,
City Clerk's Office, September 13, 1943.
To the City Council.

Gentlemen,—You are hereby notified that on September 1, 1943, Walter J. Malloy, 94 Elmer road, Dorchester, formerly employed as chief clerk in the City Clerk's office, was appointed by me to be Assistant City Clerk in place of John B. Hynes, who has entered the military service of the United States.

Respectfully,
W. J. DOYLE, City Clerk.

Placed on file.

REPORT OF COMMITTEE ON APPROPRIATIONS.

Coun. DWYER, for the Committee on Appropriations, submitted the following:

1. Report on message of Mayor and order (referred August 23) appropriating \$200 for emergency compensation allotment, Publication of City Record—that same ought to pass.

The report was accepted and the order was passed, yeas 14, nays 0.

2. Report on message of Mayor and order (referred August 23) transferring \$6,200 from appropriation for Head House Pier, South Boston, Repairs to Park Department, Contractual Services—that same ought to pass.

Report accepted; said order passed, yeas 14, nays 0.

CONFIRMATION OF APPOINTMENTS.

Coun. CAREY called up, under unfinished business, No. 1 on the calendar. Coun. D. F. SULLIVAN moved that No. 2 on the calendar, under unfinished business, also be taken up, viz.:

1. Action on appointment submitted by the Mayor August 23, 1943, of Charles Gildea to be a Constable without authority to serve civil process and to serve without bond.

2. Action on appointments submitted by the Mayor August 23, 1943, of Andrew Seander, Patrick Flaherty, to be Weighers of Goods; and Joseph Adler, John J. Lavin, C. M. Riddock, to be Weighers of Coal.

The question came on confirmation. Committee, Coun. Carey and Muchnick. The appointments were confirmed, yeas 13, nays 0.

SALARIES OF COUNCIL OFFICERS.

President HANNON offered the following:

An Ordinance Concerning the Salaries of Officers Connected with the City Council.

Be it ordained by the City Council of Boston, as follows:

Section five of chapter three of the Revised Ordinances of 1925, as most recently amended by chapter four of the Ordinances of 1942, is hereby further amended in the clause establishing the salaries of the officers connected with the city council, by striking out after second assistant city messenger the words "twenty-four hundred dollars" and inserting in place thereof "twenty-six hundred dollars" and by striking out after two stenographer-clerks, the words "twenty-four hundred dollars" and inserting in place thereof "twenty-six hundred dollars."

Referred to the Committee on Ordinances.

ELECTION OF PERMANENT CITY MESSENGER.

Coun. D. F. SULLIVAN—Mr. President, I move that the Council now proceed to the election of a permanent City Messenger.

Coun. CAREY—Mr. President, it is sometimes well to have something in the record for possible future reference. I presume that the members of the Council will elect a permanent City Messenger here in a short while. I want to say clearly that I have nothing against the man who has been filling in as City Messenger during the last three months. As a matter of fact, he and his family lived in my ward for many years and I suppose that in itself would have a tendency with most individuals to make them favorable to one of their neighbors. I wish the circumstances were such that I could feel that way at the present time. But we are all human, we all work for a living, and whether it is in private or public business that we work, when a promotion is available we are all selfish and we are all naturally anxious to be given the opportunity of taking advantage of a vacancy that would win a promotion for us. When the man who has been filling in as City Messenger for the last three months was temporarily elected three months ago, I was not with him. And I am not going to vote for him today either. I regret, as I said a moment ago, that the circumstances are not such that I can vote for him. But I believe in being loyal. The man whom I voted for three months ago has been attached to the City Council for the last eight years. He has done his work faithfully and well, and he has in his favor those two factors,—length of service and quality of service,—both of which I feel should be recognized when one is up for promotion. The man whom I voted for three months ago is a veteran of the last war. I think it is most important at this time that we should keep in mind the veterans of the last war and of the present war, because if we are going to say "To bell with the veterans of the last war," maybe we will say it of the veterans of the present war. It might be determined just what this veteran question amounts to. Personally I feel that they should be given some recognition. I was not in the last war and so far I have not enlisted in this war. Unfortunately—I should not say unfortunately, but my circumstances were such that in the last war I was too young to go, although if the war had lasted three days more I would have been in Camp Devens, because I had been inducted although a young man of only eighteen years of age. At the present time I have three children and perhaps the responsibility should be recognized as far as they are concerned. There is another consideration, Mr. President. There are some twenty thousand employees of this city, all of whom are seeking promotions when they occur, and rightfully and justly so. Naturally any one of us who is on a job, who feels that we have done it well and have done it for years, also feel, when the time comes that an opening has been provided so that we might be elevated, that we certainly would like that consideration shown to us. There is no doubt that I will be on the losing side today, but it will not be the first time. But loyalty is one of the greatest things in this life, and

while I would very much like to vote for the man who will be elected today as permanent City Messenger, I feel that first of all we have got to consider the very things, that I have got to consider the very things that I would want considered if the shoe were on the other foot. The office of City Messenger requires experience—experience that comes only with lengthy service. I don't know whether the man who has been filling the job for three months has had an opportunity to acquire that experience, but he certainly has not had the same opportunity as the man who has been attached to the chambers of this Council for eight years. No doubt my colleagues have already made up their minds as to who they will vote for, but we should keep in mind that in order to have efficient service, and I might say a service here that will be a service within the Council Chamber itself, that we should select according to the considerations that can guarantee to us a filling of the position that requires an experience that will at no time embarrass this Council. I do not mean to intimate in saying that that the election of the man who has been filling in for three months will in any way embarrass the Council, but I do feel that in order to have the best qualified man filling the office, we should keep in mind the length of service and the quality of service that has been rendered by the two competitors for the job today.

Coun. HANLEY—Mr. President, one of the greatest incentives to any man in private industry or in public office is to be promoted to a higher position. This rule is as old as human nature itself, and it has come down through the corridors of time. It is utilized in the ecclesiastics, in civil and in public life, and it should be recognized in the Boston City Council. A man who has been affiliated with the City Council business for a number of years, who was given a Purple Heart in World War I, who was cited for bravery on the battle-fronts of the world, and yet today, twenty-five years later, when he asks for a promotion, there is a sleight-of-hand, the pulling of strings, and the puppets will vote for another man, not because of his qualifications, but rather because the dictator speaks. The dictator—

Coun. M. H. SULLIVAN—Mr. President.

President HANNON—For what purpose does the gentleman rise?

Coun. M. H. SULLIVAN—I rise to a point of order.

President HANNON—The gentleman will state his point of order.

Coun. M. H. SULLIVAN—I believe it has been previously ruled in this Council that no nominating speeches are allowed. Accordingly the man must speak on the subject as to whether we shall proceed to the election of a permanent City Messenger.

President HANNON—The question is on proceeding to the election of a permanent City Messenger. Councilor Hanley.

Coun. HANLEY—Mr. President, the intelligence and the intellectual ability and the scholastic ability of my distinguished colleague from Ward 22 is unquestioned, but—

Coun. M. H. SULLIVAN—Mr. President.

President HANNON—The Council will be in order. For what purpose does the gentleman rise?

Coun. M. H. SULLIVAN—I appreciate the compliment, but again I rise to a point of order. The gentleman is not speaking on the subject matter involved in the order.

President HANNON—The subject matter is, proceeding to the election of a permanent City Messenger. The Chair will ask the gentleman to confine his remarks to whether or not we shall proceed to the election of a permanent City Messenger.

Coun. HANLEY—Thank you, Mr. President. About three weeks ago I attended a banquet and I was proffered the ultimatum of having no opposition—

Coun. M. H. SULLIVAN—Mr. President, the campaign has not—

President HANNON—Anybody who rises will please address the Chair. Each councilor will please take his own seat and will address the Chair and will be recognized before speaking. Everybody will be in order, regardless of who or why or what or where. We are going to observe the rules. The rules are going to be observed, not by one and not by twenty-one, but by all, or by nobody. Every member of the Council will kindly take out the rules if he is not familiar with them now, and on rising will address the Chair. If a point of order is to be raised the gentleman will raise the point of order and the Chair will recognize the

gentleman and the gentleman will state his point of order. And for the benefit of all the members of the Council, the Chair will ask that each and every member respect the rights of the other members. Councilor Hanley.

Coun. HANLEY—Thank you, Mr. President. Emotionalism is the prevailing factor sometimes in argumentation. Emotionalism sometimes places in the background the sense and intelligence that an Omnipotent Creator has given to us—

Coun. TAYLOR—Mr. President.

President HANNON—For what purpose does the gentleman rise?

Coun. TAYLOR—I rise to a point of order.

President HANNON—The gentleman will state his point of order.

Coun. TAYLOR—I do not think that the gentleman from Ward 11 is speaking on the subject. I think he should confine himself to the subject.

President HANNON—The subject is whether or not we should proceed to the election of a permanent City Messenger. The Chair will ask the gentleman from Ward 11 to stick to the subject of the election of a permanent City Messenger. Councilor Hanley.

Coun. HANLEY—in digressing, Mr. President, I sometimes extemporize and hurt feelings. But on the City Messenger there is one principle involved, and that principle is this: Is the man who is qualified to serve as the City Messenger and to receive the remuneration attached to that office, and who enjoys the friendship of the City Council—should he have the right and the privilege and the honor of seeking a higher office? I have come before my colleagues today and I have used evasion for one purpose, in not naming names, but principles are above men, they are above partyism, they are above politics. There is one thing that every human being owns, and that is his word of honor, and in the final summing up of this vale of tears you will be asked what you have done, not what you would have done. I have said, and I say again, that promotion should be given to a man. As far as the temporary City Messenger is concerned, I gave him one of the greatest and finest pieces of advice that even a father could give to a beloved son. He carried out that advice, and I am here today to commend him on the way he carried out—

Coun. TAYLOR—Mr. President.

President HANNON—For what purpose does the gentleman rise?

Coun. TAYLOR—I rise to a point of order.

President HANNON—The gentleman will state his point of order.

Coun. TAYLOR—I still believe that the gentleman is not talking on the subject, and I think he should confine his remarks to the subject in hand, as to whether we should proceed to the election of a permanent City Messenger.

President HANNON—The Chair will ask the gentleman from Ward 11 to stick to the subject before us, which is as to whether or not we shall proceed to the election of a permanent City Messenger. The Chair wishes to be lenient but he wants to ask all members, as far as possible, and as far as practicable, to confine themselves to the subject at hand, which is as to whether we shall proceed to the election of a permanent City Messenger. Councilor Hanley.

Coun. HANLEY—Mr. President, I was once put in the background by my distinguished colleague's rhetoric, so that I will not take up the time—

Coun. TAYLOR—Mr. President.

President HANNON—For what purpose does the gentleman rise?

Coun. TAYLOR—To a point of order.

President HANNON—The gentleman will state his point of order.

Coun. TAYLOR—The gentleman is still not talking on the subject which is before the Council.

President HANNON—The point of order is well taken. Will the gentleman confine himself to the question before us, which is, shall we proceed to the election of a permanent City Messenger. Councilor Hanley.

Coun. D. F. SULLIVAN—Mr. President.

President HANNON—For what purpose does the gentleman rise?

Coun. D. F. SULLIVAN—A point of order.

President HANNON—The gentleman will state his point of order.

Coun. D. F. SULLIVAN—If the gentleman from Ward 11 wishes to make a campaign speech for some particular candidate, why can't he do so? I would like to know, Mr. President, how long it

has been the vogue in this Council that a member cannot make a nominating speech for some particular man.

President HANNON—The gentleman is not stating a point of order, but in order to clear the situation the Chair will once again repeat that we are not on the point of electing anybody, but we are going to vote on the question as to whether or not we shall proceed to the election of a permanent City Messenger, and after that question is determined the Chair will decide whether nominating speeches are in order. The subject before us now is whether or not we shall proceed to the election of a permanent City Messenger.

Coun. HANLEY—A point of order, Mr. President.

President HANNON—The gentleman will state his point of order.

Coun. HANLEY—In the event that a particular man's name comes before the Council for nomination as a prerequisite to the election, have I the right as a City Councilor to place my nominee in nomination and also to address my colleagues relative to his qualifications for the promotion?

President HANNON—The Chair will repeat what he has already said to Councilor Daniel Sullivan, that the gentleman is not stating a point of order. After this motion is acted upon, if acted upon favorably, then we will proceed to the election of a permanent City Messenger.

Coun. HANLEY—Thank you.

President HANNON—The question is whether or not we shall proceed to the election of a permanent City Messenger.

The motion was passed. The question then came on the election of a permanent City Messenger.

Coun. HANLEY—Mr. President, the office of City Messenger attached to the Boston City Council is one of the very few powers—

Coun. MUCHNICK—Mr. President.

President HANNON—For what purpose does the gentleman rise?

Coun. MUCHNICK—A point of order.

President HANNON—The gentleman will state his point of order.

Coun. MUCHNICK—It is my understanding, Mr. President, that at times like this, when elections take place in the Council, the clerk calls the roll and the councilors respond by voting for certain individuals without any speeches whatsoever.

President HANNON—May the Chair in turn ask the gentleman from Ward 14 upon what he bases his statement?

Coun. MUCHNICK—The election of a special City Messenger and the election of a President of the Council.

President HANNON—Does the gentleman know that there is anything in the rules to justify such action?

Coun. MUCHNICK—No.

President HANNON—The Chair is unable to find anything.

Coun. MUCHNICK—The gentleman is merely referring to the procedure of the Council during the past year.

Coun. TAYLOR—Mr. President.

President HANNON—For what purpose does the gentleman rise?

Coun. TAYLOR—A point of order.

President HANNON—The gentleman will state his point of order.

Coun. TAYLOR—It is my contention that the gentleman is out of order, because there is nothing before the Body now but the election of a permanent City Messenger. There is nothing else before us, and there is no reason for nominating speeches because nobody has been nominated. It is not the custom of the members of the Boston City Council to nominate anybody. We elect. The only way during my past six years in the Boston City Council that any man could talk for any particular person was to ask the unanimous consent of the Council.

President HANNON—In answer to Councilor Taylor, the Chair has been unable to find anything in the rules which covers the situation, either permitting or not permitting nominating speeches, and under the circumstances the Chair is inclined to let any of the members talk and nominate anybody they see fit.

Coun. TAYLOR—Mr. President, a point of information.

President HANNON—The gentleman will state his point of information.

Coun. TAYLOR—Am I right in understanding that the motion which has just been passed was that we proceed to the election of a permanent City Messenger?

President HANNON—That is correct.

Coun. TAYLOR—Would the President be kind enough to tell me how this is affecting that particular piece of procedure?

President HANNON—In the Chair's opinion, once we proceed to the election, the next form of business is to elect. There is a motion before the Body as far as the Chair is concerned. Every motion is debatable. The question is, who are the candidates for City Messenger? If some gentleman here wishes to place in nomination the name of some man, I do not feel that I have the right—and I see nothing in the rules which gives me the right—to exclude or stop that man from making any remarks.

Coun. TAYLOR—By saying so, we proceed to the election of a permanent City Messenger?

President HANNON—I hope that eventually we will come to that.

Coun. TAYLOR—Do I understand that you rule that anybody can get up and make a nominating speech?

President HANNON—You understand that I rule that the motion before us is the election of a City Messenger. If anybody wishes to make any remarks pertaining to that motion I will receive them.

Coun. TAYLOR—Mr. President, hasn't the motion been passed to proceed to the election?

President HANNON—The motion has been passed to proceed to the election.

Coun. TAYLOR—Isn't the proceeding to the election the passing of votes?

President HANNON—I think that is the ultimate proceeding.

Coun. TAYLOR—The only thing I can say, Mr. President, is that I must differ with you.

President HANNON—I do not doubt the gentleman's sincerity.

Coun. RUSSO—Mr. President.

President HANNON—For what purpose does the gentleman rise?

Coun. RUSSO—A point of information.

President HANNON—The gentleman will state his point of information.

Coun. RUSSO—My point of information is this, whether or not the councilor has the right to nominate a certain individual, and whether or not he has the right, before he nominates that individual, to explain to the City Council the qualifications of that particular individual, to enlighten this Body, I am only wondering whether the councilor has that privilege.

President HANNON—What is the point of information?

Coun. RUSSO—My point of information is that the councilor from Ward 12 has been speaking about the election of a City Messenger, and I am only wondering whether it is not for the nomination and election of a City Messenger, and I believe that a councilor has the right to nominate any individual that he sees fit. But I also feel that the councilor who nominates the individual should, if he has anything to say in order to enlighten this Body regarding the qualifications of the individual that he is going to nominate, have the privilege of being heard. I am only wondering if that is so.

President HANNON—That is the way the Chair has ruled.

Coun. RUSSO—I feel, then, Mr. President, that the point of the councilor from Ward 11 is well taken.

Coun. KELLY—Mr. President.

President HANNON—For what purpose does the gentleman rise?

Coun. KELLY—A point of information.

President HANNON—The gentleman will state his point of information.

Coun. KELLY—I can recall a few occasions before you became a member of this Body, Mr. President, where, in the election of a President of the Council, there have been nominating speeches made. I can recall an incident of some three or four years ago—and it is a matter of record in the *City Record*—where a nominating speech was made for a certain councilor. I can recall other elections of Presidents where one or two members of this Council got up and asked the members of the Council not to vote for him, that he was not a candidate for the presidency. So that I do not see anything wrong in the gentleman getting up on the floor before we pass our vote and making a nominating speech for any candidate he has in mind.

It has been done before in this Council, Mr. President, and what has been right before is right today. I might add that it was not with unanimous consent.

Coun. KINSELLA—Mr. President.

President HANNON—For what purpose does the gentleman rise?

Coun. KINSELLA—I do not want to make a motion or to ask information, but I would like the Chair's permission to cite a precedent in this Body on the matter of nominating speeches. The Chair will recall that a year ago last February when the question of the election of an assistant City Messenger came up, I sponsored one gentleman from one side of the room, and he sponsored another from that side, and there was not any opposition to it.

President HANNON—Councillor Hanley.

Coun. HANLEY—Mr. President, twenty-seven years ago, the 29th President of the United States was elected to the highest office that a free people can give. He toured the entire length and breadth of our country with the slogan "He Kept Us Out of War," and immediately on assuming the duties of that high office, through extenuating circumstances, he declared war on Germany on Good Friday. The call went out through the Selective Service for all males who could shoulder arms to come to the defense of this beautiful country, and one of those men who answered the call is now sitting diagonally across from me. That man shouldered arms, not so much in occupied territory, not so much with pen and pencil, not so much with the ranks of Major, Lieutenant-Colonel, or otherwise, attached to his name, but, rather, he shouldered arms and was transported 3,000 miles away into the European fortress. He suffered filth and dirt and vermin. He endured great hardships. But he was motivated by the sincere desire that generations yet unborn should be the beneficiaries of our American life. He was motivated by that sincere desire that only patriots have. He was given the Purple Heart for being wounded. He was cited on two auspicious occasions for bravery under fire. And after the last war he was given a position in the Boston City Council, not as an elected official, but rather appointed by the councillors of that day, and after passing through those years he gave all his life and all his energy to the office bestowed upon him. He has been a credit to the Boston City Council and to the colleagues of the Boston City Council. He has been a credit to his name and to the family that God has seen fit to bless him with. He has been a family man, a husband and an exemplary father. He has seen fit to carry out the demands made upon him by his Creator. He has seen fit to accept this job and to receive the remuneration so that he may be able to bring up his children in the manner prescribed by the decalogue and demanded on our day of restitution. The glory of the uniform did not motivate him in trying to obtain a job in the occupied territory of Sicily, Carthage, or any of those old towns that the dictators governed over 2,000 years ago. But rather he accepted the mandate demanded by the gentle Master Who walked through the dusty roads of Jerusalem and said, "What doth it profit a man if he gain the whole world and suffer the loss of his immortal soul?" and "What in exchange can a man give for his immortal soul?" Those principles have been stultified by many men, and they have been amplified by many men, but the man who sat opposite to me today and who has just left the room has accepted that mandate and to the best of his ability he has utilized his physical and mental qualifications in order to protect the innocent children who he is the father of. Now he is asking for promotion. He is asking you, my colleagues, for the opportunity to go one step higher. He is asking you for a vote, and he is asking you to place outside this hallowed chamber any dictator or any string that is under the threshold of the door that will loosen your lips and pull your tongue to vote for the dictator's man. He is asking you to place aside those material things and to vote on principle, and I ask you gentlemen to pass your vote for a veteran of twenty-five years ago, who was decorated on two occasions and who today can display the Purple Heart, not given to him by any politician. Remember this, and remember it always: We came into this life with nothing and we are going out with nothing and our bodies will become food for the worms, and the way you chastise or the way you carry out your own, is the way you began.

The roll was called with the following result:

For William J. O'Donnell: Coun. Chase, Coffey, Fish, Hurley, Kelly, Kinsella, Langan, Muchnick, Scannell, D. F. Sullivan, M. H. Sullivan, Taylor, Wickes—13.

For Dennis H. Shillue: Coun. Carey, Dwyer, Hanley, Russo—4.

President HANNON—Thirteen members having voted for William J. O'Donnell and four members having voted for Dennis H. Shillue, I declare William J. O'Donnell elected as permanent City Messenger.

ADDITIONAL ELEVATOR OPERATORS.

Coun. D. F. SULLIVAN offered the following: Ordered, That the Superintendent of Public Buildings be directed by his Honor the Mayor to appoint additional elevator operators to employment in City Hall and the City Hall Annex.

Passed under suspension of the rule.

RENAMING OF ROSLINDALE HIGH SCHOOL.

Coun. D. F. SULLIVAN, for Coun. GOODE, offered the following:

Ordered, That his Honor the Mayor be requested to request the Boston School Committee to consider the advisability of renaming the Roslindale High School the "Albert J. Kelly High School" in honor of the memory of the late Major Albert J. Kelly, former instructor at that school, who died while in the service of the armed forces of the United States.

Passed under suspension of the rule.

RECALL OF EAGAN CLAIM FROM COMMITTEE ON RULES.

Coun. LANGAN—Mr. President, on May 12, 1943, a petition was received by the City Council, requesting the City Council to pass upon a claim which has been presented and approved by the Law Department. Since that time apparently the Committee on Claims has been unable to meet and I read in Rule 13, the third section, that "Any matter referred to a committee may be recalled by a majority vote of all the members of the council, if such matter is not reported upon within one month from the date of reference." So that I request, Mr. President, that the Committee on Claims be now polled to return that claim to the open Body.

President HANNON—The Chair will state that the gentleman who is speaking is the chairman of the Committee on Claims, and will rule that the Chair has no power to poll the committee.

Coun. LANGAN—Then I request at this particular time, Mr. President, through you, that the committee be polled.

President HANNON—The Chair will again state that the Chair has no power to poll the committee. The chairman of the committee is the one who should do the polling, and the gentleman who is speaking is the chairman of the committee. If the gentleman wishes to move that the matter be recalled from the committee, the Chair will accept the motion.

Coun. LANGAN—I so move, Mr. President, that the matter be recalled from the committee.

President HANNON—Councillor Langan moves that the petition of Michael J. Eagan for reimbursement be withdrawn from the Committee on Claims and be presented to the Body.

The motion was carried, and on motion of Coun. LANGAN the petition was referred to the Executive Committee.

CONFIRMATION OF JOHN A. BREEN TO HOUSING AUTHORITY.

Coun. HURLEY—Mr. President, I move that the matter of the appointment of John A. Breen to the Boston Housing Authority be removed from the Committee on Rules to the floor of the Council for action.

President HANNON—Councillor Hurley moves that the order for the reappointment of John A. Breen as chairman of the Boston Housing Authority, having been before the committee more than thirty days, be recalled from that committee and come before the Body as a whole.

Coun. DWYER—Mr. President, I hope that this motion does not prevail. This order is still before the Committee on Rules because Mr. Breen is such a hard man to get bold of. The Committee on Post-War Planning held a meeting some six weeks ago and they asked the chairman of that committee, which I happen to be a member of, to notify Mr. Breen to appear before them and tell them of some of those secret things that he is planning for the city, so we may know how good they are going to be for the citizens of Boston as a whole. Some of these things he carries around in his vest pocket, mysterious things, which are not known about until he gets ready to push them across. I certainly hope that the Breen confirmation will be left in the Committee on Rules until the Committee on Rules can have a hearing and have Mr. Breen before them and let him explain some of his actions of the past, some of them of the present, and some of the things he is contemplating for the future.

Coun. HURLEY—Mr. President, we are here to conduct the business of the city and not to stall and fool around with business. This order was introduced into the Council pretty nearly two months ago, and rightfully the President referred it to the Committee on Rules. Rules has had no meeting and has at no time asked Mr. Breen to appear before the committee. I have asked the chairman of the Committee on Rules on a dozen different occasions if he would call a meeting and either pass it or kick it out, not alone this particular thing we are talking on now, but on the appointment of O'Donnell and also on the Act that was passed by the last Legislature to be approved by this Council. If they think that they are sending things in to Rules to kill them, we ought to show that that is not the type of business we are doing in this City Council. It is sickening and disgusting, the action of the different committees in handling the matters that are delegated to them. I think that this matter ought to be brought on to the floor and let everyone stand up either in favor of or against it, but let us get it over with. Why hide these things? Two years ago that particular committee was known as the graveyard, that every order or motion that was sent to it was killed, was left there to die. But the new President gave us the assurance that this would not be a graveyard any more and that any matter sent to Rules would be acted upon right away. Yet the chairman of that Rules Committee has deliberately withheld this from the City Council.

Coun. CAREY—I am the chairman of the Committee on Rules, Mr. President, and I might say that I have been complimented. I have been chairman of the Committee on Rules for the last two years and I have been complimented continuously for having not allowed that Committee of Rules to be a graveyard. I will agree that prior to two years ago it was more or less of a graveyard. But I do not have to apologize to the gentleman from Ward 8. I do not do any ducking. I never have and I never will. I would say that it took a lot of guts for the gentleman from Ward 8 to get up and try to give me that. I don't have to take it from him. I am here every day of the week. We have been through a summer season. It has not been easy. I will say that I have not called a meeting of the committee for that reason. First of all, there was the appointment of Mr. O'Donnell. This Council voted three months ago for the appointment of Mr. O'Donnell for three months. Those three months expired today. This Body has made itself look ridiculous time and time again, and the councilor from Ward 8 wants to make it more ridiculous today. The majority voted for a man for three months, and lo and behold, I think it was the next Monday, or two weeks later, that the councilor from Ward 22, I think it was, introduced an order to proceed with the election of a permanent City Messenger. One day they vote for a temporary City Messenger for three months, and lo and behold, the next week some of the councilors want to go ahead and elect a permanent messenger. They are afraid they will lose something, so that they bring in an order one or two weeks later, saying, "Let's make it permanent." They are making damn fools out of themselves. They were willing at one meeting to vote for a temporary City Messenger for three months, and why didn't they let the thing go at that. It is still more ridiculousness. Now, as far as Mr. Breen is concerned, I don't know if it has made any difference whether we have had a meeting of the Committee on Rules to act on Mr. Breen's appointment or not. I don't know that we are

depriving him of anything. The City Council has approved his appointment every year that I have been in here, every time it has come up, and I think he will probably be confirmed this year. The councilor from Ward 21—and justly so—is desirous that Mr. Breen appear before the Committee on Rules. I think he is entitled to have Mr. Breen here. I believe in protecting each and every member of this Council. If there is certain information that they want to get I believe they should have every opportunity to get it. I do not believe in slipping things through. But I do not see any harm at all in not calling a meeting and having Mr. Breen's confirmation taken up. As far as the other matter is concerned, the matter of the quorum vote here, I don't think a matter of a few days is going to make or break the City Council on that. On that, too, I was using my judgment, and I think good judgment, in waiting until the fall season sets in, when we will be more apt to have a quorum of the committees. We have had committee meetings called, but it has been hard to get a quorum. There are six members of the Council who are in the armed forces, some at distant points, and the rest can't always be here, and it is not an easy thing to call a meeting and get a quorum, and there is no use in calling a meeting unless we can have a quorum. I suppose that I could call a meeting for two o'clock in the morning or on a Saturday afternoon, but I do not believe in doing things like that. I have been sent down here by the people of my district for a purpose. Why? Because I have given them something in return for the honor they have done to me, and I intend to keep it up regardless of whether the councilor from Ward 8 likes it or not. By not calling a meeting of the Committee on Rules I thought I would just save them a little embarrassment, not make them look ridiculous, as was done by voting for a man today and saying, "Well, let's give the 'guy' the job permanently." But I do not have to apologize to the gentleman from Ward 8 for not having called a meeting of the Committee on Rules during the last two or three months. It might have been three months as far as he is concerned.

Coun. TAYLOR—Mr. President, whatever the reasons are that the Committee on Rules did not deliberate on these matters which are before it at the present time, the Rules specifically state that in the event any committee does not act within thirty days the matter can be brought before the Council for action. The appointment of Mr. Breen is an important matter. Mr. Breen has been the chairman of the Housing Authority ever since its creation in the City of Boston, and I can't see any reason why this Body should not act upon it. I don't know why anybody should want to interview Mr. Breen, although it may be his perfect right to do so. I know that Mr. Breen has come before this Council every time he was requested on matters pertaining to housing. He was up here before at the Council's request. I think he has distinguished himself on the job and I don't see any reason why we should not act upon the matter at once, because if you allow these things to drag, the first thing you know the first of the year will be around and all these matters will go out the window. I agree with Councilor Hurley that the matter ought to be acted upon today, and I ask that it be done.

Coun. FISH—Mr. President, I have no objection to having the matter acted upon as soon as it can be acted upon. But when we hear mention of the procedure of the Committees of this Council being sickening and disgusting, I hope that I have the opportunity of having the chairman of the Boston Housing Authority before the Committee on Rules. I believe that I can make certain revelations that will probably make some of the members feel that it is sickening and disgusting. I think it would be very interesting for the Council to know what is being done in housing and it would also be very interesting for the citizenry of Boston to know how the money has been handled in the Boston Housing Authority. I hope that I have the opportunity of being face to face with the chairman, Mr. Breen, before any vote is taken on his confirmation.

Coun. DWYER—Mr. President, a point of information.

President HANNON—The gentleman will state his point of information.

Coun. DWYER—How many votes, Mr. President, does it take to take a matter from a committee to the Council floor?

President HANNON—If it is not returned within one month, a majority of the members of the Council, twelve votes.

Coun. D. F. SULLIVAN—Mr. President, is that a majority or two-thirds of the votes present which are necessary to recall a matter from the committee?

President HANNON—Rule 13 says: "Any matter referred to a committee may be recalled by a majority of all the members of the council, if such matter is not reported upon within one month from the date of reference." If you wish to recall it before the expiration of the month, then a two-thirds vote is necessary.

Coun. COFFEY—May I ask the chairman of the committee through you, Mr. President, if he intends to have a meeting this week, and if so, if he will request Mr. Breen to appear before that meeting?

Coun. CAREY—Yes, I intend to call a meeting this week anyway.

The question came on withdrawing from the Committee on Rules the matter of confirmation of John A. Breen as chairman of the Boston Housing Authority. The roll was called and the motion was defeated, yeas 5, nays 11:

Yeas—Coun. Hurley, Muehnick, Scannell, M. H. Sullivan, Wickes—5.

Nays—Coun. Carey, Chase, Coffey, Dwyer, Fish, Hanley, Hannon, Kelly, Kinsella, Russo, D. F. Sullivan—11.

ACCEPTANCE OF CHAPTER 289.

Coun. HURLEY—Mr. President, I now move that the order regarding the approval of the act of the Legislature regarding the number of votes required for the passage of certain orders and the number of members necessary for a quorum to draw jurors be recalled from the Committee on Rules and acted upon by the Council.

Coun. D. F. SULLIVAN—Mr. President, when was that order referred to the committee?

President HANNON—The Chair will have to check with the clerk. The clerk is rather short-handed due to the absence of his right-hand bower, but according to his best knowledge it is over thirty days since the matter was referred.

Coun. D. F. SULLIVAN—I believe we should delay action until we get the correct date.

President HANNON—The Chair will declare a recess so that the clerk may get the desired information.

(A short recess was taken at 3.42 p. m.)

The clerk informs the Chair that the order mentioned was referred to the Committee on Rules on August 2.

Coun. COFFEY—Will the clerk read the order, please?

President HANNON—The Chair will have to call a recess until we get the order.

(A short recess was taken at 3.43 p. m.)

In answer to Coun. Coffey's question, the order which was referred to the Committee on Rules on August 2 reads as follows: "Ordered, That chapter 289 of the Acts of 1943, entitled 'An Act Relative to the Vote Required for the Passage of Certain Orders by the City Council of the City of Boston and to the Number of Members Thereof Necessary to Proceed with the Drawing of Jurors, during the Present War,' be, and hereby is, accepted." And the act itself was rather lengthy.

Coun. COFFEY—That is what I would like to hear.

President HANNON—The Chair will read the act.

Coun. RUSSO—Mr. President.

President HANNON—For what purpose does the gentleman rise?

Coun. RUSSO—Mr. President, I only feel that it is proper to allow the Committee on Rules at this time to call a meeting, having in mind that we have been adjourning for two or three weeks at a time. I feel that we should allow that committee time, now that we are going to meet every week, to call a meeting of the committee and bring in a report, and that is the only reason why I shall vote against taking this from the committee.

Coun. SCANNELL—Mr. President, I move that the motion made by the councilor from Ward 8 be sent to the Executive Committee.

President HANNON—Councilor Scannell wishes the motion sent to the Executive Committee. The Chair will state that it is not a proper subject for the Executive Committee.

Coun. KELLY—Mr. President, what is before the Body?

President HANNON—The question before the Body is recalling from the Committee on Rules the order sent there on August 2.

Coun. KELLY—Mr. President, I think it is kind of a lengthy document which you have in your hand there, and I do not think that the laymen of the Council would understand it—I know I would not. I do not claim to be the brightest fellow in the world, but I always like to have time to think things over. I will admit that in the past month I have not been around the Hall as much as I would have liked to have been, and I know that if the chairman of the Committee on Rules had called a meeting that I probably would have been unable to attend it. As one of the six members of the Committee on Rules, I would like to go into the thing thoroughly. I would not like to have it discussed in Executive Committee. I would like to go into it thoroughly. There are gentlemen who can enlighten the laymen of the Council about what that act is. I know that lots of times a thing is put on the ballot for a Yes or No vote and nine out of ten people who go into the booth don't know what they are voting on. If a thing like that comes before the Council we can probably call the Corporation Counsel or one of his assistants, or our good genial friend, Mr. Doyle, and he can tell us about it in detail. I think the chairman of the Committee on Rules was right in not calling meetings in the last month or six weeks, but I understand that the chairman of the Committee on Rules will call a meeting for next Thursday and then I think the Committee on Rules can take care of any unfinished business.

Coun. KINSELLA—Mr. President, I move that this matter be tabled for a week, during which time we can be furnished with a copy of the act, which I think might be procured at the Secretary of State's office, and each one of us can then have an opportunity to study it. I know, generally speaking, without any specific knowledge of the subject, that it concerns something like the presence of nine men for certain purposes, and seven for certain other purposes to form a quorum. Originally, with a Council containing twenty-two members a majority would be twelve. It is a knotty, complex, complicated act, and before we act on it we should be very certain that we know what it is all about.

Coun. HURLEY—Mr. President.

President HANNON—For what purpose does the gentleman rise?

Coun. HURLEY—Mr. President, I will withdraw my motion, hoping that the Committee on Rules will have a meeting in the near future.

President HANNON—Is there any objection? There being no objection, the motion is withdrawn.

Coun. KINSELLA—The other half of my motion, concerning the furnishing of a copy to each of us—I think I might be able to go along with it.

President HANNON—The City Messenger will be directed to obtain and furnish to each member of the City Council a copy of the act relative to the necessary number of votes in the Boston City Council, which matter is now before the Committee on Rules. The City Messenger will mail them out so that the members will have them before the meeting on Thursday.

SHELTER AT FRANKLIN PARK CAR STATION.

Coun. MUCHNICK offered the following:

Ordered, That the trustees of the Boston Elevated Railway Company be requested, through his Honor the Mayor, to erect an overhead shelter at the Franklin Park car station in Ward 14, Dorchester, to replace the waiting room that was demolished when Blue Hill avenue was reconstructed, so that persons waiting for street cars may be properly protected from the elements during inclement weather.

Coun. MUCHNICK—Mr. President, that particular location on Blue Hill avenue, at the junction of Columbia road, is the junction of three different car routes. There are there many times as many as 150 people waiting for transportation, and in the past, prior to the reconstruction of the street, there had been two large waiting rooms. At the present time there are no facilities for such waiting rooms, but there are facilities for the erection of a roof that will give some shelter to persons waiting.

The order was passed under suspension of the rule.

CUSTODIANS IN BATH DIVISION OF PARK DEPARTMENT.

Coun. COFFEY, KINSELLA, RUSSO, SCANNELL and KELLY offered the following:

Ordered, That his Honor the Mayor be requested to instruct the Budget Commissioner to arrange for an increase in salary from \$2,000 to \$2,200 for custodians in the Bath Division of the Park Department, placing them on the same scale as custodians in the Public Buildings Department.

Passed under suspension of the rule.

EXAMINATION IN FIRE DEPARTMENT.

Coun. KELLY offered the following:

Ordered, That his Honor the Mayor be requested to confer with the Civil Service Commission and Director relative to the advisability of allowing members of the Fire Department who are in the military or naval service of the United States and who are at present located in this country, to take the examination for lieutenant in the Boston Fire Department, which is to be held on November 6 next.

Passed under suspension of the rule.

PROPER ALLOTMENTS OF OIL.

Coun. KELLY offered the following:

Ordered, That the Overseers of Public Welfare be requested, through his Honor the Mayor, to protect recipients of welfare aid, mothers' aid, and old age assistance by seeing to it that they receive their full allotment of oil in return for the amounts indicated on the checks which they turn over to the individual or concern holding the contract for the delivery of oil to said recipients in each district of the city.

Coun. KELLY—Mr. President, I realize that some times we get up on the floor of the Council and say a lot of things that do not mean anything, but I recall that last winter, during the cold months, there were a lot of people in my district who were on old age assistance who had trouble getting oil from a certain firm out in Dorchester which had the contract with the City of Boston. I brought it up on the floor of the Council last winter, and I brought specific cases into the committee where this certain company would call at the home and collect the check for, say, 75 gallons of oil from the people who were on old age assistance but only deliver 50 gallons at the time, and the people would then run out of oil at their home. I guess there were few men in public office who did not have that experience. Possibly this company would return and give the other 25 gallons of oil. Although at that time they did not forget to cash the check for the 75 gallons of oil. I say if these companies are going to do business with the City of Boston this year—and I understand that the contracts are awarded—I say that they ought to take care of their contracts if we have an oil situation this winter as it was last year. I realize that the contract price is probably two or two and a half cents a gallon cheaper than they might be able to get for a cash sale, but nobody is forcing them to take the contract from the city, and these people who are on old age assistance, especially the old folks, these people who are not able to look out for themselves, ought to be protected, and when that company, or any company in the City of Boston, comes into these homes and takes their checks for, say, 75 gallons of oil, and the people do not happen to have containers for 75 gallons of oil, at least they have taken the money for the 75 gallons of oil, and when only 25 or 50 gallons is given out, they ought to return and deliver the rest of it so that these people will be able to keep warm. As I say, nobody forces them to take these contracts. I have already read in the *City Record* where contracts have been awarded to this same concern out in Dorchester, which would take in Ward 15 of Dorchester. I suppose that won't have to come up on the Council floor. This is not any political speech. I got up last winter, and I trust that I will not have to get up on the floor of the Council this winter in an endeavor to help the poor people

who cannot help themselves. Time and again, the people of Dorchester and all over the City of Boston, last winter had to go out and in their own cars deliver the oil to the poor people who had already delivered their checks to the contractors. I trust the contractors will live up to their contracts this year and take care of the people who have given up their checks for the oil that should be delivered to them.

At the request of Coun. Coffey, the order was again read.

Coun. COFFEY—Mr. President, I am glad that the councilor from Dorchester introduced this order. Last year we had a similar situation in East Boston. I got in touch with the Boston Ice Company, which had the contract to deliver oil to the welfare and soldiers' relief recipients. At one time they went three weeks and three days without the delivery of one drop of oil. I got in touch with the officials of the Boston Ice Company, who had their office in Everett at that time, but who in the last few days of the three weeks and three days when they did not deliver any oil moved to Chelsea, and I asked them the reason why they did not deliver the oil, and the excuse they gave me was that one of their drivers was sick and they had nobody to put on the truck. If it was not for the Police Department of East Boston many of the poor people in East Boston last year would have gone cold. I know there were two cruising cars that went around on an average of ten hours a day delivering oil to the welfare and soldiers' relief recipients, and others also who could not get the oil. There was the Boston Ice Company and another company in Boston—I think it was the East Boston Coal Company—which failed to live up to the agreements that they had made with the city for delivering coal. I think that this order ought to be referred to the Committee on Welfare, and that we ought to hold a hearing and that we ought to have these contractors who have received the contracts before us, and we ought to have Mr. O'Hare from the Welfare Department, and ought to get together the Welfare head and the contractors who have these contracts and find out if they intend to live up to their agreements. In view of the fact that they have failed to live up to their agreements in the past, if they want to forfeit the contracts there will be a lot of these oil and coal dealers in the district who will get a crack at getting a part of this business for the Welfare and Soldiers' Relief Departments. I now move that the order be referred to the Committee on Welfare.

The question came on referring the order to the Committee on Public Welfare.

Coun. KINSELLA—Mr. President, speaking on the motion of Councilor Coffey, I am probably being rather premature when I predict here and now that we will have a much tougher time this winter than we had last winter. I think that last winter I probably made three or four hundred different requests of the Boston Ice Company to live up to the terms of their contract, and I never got anything more than a polite agreement that my request was a reasonable one, but the people who were the recipients of my intervention did not profit, and I think if the truth were told, each and every member of the Council encountered the same kind of treatment. I don't know, frankly, what good a meeting of the Committee on Public Welfare is going to do now. I don't know how we are going to pin them down so that there will be no trouble. I think we hold these meetings by courtesy and we hear them. We can't pin them right down, and they walk off with a slight smile, which is another way of saying, "That is over with and we will go along as we please." You gentlemen who are serving on committees know it is true. These people can't get anything more than the price of the contract for the fuel oil unless the fuel situation is more complete and more reliable than last year. Word comes to us every day at a cost of two cents, the price of a newspaper, that the oil situation won't be any better this year than it was last year. Now, why do we let contracts to people who violate every term of them as recently as twelve months ago? I don't see any reason, any moral reason, for taking on the same people who could not discharge the terms of their obligations a year ago and create this burden all over again. If we have a winter beginning around November that begins to approximate what we had last year, God Almighty must help the poor

people of this city. That is not a political speech either. I would like to see those charged with the responsibility of giving aid and comfort to the unfortunate poor people of this city held to account for failure to see that these people have heat in their homes, that they are not victimized by nothing more or less than cheap racketeer contractors who have no intention of living up to the terms of their contracts. Before the thermometer drops to 40 above, and then 10 above, let us find out what they can do to meet the obligations properly specified in their contracts. Let us know if they have got enough equipment. Let us know whether or not they have got the priorities. Let us know what percentage of their annual normal supply they are going to be given. Let us know whether or not they are going to take a check for 75 gallons in December and deliver the last of it in February. I suggest, let us find it out. I will wager any man in the chamber that before the middle of November we will have sufficient ground to proceed against most any one of them, or all of them, for breaking the contract they never should have been allowed to enter into.

The order was referred to the Committee on Public Welfare.

COAL AND OIL FOR BOSTON RESIDENTS.

Coun. RUSSO offered the following:

Ordered, That his Honor the Mayor be requested to intercede with the Federal Fuel Administrators and urge that a sufficient amount of coal and oil be available for the use of Boston residents in order that they will not be subjected to the hardships of last winter.

Coun. RUSSO—Mr. President, I think it is the general feeling of the people of the City of Boston that this year we will be confronted more severely even than last year with circumstances in regard to the oil and coal for the coming winter. Naturally, due to the enlightenment and the information given by our local newspapers, we know that unless something is done the people of the City of Boston are not going to receive their proper share of oil and coal. I am only wondering, Mr. President, whether somebody should not get to talking good and even hollering about things, because it seems to me that the people of the City of Boston are very nice people and are not alarming themselves, until the actual time comes when they do not receive their proper share. It is not because of any question so far as their patriotism is concerned, because I believe the people of the City of Boston have demonstrated their patriotism in the war effort. But it is a notion they have in some of the western cities and towns. Through their representatives they bring themselves into the light and they are the first ones to receive it, and it is because the people of the City of Boston are courteous and that the representatives of the City of Boston do not say anything about it, that they feel that they can put it over the citizens of the city. So therefore I ask now that his Honor the Mayor do all within his power to make it possible for the people of the City of Boston to get what they are entitled to, to get their fair share, to see that they have comfort in their homes, because it is bad enough to have in mind their boys, their sons and their sweethearts, in all parts of the world, fighting this terrible war, and I say that it will be hanging upon those boys if they feel for one moment that their parents and loved ones that they left behind are not properly cared for. I hope that the order will pass.

The order was passed under suspension of the rule.

REPAVING OF FLEET STREET.

Coun. RUSSO offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to resurface with smooth paving Fleet street, Ward 3.

Passed under suspension of the rule.

REPAVING OF OAK STREET.

Coun. RUSSO offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the

Mayor, to resurface with smooth paving Oak street, Ward 3.

Passed under suspension of the rule.

CONDITIONS AT CITY PRINTING PLANT.

Coun. FISH and KELLY offered the following: Ordered, That his Honor the Mayor be requested to investigate complaints received by the City Council concerning irregular hours, working conditions and inequalities in wages of employees of the City Printing Plant.

Referred to Committee on Printing.

INCREASE OF STATE WAR ALLOWANCE MAXIMUM.

Coun. FISH offered the following:

Resolved, That the Boston City Council, in meeting assembled, favor immediate action by the Governor to increase the State War Allowance maximum from \$50 to \$75.

Coun. FISH—Mr. President, this is very briefly an explanation of that resolution. It takes two, three, four or five months to grant the war allowances for allotment by the service men to their families. In the meantime the state helps these people to the extent of a maximum of \$50. There are hundreds of cases where this \$50 is not sufficient and where in the city further support is given them through the Soldiers' Relief. Where it is fundamentally a Federal obligation I believe that since they are late in getting these allotments the state itself should give the benefit of the allotment in the meantime.

The resolution was adopted under suspension of the rule.

LIGHTING CONDITIONS, PAULA STREET.

Coun. WICKES offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to improve lighting conditions on Paula street, Ward 17.

Passed under suspension of the rule.

SIDEWALKS ON BAILEY STREET.

Coun. WICKES offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to resurface sidewalks on Bailey street, Ward 17, Dorchester.

Passed under suspension of the rule.

SNOW REMOVAL FOR COMING WINTER.

Coun. WICKES offered the following:

Ordered, That his Honor the Mayor be requested to confer with Public Works Commissioner George T. Hyland regarding this winter's snow removal program in an effort to anticipate and be prepared for problems involving the acute manpower shortage and related problems concerning the general welfare, and matters dealing with the prosecution of the war effort during the coming critical times when the expeditious handling of the snow removal program may prove of vital import.

Passed under suspension of the rule.

RECESS.

On motion of Coun. WICKES the Council voted to take a recess at 4.10 subject to the call of the Chair. The members reassembled and were called to order by President HANNON at 4.50 p. m.

EXECUTIVE COMMITTEE REPORTS.

Coun. TAYLOR, for the Executive Committee, submitted the following:

1. Report on message of Mayor and order (referred today) re contract with Government for use of portion of Court House—that same ought to pass.

Report accepted; said order passed.

2. Report on message of Mayor and order (referred today) for sale of gate valves for \$5,339.40—that same ought to pass.

Report accepted; said order passed.

3. Report on message of Mayor and order (referred today) for transfer of property on Lake Shore road from Board of Real Estate Commissioners to Park Department—that same ought to pass.

Report accepted; said order passed.

4. Report on message of Mayor and order (referred today) for transfer of property on Albany street from Board of Real Estate Commissioners to Public Works Department—that same ought to pass.

Report accepted; said order passed.

5. Report on petition of Michael Egan (referred today) to be reimbursed for amount of execution issued against him on account of his acts as operator of fire apparatus, recommending passage of accompanying order, viz.:

Ordered, That the sum of twenty-five hundred dollars (\$2,500) be allowed and paid to Michael

Egan 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.

MEETING OF COMMITTEE ON PUBLIC WELFARE.

President HANNON—Councilor Kinsella wishes to announce that next Monday morning, at half-past ten, there will be a meeting of the Committee on Public Welfare, at which time the question of fuel and heating contracts will be taken up.

On motion of Coun. COFFEY the Council adjourned at 4.52 to meet on Monday, September 20, 1943, at 2 p. m.

CITY OF BOSTON.

Proceedings of City Council.

Monday, September 20, 1943.

Regular meeting of the City Council in the Council Chamber, City Hall, at 2 p. m., President HANNON presiding. Absent, Coun. Foster, Goode, Langan, Linehan, Lyons, Wickes.

The meeting was opened with the salute to the Flag.

APPOINTMENTS BY THE MAYOR.

Subject to confirmation by the Council, the Mayor submitted the following appointments, viz.:

Weigher of Coal: Eustis E. Beattie, 908 Beacon street, Boston, Mass.

Weighers of Goods: Charles D. Parrott, 92 Atlantic street, North Quincy, Mass.; George W. Rechel, 75 Chestnut street, Boston, Mass.

Severally laid over a week under the law.

TRANSFER TO BOARD OF ASSESSORS.

The following was received:

City of Boston,

Office of the Mayor, September 20, 1943.

To the City Council.

Gentlemen,—I am in receipt of the attached communication from the Board of Assessors in which a transfer of \$15,000 is requested from available sources to be used for the employment of temporary personnel in completing incorporation personal property tax bills, motor vehicle excise tax bills, supplementary poll tax bills and the abatement of poll taxes of men in the service and persons over seventy years of age. This abatement work has been caused by legislation enacted at the current session of the Legislature and no provision, naturally, was made for this expenditure in the Assessing Department budget of the current year.

At the present time the Assessing Department has a force of sixty temporary employees engaged in this work. The employees will be exhausted on Thursday of this week. In order to prevent any temporary cessation of the work of this group I sincerely trust your Honorable Body will give immediate consideration to this particular transfer and, if possible, take affirmative action on the same at today's meeting.

Respectfully,

MAURICE J. TOBIN, Mayor.

To Hon. Maurice J. Tobin, Mayor of Boston.

From John P. Doherty, Secretary, Board of Assessors.

Subject: Transfer of Funds.

Dear Sir,—We respectfully request the transfer of \$15,000 to A-2 from available sources to be used for the purpose of completing tax bills relating to incorporation personal property, 3,000 items; supplementary poll tax billing, 8,000 items; February to December excise tax bills, 28,000 items, and abating the poll tax bills of World War veterans and those persons over seventy years of age, 75,000 items.

All this work is current 1943 tax billing and abatements to clear the records of poll taxes that are uncollectible under the law.

Due to a change in the law this year, all the tax bills were to be in the hands of the taxpayers on or before September 1st. This necessitated much additional work in order to comply with the law and have as many of the tax bills finished on September 1st as possible, and most of these bills were turned over to the Collector and sent out to the taxpayers prior to that time. There remains, however, work on the particular items specified above that must be speedily completed and in order to do this work additional funds are requested.

Very truly yours,

BOARD OF ASSESSORS;

by JOHN P. DOHERTY, Secretary.

Ordered, That under the provisions of section 3B of chapter 486 of the Acts of 1909 as amended by chapter 604 of the Acts of 1941, the City Auditor be, and is hereby, authorized to make the following transfer:

From the appropriation for Reserve Fund, \$15,000, to the appropriation for Assessing Department, A, Personal Service, \$15,000.

Referred to Executive Committee.

TRANSFER TO PUBLIC WORKS DEPARTMENT.

The following was received:

City of Boston,

Office of the Mayor, September 20, 1943.
To the City Council.

Gentlemen,—In order that the motor vehicle equipment in the Sanitary and Paving Divisions of the Public Works Department may be prepared for winter service, particularly in the removal of snow, additional funds will be needed to make the necessary repairs. I am inclosing herewith an order transferring the sum of \$14,000 from the Snow Removal item, \$11,000 of which is for the Sanitary Service and \$3,000 for the Paving Service, and recommend adoption by your Honorable Body.

Respectfully,

MAURICE J. TOBIN, Mayor.

Ordered, That under authority of section 3B of chapter 604 of the Acts of 1941 the City Auditor be, and hereby is, authorized to transfer:

From the appropriation for Special Appropriation, Snow Removal, \$14,000, to the appropriation for Public Works Department, Sanitary Service, B, Contractual Services, \$7,000; C, Equipment, \$4,000; Paving Service, B, Contractual Services, \$2,000; C, Equipment, \$1,000.

Referred to Committee on Appropriations.

TRANSFERS BETWEEN DEPARTMENTS.

The following was received:

City of Boston,

Office of the Mayor, September 20, 1943.
To the City Council.

Gentlemen,—The inclosed requests for transfer of appropriations, together with the accompanying orders, are forwarded for consideration and adoption by your Honorable Body.

Respectfully,

MAURICE J. TOBIN, Mayor.

Ordered, That under authority of section 3B of chapter 604 of the Acts of 1941 the City Auditor be, and hereby is, authorized to transfer:

From the appropriation for Boston Port Authority, A, Personal Service, \$500; G, Incidentals, \$650, to the appropriation for Statistics Department, A, Personal Service, \$1,150.

Ordered, That under authority of section 3B of chapter 604 of the Acts of 1941 the City Auditor be, and hereby is, authorized to transfer:

From the appropriation for Suffolk County Court House, Custodian, A, Personal Service, \$210, to the appropriation for Associate Medical Examiner Service, Southern Division, B, Contractual Services, \$210.

Ordered, That under authority of section 3B of chapter 604 of the Acts of 1941 the City Auditor be, and hereby is, authorized to transfer:

From the appropriation for Suffolk County Court House, Custodian, A, Personal Service, \$842.25, to the appropriation for Medical Examiner Service, Southern Division, C, Equipment, \$842.25.
Referred to Committee on Appropriations.

PETITIONS RECEIVED.

The following petitions were received and referred to the committees named, viz.:

Claims.

Fannie Bearak, for compensation for injuries caused by an alleged defect in Wales street, Dorchester.

Grace Brennan, for compensation for injuries caused by an alleged defect at 81 Park Drive.

Patrick Collins, for compensation for damage to car caused by an alleged defect at Cambridge street.

Mrs. James Gallabue, for compensation for injuries caused by city truck.

James Woods, for compensation for damage to truck by Ladder Truck 4.

Executive.

Petition of Gertrude E. Mitchell to be paid an annuity on account of death of brother, Albert F. Mitchell, late member of Fire Department.

PRINTING OF BUILDING CODE, ETC.

President HANNON offered the following:

Ordered, That the Building Commissioner be, and hereby is, authorized to have printed and charged to the Contingent Fund an edition of 8,000 copies of the Building Code of the City of Boston, as amended; 1,000 pamphlets containing the gas fitting regulations and 500 pamphlets containing the hospital regulations. Of the Building Code the commissioner shall furnish to each member of the City Council two copies and shall retain for the use of the Building Department and for distribution among other departments, boards and libraries, 256 copies, and shall place the remainder on sale to the public at the price of \$2.50 each. The commissioner is also authorized to sell the pamphlets on gas fitting and hospital regulations at a price sufficient to reimburse the city for the expense incurred in printing them.

Referred to Committee on Printing.

CITY-OWNED AIRPORT.

Coun. HANNON offered the following:

Ordered, That his Honor the Mayor be requested to appoint a committee to make a survey of locations in the City of Boston suitable for use as a city-owned airport.

The order was passed under suspension of the rule.

Later in the session, Coun. COFFEY asked for reconsideration and said:

Mr. President, could I have an explanation from the Chair? Is the councilor who introduced the order willing to explain the purpose of the order?

President HANNON—Well, the Chair would just as soon have the matter reconsidered and refer it to a committee if that would satisfy the gentleman. I would be perfectly willing to give an explanation if he wishes.

Coun. COFFEY—I would like the information. I do not get the set-up. I do not like the tactics which were used here a couple of years ago when the State took over the airport. At that time I was very much in favor of it, along with the other councilors, including Councilor Shattnok, but since then I do not like the things which have happened, the way the airport was maneuvered into the hands of the State. I voted in favor of it at the time because I thought that the City of Boston was going to save a lot of the taxpayers' money and that the State would pay the bills for making the plans and extending the airport, and so forth. But I do not like the way things went. I do not like the way things were handled. I do not like the way some of the property over there has been abated to the amount of hundreds or thousands of dollars, only to learn later that the State was going to come in and pay the full value of the land to the owners over there who had received large abatements. That is why I am suspicious of anything that comes up before this Body pertaining to any airport in the City of Boston. If it was in some other section of the Commonwealth I would be very much in favor of it, especially out in the wastes of Newton, where I think they should have an airport, and it could be a good airport. I have yet to have anybody in my district of over 70,000 people say to me that they are in favor of any expansion of that airport, or that they are in favor of in any way whatsoever extending it. I can't see locally where we are going to benefit by the extension of this airport. I should agree that the City and the State as a whole will benefit, but we in East Boston do not want any mud flats over there, and that is what we are going to get. We have lost a beautiful bathing beach when we got the airport. The airport has never been of any value. It is one of

the airports throughout the entire country that the Government has not recognized, that the Government has refused to send any funds over for expanding or extending, and I can't for the life of me see why this order is introduced, where we are going to get with it, what good it is going to be to us if we are going to have a State airport there, one of the biggest in the country, so the Governor says, or those who are interested in it say. And we find out that those who are interested at the moment happen to be shareholders, which is something we never knew when we transferred the land from the City to the State. So that I am of a suspicious nature on anything pertaining to a Boston-owned airport, in view of the fact that some millions of dollars are going to be spent to extend the State-owned airport, which was primarily a Boston-owned airport. I would like to have reconsideration of this matter and have it sent to a committee.

President HANNON—If the Chair may be permitted to answer, the facts stated by the gentleman from East Boston are just the reasons why I felt that there should be some committee appointed to see whether or not Boston should have a municipally-owned airport. As it is now, as the gentleman has well said, the State owns the East Boston airport, yet the papers nowadays are filled with stories of the extension of aeronautics after the war and how advantages are to accrue to those cities which have proper air facilities. I think that now is a propitious time for some committee to be appointed. I have in mind, as a matter of fact, our own committee here which is working on post-war planning, and I merely offered this order at this time so that we might arouse some interest and get something done. I am not opposed to reconsideration; in fact, I favor it, and if reconsideration does prevail I will refer the matter to the Committee on Public Lands.

Reconsideration prevailed and the order was referred to the Committee on Public Lands.

REMOVAL OF ASHES AND GARBAGE, WARD 17.

Coun. M. H. SULLIVAN, for Coun. WICKES, offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to remove ashes and garbage regularly each week from the Ward 17 section of Boston.

Passed under suspension of the rule.

RESURFACING OF SELDEN STREET.

Coun. M. H. SULLIVAN, for Coun. WICKES, offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to resurface Selden street, Ward 17, as soon as possible.

Passed under suspension of the rule.

CLEANING OF WARD 17 STREETS.

Coun. M. H. SULLIVAN, for Coun. WICKES, offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to arrange for the thorough cleaning of all streets in the Ward 17 section of Boston.

Passed under suspension of the rule.

GAS LAMPS IN WARD 17.

Coun. M. H. SULLIVAN, for Coun. WICKES, offered the following:

Ordered, That the Public Works Commissioner be requested, through his Honor the Mayor, to communicate with the proper authorities in an effort to place the various gas lamps on the streets of Ward 17 in operation again.

Passed under suspension of the rule.

VISITS TO OLD AGE ASSISTANCE RECIPIENTS.

Coun. M. H. SULLIVAN, for Coun. WICKES, offered the following:

Ordered, That the Overseers of Public Welfare be requested, through his Honor the Mayor, to see if some arrangements can be made whereby visits to the recipients of old age assistance in Ward 17 be made more regularly.

Passed under suspension of the rule.

PAINTING OF WARD 17 CROSSWALKS, ETC.

Coun. M. H. SULLIVAN, for Coun. WICKES, offered the following:

Ordered, That the Boston Traffic Commissioner be requested, through his Honor the Mayor, to paint all crosswalks and sections in front of churches and schools in the Ward 17 section.

Passed under suspension of the rule.

FIRE DEPARTMENT EXAMINATION.

Coun. KELLY offered the following:

Ordered, That his Honor the Mayor be requested to confer with the Civil Service Commission and Director relative to the advisability of allowing members of the Fire Department who are in the military or naval service of the United States, whether in this country or outside, to take the examination for lieutenant in the Boston Fire Department, which is to be held on November 6 next.

Passed under suspension of the rule.

RECESS.

The Council voted at 2.29 p. m., on motion of Coun. HANLEY, to take a recess subject to the call of the Chair. The members reassembled and were called to order by President HANNON at 2.43 p. m.

EXECUTIVE COMMITTEE REPORTS.

Coun. TAYLOR, for the Executive Committee, submitted the following:

Report on message of Mayor and order (referred today) for transfer of \$15,000 from Reserve Fund to appropriation for Assessing Department, Personal Service—that same ought to pass.

The report was accepted and the order was passed, yeas 14, nays 0.

REPORT OF COMMITTEE ON APPROPRIATIONS.

Coun. DWYER, for the Committee on Appropriations, submitted the following:

Report on message of Mayor and order (referred September 13) for transfer of \$3,500 from appropriation for Head House, South Boston, to appropriation for Park Department, Contractual Services—that same ought to pass.

Report accepted, said order passed, yeas 15, nays 0.

REPORT OF COMMITTEE ON ORDINANCES.

Coun. FISH, for the Committee on Ordinances, submitted the following:

Report on message of Mayor and ordinance (referred September 13) increasing number of deputy sealers from sixteen to eighteen—that same ought to pass.

Report accepted; said ordinance passed.

LIST OF ABATEMENTS.

Coun. HANLEY offered the following:

Ordered, That his Honor the Mayor request the assessors of the City of Boston to prepare and compile a complete list of all names, properties and amounts of all abatements granted by them from January 1, 1938, to January 1, 1943, inclusive; and be it further

Ordered, That his Honor the Mayor request the Appellate Tax Board to prepare and compile a complete list of all names, properties and amounts

of all abatements granted by them to Boston property owners from January 1, 1938, to January 1, 1943, inclusive; and be it further

Ordered, That his Honor the Mayor expedite the compilation of requested lists and submit them to the Boston City Council before he takes his leave of absence and enters the armed forces of our country in view of the fact that the issuance and publication of such lists might explain the exorbitant tax rate of the City of Boston.

Coun. HANLEY—Mr. President, one of the greatest questions arising in the minds of the people of Boston is why the tax rate of the City of Boston should be hovering around \$41 per thousand. I am introducing this order today so that his Honor the Mayor will not have an excuse to say that it was pulled on him after he had left our shores, and I only hope that he takes cognizance of the contents of this order and presents the City Council all the data asked for in the order. I ask for a suspension of the rule and the passage of the order.

Coun. TAYLOR—Mr. President, it seems to be the opinion of some of the members of this Body, and also the opinion of many of the citizens of our city, that the Assessing Department in the City of Boston has granted a lot of large abatements. Before his Honor the Mayor entered into the position of Mayor of this city—about a year previous to that—there was a shake-up in the Assessing Department due to the fact that large abatements were being given in the Assessing Department. As a result of that I believe that when his Honor the Mayor took office he was exceedingly careful that no criticism be leveled at him or his administration pertaining to large abatements given to large property holders in the City of Boston. There is no question or doubt that many large abatements have been given in the City of Boston, but they have not been given by the Assessing Department of the City of Boston. Unfortunately, we have now a board called the Appellate Tax Board, appointed by his Excellency the Governor, to which those who apply for abatements can appeal any decision of the Board of Assessors of the City of Boston, and I regret to say that since the year 1930 the assessed valuation of properties in the City of Boston has been reduced from a figure of somewhere near two billions of dollars down to about one billion and three or four hundred million dollars, and this was brought about by the actions of the state appellate board, the Appellate Tax Board of the state. No large abatement, amounting to anything at all, has been granted by the Board of Assessors, but there has been an attempt, during the campaign for mayor, by those who disliked the Mayor, to charge him with whatever tax abatements have been made, but naturally the Mayor of the City of Boston is not responsible for those tax abatements. It is not the fact that he is. The abatements have been granted by the State Appellate Tax Board, and this has been going on for many years. There are many favored attorneys up before the Appellate Tax Board. There is a building right down here at 209 Washington street, which was assessed for \$800,000, and the owners went before the Board of Assessors of the City of Boston and the assessors denied the application for abatement. They then went before the Appellate Tax Board and they got a reduction from \$800,000 to \$400,000. There was the Sears Building, assessed for \$1,300,000, and the assessing board of the City of Boston refused to grant an abatement. They went up before the Appellate Tax Board and they reduced it to \$900,000. Many more instances of this type have been presented before the Assessing Department of the City of Boston. It might have been better, perhaps, for the Assessing Department to have settled those cases; they might have saved the city money; but they did not do it and the people went before the Appellate Tax Board and that board cut the assessments. That is the reason for the high tax rate, not the actions of any man appointed by his Honor the Mayor or his Honor the Mayor himself. The Appellate Tax Board is responsible for the reduction in the value of properties in the City of Boston. It may be that they may be honest in their opinions, it may be that the property is not worth any more; I don't know, and I can't contest that. I have not gone into the fact. But when anybody attempts to cast aspersions on his Honor the Mayor, or those he has appointed, as being responsible for the cutting down of the taxes on these properties, they don't know the facts. There is a different reason behind it.

Coun. M. H. SULLIVAN—Mr. President, to my mind the present Mayor of Boston has been a constant foe of the tax abatement racketeer who flourished in this city prior to his incumbency in office. At the suggestion and with the backing of his Honor there was presented to the Massachusetts Legislature shortly after Tobin took office a bill whereby any property owner having property assessed at more than \$10,000, who sought an abatement, was compelled to pay the full tax for the current year in which he sought the abatement prior to October 1. This very definitely was a blow at the racketeer in the real estate game, who previously, in other years, had sought abatements and had filed prior to the statutory date of October 1 and then had not paid the tax, hoping thereby to make a settlement with the city at a far lower rate than that at which the property was originally appraised. As a consequence of this some land owners, some real estate sharks, were able to avoid paying their taxes for a period of six or seven years prior to the Tobin incumbency in office. The city at the time was in very poor financial condition and was constrained at times to make settlements with these sharks. But now, as the result of the new legislation, these men must pay their taxes prior to October 1 of the year in which they seek an abatement, and accordingly they have no talking point when they go over to the Assessing Department hoping to make a settlement. It is a fair statement and it is a true statement that not once in the past six years has a settlement been made on any back taxes, and accordingly I think that that proves very conclusively and definitely the fact that there is no racketeering going on as far as the personnel of the Assessing Department is concerned and as far as the man on the second floor is concerned. More than this, those who happen not to be the owners of record on January 1 must pay their taxes in full prior to October 1 of the year in which they want an abatement. This again hampers the activities of the speculators and racketeers and the black market in real estate in Boston when they go before the Assessing Department. Now if a man buys a house after January 1 and hopes to speculate on the taxes of that year, he is out of luck as far as making a settlement is concerned, because he has to pay the taxes before October 1.

Coun. CAREY—Mr. President, as I listened to the order that was read, it was an order or a request that the Mayor ask the assessors of the City of Boston to prepare and compile a complete list of all abatements. I saw nothing in the order that relates to the Assessing Department, but, of course, the assessors are a part of the Assessing Department, but we do not, I am sure, want the order to be misconstrued completely. I wish the councilor from Ward 11 success in getting the information that he seeks. At our meeting on Monday, May 24, I introduced an order in which I was a little more lenient than the councilor from Ward 11, and that order was, "That the Board of Assessors be requested, through his Honor the Mayor, to furnish the City Council with a list of the names and addresses of individuals or corporations owning property on which an abatement of \$5,000 or more has been granted during the past two years." No answer has been returned from the Board of Assessors to his Honor the Mayor since the introduction of that order. I have not forgotten it, as a matter of fact, and I intend to see that a reply is made, or at least to continue to request a reply until the information is given. Now, it is true that the great reduction in the valuations of the City of Boston has come through the activities that go on at the Appellate Tax Board. My point for alarm—and I hope that I am not justified in it—has been that I have not felt that the assessors have given proper consideration to the matter of applications that have been placed before them. In altogether too many cases they have completely refused to give any consideration to the matter, so what would you expect? The aggrieved party had one recourse, and that was to the Appellate Tax Board. I say without fear of contradiction that if our assessors had been more concerned, had given more time to the job to which they were appointed, that there would have been far fewer applications taken before the Appellate Tax Board, with the result that the valuations would not have been cut down to the extent that they have been cut down, because here in the City of Boston we have members of the assessors department who are residents of the city, but the members of the Appellate Tax Board are not residents of the City of Boston.

We do not know what their opinion is or what their contacts are. I feel that the assessors have owed more of a duty to the taxpayers in carrying out the affairs of their office and that in so neglecting them the drop in valuations can be attributed only to the fact that they have not given the time and the attention that they should have given to the matter. I certainly feel that the members of the Council who opposed this order have made a mistake, and with the exception of two or three districts in this city the members of this City Council represent residential districts primarily, districts in which people are residing day and night. They are taxpayers and they are entitled to information pertaining to the reduction of the assessments or any other matter that concerns the bills and expenses they are forced to meet as taxpayers. What is wrong in asking that this information be given? Those taxpayers are entitled to it. I do not hear the councilor from Ward 11 make any attack on his Honor the Mayor. Perhaps the Mayor himself would be only too happy to see these disclosures made that are requested here. I certainly hope that this order will be passed and that affirmative action will be taken on it immediately by the assessors.

Coun. HANLEY—In answer to my distinguished colleague from Ward 12, I know the case history of Mr. Murphy, who was appointed by former Mayor Mansfield. The same Mr. Murphy was protecting the widows and orphans from the tax racketeers. And I know the Appellate Tax Board was brought into being around 1930. According to Leverett Saltonstall, the Governor of our Commonwealth, Boston is in a precarious financial condition, brought about by tax abatements by the Appellate Tax Board, approximately 80 per cent of the entire business brought before that Board emanating from the City of Boston. Now, is it coincidental, my friends, that the same men who dominated the mayoralty campaign of our present Mayor are the same gentlemen who have been awarded the great fees before the Appellate Tax Board? I can produce names and I can produce dates and I can produce the evidence that is required, if necessary. My distinguished colleague from Ward 12 in 1938 attacked the Board of Assessors for not passing, or at least reviewing, the Sears Building case, with the result that they circumvented the assessors and went before the Appellate Tax Board, and the City of Boston, the taxpayers of the City of Boston, lost \$300,000. Your public record has a record of those values in the archives until the end of time, and sometimes when you take the ghost out of the closet it is confusing to a man who may have a loss of memory. I remember another gentleman, who has since been taken care of by a civil service position as the Superintendent of Markets, a former councilor, William J. Galvin. His same request was recorded approximately five or six years ago. When you use the words "tax abatement" the concussion is felt throughout the length and breadth of our city. I don't say whether it is true or not that any man who takes such a position will be taken care of financially, politically, or given a position on the public pay roll. I am merely asking for information, and I believe the information can be given. I am in no wise hitting the Mayor. I can do as much for him as any other man in the City Council, and that is to give him one vote. No man controls votes. I say again that this tax abatement is one of the greatest rackets that has ever permeated the City of Boston, and I am asking the simple question, and I don't believe that I should be antagonized by my colleagues, for we are all working for the same purpose, to protect the people of Boston.

Coun. TAYLOR—Mr. President, I think the statement of the councilor from Ward 11 just strengthens my argument. There is no question at all that around 1938 I asked, through an order, that the Assessing Department be more lenient in giving abatements. I had in mind the Sears case. At that time the building was assessed for about \$1,300,000. A settlement could have been made for about \$1,100,000. That settlement was not made by the Board of Assessors and they went up before the Appellate Tax Board and the valuation was cut down to \$900,000. I contended then and I still contend that if the Assessing Department had settled the case for \$1,100,000 the city would have saved several thousands of dollars. That is true. That is the point that I am trying to bring out. I think that perhaps the Board of Assessors should be more lenient and should cut down the

valuation of property if the situation requires it. But it is because of the settlements that are made today and the settlements that have been made in the past that inferences are drawn from orders like this that when those abatements are granted the Mayor has given them to some real estate tax abatement racketeer, and I assume it is to avoid such criticism that the responsibility is put in the Appellate Tax Board. The Mayor did not want the finger pointed at him by those who would like to condemn him and say, "Look what the Mayor has done; he has given the Sears Building a \$200,000 abatement; there are facts and figures right on the record." That is what they are looking for. I believe the Mayor is anxious not to have such criticism leveled at him. So that the matter is left to the Appellate Tax Board, a board over which the Mayor has no control whatsoever, a board appointed by his Excellency the Governor, the membership of which consists of men coming from places outside of Boston, who have not the interests of the City of Boston at heart. As a man in public life what is the Mayor of Boston going to do? Is he going to allow those who would like to destroy him to say that the Mayor gave those tax abatement racketeers the abatements, and prove it in cold facts and figures, and say it was done because of favor and there was no merit to the cause? Or is he going to allow the Appellate Tax Board, which was appointed by the Governor, decide the issue—men who have no part in politics in the City of Boston—let them decide what they think is fair? I say that perhaps the soundest judgment of it all is to have the Board of Assessors do that cutting which they honestly think is necessary, even though the finger of criticism may be pointed at them. But, unfortunately, politics is a peculiar game, and you have to watch out what your opponents, those who would like to destroy you, will say about things which you do honestly and which you intend to have honestly done. I say that since Mayor Tobin has entered the office there has been no tax abatement racketeering in the Assessing Department of the City of Boston. Under section 58 of the section pertaining to assessment abatement, where in times gone by a person who had not paid his tax bills over a period of years would come into the City Assessing Department and say, "Listen here, boys; you demand \$40,000 or \$50,000 and I have not got it; you are either going to cut down my taxes or you are going to have the property on your hands," in the days before this administration, they would cut him down maybe fifty per cent or more, and as the result of that somebody would make a good fee, and those tax abatement racketeers would profit by it. But ever since Mayor Tobin has assumed office I defy any man in the City Council or in the City of Boston to point at one case where there has been a settlement of taxes under section 58. Now, I admit that the City of Boston has acquired a lot of property which they do not want, which it would be perhaps more wise to have in private hands. It would have perhaps been advisable in many instances, where the city has taken over property, to settle the tax on the property so that it would still be in private hands, so that there might be revenue coming into the city, but never once did they ever deviate from this rule because they intended to show to the people of the City of Boston that, while there is no doubt that in some cases they may be entitled to an abatement, the assessors are not going to establish a precedent, and they want to demonstrate to the people of Boston that there is no real estate abatement racketeering now being pursued in this city. I think it was an honest intention. I know the Mayor has received a lot of kicks as the result of it, because they have not been able to profit by his administration. I am not opposed to this information that the gentleman requests. If the information is requested for honest and sincere purposes, then I certainly am not opposed. If it will help the members of the Council to obtain information which might assist them, perhaps, to give suggestions that the city might profit by, well and good. But I don't want any list coming in here so you will say that Jordan Marsh received a tremendous abatement and there were others that received tremendous abatements, and then point the finger at the Mayor and say, "Mr. Mayor, under your administration these large abatements are being given; what is your part in it?" Letting the inference and the innuendoes go out that the Mayor has given large abatements, when it is not so. Mr. President, I move that the order be amended so that the Assessing Department will distinguish,

when they give that list of abatements, between those abatements which have been granted by the Appellate Tax Board and those abatements that have been granted by the Assessing Department of the City of Boston.

President HANNON—The Chair is informed by the clerk that the order already makes that distinction.

Coun. TAYLOR—Mr. President, a point of information.

President HANNON—The gentleman will state his point of information.

Coun. TAYLOR—Would you be kind enough to have the clerk read the order again?

The order of Coun. Hanley was again read by the clerk.

Coun. TAYLOR—Mr. President, my amendment is regarding this information from the Assessing Department of the City of Boston, because I don't think that we have the right to ask the Appellate Tax Board of the Commonwealth of Massachusetts to give us any information.

Coun. COFFEY—Mr. President, a point of information.

President HANNON—The gentleman will state his point of information.

Coun. COFFEY—May I get the information whether we have the right to request the State Appellate Tax Board to give us that information?

President HANNON—The order before us requests the Mayor to request the State Board. Does the gentleman from Ward 12 desire to press his amendment?

Coun. TAYLOR—Mr. President, I wish to ask the Assessing Department of the City of Boston to give us the information desired, because I do not believe that the Appellate Tax Board will give us the information. We have the right at least to ask it from the Assessing Department. We have the right to ask anybody, but I don't think we will probably get the information unless we request it from the department.

President HANNON—Councilor Taylor moves that the order be amended so that the Assessing Department will be requested to furnish information containing a list of abatements granted by the Assessing Department, and granted through the Assessing Department by the Appellate Tax Board. The question is on the amendment offered by Councilor Taylor.

Coun. HANLEY—Mr. President, speaking on the amendment, I believe the councilor from Ward 12 is desirous of obtaining the information that is requested in the order, but I believe the amendment is merely to cloud the issue and is what we call redundancy. "Honesty and competency require no shield of secrecy"—Woodrow Wilson said that over twenty-seven years ago, and that has come down to us, and I believe that quotation should go along with this order. It is merely a request, it can be accepted or rejected, and in the communication from his Honor the Mayor the acceptance or rejection will be typed. There is nothing in this order to arouse bickering. As stated before, his Honor the Mayor is a public official and he is an open target at all times as long as he receives remuneration from the City of Boston, and until such time as he abdicates the throne by virtue of the ballot of the people, by a bullet, or by death, he is still open to criticism. Better unjust criticism than no criticism at all. As I said before, the pedagogue from Ward 12—

Coun. TAYLOR—Mr. President, I object to the characterization and ask that it be stricken out.

President HANNON—The Chair will ask the councilor from Ward 11 to respect the position of every other councilor.

Coun. COFFEY—Mr. President, I rise to a point of order.

President HANNON—The gentleman will state his point of order.

Coun. COFFEY—I would like to know if this amendment offered by the councilor from Ward 12 is in order.

President HANNON—The Chair feels that it is in order. It is not contradictory to anything in the order, it merely embellishes the order, merely enlarges upon it. I think it is probably a duplication, but I don't think in any way whatever it is inconsistent with the order.

Coun. COFFEY—Mr. President.

President HANNON—For what purpose does the gentleman rise?

Coun. COFFEY—A point of information. I don't want to be confused. You say it is in line with the order that has already been introduced by Councilor Hanley.

President HANNON—Yes, that is right.

Coun. COFFEY—Why have we to begin here amending the order. I can't see any reason for the amendment.

President HANNON—That is the question before the Body, Councilor Hanley.

Coun. HANLEY—Mr. President, in view of the fact that the amendment offered by the councilor from Ward 12 is merely repetition and redundancy I ask that it be defeated and that my order take precedence and be passed under suspension of the rule.

The question came on the amendment offered by Coun. Taylor.

Coun. MUCHNICK—Mr. President, may I have the order read again?

President HANNON—The clerk will read the order, but in order to save confusion, if there is going to be a reading of the order, I will ask Councilor Taylor if he will write his amendment out so that we can insert it, because it is very confusing.

The clerk again read the original order offered by Coun. Hanley.

President HANNON—The clerk will now read the amendment of the gentleman from Ward 12.

The amendment as written out and offered by Coun. Taylor was read by the clerk as follows: Ordered, That the Board of Assessors in furnishing the information relating to the abatements granted, distinguish between those abatements granted by the Board of Assessors and those granted by the State Appellate Tax Board.

President HANNON—For the information of the Chair, is that intended to be in addition to the order as already offered; I mean, that the State Appellate Tax Board will still be requested to furnish the information?

Coun. TAYLOR—That is right.

The question came on the amendment offered by Coun. Taylor. The amendment was passed. The question then came on the original order as amended, and the order as amended by passed under suspension of the rule.

ACTION BY LAW DEPARTMENT TO PREVENT TAX ABATEMENTS.

Coun. HANLEY offered the following:

Ordered, That his Honor the Mayor request the Corporation Counsel to explain what action, if any, he has taken to prevent the tax abatements emanating from the Appellate Tax Board.

Passed under suspension of the rule.

REPAIR OF WARD 11 SIDEWALKS AND STREETS.

Coun. HANLEY offered the following:

Ordered, That his Honor the Mayor request the Public Works Department to have repaired all broken sidewalks and streets in Ward 11.

Passed under suspension of the rule.

REPORT OF COMMITTEE ON PARKMAN FUND.

Coun. CHASE, for the Committee on Parkman Fund, submitted the following:

Report on message of Mayor and order (referred September 13) for appropriation of \$21,000 from Parkman Fund income to be expended under direction of Park Commissioners for Maintenance and Improvement of Common and Parks in Existence January 12, 1887—that same ought to pass.

Report accepted; said order passed, yeas 14, nays 0.

REPAIR OF HANOVER AVENUE AND HARRIS STREET.

Coun. RUSSO offered the following:

Ordered, That the Custodian of Foreclosed Real Estate for the City of Boston be instructed, through his Honor the Mayor, to level off with smooth paving city-owned land on Hanover avenue and Harris street, with a view to avoiding accidents amongst children.

Coun. RUSSO—Mr. President, it too often has been said that there are sites in the City of Boston which are eyesores not only to the people of the City of Boston but also to visitors who come into our fair city from time to time. If you look around in all sections of the City of Boston you will find parcels of land where buildings stood sometime previously, where the buildings have been razed and they have been left in a very deplorable condition. I believe that we can set an example in the City of Boston if the city will undertake, where these buildings have been razed, to smooth them off with smooth paving, so that not only will these places tend to preserve health, life and limb, but also they will beautify various sections throughout the city. At Harris street and Hanover avenue there is quite a large piece of land which is really an eyesore, and naturally, although the city always tries to have the co-operation of the people of the City of Boston in keeping the city clean, it is fair to assume that if we allow such conditions to exist the people themselves will not do anything to bring about better conditions. When you leave a piece of land without being leveled off, without having a smooth paving on it, you only have a section which can be used for dumping purposes, and you will find that such places are used for that purpose. So that I say that with this particular land—and it may be advisable with all lands that the city owns today—if it could be leveled off and smoothed, it would be a great benefit to the City of Boston and a great benefit to the children of the city especially. It would give them an opportunity to play in places where they would be clean and avoid accidents, because in the congested districts, such as I am confronted with, they have not many places where they can go except places where buildings have been razed, which have been left in a very deplorable condition. Therefore I hope that his Honor the Mayor will instruct the custodian of real estate to smooth off the land at Hanover avenue and Harris street and cover it with smooth paving.

The order was passed under suspension of the rule.

PURCHASE OF COAL AND OIL.

Coun. KELLY, KINSELLA, COFFEY, RUSSO, CAREY and CHASE offered the following:

Ordered, That the Secretary of the Public Welfare Department and Soldiers' Relief Commissioner be instructed, through his Honor the Mayor, to make immediate arrangements whereby recipients of old age assistance, aid to dependent children and dependent aid, be allowed to purchase their fuel oil and coal during the coming winter months from any sources that they might find available.

Coun. KELLY—Mr. President, at half-past eleven this morning we had a meeting of the Public Welfare Committee, of which Councilor Kinsella is chairman, where I witnessed the greatest game of hide and seek that I have ever seen in the last thirty-eight years. We had in there the different dealers who have been doing business with the City of Boston for, I don't know how many years, on coal and oil. When you ask them a question you think they are doing the residents of the City of Boston a favor by supplying them oil during the winter months, that if they did not supply the residents of the City of Boston who happen to be on old age assistance, mothers' aid and dependent aid, that there would be a panic in the City of Boston. They could not give us any assurance of what will happen. One of the gentlemen testified that the situation over in East Boston was such that he would send a truck in there probably a half-day out of a month and it would take care of the situation over in East Boston, that if not the councilor from East Boston could straighten the situation out. But out in Dorchester, where I come from, we faced the situation last year of people who were forced to turn over their coupons to a certain company out in Dorchester and then the company, after getting their coupons, would come and deliver them their oil, and some only had a 50-gallon tank—and I don't believe many residents of Boston have more than a 50-gallon tank—although their order called for 75 gallons they would deliver 50 gallons to them, but they would make sure. Mr. President, to take the check for the 75 gallons at the time they delivered the 50,

and they would not forget to cash that check, Mr. President, the day after they took the check for the 75 gallons, but they would forget to come back with the other 25 gallons. They would forget it, and they would leave those poor people, who can't help themselves—this is not any political speech, Mr. President; I introduced this order last year, which was not an election year,— I introduced it on two different occasions—these poor people who can't help themselves were left in the cold and were left to suffer, while these dealers, who say they are doing the City of Boston a favor, were selling the oil at two or three cents a gallon more, cash and carry, and letting these poor people that they had contracted to supply their year's supply without oil. That was the reason I introduced the same order last year, Mr. President. This morning we got the gentlemen before the Committee on Public Welfare to see if we could not get them to promise that they would take care of these poor people who cannot help themselves, and the one who was their spokesman said that he could not give us any assurance that these people could he taken care of—these people who are physically unable to take care of themselves, who have been induced in the past to turn over their coupons and then have not received the oil. I respect what Mr. O'Hare told us at the hearing today, but I asked him if he wanted me to name names and places for him. I do not like to mention names on the Council floor, Mr. President, but these conditions are existing, and therefore I introduced this order asking that the Public Welfare Department be instructed, through his Honor the Mayor, to make arrangement whereby the recipients of old age assistance, and so forth, might be allowed to purchase their fuel oil and coal from any concern that they see fit, wherever they can find it available. That is, Mr. President, give them the money or the check for the oil or the coal and let them keep their coupons in their possession and let them trade where they see fit. What happened last year was that these people had their coupons taken away from them so that they could not do anything. They lost both their money, their coupons, and their oil, and they had to deal with certain men. If the men picked up their coupons and cashed them these people were just out of luck. I hope that this order will pass under suspension of the rule.

Coun. KINSELLA—Mr. President, in respect to that meeting this morning, during the course of it I asked the spokesman for the contractors' group if they have enough equipment and have assurance that the oil and coal supply will be great enough for them to carry out the terms of their contracts with the city, and the gentleman acting as spokesman shrugged off the question with the statement that, with full and complete cooperation from the visitors and the Welfare Department and the City Councilors, very likely they can carry out the terms of their agreements. It appeared to me at that time, and it does now, that he brought the City Councilors in and referred to any cooperation they could give as a threat. "Don't raise your voice at any time if anything goes wrong." At least that is the impression I got, and I imagine it struck the other members that way. All we asked them, and all we insisted that they answer, was the question whether or not they would have sufficient coal and oil to take care of their contractual obligations, and the answer to that, from their spokesman, was that the oil situation did not greatly concern them this year. He said, "I am very optimistic about it." I wish the rest of the people of Boston had some information that could make them optimistic, although he was not at all willing to share it with us. On the coal situation he said he was very much afraid that complete satisfaction could not be given, because according to the Ickes order recently issued all dealers must be restricted to 90 per cent of the amount of coal they got in any previous year. It appears to me that if they get 90 per cent they will only give 90 per cent satisfaction. But he certainly talked woe on the coal situation. As a result it was put up to them rather forcefully that every councilor would expect them in every particular to live up to the terms of the contract. Last year in my district alone on two or three occasions I had to give people oil out of my own drum, and, of course, I was rationed like everyone else. On another occasion Mr. O'Hare went in his own car to supply coal and wood to an old lady in Charlestown who could not get her coal from the Boston Ice Company. As to the complaint offered by

the councilor that they took a check for 75 gallons and cashed it for the full amount but delivered only 50 gallons and gave the customer no credit for the balance of 25 gallons, I must say that I found that to be so on so many occasions that it is an old chestnut with me in my district, and I don't intend to stand for it this year. How I am going to get around it I can't state, but I certainly intend to be around here and I will not stand for anything like that. If these people are going to leave themselves open to criticism, by God, they will get it! If they are going to walk off with those checks which are paid for, cash money, and cash them, then they have got to give something in return, and they have got to give them the amount of fuel that is called for on the check, and if they do not the obligation is upon the city to abrogate that contract, and if the proper city authorities, who are supposed to look out for these poor people, will not do it, then there is not anything left for us except to fight it out, for we cannot retreat one inch from the battles which should be waged. I must admit that I can't see a warmer winter than we had last year. I think it is of the utmost concern, to everybody in this chamber and we must all make the problem a purely personal one. We don't know what day we are going to be in a difficult position, but we will richly deserve the same kind of treatment on that day that we got from them today if we shun the obligation. I asked them if there was anybody in the room who was without heat this week, knowing what the answer was. Every man in there, except the councilors, was a man of some financial standing. If we are going to sahutage those old people we deserve it ourselves.

Coun. COFFEY—Mr. President, I would like to correct an impression that has been made here for the past four or five years. It seems to me as though the Boston Ice Company and the East Boston Coal Company in my district, in the past years, also the White Fuel Company, have not received any contracts from the city. They have just entered into an agreement with the city to deliver to so many residents in each district in which they make the agreement. Now, in my own district in particular, I have no use for the people who own the East Boston Coal Company. I told them to their face this morning what I thought of them. They are not an East Boston concern. They have an office in East Boston and have a coal yard there, but the town is not good enough for them to live in. They reside in Winthrop on the money that they receive for welfare and soldiers' relief recipients from the City of Boston. I am not so much concerned there with them for one reason, and that reason is that we have not in East Boston any coal dealers doing business in East Boston who live there. But the Boston Ice Company—I am definitely opposed to their receiving any so-called contracts or to entering into any, or being allowed to enter into any agreement with the City of Boston. To begin with, they are not a Boston concern, regardless of the statement that was made by the president of that company this morning that they had an office in Jamaica Plain. That office is only there for one reason. They have some tanks located behind that office, and they can deliver oil to the city proper from the Jamaica Plain office better than from the real office, which is now located in Chelsea. They moved to Chelsea last January. Previous to that they had always had their main office in Everett. To begin with, I am always opposed to outside concerns making any contracts with the City of Boston. In this particular case of the Boston Ice Company, last year they received checks from the old age recipients and aid to dependent children recipients, and also from straight welfare cases, as Councilor Kelly well brought out, and they took the check, took the coupons, but in many cases they failed to deliver the oil, and in several particular cases in my town, after they had made deliveries of 25 to 50 gallons and they owed these recipients something like 25 to 50 gallons, I went up and asked why the deliveries were not being made—and this was in that very, very cold month of February—and they told me that they could not get a driver, and for three weeks and three days the recipients of welfare, soldiers' relief, old age, and mothers' aid had to depend upon the police of East Boston, and they had two cruising cars out for ten hours a day for the three weeks and three days delivering oil to people in East Boston who had no coupons

because their coupons had been taken away from them by the Boston Ice Company. And the excuse which the president of the Boston Ice Company gave me was that they had no driver, had nobody in that district who could deliver oil to these people. I could cite cases where people in my district had to go to the Hawkins Street Home to sleep because they could not get heat in their own homes because the Boston Ice Company refused to deliver oil to them. And there is only one reason why. When they entered into that agreement with the City of Boston they agreed to sell oil to the recipients at seven and a half cents a gallon. On their general business with the pedlers they were getting 12 cents a gallon, and it is only natural, if they could make four and a half cents profit on each gallon they sold, that they were going to sell to the pedlers and put off the recipients as long as they possibly could, until they were forced to deliver to them. Before we left that room this morning all six Councilors whose names are on that order agreed that the Boston Ice Company, and other companies who have had agreements with the city in the past—and mind you, any contract—we all agreed that they not be given any agreement or any contract this year. It is only natural that the Boston Ice Company, having one truck in East Boston, can't take care of some 70,000 families that live in the town. I am not referring to all welfare, but I am referring to the hundreds and thousands of other customers that they have in my district. It is impossible for them to supply even one-tenth of that district with five trucks, let alone trying to deliver to the entire district with one truck. With some seventy pedlers in the oil business in Boston it is only natural to assume that if those seventy pedlers can't take care of all the people of Boston, the Boston Ice Company can't. One thing I want to bring out here is the fact that Mr. O'Hare of the Welfare Department says that every person on old age assistance and every person on dependent aid will receive their check for their fuel with a notice stating that they do not have to take their oil or coal from any particular dealer. I am glad of that, and I hope that the people throughout the entire city are notified and told that they do not have to give those checks to any particular dealer, that they can do business with anybody they see fit. What I am after now is to watch the welfare cases that are given to the Boston Ice and other companies. I do not think that the City of Boston should enter into any agreement with any of these dealers. I think that the pedlers should be allowed to share, as they can provide ample fuel to the districts in which they do business,—my particular district especially. I hope, Mr. President, that the order passes and I hope that the word is sent out from the Mayor's office to Mr. Kee, who has charge of these contracts or agreements, and that Mr. Kee is told when the checks go out and that he notify Mr. O'Hare that every check sent out from the Welfare and Soldiers' Relief Department he sent out with a notice that the recipient can do business with any pedler they see fit to do business with.

Coun. CAREY—Mr. President, I think it might be well to amend the order by including "and Soldiers' Relief Commissioner," after "Secretary of Public Welfare Department." I move that the order be so amended.

President HANNON—Councilor Carey moves that the order be amended by adding, after the words "Secretary of the Public Welfare Department," the words "Commissioner of Soldiers' Relief".

The question came on the amendment, which was accepted. The question then came on the order as amended, and the order as amended was passed under suspension of the rule.

REPORT OF COMMITTEE ON POST-WAR PLANS . .

Coun. D. F. SULLIVAN submitted the following:

Report of Committee on Post-War Plans,
September 16, 1942.

Present: Coun. D. F. Sullivan, Chairman; Coun. Coffey, Russo, Fish and Carey, Public Works Commissioner Hyland and Mr. Malley of the Planning Board.

In answer to Coun. Sullivan's question as to whether or not the Public Works Department was planning any post-war work, Commissioner Hyland replied that he had before him a list of twenty-six projects, the total cost of which would be approximately \$28,000,000. These projects included:

1. The construction of two incinerators.....	\$1,700,000
2. Street construction (five-year plan).....	9,500,000
3. Sewer construction.....	4,200,000
4. Water construction.....	1,200,000
5. Treatment plan for sewerage (Moon Island).....	—
6. Bridge construction (Meridian Street Bridge), must be completed by April 30, 1946.....	2,000,000
7. Cleaning and painting of bridges.....	450,000
8. Plan for replacing gas with electric light, 9,000 lights.....	360,000

Coun. Carey suggested a traffic tunnel at Brigham Circle due to increased traffic in that section of Boston, which suggestion was received favorably by the commissioner.

Coun. D. F. Sullivan suggested that all sewer and street construction, together with the changing from gas to electricity, be done at the same time, to which the commissioner replied that he and his committee at the present time had only a rough sketch of what they wanted done but that considerable thought would be given to the matter before the actual work started.

Meeting adjourned at 2.15 p. m.

Respectfully submitted,
DANIEL F. SULLIVAN, Chairman.

President HANNON—The report is accepted as a progress report and will be placed on file.

REPAVING OF MARGINAL STREET.

Coun. COFFEY offered the following:
Ordered, That his Honor the Mayor request the Public Works Commissioner to repave Marginal street in East Boston.

Passed under suspension of the rule.

Adjourned at 3.55 p. m., on motion of Coun. RUSSO, to meet on Monday, September 27, 1943, at 2 p. m.

CITY OF BOSTON.

Proceedings of City Council.

Monday, September 27, 1943.

Regular meeting of the City Council in the Council Chamber, City Hall, at 2 p. m., President HANNON presiding. Absent, Coun. Foster, Goode, Langan, Linehan, Lyons.

The meeting was opened with the salute to the Flag.

APPOINTMENTS BY THE MAYOR.

Subject to confirmation by the Council, the Mayor submitted the following appointments, viz.:

Weighers of Goods: Harry Halperin, 25 Favre street, Mattapan, Mass.; Samuel N. Schlesinger, 16 Wellington Hill street, Mattapan, Mass.

Measurers of Grain: Nicholas Carey, 68 Elm street, Charlestown, Mass.; Chester C. Wolnicwicz, 84 Beacon street, Chelsea, Mass.

Laid over a week under the law.

PETITIONS REFERRED.

The following petitions were received and referred to the committees named, viz.:

Claims.

Marie Baggett, for compensation for injuries caused by an alleged defect at 160 Washington street, Brighton.

Casimir Baltusis, to be reimbursed as result of accident which occurred while in performance of duty.

Thomas F. Conlon, to be reimbursed as result of accident which occurred while in performance of duty.

Mary A. Day, for compensation for damage to property at 42 Bromley park, Jamaica Plain, caused by city truck.

F. Chester Durant, for compensation for damage to car by city truck.

Albert Schwartz, for compensation for damage to car by city car.

MINORS' LICENSES.

Petitions were received for minors' licenses from three newsboys. Petitions granted under usual conditions.

CONFIRMATION OF EXECUTIVE APPOINTMENTS.

President HANNON called up, under unfinished business, Nos. 1, 2 and 3 on the calendar, viz.:

1. Action on appointment submitted by the Mayor September 13, 1943, of Solomon Gorfinkle to be a Constable authorized to serve civil process.

2. Action on appointment submitted by the Mayor September 13, 1943, of Eric A. Rose-dahl, to be a Weigher of Coal and a Weigher of Goods.

3. Action on appointments submitted by the Mayor September 20, 1943, of Eustis E. Beattie, to be a Weigher of Coal; and Charles D. Parrott and George W. Rechel, to be Weighers of Goods.

The question came on confirmation. Committee, Coun. Coffey and M. H. Sullivan. Whole number of ballots 12, yes 12, and the appointments were confirmed.

TRANSIENT VENDOR'S LICENSE.

Notice was received from the City Clerk that a transient vendor's license had been issued on September 21, 1943, to Justin W. Dickinson.

Placed on file.

SOLDIERS' RELIEF.

Coun. RUSSO, 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 September.

Report accepted; said order passed.

REPORT OF COMMITTEE ON PRINTING.

Coun. SCANNELL, for the Committee on Printing, submitted the following:

Report on order (referred September 20) that Building Commissioner be authorized to print edition of Building Code, pamphlets containing gas fitting regulations and pamphlets containing hospital regulations—that same ought to pass.

Report accepted; said order passed.

EMPLOYMENT OF SCHOOL CHILDREN.

Coun. KINSELLA offered the following:

Resolved, That it is the unanimous opinion of the Boston City Council, in meeting assembled, that the school children of Boston who have been gainfully employed in recent months on war work, should return to school to further their education in order to be able to take their proper places in the post-war world.

The resolution was read a second time and the question came on its passage.

Coun. KINSELLA—Mr. President, there has been a lot of concern expressed lately by members of the School Committee and by parent groups and by the colleges with regard to the disposition of young people presently employed in defense industries to give up their schooling in the chase for a few quick dollars. Now, we all know that youth is rash and impetuous, and we do not have to go very far, Mr. President, to think back to our own days, when we were sixteen to eighteen years of age, and recall how school palled on us, and yet I venture to say that there is hardly a person in this chamber, who finally left school in many instances when his education was less than half completed, who would not give anything to be back in school, amongst the pleasant associations that are formed there, and in the atmosphere of respectable companionship. Mr. President, America at its worst never wanted the services of teen age boys and girls, and less now than ever before, when so much talk is being made of the type of world in which we will live after this war comes to an end. Those of us who have been able to penetrate just a little behind the scenes have caught a fleeting glimpse of what the future holds in store for us, and more particularly for those young people whose brothers are fighting for their places in the post-war world as well as for their own places and for our places. I believe, Mr. President, that the only honest and earnest advice we can offer these young boys and girls, who have long since reached and passed the age of reason, is to give up any opportunity, however lucrative it may appear to be, to make money when inevitably the result will be that they will forfeit an opportunity to become learned in the ways that will best stand them in good stead when this war is over. I have read articles in the papers and I have heard the subject discussed on the radio to an extent that would almost make one feel that the people most interested in the welfare of these boys and girls almost have to get down on their hands and knees to show them the error of their ways. Mr. President, I do

not think I ought to close my remarks without a word about the parents who fail to recognize their responsibilities to the children and to the community and the state at large if they encourage by any word or by any sign or by any deed the giving up, the relinquishment by the children, of an opportunity to be educated, and offering an inducement to those children to stay in a world that is not theirs. This nation spends many billions of dollars every year for the education of young people for no other purpose than to fit them to be able in time to step into the shoes of the people who are today their elders. They will be a misfit lot, and God help us, if they give up the opportunity to become educated at a time when education is the most important, or should be the most important thing in their lives. And I believe that I express the true sentiments of every member of this Body when I say to those 'teen age youngsters, for heaven's sake, don't throw away a golden opportunity for what will turn out to be later on a lot of dross.

The resolution was adopted under suspension of the rule.

AMOUNTS PAID UNDER OLD AGE ASSISTANCE.

Coun. RUSSO offered the following:

Ordered, That the Overseers of the Public Welfare and the Corporation Counsel be requested to confer with the State Department of Public Welfare with a view to changing the ruling made under chapter 489 of the Acts of 1943, whereby in determining the amount of old age assistance to the parents of sons in the United States service a deduction is made of not only the amount of the allocation made by such son, but also the amount of the contribution of the Federal Government.

Coun. RUSSO—Mr. President, I believe that a great injustice has been done to the boys who are in the armed forces of our country and to their loved ones that they have left behind. A boy who is in the armed services makes an allocation to his family, which the Government deducts from his pay of \$50 a month. It deducts \$22 thereof, and the Federal Government contributes \$25, which makes the amount of \$47. The Board of Old Age Assistance immediately deducts the full amount of \$47 from the allotment given to the parent for his old age assistance. I believe that the interpretation of the law is not what the overseers have interpreted it to be. I have talked with several of the legislators and they seem to be of the same opinion as I am, that that was not the intent of the law. Let me illustrate this particular case: There are a man, a wife at home and a boy. The husband is receiving old age assistance, his wife is receiving welfare, and the boy is in the armed forces. They were receiving, at the time before the boy left, both of them combined, \$65 per month. The boy in the army applies for dependency aid and the Federal Government takes away from this boy \$22 out of his \$50, and then the Federal Government adds \$25 and makes the amount \$47. As soon as that is cleared the Board of Old Age Assistance immediately deducts that \$47 from the amount that the husband and wife were receiving, and that means that the Board of Old Age Assistance will add only \$18 to the amount to bring it up again to the \$65 which they were receiving. I say that that is unfair, because you have now another case in the same position, and the boy who is in the army does not apply for dependency aid. No deduction is made from his \$50 a month pay. The Board has to contribute to that family \$65 a month. The boy can send home \$22 or \$25 if he so wishes. No deduction by the Board is being made to that particular family. Why should a deduction be made in the first case that I have outlined? I cannot see why a boy who is giving all that he possesses, even his own precious life,

fighting for our country, who still wants to see that his family at home is at least getting along half-way decent, who is depriving himself of \$22 a month and living on \$28 a month in the hope that his family may get that extra \$22 that he sends them, should have that amount deducted from the assistance which is paid to his parents. But the Board deducts that from the amount paid them. Therefore I believe that it is an injustice, because the only way they can get around it is if the family of this particular boy will write to him and say, "Stop our allowance from the Federal Government," and then the Old Age Assistance must come in and give to that family the right amount, equivalent to \$65 a month, and the boy will be saving himself \$22. There are other instances where a boy is living at home. The father is receiving old age assistance and the mother may be receiving welfare aid to the amount of \$65 a month for both. This boy now works in one of our shipyards, receiving, say, \$40 or \$50 a week. That boy is only allowed \$14 out of that \$50, and the balance of \$36 he has to give to the family. I think that is all right in one way, but I also maintain that the Board should look into the matter, for this boy who is working may have debts that he had accumulated during the time that he was not able to work, he may have obligations to meet, and I feel that the Board should make allowance and give that boy encouragement so that he may be able to square up his accounts. I believe that you should take into consideration the amount of money that that boy needs for traveling expenses, for maintenance, and if he owns a car, naturally he has to pay his monthly instalments, and how can he afford to do that if such amounts are deductible from the allowance made by the Old Age Assistance? I therefore hope that this order will go to the Committee on Public Welfare so that it can have before it the Corporation Counsel, the head of our Department on Welfare and the State Welfare Department, so that they may reconsider their interpretation of the law.

Coun. MUCHNICK—Mr. President, I suggest that rather than sending it to that committee, it be sent to the Executive Committee so that we may have a chance to learn something about it.

Coun. CAREY—Mr. President, I think that the councilor has raised a very important question here. It is not a question which we can get sufficient information on this afternoon. I believe that it would be better to refer it to the Committee on Public Welfare, in order to allow more time for the Corporation Counsel and the State Old Age Assistance office representatives to get their case prepared. I sympathize with the purpose of the order. I think that we should not have any snap judgment given by the Corporation Counsel or anyone else who is asked to give us information in connection with this order.

The order was referred to the Committee on Public Welfare.

DISCUSSION OF CITY PROBLEMS.

Coun. HANLEY offered the following:

Ordered, That his Honor the Mayor be requested to convene and collaborate with the Boston City Council and his cabinet, with the representatives of the press invited for the purpose of discussing problems that confront the City of Boston, such as the non-deferment of municipal employees and a possibility that a Federal draft of labor may be placed on the statute books, and a forthright statement of when he plans to join the AMG.

The question came on suspension of the rule.

Coun. HANLEY—Mr. President, at the outset I would like to state emphatically and without equivocation that this order is not for the purpose of setting up any animosity between myself and his Honor the Mayor, or to set up amity between myself and his Honor the Mayor. It is rather to bring out on the

floor for discussion one of the most pointed questions in the city today, and I invite each and every one of my colleagues to speak on this order, through your discretion, Mr. President, and also I ask for a suspension of the rule and the passage of the order. The City of Boston, under the stress of hardship and under wartime conditions, has risen to a height never emulated by any American city, and at this time I would like to congratulate the press and the people of our district for working harmoniously for the prosecution of the war and placing in the background all political, religious and racial antipathies. His Honor the Mayor, Maurice J. Tobin, the first man to be elected for a second term in our great city, has now spent six years of an honorable career as the Chief Executive of the City of Boston, and those men who would try to utilize his accomplishments as political assets, those men who would try to hold him down as the Mayor of Boston and place a stigma against his name for all generations to look at, are trying to shove him into occupied territory. I have always admired men in public and private life who have defended the principles that they have enunciated and promulgated. I have never distinguished between a man because of his racial background or his religious leanings or because of his political aptitudes; but rather I have distinguished between the principles which I believed were right and those which I believed were wrong, and I have never in private or in public life sought to impugn a man's character or his family name. His Honor the Mayor, one of the youngest mayors elected to the great City of Boston, a man who has been blessed with handsome features, a man who has been blessed with eloquent oratory, a man who has been blessed with children, and with one of the finest and most gracious women that has ever graced a platform as the First Lady of Boston, a woman who has been honorable and who has been decent at all times, and who has refused to leave her home to participate in the trivialities of politics. I am in no wise eulogizing, but I am bringing out for discussion one of the most potent questions arising today: Why any man who is blessed with all these things should go into occupied territory? He can hold his head erect, and no attack from scrupulous or unscrupulous men can make him bow his head in shame, because he has been carrying out one of the greatest prerogatives that man can have, of being a father, of being a loving father and an exemplary husband. He was too young for the last war. That was not his fault, because life comes from above; it does not come from man. But his Honor the Mayor should brush aside those men who would try to drag him down so that future repercussion will point at him for accepting two salaries in occupied territory. He has great possibilities. He has the attributes that few men have, if he would just break away from those who would drag him down, the barnacles that attach themselves to all men who may have leadership ability. Therefore, Mr. President, I am asking his Honor the Mayor to consider well the admonitions of his friends and not the admonitions of those who are fearful that he will one day become the gubernator of our Commonwealth. These words of mine may be clumsy and they may be spoken with an underslung vocabulary, but they are spoken from the heart, and I owe no apologies to any man. I am aspiring to the City Council from Ward 11, for reelection, and, based upon my record, the people in my district I know will distinguish between propaganda and my public record. Through you, Mr. President, I now ask my colleagues to speak upon this order.

Coun. MUCHNICK—Mr. President, there has been a lot of oratory here in the last few minutes concerning something about which his Honor the Mayor has made his position very clear in the last several weeks. It seems to me that under the circumstances this matter should be referred to the Committee on Rules, and I so move.

The question came on the motion of Coun. Muchnick to refer the matter to the Committee on Rules.

Coun. KINSELLA—Mr. President, speaking on the order at the invitation of the sponsor, I shall be very careful to confine my remarks to something of interest, something pertinent to the Council, because the members of this Body are, first of all, citizens of Boston and have a right to speculate on what is going to happen in the corner office. Now, I do not violate any confidence when I tell you of a conversation I had within two weeks with the Mayor. I was not committed to secrecy in the matter, and while nothing was said about bringing it before this Body at any time I instituted the conversation because I repeated to him some of the things I had heard expressed in Charlestown. In no sense can the remarks which I am about to make be construed as either a defense of the Mayor or condemnation of him. Two weeks ago today, Mr. President, I had occasion to arrive at City Hall early, and fortunately I was able, although I planned it that way, to waylay the Mayor on his way into his chambers. I had other business to attend to and I wanted to expedite my own visit and get on to my other items of business. During the course of the conversation I said to him, "If you do not mind I would like to reveal to you something of the opinion that I find in Charlestown with regard to your possibilities as a member of the AMG." I said, "You know, you have never been able to take Charlestown in a mayoralty contest, so that when you get an opinion from them you can readily understand that it is honest and sincere. I know people over there who did not vote for you and who probably never will, but who have expressed themselves to me in this fashion: 'Tobin was elected Mayor in 1937, having had no previous experience, of course, as chief executive of the city, and he people of Boston tolerated any mistakes that he might have made in the succeeding four years,' and in 1941, again upon re-election, they expected that you would show the results of four years of close study of city problems and give them the benefits of the training and experience that you had had." He said, "Well, I think that is a very fair way of putting it." He said, "I did make some mistakes in the first four years, and broadly speaking I suppose I do owe them a decent administration, which I can now give them because I know where the pitfalls are." If those are not his exact words they will at least approximate what he meant. And I said to him, "Further than that, Mr. Mayor, I should like to advise you, as one friend to another, not to make any move toward this type of service for purely political reasons, because when this war is all over you can't all profit," and I named off four or five state-wide known characters, all of whose names are very well known to the members of this Body, who have been in the service for some time, and who, to speak honestly about it, expect that at a future date they will cash in on their service. I said to him, "Only one of the five or six of you can achieve higher office unless you are going to take turns, two years at a time." And he said, "Well, I will tell you why I happened to be interested in this." He said, "Right after the Tunisian campaign General Eisenhower sent word over to America that he was badly in need of men who were trained in management of civic affairs, that when they took those cities and towns in North Africa—and mind you, this is the most pertinent part of all my remarks on this subject—"the English had trained battalions of civil service men who stepped in and took over, or undertook the management of those cities and towns, and that Eisenhower started with the rank of private and went as high up as brigadier on his staff and could not find one man qualified to administer civil affairs." In other words, the Englishmen got complete and full control as the result of the efforts of our force of arms, and Eisenhower sent

word back that the indispensable mayor and the indispensable governor were the men that he wanted in the service. I violate no confidence when I tell you that, and I believe that anyone here who cares to speak to the Mayor on the subject will find out that that story is exactly as he told it to me. Personally, I do not think that he ought to go and leave Boston to the mercy of some incompetent, who will probably see it put into the hands of a city manager in two years' time. You may hate him politically and may hate him personally, but give him his due. He is today the best qualified man in Boston to operate the city, next to one other, about whom I have an unusually high opinion. But while he is there he should function. He made a contract with 780,000 Boston people, and I don't think that he or any other mayor or governor ought to abrogate the contract at will for something in the future. Condemn him if you will, but give him his due, and I think that he ought to answer regarding anything that relates to the Mayor's plans. No one knows what they will be, but I hope that they are in the best interests of the city.

Coun. HANLEY—Mr. President, I hope that the motion to refer to the Committee on Rules does not prevail. I have the highest regard for the councilor from Ward 14, and I know that his motion is not made maliciously. The content of my order is open for discussion, and as the person presenting the order I believe I have the right and the privilege of asking for a suspension of the rule and the passage of the order. Two weeks ago the crackpots in Washington placed Greater Boston in a critical labor shortage area. This is a stigma attached to the City of Boston that should be erased by every man in public life. His Honor the Mayor, in collaboration with the Boston Chamber of Commerce, has sent a denial, and they lashed out with fighting and stinging invective against Paul McNutt, who would place Boston in that category. Now, who is Paul McNutt? Because of his last name he was not allowed to become a nominee for the Democratic nomination in 1940. A former Governor of Indiana, and while Governor he played—

Coun. MUCHNICK—Mr. President.

President HANNON—For what purpose does the gentleman rise?

Coun. MUCHNICK—A point of order.

President HANNON—The gentleman will state his point of order.

Coun. MUCHNICK—It seems to me that Mr. McNutt is not under discussion in the order.

President HANNON—The question before the Body is the reference of the matter to the Committee on Rules. Councilor Hanley.

Coun. HANLEY—I think, Mr. President, that my order specifies the nondeferment of municipal employees, and the possibility that a Federal draft of labor may be placed upon the statute books, and I assumed that the councilor from Ward 14 would recognize that Paul McNutt is the administrator by virtue of the power imposed in him through our Chief Executive, President Franklin Delano Roosevelt. In mentioning his name I am bringing out certain points, and I believe I have the right, as introductory remarks, to lead up to my conclusion. I have no degree cum magna laude or cum maxima laude, but nevertheless I know something about rhetoric, and I know something about argumentation, and I don't intend to sit idly by and hear the jibes from another councilor. Paul McNutt, administrator of the War Manpower Commission, was at one time the Governor of Indiana, and he saw fit to make up the political pork barrel by imposing upon public employees a certain stipend which was extracted from their wages, and, as I said before, in view of his last name he could not be considered as political timber even though he may be qualified. The Chamber of Commerce lashed out simultaneously when Mayor Tobin lashed out at placing Boston in a critical labor

shortage area. It is a stigma that should be erased. Now, in collaboration with the City Council and the press, his Honor the Mayor can state specifically what bearing this will have on the Police and the Fire and the other departments in the City of Boston. Supposing that our police and our firemen are taken by a Federal draft and shuttled to Nebraska or to California on account of a manpower shortage. What would happen to our property, what would happen to the men, women and children whose lives depend upon these people? What would happen if they were drafted by group labor from our Health Department, from the Sewer Department, or any other department that you men are familiar with? That is why I asked for the discussion of this order, and I hope that the motion of the councilor from Ward 14 does not prevail.

Coun. D. F. SULLIVAN—Mr. President, a point of order.

President HANNON—The gentleman will state his point of order.

Coun. D. F. SULLIVAN—Is it the opinion of the Chair that this order has a bearing on the city and the Council?

President HANNON—Yes.

Coun. D. F. SULLIVAN—I move now, Mr. President, that you rule the motion of the councilor from Ward 14 out of order.

President HANNON—In answer to the gentleman from Ward 9, it is within the province of the Chair to refer a matter to the Committee on Rules. If some gentleman wishes to make a motion to refer it to any particular committee he is at liberty to do so.

Coun. D. F. SULLIVAN—Mr. President.

President HANNON—For what purpose does the gentleman rise?

Coun. D. F. SULLIVAN—A point of information.

President HANNON—The gentleman will state his point of information.

Coun. D. F. SULLIVAN—On page 9, Mr. President, if you will follow me, it says that "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." If this has a direct bearing on the Council, as you suggest, I do not believe it should be referred to the Committee on Rules, and it is within the power of the Chair to rule the motion of the councilor from Ward 14 out of order.

President HANNON—Just to follow through, in answer to the gentleman from Ward 9, it says that "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." The Chair has already ruled that this does have a bearing on the procedure and functions of the Council, so that it will not be referred to the Committee on Rules unless some member here makes a motion to refer it to the Committee on Rules. That motion has already been made and is now before the Body. The question is on reference to the Committee on Rules.

Coun. MUCHNICK—It is my opinion, Mr. President, speaking on the motion to refer to the Committee on Rules—

Coun. D. F. SULLIVAN—Mr. President.

President HANNON—For what purpose does the gentleman rise?

Coun. D. F. SULLIVAN—It says in Rule 12 that there shall be no debate on anything being referred to the Committee on Rules.

President HANNON—I believe the gentleman from Ward 9 is misinterpreting it. It says, if the matter has been referred to the Committee on Rules by the Chair, then there shall be no debate. The question here is whether or not we shall refer the matter, and it is open to debate. Councilor Muchnick.

Coun. MUCHNICK—Mr. President, based purely on the past performance in this Council Chamber, it is my opinion that the original order was introduced for no purpose other than to cause some embarrassment to his Honor the Mayor.

Coun. D. F. SULLIVAN—Mr. President. President HANNON—For what purpose does the gentleman rise?

Coun. D. F. SULLIVAN—Rule 12 says that the matter shall be referred without debate to the Committee on Rules.

President HANNON—Yes.

Coun. D. F. SULLIVAN—Without debate, Mr. President. That is Rule 12.

President HANNON—Yes; but the gentleman from Ward 9 is picking one phrase out of a rule. It says, if the matter, in the opinion of the Chair, does not pertain to Council business, it shall be referred without debate to the Committee on Rules. The Chair has already ruled that it does pertain. This order merely asks the Council to request the Mayor to sit down with the Council. In the opinion of the Chair, that pertains directly to Council business. We are here for the purpose of functioning in collaboration with the Mayor. This order merely asks us to request the Mayor to sit down with us, so that the Chair is not of the opinion that it is a matter which should be referred directly by him to the Committee on Rules. If, however, the Body sees fit to refer it to the Committee on Rules the Chair has no objection.

Coun. CAREY—Mr. President, I move the previous question.

President HANNON—A motion for the previous question admits of no debate.

Coun. MUCHNICK—Mr. President, it was my understanding that I had the floor at the time the councilor from Ward 9 was asking for a point of order.

President HANNON—That is correct.

Coun. MUCHNICK—I would retain the floor as soon as the point of order was disposed of.

President HANNON—Correct. The Chair will recognize Councilor Muchnick.

Coun. MUCHNICK—Mr. President, as I stated before, it is my opinion, based on past performances in this Council, that the purpose of this order, and the sole purpose of this order, is to cause embarrassment to his Honor the Mayor. His Honor needs no formal defense from me or from any other member of this Council, but it seems to me that at this time, when the man has a serious problem with his own conscience as to what it seems best for him to do in the interests of our country, that we here should not attempt to cause him any unnecessary embarrassment or any avoidable annoyance for personal or other reasons. It is for that reason, and that reason alone, that I ask that this be sent to the Committee on Rules.

Coun. SCANNELL—Mr. President.

President HANNON—For what purpose does the gentleman rise?

Coun. SCANNELL—Mr. President, Councilor Carey moved the previous question.

President HANNON—The Chair ruled that the councilor from Ward 14 was in order and that Councilor Carey was recognized by the Chair in error.

Coun. D. F. SULLIVAN—Mr. President, as the gentleman from Ward 14 well brought out, this order is to embarrass the Mayor. It is the same old story, that such orders are used, frequently in an indirect way to embarrass the Mayor. They are doing this and taking the floor in this Body and praising the Mayor for themselves and getting in on the ground floor. It is very good of them to get up here and praise the Mayor, but I wonder if they would get up and condemn the Mayor like some members of this Council have done in the past. Going back in the last two to four years, similar orders have been put in here, not in any way to embarrass the Mayor, sometimes by his so-called spokesmen, who have assumed that they are such, although the Mayor denies that he has any spokesman on this floor. They do not hesitate to get up, as they did a week ago here on the tax abatement order that went in, and they were the ones that were putting their fingers on the gang, they were the ones that came to his defense. And it is the same way

here this afternoon, when Councilor Hanley puts in the order, in all sincerity, to help the city employees. They had a meeting here of the War Manpower Commission last week, and there were men here from Washington with all the department heads of the city, to tell them how they could run their departments efficiently with half of the help. Is that what we want? Do we want to put people out of work? That is what you are asking for, and that is what the Council has in mind there, as the Mayor and the Chamber of Commerce so rightfully put it, that there is no labor shortage here. It is about time, Mr. President, that these men stop being spokesmen for the Mayor and let the Mayor defend himself. He is well able to do it. There would be less said on this floor about the Mayor if these men kept their seats instead of being—well, I would not use the word here, Mr. President, but they seem to be doing all right. They run down and put the hooks into him, and do it very nicely, but at the same time they are putting their finger right on the Mayor every time they take this floor in defending the Mayor. I hope Mr. President, for the benefit of the city employees, that this order will not go to Rules, but that the order will pass here today and that action will be taken under it.

Coun. TAYLOR—Mr. President, I came in late and I read the order very hastily. Isn't there something in the order, Mr. President,—for my information,—as to whether he intends to join the AMG?

President HANNON—The Clerk will read the order for the benefit of all of us.

The order was again read by the clerk.

Coun. TAYLOR—Mr. President, may I ask if that is all the subject of one order? Isn't it asking a good many things in one order? In other words, the provision pertaining to a request of the Mayor as to whether or not he intends to join the AMG—isn't that the subject of another order?

President HANNON—Well, it could be the subject of another order, but in the opinion of the Chair it is all in that one order, and I suppose it is all pertinent to the condition of the city and the city employees.

Coun. TAYLOR—Do I understand that the Chair rules that it should be the subject of one order?

President HANNON—The Chair rules that there is one order before the Body, and the Chair sees no reason for dividing that order.

Coun. CAREY—Mr. President, I move the previous question, because I feel that Councilor Hanley has brought out here matters that vitally concern the city, as he very well said himself. There is a serious question as to whether or not there is a labor shortage, and I say that I doubt whether there is a labor shortage in Boston or in the entire country. I don't know what we are going to do if something is not done to put a crimp in these efforts that are being made day in and day out to break up our homes, to break up our city, and to break up our nation. We have got mothers who should be home with their undernourished children, who are going without meals, going without schooling, going without clothing, and God knows what. The time has come when something definite should be done to determine whether or not any more inroads are going to be allowed. Perhaps the time is too late to put a stop to it. Of course this matter vitally concerns the City Council. Councilor Hanley has well said that the draft threatens to take away the entire Police Department, the Fire Department, and other departments. Now, as to a statement being made by the Mayor. Perhaps the Mayor would not want to make a statement. As I understand it, the Mayor is still awaiting action on the commission that he has sought with the AMG. He might well tell us that he doesn't know when he is going to get the commission, he doesn't know whether the commission is going to be given him. I don't see why all the hullabaloo about this order here. We are wasting time over it. As has been well said, there is altogether too much of this talking on the

floor here by certain members of this Body the moment that the Mayor's name is mentioned. There is an effort to put an interpretation on this order here that the councilor from Ward 11 is offering, to put the Mayor on the spot. I think the people of the city would like to know if the Mayor knows when he is going; they would like to know when he is going. If the Mayor doesn't know whether he is going or not he might well say so. He has asked for the commission and the granting of the commission rests with the officials at Washington. Why do we have to spend hours here in speech-making Monday after Monday, offering orders such as this? I can't understand it. I certainly feel that this order does pertain to the affairs of the City Council of the City of Boston and that it has no place in the Committee on Rules.

President HANNON—Does the gentleman from Ward 10 move the previous question?

Coun. CAREY—I move the previous question.

President HANNON—The previous question has been moved.

Coun. HURLEY—What is the previous question? On reference to the Committee on Rules?

President HANNON—The Chair is informed by the Clerk that the previous question is with reference to referring to the Committee on Rules.

Coun. CAREY—Mr. President.

President HANNON—For what purpose does the gentleman rise?

Coun. CAREY—I do not follow that through. The councilor from Ward 11, in introducing the order, asked for suspension of the rule and passage of the order. To my way of thinking that is the previous question. The motion by the councilor from Ward 14 came after that.

President HANNON—The Chair was of the same opinion but the clerk informs him that when the previous question is carried, the question then comes on motions pending in accordance with the order in which they have been made.

Coun. CAREY—Then I will withdraw my motion of the previous question.

President HANNON—The motion is withdrawn.

Coun. HURLEY—Mr. President, I move the previous question.

President HANNON—The question now is on adoption of the previous question.

The motion was lost.

President HANNON—The question is now on referring to the Committee on Rules.

Coun. COFFEY—Mr. President.

President HANNON—For what purpose does the gentleman rise?

Coun. COFFEY—The previous question was defeated, was it not?

President HANNON—It was.

Coun. COFFEY—And the order is still before the Body, open for debate?

President HANNON—Correct.

Coun. COFFEY—That is all I want to know.

The question came on reference of the order to the Committee on Rules. The motion was declared lost. Coun. TAYLOR doubted the vote and asked for a roll call. The roll was called and the motion was lost, yeas 5, nays 10:

Yeas: Coun. Chase, Muchnick, M. H. Sullivan, Taylor, Wickes—5.

Nays: Coun. Carey, Coffey, Dwyer, Fish, Hanley, Hannon, Kelly, Kinsella, Russo, D. F. Sullivan—10.

The question then came on Coun. Hanley's motion to suspend the rule and pass the order.

Coun. M. H. SULLIVAN—Mr. President.

President HANNON—For what purpose does the gentleman rise?

Coun. M. H. SULLIVAN—Is it still a subject for debate?

President HANNON—Yes, sir.

Coun. M. H. SULLIVAN—Mr. President, I did not intend to take the floor on this matter, but I feel that the order is substantially tricky. I naturally go along with the councilor from Ward 11 to the effect—

Coun. HANLEY—Mr. President.

President HANNON—For what purpose does the gentleman rise?

Coun. HANLEY—A point of information. President HANNON—The gentleman will state his point of information.

Coun. HANLEY—Has any councilor the right or the privilege to impugn the motives of another councilor?

President HANNON—The answer is No.

Coun. M. H. SULLIVAN—I am not impugning or questioning the motive of any colleague; I am merely dubious about the wording of the order. I naturally go along with my colleague from Ward 11, and I believe that Boston labor should not be drafted and that Boston should not be placed in the area he describes in so far as the labor situation is concerned. With that I am willing to go along with him. I don't want to see the city employees militated against by any unnecessary Federal legislation, and I don't want to see the labor in the factories, the man in the store or behind the desk, militated against by any Federal jurisdiction either. But I do believe that the order is so worded that it is composed of two matters which have no bearing relative to one another, and for that reason I have voted for reference to Rules, and I hope that the Committee on Rules, because it has good judgment, might see likewise with me on that order and distinguish the subject matter which leads off that order from the subject matter with which it concludes.

Coun. KELLY—Mr. President, I did not intend to take the floor of the Council but it was very interesting to hear the remarks of the last speaker. All the order asks is that his Honor the Mayor confer with the members of the City Council about the problems of the City of Boston, and I think that affects every member of the City Council, Mr. President. It affects you as President of this Body for the year 1943; it will affect some member of this Body who will be President for the year 1944. Now, the last speaker has aspired to that office for the last two years, and he will aspire to it next year. It will affect him as a member of the Council. It will affect the gentleman who is elected President of this Body for 1944, because if the Mayor does go away that man will be Acting Mayor of the City of Boston for the year 1944. Anything that is going to happen in the year 1944, with his Honor the Mayor away, will affect every member of the City Council, whether he be an ordinary member of the City Council or whether he be President of the City Council and Acting Mayor of the City of Boston, because a member of this Council has one vote, and his vote may be instrumental in making a certain member of the City Council the President of the Council, and his vote may be the deciding vote in electing the President of the City Council who will be Acting Mayor of the City of Boston. I don't see anything wrong with the order. I don't think the order was introduced to antagonize the Mayor of the City of Boston. I have always spoken my mind on the floor of the City Council, and I have never said anything to antagonize the Mayor on the floor of the City Council, but I do not like to see certain members draw a wrong inference from an order which, in my opinion, is all right and should be passed under suspension of the rule.

Coun. KINSELLA—Mr. President, I think that the Government itself has the biggest finger in this employment proposition. I do not make any bones about telling anybody that I am employed at the Boston Navy Yard for a contractor. It is not a pay roll job. I go in at six o'clock in the morning on some days and at eight o'clock on other days, and I am going to tell you something from my first-hand observation over there, as to the

number of men and women employed. I do not exaggerate, and I am not going to try to belittle, when I tell you that they are stumbling all over each other in the Navy Yard. You go by the admiral's house and you will find able-bodied men, some of them in their early thirties, doing absolutely nothing but keeping the hedges and the lawn in presentable condition. And this is wartime! Go down to the other end of the Yard, as I have occasion to do. I do not work for a slave driver hut I walk around that Yard to satisfy myself—and I am damn glad that this subject has been brought in here, for I have been waiting for a long time to tell you something about the intolerable conditions in the Navy Yard, even if it costs me something in politics. We have there the worst gang of frauds and fakers, starting with the naval officers and coming right down to the last man employed, that this city or district has ever had to tolerate. You go into that Navy Yard and you will see literally hundreds of male Yard employees doing absolutely nothing but punching the bag with some good looking girl who also is stalling at the time. And if there is a Yard employee in the balcony I ask him to get up and challenge my statement. Then drift around the Yard a little more leisurely, Mr. President, and you will find two able-bodied men with a length of steel on their shoulders about 7 feet long, one at the front and one at the back, because of some silly Yard regulation that when a piece of steel is longer than a certain length, two men must carry it. There used to be an expression in the last war, and if I were certain that there were no ladies present I would tell you what it was, and it is as pertinent today as it was twenty-five years ago, and it certainly tags that Yard for what it is. They have gardeners there to take care of the admiral's lawn, and they have laborers there to take care of the captains' lawns. We hear a lot of talk about Victory gardens—and this is pertinent. They still have their handball courts; they did not convert them into Victory gardens. They are the cause of more mismanagement in that Yard than the dumbest witted civilian employee, countermanding and counteracting everything that is done. Gentlemen are taken out and given a social standing at public expense, and their betters have to defer to them, and, speaking of mismanagement, we are employing 56,000 between Charlestown and South Boston when 30,000 would do the work. And Boston is to be called a critical labor shortage area! Last June 12, Mr. Charles Swanton at 10 Post Office square, a gentleman connected with the War Manpower Commission, asked me down to his office for no other purpose than to announce at the banquet on the 16th of June in the Bunker Hill Armory that the Yard needs 10,000 more workers. A few of you were present at the banquet and will remember that I devoted about ten minutes to an explanation of their needs. At the same time they opened up at 82 Summer street a labor recruiting office for the Yard exclusively, and I do not exaggerate one iota when I tell you that of the thirty-odd thousand employed in that yard from seven in the morning until twenty minutes of four in the afternoon—the other odd thousands coming in on the other two shifts—there are at all times not less than, in my honest opinion, 25 per cent unproductive for eight hours of the day, because they cannot possibly work in such numbers. The space is not there. That is a Government agency, operated by the Federal Government. The War Manpower Commission is a Federal agency, and one complements the other. The War Manpower Commission says that Boston is in a critical labor shortage area, and I say that the Government has made it so if it is so. They should survey that Yard from the Henley street entrance to Pier 46 at the Mystic, and when they start kicking out the fakers and the phonies may God will that they include some of the brass hats with them.

Coun. RUSSO—Mr. President, I suppose I shall have to start the same as some of my colleagues have started. I did not intend to take the floor; nevertheless, we have all done that and have used up, I suppose, a few hours. All the speeches that have been made here today have not surprised me at all. In the four years that I have served in this Body it seems to me it is the same thing over and over again. Every time that a councillor introduces an order in order to try to get some information, a finger is always pointed at him trying to find out the motive behind that order, and the finger of suspicion is always pointed at him. Every time that an order comes in to you eulogizing the Mayor everything is supposed to be all right. I have the highest respect for the Mayor, although I have not always been with him; I have been opposed to him when I believed that my conscience and my mind were dictating me in the right way, and I have been with him when I believed that he was right. Now, why should a finger be pointed at any one of the twenty-two councillors when some information is trying to be had? As Councillor Kinsella brought out today here, the Mayor admits that in his six years he has made mistakes, and I believe that every one of us sometime or other will make mistakes. So why should anyone point a finger at us when we seem to disagree in so far as the action of the Mayor or the action of any department head or any employee of the City of Boston is concerned? This order here merely is trying to get some information that I believe we as councillors are entitled to. Now, if everything that the Mayor does is perfectly all right, then I say again, as I said before in this Council, why not abolish the Boston City Council? Are we here as men to exercise our own consciences and minds, or are we here only to sit and watch a lot of things go on as they have been going on? Since I have been a City Councillor I have taken the floor any time that I believed I had the right to take the floor either for or against a proposition. Outside it had already been said that I could not get into the Mayor's office.

Coun. M. H. SULLIVAN—It is a lie.

Coun. RUSSO—Well, Mr. President, whether I differ with the Mayor or not, there is one thing that they cannot take away from me, and that is the right of the conviction of my conscience and my mind, and I will go into the Mayor's office any time I so please as long as I am going in there to do something good for some constituent of mine. Why not stop the kidding and let us get down to business? I think that the Mayor is able to defend himself, and we are able to defend ourselves when the time arises. So I hope, Mr. President, that this order will pass.

Coun. SCANNELL—Mr. President, I believe if you look up the City Charter you will find that the only time the Mayor meets with the members of the City Council is when he comes in here to make his annual speech. I don't think the City Council has any power to ask the Mayor to meet with them. If any of the members of the Council would like to see the Mayor, his door is always open to every member of this Body, and if they want to ask him any questions I am sure that he will cooperate with them, and if they want to find anything out about what his plans are for the future I am sure that we may meet as a Body and go down at his invitation.

Coun. FISH—Mr. President, as I sum up what has been said here this afternoon, I would just like to ask the members of this Council whether they think that it is their duty to be interested in the city employees. It has been revealed to me that there was a meeting of the War Manpower Commission, that representatives from Washington were here, that the War Manpower Commission appointed by the Mayor was present, and the Mayor was himself present, and justly so. I wonder if the City Council should not, as directors of the city, know what is the outcome to the city employees.

Coun. HANLEY—Mr. President, I realize fully that my distinguished colleague from South Boston has read and reread the charter of the City of Boston. But is it true, Mr. President, that about three months ago his Honor the Mayor notified us by telegram to come down to his office relative to the renovation of the white elephant on Tremont street, the Houghton and Dutton building, for the purpose of building up the value of the property so as to return to the City of Boston some of the money that was lost through taxes? I believe that two-thirds of the entire membership of the Boston City Council sat around the table and asked him questions, and he did not use evasion but rather told us definitely what this building is, what it was, and what it would be. I knew that on the introduction of this order there would be adverse criticism by inference and innuendo. I am not fearful of any man in public life, physically, mentally or scholastically. One of the most critical periods that Boston has ever passed through exists at the present time, when his Honor the Mayor, according to the reports from the Boston press, is to accept a commission in occupied territory. What does that mean? It means simply this, that the President of this Honorable Body will be Acting Mayor for the duration of his term. It simply means that you, Mr. President, until the termination of this year, will be the Acting Mayor, and that you will depend upon the advice of your colleagues, who know more about their districts than any other man in public life—and I hold no brief for any other man in public life—and at the beginning of another year the twenty-two councilors will again sit for the purpose of electing a president who will be the Acting Mayor for that year. I have said, and I say it again, that a certain group of unscrupulous men, who are motivated by selfish desire for lust, for power and greed, have snared and inveigled his Honor the Mayor, and they are asking him to go into foreign territory when his services are required here. He has been the Chief Executive, an honorable man, and not once in my remarks have I ever castigated him by inference or innuendo. It is very easy for me to eulogize him and to commend and congratulate him, but I always remember the story of Cicero, who castigated vociferously a man two thousands years ago in order to ingratiate himself within the heart of Caesar, and I always remember the story of Brutus, who drove into the back of Caesar a dagger, and the words have come down through the corridors of time, "Et tu, Brute," which, literally translated, means, "And you also, Brutus." I never want to be placed in the category of a Brutus, who would drive into the back of any man a dagger of verbal or physical assault. This order is very simple; it is worded very simply. It does not ask for any defense, but if you ask me to eulogize the Mayor I believe that, with the gift that God gave me, I can eulogize him as being as good as, if not better than the parasites who feed upon him.

Coun. RUSSO—Mr. President, for the information of my good friend and colleague from Ward 6, when he said that the only time the Mayor comes before the City Council is when he gives his annual address, I believe that every time we draw jurors there is a call upon his Honor the Mayor to be present. I also have in mind about three years ago the Mayor called the City Council together at a luncheon, at which a discussion took place, and he at that time stated that for the best interests of the people of the City of Boston the more often the Mayor and the Boston City Councilors got together to discuss the problems of the city, the better it would be for the interests of the city as a whole. Now, this order here is merely asking that the City Council sit down with the Mayor. I believe that in doing so we can formulate plans for the best interests of our city. That is the only way that we have any possible chance of exchanging ideas. Now, having also in mind that too many

times in the past there have been bills presented to the State Legislature that the City Council were in darkness about, I say that if the City Council were informed we could have acted in the best interests of the city. I do not see any harm in sitting down with his Honor the Mayor and discussing our problems. Anything that pertains to the City of Boston is his Honor the Mayor's problem as it is your problem and as it is my problem. We have been elected by the people in our districts, and he has been elected by the whole people of the entire city. Therefore it is all our problem and we should know everything that pertains to the City of Boston. If we have information the Mayor ought to know about it, and if the Mayor has any information, I believe that the City Council should be informed for the best interests of the people of the City of Boston.

Coun. HURLEY—Would it be proper to make a motion to have this referred to the Executive Committee? Mr. President, I don't know what this order is all about. I got in here rather late, and there was something rather urgent and I had to leave and I did not hear the reading of the order. If I had heard the reading of the order I don't know whether that would have helped me or not. I would like to be enlightened on what I am going to vote on, and I think we have got enough time to send this to some committee, so that we can sit down and discuss it and have somebody come in there and enlighten us about it. I am asked to vote Yes or No, and I don't know what it is all about. I would like to be informed what I am going to vote on. I would like to cast a vote Yes or No. But at the present time I don't know what it is all about. So that I would make a motion that this order be referred to the Executive Committee. Then after we know something about the order it can be brought before the Council.

The question came on the motion of Coun. Hurley to refer the order to the Executive Committee.

Coun. TAYLOR—Mr. President, there may be a great deal of merit in what the last councilor has said, it might clarify a lot of things to some of the men; but personally, as far as the order is concerned, I can't see anything wrong with the order, because we are seeking information, or seeking assistance. But there is one thing about the order that I don't like, and that is the joker that is attached to it. I can't reconcile the joker with the order; one has nothing to do with the other. However, the Chair has ruled that it is an appropriate order and should not be the subject of two orders, and I am not going to question that any further. A lot of statements have been made which in my opinion had no part in the argument whatsoever. I have always found out in the course of debate that when the pros get personal against the cons, and the cons likewise get personal, it is a definite exhibition of weakness, without much argument. They are attempting to bring in here things that have no bearing on the subject, at hand in order to sway others and to influence the minds of others in the wrong direction, not by any concrete argument on the subject itself. I can't for the life of me see how we can propound to the Mayor the question as to when he will join the service of the United States, and I can't see how that has anything at all to do with the first part of the order. If anybody can convince me on that in Executive or here, I shall be only too happy to listen to him. There has been a lot of talk about the President of the Body being greatly interested next year as representing the Mayor. He might leave this year, or he might not leave at all. Maybe I am wrong when I interpret the charter as saying that the President of the Body will not necessarily be the Mayor for the ensuing year. That is not my interpretation of the charter. I still say that up until six months of the time that remains unexpired in the Mayor's term it is the duty of the City Council to sit down and vote for the election of a Mayor, in the

event that the Mayor resigns. If the Mayor does not resign, then I assume that he will go along in accordance with the statute which has been applied in the past and the President of the Body will assume the duties of the Mayor in accordance with the statute. How can there be any reconciliation between one part of the order and the other part of the order? If a man wants to leave and go into the service that is his right. I wonder if the members of the Council who in all probability will be forced to go into the service are saying to their constituents, "Well, I expect to go into the service in one, two, three or four months; who is going to represent you in this district if I am sent away from the City of Boston?" They do not ask their constituents that question; they are not interested in knowing the answer. But on the other hand, they are apparently interested in knowing what the Mayor is going to do. Why that great interest? I have not got the slightest suspicion, Mr. President. I would strike out the latter part of the order. I don't see any reason why anybody should object to it. I so move, Mr. President, that the order be amended by striking out that portion which relates to the request of the Mayor, as to when he is going into the service.

President HANNON—Councilor Taylor moves that the order be amended by striking out the following: "and a forthright statement of when he will join the AMG." The question comes on that motion.

Coun. HANLEY—Mr. President, the councilor from Ward 12, being far more clever than I have been or ever will be in the concoction of phrases and inferences and innuendo, is trying to propound to me a question that arises in his own mind. His Honor the Mayor has publicly stated that he was seeking a commission to serve in occupied territory. Now, the Selective Service Act will embrace all males from the age of eighteen to thirty-eight, inclusive, and that scope will take in many members of the Boston City Council. There was a bill filed and passed by the State Legislature, which is presently pending in the Rules Committee, so that a certain number of City Councilors can carry on the city business in the event that one or more are drafted or enlist into the armed forces, and each member of the Boston City Council, through the City Messenger, has been given an exact copy of the bill as drafted and passed by the State Legislature. There are certain qualifications in the Selective Service Act, and Congress in its wisdom has seen fit to place certain males in certain categories, but a man may enlist or volunteer. If a man who loves the uniform, who likes to travel by train, by carriage, by camel, or by steamship, cares to go in, the opportunity is there, but in so doing he has neither the right nor the privilege to abrogate or nullify any obligation imposed upon him by the moral law or the civic law, and on the day of retribution he will be asked what he has done with his responsibilities. If the councilor from Ward 12, according to the record and according to the emblem on his coat, was in the past war, the question arises: Did he volunteer or was he drafted? I do not ask for the answer.

Coun. TAYLOR—He volunteered.

President HANNON—The Council will be in order. Councilor Hanley.

Coun. HANLEY—Thank you, Mr. President, and thank you Councilor Taylor. He volunteered. Now, this councilor from Ward 12, on the very first order that I introduced into the Boston City Council, saw fit, as was his privilege, to carry out the argument, and my first order was for increasing the salaries of city employees commensurate with the high cost of living for these city employees, and I backed it up with a supporting speech, and I utilized uncontrovertible statistics based upon the Government reports. And down through the forty-odd weeks that I have been councilor from my district, for this man, who is far more clever than I in parliamentary procedure and in legalistic ability—

Coun. TAYLOR—Mr. President.

Coun. HANLEY— —to castigate me—

Coun. TAYLOR—A point of order, Mr. President.

Coun. HANLEY— —by inference and by innuendo—

President HANNON—The gentleman will state his point of order.

Coun. TAYLOR—I do not object to the gentleman rambling along on this line, but I do not see what part this has in the discussion here. I ask that he confine himself to the subject at hand.

President HANNON—The question before the Body is reference to the Executive Committee. The gentleman will confine himself to reference to the Executive Committee.

Coun. TAYLOR—A point of order, Mr. President.

President HANNON—The gentleman will state his point of order.

Coun. TAYLOR—I think the subject was the amendment.

President HANNON—No. The Chair is advised that, according to Rule 15, when a question is under debate the motions will be treated in the following order: To adjourn; to lay on the table; the previous question; to close debate at a specified time; to postpone to a day certain; to commit; to amend; to postpone indefinitely. So that the motion to commit precedes the motion to amend. Councilor Hanley.

Coun. HANLEY—A point of information, Mr. President.

President HANNON—The gentleman will state his point of information.

Coun. HANLEY—I believe I was speaking on the amendment to strike out the last part of my order; that is why I had taken the floor. If, Mr. President, the motion before the Body at the present time is the suspension of the rule and the passage of the original order intact, then I will not burden your Honor further at this time.

President HANNON—Both motions stand for the present, and both motions may be debated at this time. When the vote is taken, the vote will be taken as follows: First, on the motion to commit to the Executive Committee, and if that motion prevails there is no further vote to be taken; but if that motion does not prevail, then we will vote on the motion to amend as offered by the councilor from Ward 12. Whether or not that motion prevails, we then vote on the motion of the gentleman from Ward 11 that we suspend the rule and adopt the order. Councilor Hanley.

Coun. HANLEY—Mr. President, to speak on the presentation of my order again would be repetition to the councilors as they are convened here today. It would be both nauseating and disgusting to impose upon their good nature by lengthening this argument, and I ask, Mr. President, through you, and before all my colleagues, to pass on the order according to the wording and not according to the inference that others may have drawn, for it is said that the devil can quote the Scripture for his own.

President HANNON—The question is with reference to referring to the Executive Committee.

Coun. CAREY—Why not on the motion to amend?

President HANNON—That is according to the rules of procedure, Rule 15 on page 10.

Coun. CAREY—The gentleman from Ward 12 was allowed to speak on the motion to amend.

President HANNON—Because both motions are before the Body, but when the vote comes, we vote first on the motion to commit to the Executive Committee.

The question came on referring the order to the Executive Committee. The motion was declared lost. Coun. TAYLOR doubted the vote and asked for a roll call. The roll was called and the motion was lost, yeas 6, nays 11:

Yeas—Coun. Chase, Hurley, Muchnick, M. H. Sullivan, Taylor, Wickes—6.

Nays—Coun. Carey, Coffey, Dwyer, Fish, Hanley, Hannon, Kelly, Kinsella, Russo, Scannell, D. F. Sullivan—11.

The question then came on the amendment offered by Coun. Taylor that certain words be stricken from the order.

Coun. CAREY—Mr. President, there might be some slight merit in what the gentleman from Ward 12 had to say relative to amending the original order, but personally I fail to see it. If this order asked the Mayor what he was going to have for dinner tonight, the question might be raised whether it was any part of our business what he was going to eat for dinner tonight. I suppose that the Mayor is going to hear this same question asked fifty or a hundred times a day. I don't suppose the Mayor is able to give an answer. I don't believe the Mayor knows whether he is going or when he is going. It is mere gossip, and the people of the city no doubt would like to know if the Mayor can give an answer. As I said when I was on the floor previously, the Mayor has applied for a commission and he is awaiting action on it. Until action is taken on the application for a commission I don't suppose he can give any answer, and therefore I presume his answer to this question will be, "I don't know." I don't see any harm in the original order and I shall vote against the amendment.

Coun. MUCHNICK—In view of what the previous speaker has just said, I move that the matter be laid on the table for two weeks.

President HANNON—Councilor Muchnick moves that the matter lay on the table for two weeks, which motion takes precedence over the motion to amend.

Coun. COFFEY—In order to save the time of the councilors, I ask that when the vote is taken it be taken by roll call.

The question came on the motion of Coun. Muchnick that the order be laid on the table for two weeks. The roll was called and the motion was lost, yeas 6, nays 11:

Yeas—Coun. Chase, Hurley, Muchnick, Scannell, M. H. Sullivan, Taylor—6.

Nays—Coun. Carey, Coffey, Dwyer, Fish, Hanley, Hannon, Kelly, Kinsella, Russo, D. F. Sullivan, Wickes—11.

The question then came on Coun. Taylor's motion to amend by striking out certain words. The Chair was in doubt and the roll was called. The motion to amend was carried, yeas 8, nays 7:

Yeas—Coun. Chase, Coffey, Hurley, Muchnick, Scannell, M. H. Sullivan, Taylor, Wickes—8.

Nays—Coun. Carey, Dwyer, Hanley, Kelly, Kinsella, Russo, D. F. Sullivan—7.

The question then came on the suspension of the rule and the passage of the order as amended. The order as amended was passed.

EAST BOSTON RELIEF STATION.

Coun. COFFEY offered the following:
Ordered, That his Honor the Mayor request the Board of Trustees of the Boston City Hospital to open the East Boston Relief Station twenty-four hours a day.

Passed under suspension of the rule.

REPORT OF COMMITTEE ON APPROPRIATIONS.

Coun. DWYER, for the Committee on Appropriations, submitted the following:

1. Report on message of Mayor and order (referred September 20) transferring \$14,000 to Sanitary Service and Paving Service—that same ought to pass.

Report accepted; said order passed, yeas 15, nays 0.

2. Report on message of Mayor and four orders (referred September 20) for transfers within various departments—that same ought to pass except order for transfer of \$1,150 for Statistics Department.

The report was accepted and the orders were passed, yeas 15, nays 0.

ALLOTMENTS TO DEPENDENTS OF THOSE IN ARMED FORCES.

Coun. FISH offered the following:

Resolved, That the Boston City Council, in meeting assembled, favors legislation by the Federal Government to read as follows:

The first payment of Government allotments shall be made to dependents of those in the armed forces not later than thirty days after date of induction.

Coun. FISH—Mr. President, very briefly, on June 14 I presented a resolution to this Body and they passed it, requesting that the Federal Government double the allotment now granted to the dependents of those in the armed forces. Today I am presenting this resolution asking that the Federal Government speed up the payment of those allotments. It seems to me that thirty days, the amount of time they have in Washington, will be sufficient to make the investigations of the affidavits that these service men are required to present to Washington. It seems to me that thirty days should be sufficient. And I think if they not only double the allotment but speed up the allotment we will not have much more repetition of what the press has been carrying the past few days, both by word and picture, of families who are really destitute. I think the press has done a mighty fine and commendable job in bringing it to the attention of the people, and I really think the underlying reason is that in Washington, where they have sufficient help—and we all know that—that they are not applying themselves properly so that these dependents will get that relief. I want to pay particular tribute to our Soldiers' Relief Department, because if it were not for that department you would have had many more pictures and news items in the press than we have had in the last few days. We are spending hundreds of thousands of dollars in the Soldiers' Relief Department merely because of the neglect of somebody in Washington who doesn't get these allotments through to the families. I do not think that anybody would disagree with me when I say that we cannot expect the best from the soldier under those conditions. If he wants to give money the Federal Government will match it, and yet the family are not getting it. I do not think that you will get the full efficiency of any soldier if that condition continues.

Coun. KINSELLA—Mr. President, I will be brief, because I have spoken too much today,—more than is good for me. But it is a sore spot, this relief problem. I don't know whether the rest of you fellows get it or not. I have had a large number of persons come to me—young married women with children. I want to be as informal as I can be, but I want to try to impress you with the seriousness of this thing. The husbands of these young women have been taken into the service by one means or another, either by selection or by voluntary enlistment, and they have left the family in many cases destitute. Now, I have advised them in the case of a woman whose husband belongs to the Navy, to go to the Navy Relief, and I was dumbfounded and amazed when I found out that the money that we all contributed in those little cans in the theaters that were passed around—I don't know whether they still do it or not; I have not been to a movie in a year—I always thought that the money that I was throwing in there was going to those people for relief as an outright grant, not as a loan. The first thing that they are told when they apply to the Army or Navy Relief is that this money is a loan and must be repaid. I wonder how many councilors here understood that, when they were giving what little change they might have had in their pockets, putting it into those receptacles that were passed around at the shows. It is true that Councilor Fish hit the nail on the head when he said that we are going to have more people who will throw their pride away and let it be known publicly what they are up against. I have had case after case in Charlestown of

young sons coming to me and saying, "I am going into the Army the 14th of next month; will you do what you can to get my mother and father on relief?" What do you think of that? We will have 11,500,000 men in the armed services by the first of January, with two public charity cases for each man. Is that the democracy they want us to love? There is only one agency in this country that can stop it, and that is the press. The press is charged with the responsibility of giving to the general public the facts of the overbearing, high-handed and domineering tactics, breaking up homes and sending young mothers down to an agency that was given money freely, there to be confronted with the statement, "This is a loan and must be repaid." And the same thing in the case of elderly people on relief. I wish I had access to some newspaper column that had a live circulation so that I could tell them of specific instances of where people have been made paupers to supply the needs of the war. Yes, we have got to fight this war, but let us not pauperize the parents or the mothers. It is a mighty sore spot, and if nobody else in this Body gets it, I get it, and I can authenticate every statement I make. I am fed up with it. I was amazed, Mr. President, when I found out from the first young lady, whose husband is now in the Brooklyn Naval Hospital from injuries sustained in the invasion of North Africa, that she was told that the money must be repaid. I don't want to be repetitions. I didn't think that was so when I contributed, and I don't think anybody else here thought it was so when he contributed. My idea of it was that it was to be an outright grant, not to pauperize the people who gave the only support that they had. One young fellow came to me last June and told me he was going into the service, I believe in July or August. Not long ago I got a very nice letter from his parents. The boy gave up a job in the Boston Fire Department, and I got a letter not long ago from his parents thanking me for the assistance I gave them in getting them—God Almighty!—on to the relief rolls. What do you think of that? I received another one from him that was practically dripping with tears of gratitude because at least they would not be hungry this winter. There is a democracy at work! Think it over.

The resolution was adopted under suspension of the rule.

INSPECTION OF NURSING HOMES.

Coun. WICKES offered the following:
 Ordered, That the Overseers of Public Welfare be requested, through his Honor the Mayor, to make regular inspections of nursing homes where old age assistance recipients are housed to make sure that these recipients are given proper food, heat and courteous treatment by those who are intrusted with their care.

Passed under suspension of the rule.

VACANCIES IN FIRE DEPARTMENT.

Coun. WICKES offered the following:
 Ordered, That the Fire Commissioner be requested, through his Honor the Mayor, to fill vacancies in the Fire Department by appointing from the Civil Service list men who are in the military or naval service of the United States and that the commissioner be further requested to appoint temporary military substitutes to fill in until such time as the regular appointees have been discharged from the armed forces.

Passed under suspension of the rule.

INSTRUCTION OF CHILDREN IN HOSPITALS, ETC.

Coun. CAREY offered the following:
 Ordered, That the Corporation Counsel be requested, through his Honor the Mayor, to inform the City Council of what provisions

the City of Boston makes relative to necessary instruction for Boston children of school age who are confined to hospitals and other convalescing institutions outside the city limits. Passed under suspension of the rule.

IMPROVED CAR SERVICE.

Coun. SCANNELL offered the following:
 Ordered, That the trustees of the Boston Elevated Railway Company be requested, through his Honor the Mayor, to improve the service on the City Point-South Station-Broadway line by putting on additional cars for defense workers during the early morning hours.

Passed under suspension of the rule.

TREATMENT OF OLD AGE ASSISTANCE RECIPIENTS.

Coun. CHASE offered the following:
 Ordered, That the Board of Overseers of the Public Welfare be directed, through his Honor the Mayor, to order all social workers and visitors of old age assistance recipients to treat the old people under their jurisdiction in a courteous and kindly manner and to show a little more of the milk of human kindness in making up the budgets that these elderly people are supposed to survive on.

Coun. CHASE—Mr. President, I was prompted to file this order because of many complaints that I have been receiving from some constituents in my district. Many of these elderly people are not given the advantage of the full old age assistance as required by the State law. Many of these old people are being treated like criminals by some of these old age assistance visitors, and I think it is about time, Mr. President, that we members of the Boston City Council do something about it. I see no reason why, because a man or a woman who has reached the twilight of life is obliged to accept old age assistance, they should be open to insults and be forced to tears and unhappiness by acts of some vicious visitor who is lucky enough to be on the public pay roll. I say, Mr. President, that there is something wrong somewhere when these public servants can mistreat these citizens, the overwhelming majority of whom have been fine citizens in their younger days and who have contributed much to the city, state and nation, but who are now old and feeble and who do not know their rights as given to them by the State laws. I have in mind, sir, one case that appealed to me last week and asked me to use my influence with the old age assistance division in order that he might have a heated room, and I understand, Mr. President, that the recipient, an elderly man around eighty years of age, is partially blind, so much so that it is necessary for him to pay a quarter to have some youngster lead him around when he wants to go out for a little fresh air; and I understand, Mr. President, that he has to take a quarter out of his own pocket, a quarter supposedly given to him to pay for the necessities of life, in order to have someone guide him about the streets. He urged me to see if it would be possible to get him a few dollars more in order that he might have these quarters to pass out occasionally to some youngster who would guide him about the streets of Boston to get the sunshine and fresh air. And he asked me, Mr. President, if it would be possible for him to have a heated room instead of the cold room that he is now living in. I promised him that I would check on his case and see what I could do to help him, and I talked with the visitor, Mr. President, and of all the heartless individuals that I have ever met this particular person would take the prize. She told me, Mr. President, that this elderly man was given the opportunity several years ago, or not so long ago, to go into a nursing

home, and that she would be willing to pay \$15 a week to have that nursing home take care of him, but under the present circumstances she would not approve the budget that he is now forced to live under for more than \$40 a month. I called her attention to the fact that he was living in an unheated room and was paying \$5 a week for board and room, and that under the law he was entitled to make a change into a heated room and that her department was forced to pay the difference; and she, instead of admitting it, Mr. President, denied it and at least led me to believe, Mr. President, that many of these old age recipients are deliberately being denied that assistance which the Legislature intended when they passed the old age assistance law. I say, Mr. President, that in my opinion there are hundreds of old age recipients on our rolls in Boston who do not know their rights, and who are deliberately being denied their rights because of the snooping, supposedly conscientious, social workers. It is a case, Mr. President, the same as it was several years ago when they were taking six or seven bodies and throwing them into a grave at \$20 a head, when the State law says "a decent burial," which would cost them \$100. The city is not going to be broke, Mr. President, by furnishing proper relief to these old people, and I can't see how any administration can put up with such treatment of our old people, depriving them of proper nourishment, proper care, and a proper place to live in. I am sure, Mr. President, that his Honor the Mayor, if he knew that these conditions existed, if he knew that certain visitors were heartless, cold-blooded individuals, would fire them. This particular individual said, "You can't do anything to me; I am protected by civil service." But I say to you, Mr. President, as I told this individual, "Yes, I can do things; I will do something; I will investigate each and every case of old age assistance in this city,

and if I find that there is an unreasonable number of people who are being deliberately denied that aid which the law says they are entitled to, I shall urge criminal action against these people and the persons responsible for it." I hope, sir, that his Honor the Mayor will take jurisdiction of this matter and look into it carefully and do something about it.

The order was referred to the Committee on Public Welfare.

THANKS TO ALEPPO TEMPLE.

Coun. WICKES, CHASE and M. H. SULLIVAN offered the following:

Resolved, That the members of the Boston City Council hereby extend their thanks to the Aleppo Temple of the Mystic Shrine for the generous gift of the baby chimpanzee to the Franklin Park Zoo, for the children of Boston; and be it further

Resolved, That a copy of this resolution be forwarded to Judge Robert Gardiner Wilson, Grand Potentate of the Shrine, and a former member of this Body.

The resolution was adopted.

PHOTOGRAPH OF COUNCILOR LYONS.

Coun. HURLEY offered the following:
Ordered, That the City Messenger be authorized to purchase a radiotone photograph of City Councilor Theodore F. Lyons, who was elected President of the City Council for 1943, and held the position for one week until his successor was chosen.

Passed under suspension of the rule.

Adjourned at 4.36 p. m., on motion of Coun. KINSELLA, to meet on Monday, October 4, 1943, at 2 p. m.

CITY OF BOSTON.

Proceedings of City Council.

Monday, October 4, 1943.

Regular meeting of the City Council in the Council Chamber, City Hall, at 2 p. m., President HANNON presiding. Absent, Coun. Fish, Foster, Goode, Hurley, Langan, Linehan, Lyons, Taylor.

The meeting was opened with the salute to the Flag.

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 first day of May, 1943, without power to serve civil process and to serve without bond: John J. Cunniff, 134 P street, Ward 6, vice James F. Mahoney, deceased.

Weigher of Coal: Mary L. Spelman, 100 King street, Dorchester, Mass.

Weigher of Goods: Miriam Leppo, 9 Iola street, Dorchester, Mass.

Severally laid over a week under the law.

APPROPRIATION FOR CARE OF GRAVES.

The following was received:

City of Boston,

Office of the Mayor, October 4, 1943.

To the City Council.

Gentlemen,—Chapter 115, section 22, of the General Laws, provides that the Mayor shall annually appoint a citizen, preferably a war veteran, who shall be charged with the duty of suitably keeping and caring for the graves of those who have served in the Army, Navy or Marine Corps of the United States in time of war.

Deeming a strict compliance with the statute desirable, I designated on June 29, 1942, under authority of the law, a Graves' Registration Officer and submitted to your Honorable Body an order transferring the sum of \$5,000 from the Contingent Fund to provide the funds necessary for the maintenance of this activity. This order was passed on August 24, 1942, by your Honorable Body.

The funds made available will shortly be entirely expended and believing this activity should be continued there is forwarded herewith an order transferring the sum of \$5,000 from the Contingent Fund. Your consideration and passage of this order is respectfully recommended.

Respectfully,

MAURICE J. TOBIN, Mayor.

Ordered, That the sum of five thousand dollars (\$5,000) be, and the same hereby is, appropriated, to be expended under the direction of his Honor the Mayor, for the care of graves of soldiers, sailors and marines, as provided in chapter 115, section 22, of the General Laws; said sum to be charged to the Contingent Fund.

Referred to Committee on Appropriations.

TRANSFER FOR JAIL IMPROVEMENTS.

The following was received:

City of Boston,

Office of the Mayor, September 27, 1943.

To the City Council.

Gentlemen,—I am forwarding herewith a request from the Special Sheriff for the transfer of \$2,500 from the Jail budget to the

special appropriation entitled Jail Improvements for the purpose of completing payment for the erection of the new wall at the rear of the Jail. In compliance with this request there is also forwarded herewith an order transferring this sum and adoption of the same is recommended by your Honorable Body.

Respectfully,

MAURICE J. TOBIN, Mayor.

County of Suffolk,

September 27, 1943.

Hon. Herman A. Bush,
Budget Commissioner.

Dear Commissioner,—In 1941 \$25,000 was allowed to the Suffolk County Jail to construct a rear wall at the Jail. However, the amount of \$5,000 was drawn from this \$25,000 to make up a deficiency in the Municipal Courts' budgets. This was done with the consent of Sheriff Frederick R. Sullivan.

In 1942 the \$5,000 was given back to us, and in that year the Public Works Department of Boston started to make the necessary survey and draw up the necessary plans and specifications for the Jail wall. I asked them to do this since it would save the County and, therefore, the City some money which otherwise would have to be paid out as fees for this work. When these plans and specifications were completed, bids were asked and received for this work. The lowest bidder was awarded the contract. The contract price is \$28,400.

To make up the difference between the contract price and the appropriation, transfers are requested from B-39, General Repairs, in the amount of \$500, and from C-7, Furniture and Furnishings, in the amount of \$2,000. These are transfers from the regular budget to the Special, Jail Improvements, account, which is the money for the construction of the rear wall at the Jail.

Because of the increased costs of materials, increased cost of labor, and the general increase in all construction costs, I believe that the awarded contract is at a fair price and respectfully urge that these transfers be allowed to complete this needed improvement in the rear wall of the Jail.

Sincerely yours,

JAMES J. MELLEEN, Special Sheriff.

Ordered, That under authority of section 3B of chapter 604 of the Acts of 1941 the City Auditor be, and hereby is, authorized to transfer:

From the appropriation for Jail, B, Contractual Services, \$500; C, Equipment, \$2,000, to the appropriation for Special Appropriation, Jail Improvements, \$2,500.

Referred to Committee on Appropriations.

PETITIONS REFERRED.

The following petitions were received and referred to the committees named, viz.:

Claims.

George S. Gifford, to be reimbursed as result of accident which occurred while in performance of duty.

Mabel Lindquist, for compensation for injuries caused by an alleged defect in Walnut street, Neponset.

Mrs. Joseph McDevitt, for compensation for injuries caused by an alleged defect at Bragdon and Amory streets.

George F. Sweeney, to be reimbursed as result of accident which occurred while in performance of duty.

Committee on Licenses.

Petition of Boston Cab Company for license to operate motor vehicles from East Boston airport to Statler Hotel via (westbound) Porter street, Sumner Tunnel, North street, Dock square, Brattle street, Scollay square, Tremont street, Stuart street, Eliot street, Columbus avenue, Arlington street; (east-

bound) Church street, Boylston street, Tremont street, Parker House, Scollay square, Cornhill, Dock square, North street, Sumner Tunnel, Porter street.

BOARD OF RECREATION.

President HANNON offered the following: Ordered, That chapter 451 of the Acts of 1943, entitled "An Act Establishing a Board of Recreation in the City of Boston, and Setting Forth its Powers and Duties" be, and hereby is, accepted.

Referred to Committee on Parks and Playgrounds.

ELECTION ON NOVEMBER 2.

President HANNON 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 second day of November, 1943, to give in their votes for three members of the School Committee for a term of four years, 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:

Question 1. (Part 1.) Shall the city vote that the office of City Auditor be placed within the classified civil service?

(Part 2.) If it is voted to place the office of City Auditor within the classified civil service, shall the city vote to provide for the continuance in said office of Charles J. Fox, the present incumbent thereof, after passing a qualifying examination?

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 directed to give notice of said meetings by publishing the same as required by law.

Passed under suspension of the rule.

SUSPENSION OF CERTAIN PROVISIONS AT CITY ELECTION.

President HANNON 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 questions to be voted upon at the City Election to be held on November 2, 1943.

Passed under suspension of the rule.

Coun. D. F. SULLIVAN in the chair.

PUBLIC SAFETY CAMPAIGN.

Coun. M. H. SULLIVAN offered the following:

Resolved, That the Boston City Council commends the foresight and progressive spirit of the Massachusetts Safety Council in undertaking a public safety campaign to smash the Seventh Column, the carelessness that causes accidents and fires, and urges the support of every Bostonian in this praiseworthy effort to reduce accidents at a time when shortages of manpower and materials make conservation of life and property an activity vital to victory.

Passed under suspension of the rule.

WAGES OF PARK DEPARTMENT ENGINEERS.

Coun. KINSELLA offered the following:

Ordered, That the chairman of the Board of Park Commissioners, through his Honor the Mayor, be requested to forthwith

standardize the wages of all engineers in the Park Department who are doing equal work but whose wages vary.

Coun. KINSELLA—Mr. President, I have received the following note, which I hand to you, in regard to this matter.

(The note was as follows:

October 4, 1943.

Councilor Kinsella.

Dear Leo,—Will you please put an order through the Council (equal pay for equal work) for engineers in the Park Department? In all other city departments all engineers and firemen are paid the same wages, \$42 per week. In the Park Department some get \$42, some get \$41.50 and some get \$38. This should be stopped. It is not fair. All engineers doing equal work should receive equal pay.)

The order was passed under suspension of the rule.

CONDITIONS AT BOSTON NAVY YARD.

Coun. KINSELLA offered the following:

Resolved, That, whereas certain statements have been made imputing labor hoarding to the management of the Boston Navy Yard; and, whereas, denials of these charges by the Navy Yard management have not won public respect or confidence or belief; and

Whereas, Many Navy Yard workers have indicated a willingness and desire to be heard by a properly constituted and properly designated authority, in support of these charges; and

Whereas, Mere repetition of the charges does not establish their truth nor denials their falsity; therefore, be it

Resolved, By the Boston City Council, in meeting assembled, that the Truman Investigating Committee of the United States Senate be respectfully requested to conduct a sweeping, a clean and a thoroughly unbiased, unprejudiced probe of the allegations and that such probe be conducted in Boston, Mass.

Chairman SULLIVAN—The resolution will be referred to the Committee on Rules.

Coun. KINSELLA—Mr. President, one week ago today—

Chairman SULLIVAN—There is no debate on that. It is within the Chair's right to refer any business that has no right here before the Council as city business, without debate, to the Committee on Rules.

Coun. KINSELLA—I appeal from the ruling of the Chairman.

Chairman SULLIVAN—There is no appeal. Under the rule such matters are referred without debate to the Committee on Rules.

Coun. KINSELLA—This resolve very seriously affects the welfare of the working population of Boston, and I think it is pertinent for the people of Boston to know what further steps are contemplated. I think it is time we recognize that we are fighting a war, not simply—

Coun. COFFEY—I rise to a point of order. Was the gentleman who is talking recognized by the Chair?

Chairman SULLIVAN—Not to talk upon the order.

Coun. KINSELLA—Naturally I would like to state my reasons for presenting this to the Body. The Body is supposed to be a representative body of men representing the 750,000 people of Boston.

Chairman SULLIVAN—The Chair rules that this order has no business whatsoever relative to the City Council and is therefore referring it to the Committee on Rules, and there is no debate.

Coun. KINSELLA—I hope the press has very carefully recorded the ruling of the Chair, because I don't think it appears to be the opinion of the Body.

Chairman SULLIVAN—The Chair is in receipt of a venire for sixty-nine jurors for the Superior Criminal Court, upon which we will now proceed.

Coun. COFFEY—Mr. Chairman, I rise to a point of information. Can I offer an amendment to that resolve filed here a moment ago?

Chairman SULLIVAN—I am sorry, you cannot. It has been referred. You can introduce another order if you wish.

Coun. COFFEY—Is that the ruling of the Chair, that no amendment can be attached to that resolution?

Chairman SULLIVAN—Not after it has been referred. It has been referred to the Committee on Rules. It is not before the house.

Coun. COFFEY—May I make a motion to reconsider?

Chairman SULLIVAN—The City Messenger will notify his Honor the Mayor of the drawing of jurors.

Coun. COFFEY—I rise to a point of information.

Chairman SULLIVAN—State your point of information.

Coun. COFFEY—We were just getting into something that I wanted very much to get into, and I would like to know why the Chair—I think it was the City Clerk—has taken this debate right out of the hands of the councilors by saying that so many jurors were required. Couldn't that have waited? We could call the jurors at any time during the day.

Chairman SULLIVAN—We might not have a quorum.

Coun. COFFEY—I doubt the presence of a quorum. I don't think a quorum is present. Let's go home.

Chairman SULLIVAN—Councilor Coffey doubts the presence of a quorum. To settle the doubt, the clerk will call the roll.

The clerk called the roll, the following members responding as present:

Coun. Carey, Chase, Coffey, Dwyer, Hanley, Hannon, Kelly, Kinsella, Russo, Scannell, D. F. Sullivan, M. H. Sullivan, Wickes—13.

Chairman SULLIVAN—A quorum is in attendance. The City Messenger will proceed to notify his Honor the Mayor.

(After proceeding to the Mayor's office, the Assistant City Messenger stated that he had been informed by the Mayor's office that the Mayor was not available.)

Chairman SULLIVAN—The Chair will designate Councilor Maurice Sullivan to draw the jurors. Sixty-nine jurors will be drawn for the Criminal Court, to appear November 1, 1943.

Coun. M. H. Sullivan started on the venire.

Coun. COFFEY—Mr. Chairman, I doubt the presence of a quorum.

Chairman SULLIVAN—Your doubt is out of order.

Coun. COFFEY—I demand that a roll call be made.

Chairman SULLIVAN—Not immediately following a roll call.

Coun. COFFEY—What does the rule say? Will you read it to me? I am sick and tired of the City Clerk running this Body. He is not going to run it from now on.

Chairman SULLIVAN—A roll call was taken and a quorum was present, and we proceeded to the drawing of the jurors, and until this is over I cannot recognize you.

Coun. COFFEY—I still would like to have the rule read to me, which says that a quorum can always be doubted. I would like the rule read to me, not the decision of the City Clerk.

Chairman SULLIVAN—There is no rule for that, councilor.

Coun. COFFEY—There is some kind of a rule, and I would like it read to me before we proceed.

Coun. HANLEY—I believe that comes under Rule 16 of the City Council, page 10.

Chairman SULLIVAN—The Chair must rule, councilor, due to the fact that we have proceeded to draw jurors, I cannot recognize your doubting the presence of a quorum at this time, and we will continue to draw jurors.

Coun. COFFEY—What about my making a motion to lay it on the table?

Chairman SULLIVAN—No motion is in order until after the drawing of jurors.

Coun. COFFEY—Can you show me that in writing? Why take the decision of the City Clerk? I have taken it too often, and he has been wrong nine out of ten times,—intentionally wrong. I don't see why we should continue. You can't show me anything in writing that we must go along with the order of drawing of the jurors.

Coun. KELLY—Mr. President, I rise to a point of order.

Chairman SULLIVAN—State your point of order.

Coun. KELLY—I think, to facilitate matters, you ought to call the roll and we might get on with the meeting.

Coun. CAREY—May I ask that the clerk define to us the meaning of the words in Rule 16, "except on an immediate repetition or pending a verification of a vote"? Do I understand to call the roll now would be an immediate repetition?

Chairman SULLIVAN—That would be, but that is on a motion, that Rule 16, and Councilor Coffey has just raised the point of doubting a quorum, which is not a motion.

Coun. COFFEY—I understand that there is nothing in our rules that states that, once having started on jurors we have to continue. If there is nothing in our rules, we don't have to go on.

Chairman SULLIVAN—For what purpose does the gentleman rise?

Coun. COFFEY—Nothing except to move that the matter before the Body now be laid on the table.

Chairman SULLIVAN—The motion is out of order.

Coun. COFFEY—I move that we adjourn.

Chairman SULLIVAN—The motion is out of order.

Coun. COFFEY—I doubt a quorum.

Chairman SULLIVAN—Councilor Coffey doubts a quorum. The clerk will call the roll.

The roll was called, and the following members responded as present:

Coun. Carey, Chase, Coffey, Dwyer, Hanley, Kelly, Kinsella, Russo, Scannell, D. F. Sullivan, M. H. Sullivan, Wickes—12.

Chairman SULLIVAN—A quorum is in attendance, and we will continue with the drawing of jurors.

JURORS DRAWN.

Sixty-nine traverse jurors for the Superior Court, Criminal Session, and one hundred forty-one jurors for Civil Session, were drawn, Coun. M. H. SULLIVAN presiding at the box in the absence of the Mayor, viz.:

Sixty-nine traverse jurors, Superior Criminal Court, to appear November 1, 1943:

Guy Camphiaro, Ward 1; Antonio P. Maggione, Ward 1; Thomas Merigan, Ward 1; Nelson Mottola, Ward 1; Stephen J. Sardina, Ward 1; Peter Zitano, Ward 1; Charles B. Brennan, Ward 2; Fred J. Pepper, Ward 2; Francis X. Sheridan, Ward 2; Bernard C. Harkins, Ward 3; Arthur J. Maguire, Ward 3; Henry A. McBairty, Ward 3; Anthony Poto, Ward 3; Charles A. Warner, Ward 4; George T. Mansfield, Ward 5; Cornelius A. Batts, Ward 6; James D. Connelly, Ward 6; Peter J. Dempsey, Ward 6; Benjamin R. Davidson, Ward 7; Walter Hawes, Ward 7; Francis B. Holliday, Ward 7; Nathaniel A. Stedman, Ward 7; John C. Wayland, Ward 7; William Baker, Ward 8; James F. Mulligan, Ward 9; Greene G. Quarker, Ward 9; John Shea, Ward 9; Charles J. Bryant, Ward 10; John E. Smith, Ward 10; Robert S. McElaney, Ward 11; Stanislaus J. Doucette, Ward 12; Abraham Schwartz, Ward 12; James F. Lawton, Ward 13; Joseph J. McCann, Ward 13; John J. Sullivan, Ward 13; Abraham M. Aronson, Ward 14; Anthony Bellis, Ward 14; Isidor Cohen, Ward 14; John Newpol, Ward 14; Herman Posner, Ward 14;

Louis Sevel, Ward 14; Thomas W. Spellman, Ward 14; Morris Spirtz, Ward 14; William J. Dawley, Ward 15; Joseph P. Brooke, Ward 16; Charles T. Hale, Ward 16; Paul King, Ward 17; Frank Locke, Ward 17; Simon Medwar, Ward 17; Stephen I. Peters, Ward 17; Morris E. Schwartz, Ward 17; Cecil Scudder, Ward 17; Edward H. Seadale, Ward 17; John T. Allen, Ward 18; Morris Baritz, Ward 18; Arthur A. Brown, Ward 18; William G. Childs, Ward 18; John Gahn, Ward 18; William H. Nourse, Ward 18; Albert W. Sexton, Ward 18; Guy A. Somers, Ward 18; Stephen J. Splitz, Ward 18; Francis J. Shiels, Ward 19; Joseph Cosgro, Ward 20; William H. Crowley, Ward 20; Harris B. Doherty, Ward 20; Thomas T. Lynch, Ward 20; Paul N. Walsh, Ward 20; Leo J. Collins, Ward 22.

One hundred forty-one traverse jurors, Superior Civil Court, October Sitting, to appear November 1, 1943:

Joseph B. Ahern, Ward 1; Carmine Botta, Ward 1; Thomas Ducey, Ward 1; John Marino, Ward 1; Joseph J. Muldoon, Ward 1; Ralph Sbordone, Ward 1; Joseph Stella, Ward 1; George F. White, Ward 1; Harry P. Brennan, Ward 2; John J. Donovan, Ward 2; Matthew D. Hennessey, Ward 2; Frank B. McGowan, Ward 2; Salvatore Glorioso, Ward 3; William L. McGowan, Ward 3; Anthony Morreo, Ward 3; Curtis S. Gallup, Ward 4; Oliver O'Gorman, Ward 4; Mortimer A. Owens, Ward 4; Ernest G. Prew, Ward 4; Arthur G. Silver, Ward 4; Leon G. Shattuck, Ward 4; Robert F. Tate, Ward 4; Emery H. Clement, Ward 5; Carl B. Powers, Ward 5; Frank DeFranco, Ward 6; Edward Humphrey, Ward 6; Stephen J. Hurney, Ward 6; James J. Minton, Ward 6; Patrick O'Connor, Ward 6; William J. Quirk, Ward 6; Francis M. Healey, Ward 7; James N. Hurney, Ward 7; Festus Madden, Ward 7; Thomas A. McCabe, Ward 7; Myles McDonough, Ward 7; Joseph J. Ochs, Ward 7; Peter T. O'Hara, Ward 7; Frank J. Riley, Ward 7; Harold J. Simmons, Ward 7; Benjamin Hussey, Ward 8; Timothy J. Kelliher, Ward 8; Donald E. LaCrosse, Ward 8; John McGregor, Ward 8; Lloyd W. Merriam, Ward 8; Herbert Patrician, Ward 8; David Burns, Ward 9; William Coombs, Ward 9; John A. Foley, Ward 9; Emanuel Gordon, Ward 9; Alexander MacIntosh, Ward 9; Elmer N. White, Ward 9; Leo G. Brehm, Ward 10; Clarence E. DesRoches, Ward 10; James Goggin, Ward 10; James J. McDonough, Ward 10; Joseph H. McGrath, Ward 10; John Brady, Jr., Ward 11; Joseph D. Appleton, Ward 12; Solomon Braslavsky, Ward 12; Isaac Carlin, Ward 12; William Feinberg, Ward 12; William Levitt, Ward 12; Philip Plevinsky, Ward 12; Galvin Ray, Ward 12; Preston H. Royal, Ward 12; Charles Soddeck, Ward 12; Thomas T. Taylor, Ward 12; Samuel Weinberg, Ward 12; William J. Berry, Ward 13; Michael J. Connolly, Ward 13; George Davidson, Ward 13; James A. Ryan, Ward 13; Dennis Sweeney, Ward 13; John J. Winston, Ward 13; Morris Bauman, Ward 14; Samuel Bookstein, Ward 14; Max Brown, Ward 14; Joseph L. Cohen, Ward 14; Randall H. Flewelling, Ward 14; Carl Jacobowitz, Ward 14; Israel Young, Ward 14; William A. Marco, Ward 15; James S. Miller, Ward 15; Harold D. Berrigan, Ward 16; Edward W. Brainerd, Ward 16; James M. Curran, Ward 16; Thomas F. Farrell, Ward 16; Cornelius Kiely, Ward 16; Frederick M. McGuire, Ward 16; Christian Rasmussen, Ward 16; Harry G. Smith, Ward 16; Thomas J. Tighe, Ward 16; Humbert Alessi, Ward 17; Carl O. Bergenheim, Ward 17; Barnet Gallia, Ward 17; Hyman Greenbaum, Ward 17; Anthony Plophs, Ward 17; Charles S. Thomas, Ward 17; Beverly M. Chittick, Ward 18; Nathan Crosby, Ward 18; Joseph F. Donahue, Ward 18; William Fieldman, Ward 18; John Gabriel, Ward 18; Andrew Kelley, Ward 18; Patrick Mitchell, Ward 18; Frederick G. Pommer, Ward 18; John W. Sullivan, Ward 18; Chase J. Clem, Ward 19; William J. Curley, Ward 19; Albert J. Gagnon, Ward 19;

Walter R. Hicks, Ward 19; Andrew Laggorio, Ward 19; Basil McAusland, Ward 19; Lawrence J. Murray, Ward 19; Albert Ricci, Ward 19; Chester A. Willey, Ward 19; James T. Bjornson, Ward 20; Rodolphe C. Bonon, Ward 20; Robert J. Cummings, Ward 20; George R. Dunner, Ward 20; Adolf Jackle, Ward 20; Francis E. McKittrick, Ward 20; George J. Mills, Ward 20; Wilhelm Recke, Ward 20; James P. Rinn, Ward 20; Warren L. Stratton, Ward 20; Frederick C. Whitford, Ward 20; William J. Baggis, Ward 21; Albert S. Cook, Ward 21; Thomas Ford, Ward 21; Max Missel, Ward 21; Shephard S. Novick, Ward 21; Eugene J. Reilly, Ward 21; Norman A. Ruggles, Ward 21; Sherwood H. Van Tassel, Ward 21; Carl A. Anderson, Ward 22; Anthony DeBernardi, Ward 22; Walter F. Hawley, Ward 22; James C. McGee, Ward 22; Frank H. Starr, Ward 22; Walter B. Tremlett, Ward 22.

PAYMENT OF CITY EMPLOYEES.

Coun. HANLEY offered the following:

Ordered, That his Honor the Mayor be requested to collaborate with his cabinet for the sole purpose of establishing a system of pay for all city employees based on seniority and merit and with a view of paying all city employees for work performed commensurate with the established rate of pay when and if they are called upon to perform a task not required for in their classification, such a plan will eliminate favoritism, increase the morale of city employees and will institute an honest and fair system without political interference.

Coun. HANLEY—Mr. President, in presenting this order I am asking his Honor the Mayor to collaborate with his cabinet for the purpose of setting up an equitable system of pay so that the men working for our city will not be asking their men in public life to obtain for them salary increases that belong to them. Labor is not a commodity. It is not a piece of merchandise that can be bought or sold. It is not something that can be placed upon an auction block and sold to the highest bidder. Labor is the acme of perfection of the creative world, and it has been dignified and, being dignified, it requires dignity from its fellow men. Labor and management should at all times work harmoniously together for the common good of all. Labor should never take advantage of management, and management should never take advantage of labor. The first right of labor is to work, and the first duty of management, whether it is public or private, is to give a living wage commensurate with the high decency of our American way of life. That rule has been promulgated by the Labor Relations Act relative to private employment, giving labor the right to organize and bargain collectively for hours of labor, conditions of labor, and wages, and that same rule predominates in City, State and Federal Government. Our municipal employees are a safeguard to our health and the pursuit of our happiness, and they should never be utilized as a political handbill for any man in public life. They are entitled to a living wage, and there should be laws placed upon the statute books that would give it to them. Our Civil Service was placed upon the statute books for the purpose of stopping the parasites and the leeches who might come into power and discharge men from municipal, state and Federal positions. How many of you have been asked by city, state and county employees to obtain an increase in salary that belongs to them? How many laborers working for the City of Boston are asked to drive a truck and to do something that they are not classified to do? But do they receive the rate of pay for the number of hours or the days or the weeks that go with that classification? And the answer is No. I believe that his Honor the Mayor, in collaboration with his cabinet, can sit down and decide ways and means, working in conjunction with

their immediate foremen, to set up a basic rate of pay, and if a man is taken off his job to perform another task, he should receive the overtime that goes with the new task that he is asked to perform. I ask a suspension of the rule, Mr. President, and passage of the order.

Coun. CAREY—I want to congratulate the councilor from Ward 11 for introducing this order and bringing this matter into the open. Only a week ago today I talked at some length with his Honor the Mayor regarding this very question. We have in this city and have had for some years past—I guess we have always had it, as a matter of fact—a situation in point. We will take men in the Park Department working there under the rating of gardener. Some gardeners are getting \$5 a day, some \$5.50 a day, and others are getting \$6 a day. And the Public Works Department and Park Department and other departments where teamsters and chauffeurs are employed, there you have the same situation prevailing. One chauffeur is getting \$5 a day; another one \$5.50; and I guess some of them get as high as \$6 a day. I want to ask how you can expect efficiency in your city departments when you are permitting such a discrepancy in pay given to men doing the same work. I mention those two rates just as instances, but we have that condition existing in every department of the city, whether it be white-collar jobs or laboring jobs that the employees are working at. We wish to drive for efficiency in the city. The only way we can attain it is to contact the employees of the city and, if the rating of a gardener in the Park Department calls for \$6, let us give him \$6, and let us give \$6 to all of those gardeners. If the rating of a teamster or a chauffeur or any other department employee calls for \$5.50, let us give them all \$5.50. It is about time we did sit down, or that somebody did sit down, and go over this matter. We have had a survey committee working in the city for the last six years, and you wonder sometimes what they have accomplished. Certainly, I don't think that committee has accomplished a thing. There are, again, departments where employees have worked for the city for a long period of years. We have had these men, total strangers to civil government—trying to tell them how the departments should be run. And what do we find out? That they have been seeking information, the very information they were supposed to have been qualified to give when the Survey Committee was first instituted here. The whole trouble is that the proper solution has never been sought. The time has come when it should be done, and I certainly hope that attention will be given to this order and its merits.

Coun. MUCHNICK—I have no particular objection to the survey being made, and the discussion and study of the entire question, but it seems to me that some of the wording in the order is unfortunate, and I, therefore, move that the words "honest and fair" be stricken out from the order. It seems to me the imputation clearly arises that in the past this city has not been conducted on an "honest and fair basis." I don't believe the councilor intended that, but I would like to amend the order by striking those words out.

Chairman SULLIVAN—Councilor Muchnick moves to amend the order by striking out the words "honest and fair." Are there any objections?

Coun. Muchnick's amendment was adopted, and the order as so amended was passed.

REQUESTED INVESTIGATION BY TRUMAN COMMITTEE.

Coun. COFFEY offered the following:

Whereas, There have been reports circulated that contractors are not performing their duty; and

Whereas, There is talk that there is a manpower shortage in the City of Boston; and

Whereas, We have heard rumors that employees of the Charlestown Navy Yard must pay \$2 per week for parking privileges, which money could be used to buy bonds, or face a \$20 fine; be it

Resolved, That the Boston City Council, in meeting assembled, go on record as favoring an investigation by the Truman Committee for the purpose of clearing up said rumors.

Referred to Committee on Rules.

WADING POOL, WARD 17.

Coun. WICKES offered the following:

Ordered, That the trustees of the George Robert White Fund be requested, through his Honor the Mayor, to draw up plans for the construction of a children's wading pool in a central part of Ward 17 this spring so that it may be completed for use next summer.

Passed under suspension of the rule.

BLOCK DANCES, ELLET STREET.

Coun. KELLY offered the following:

Ordered, That the City Messenger be authorized to rope off Ellet street, Ward 15, for the purpose of block dances which are to be conducted by the Dorchester House on Friday evenings, from September 24 to October 29, 1943, and that the expenses of same be charged to the appropriation for City Council, Ropes, Flags and Stakes.

Passed under suspension of the rule.

CONFIRMATION OF EXECUTIVE APPOINTMENTS.

Chairman SULLIVAN called up, under unfinished business, No. 1 on the calendar, viz.:

1. Action on appointments submitted by the Mayor September 27, 1943, of Harry Halperin and Samuel N. Schlesinger, to be Weighers of Goods; and Nicholas Carey and Chester C. Wolniewicz, to be Measurers of Grain.

The question came on confirmation. Committee, Coun. Dwyer and Coffey. Whole number of ballots 12; yes 12, and the appointments were confirmed.

COAL DELIVERIES.

Coun. CAREY offered the following:

Ordered, That his Honor the Mayor be requested to confer with Mr. Richard Bowditch, chairman of Governor Saltonstall's Coal Committee, with a view to speeding up deliveries of coal to persons who ordered their winter's supply from their local dealer some weeks ago and who, to date, have failed to receive any part of their order.

Coun. CAREY—Mr. Chairman, with the coming of the colder weather during the last week, I have had some complaints made to me by people not on the relief rolls of the city, and I am wondering just how those on relief are going to stand. These complaints have been made by these residents of the city who ordered coal many months ago. Up to this time they have had no deliveries made against those orders. I wonder sometimes why these committees are appointed by his Excellency the Governor, and apparently nothing is done by those committees until we find ourselves right on the spot. A year ago this time, or eighteen months ago, people were being warned and being told that if they didn't convert their heating equipment from fuel oil to coal they would freeze this coming winter. Many accepted the advice and, at great expense to themselves, did change over their equipment. Now, we find that we can't get coal. I read in the newspapers here a short while ago that this Government is per-

mitting large exports of coal to foreign countries. I have to stop and wonder sometimes whether we are going to do something about these conditions that are existing in this country relative to the people here. We are in a war—we realize that—and we are all willing to do everything we can to cooperate, but I say we might just consider the needs of America. If there are any surpluses, well and good, but we have got to take care of our boys and girls in the service doing foreign duty, as well as our civilians, and I think in this particular case here, where the people were warned by the Federal Government a year ago that unless they changed their heating equipment from fuel oil to coal they would suffer, that this Government certainly has a duty now to see that the deliveries of this coal are made to these people who did their part at that time in cooperating with the request of the Government. The cold weather is here. These people inform me they have not received any of their supply that they ordered many months ago. Something should be done immediately, and I hope these committees, appointed by the Governor, will take action at the proper time. It is a great thing to be appointed to these committees, and especially by a man holding the position of Governor of the State, but beyond that we have got to consider the fact that sitting on that committee means a duty that must be performed. Apparently there has been very little done by the Governor's Coal Committee in order to secure for the people of this state and city an adequate supply of

coal, now that the winter months are approaching so fast. I ask for suspension of the rule and passage of the order.

The rule was suspended and the order was passed.

LARGER FEDERAL ALLOTMENTS TO
FAMILIES OF SERVICE MEN.

Coun. CHASE offered the following:

Whereas, The Federal allotments given to the families of the men in the armed services are proving in many cases to be wholly inadequate to provide for the necessities of life; and

Whereas, There has been evidence of much suffering and deprivation of some of the wives and children of members in the armed service; therefore be it

Resolved, That the Boston City Council in regular meeting assembled respectfully urges the Boston members of Congress to do everything in their power to see that legislation is enacted whereby larger Federal allotments will be granted to the deserving dependents and wives and children of the members in the armed services; and be it further

Resolved, That a copy of this resolution be sent to each Boston member of Congress.

Passed under suspension of the rule.

Adjourned on motion of Coun. MUCHNICK, at 3.07 p. m., to meet on Monday, October 11, 1943, at 2 p. m.

CITY OF BOSTON.

Proceedings of City Council.

Monday, October 11, 1943.

Regular meeting of the City Council in the Council Chamber, City Hall, at 2 p. m., President HANNON in the chair. Absent, Coun. Foster, Linehan, Fish, Goode, Langan, Lyons.

The meeting was opened with the salute to the Flag.

EXECUTIVE APPOINTMENTS.

Subject to confirmation by the Council, the Mayor submitted the following appointments, viz.:

Constable for the City of Boston for the term of one year beginning with the first day of May, 1943, without power to serve civil process and to serve without bond: William H. Campbell, 11 Olney street, Ward 15, *vice* John Gallagher, resigned.

Weigher of Goods: George M. O'Kane, 37 Eastburn street, Brighton, Mass.

Severally laid over a week under the rules.

BUS AND CAR SHELTER AT CLEVELAND CIRCLE.

The following was received:

City of Boston,

Office of the Mayor, October 4, 1943.

To the City Council.

Gentlemen,—The inclosed request for transfer of \$3,000 from the Reserve Fund to the budget of the Park Department for the construction of a shelter for the convenience of bus and car passengers at Cleveland Circle, is forwarded for consideration and adoption by your Honorable Body.

Respectfully,

MAURICE J. TOBIN, Mayor.

Ordered, That under authority of section 3B of chapter 604 of the Acts of 1941 the City Auditor be, and hereby is, authorized to transfer:

From the appropriation for Reserve Fund, \$3,000, to the appropriation for Park Department, B, Contractual Services, \$3,000.

Referred, on motion of Coun. DWYER, to the Executive Committee.

TRANSFER FROM POLICE DEPARTMENT TO PARK DEPARTMENT.

The following was received:

City of Boston,

Office of the Mayor, October 4, 1943.

To the City Council.

Gentlemen,—The inclosed request for transfer of appropriations, together with the accompanying order, is forwarded for consideration and adoption by your Honorable Body.

Respectfully,

MAURICE J. TOBIN, Mayor.

Ordered, That under authority of section 3B of chapter 604 of the Acts of 1941 the City Auditor be, and hereby is, authorized to transfer:

From the appropriation for Police Department, A, Personal Service, \$23,000, to the appropriation for Park Department, A, Personal Service, \$23,000.

Referred to Committee on Appropriations.

PROTECTION FROM UNSAFE BUILDINGS.

The following was received:

City of Boston,

Office of the Mayor, October 11, 1943.

To the City Council.

Gentlemen,—The inclosed request for transfer of appropriations from A-1, Permanent Employees

in the Fire Department, to B-42, Miscellaneous Contractual Services, in the Building Department, is for the purpose of protecting the public from the dangers and hazards of unsafe and dilapidated buildings. In view of the fact that no more money is available in this item in the Building Department and the fact that the Fire Department and Building Department are both departments organized for the protection of persons and property and there being a surplus available in the A-1, Permanent Employees, item of the Fire Department, I recommend consideration and adoption of the accompanying order by your Honorable Body.

Respectfully,

MAURICE J. TOBIN, Mayor.

Ordered, That under authority of section 3B of chapter 604 of the Acts of 1941 the City Auditor be, and hereby is, authorized to transfer:

From the appropriation for Fire Department, A, Personal Service, \$3,500, to the appropriation for Building Department, B, Contractual Services, \$3,500.

Referred to the Committee on Appropriations.

RECONSTRUCTION OF BASEBALL DIAMONDS.

The following was received:

City of Boston,

Office of the Mayor, October 11, 1943.

To the City Council.

Gentlemen,—There is transmitted herewith an order requesting the transfer of \$25,000 from the Reserve Fund to the Park Department for the reconstruction of baseball diamonds. Information has come to me that many of the diamonds are in a deplorable condition and considerable work must be performed in order to make them fit for play. It is imperative that in order for the diamonds to be available for play at the opening of the baseball season next spring, that the work be started this fall.

I consider this a very important adjunct to the health and recreation of the youth of our city and no provision for such reconstruction having been made in the Park Department budget, I accordingly request the adoption of this order by your Honorable Body.

Respectfully,

MAURICE J. TOBIN, Mayor.

Ordered, That under authority of section 3B of chapter 604 of the Acts of 1941 the City Auditor be, and hereby is, authorized to transfer:

From the appropriation for Reserve Fund, \$25,000, to the appropriation for Park Department, B, Contractual Services, \$25,000.

Referred to the Executive Committee.

ADDITIONAL TRANSFERS.

The following was received:

City of Boston,

Office of the Mayor, October 11, 1943.

To the City Council.

Gentlemen,—The inclosed requests for transfer of appropriations, together with the accompanying orders, are forwarded for consideration and adoption by your Honorable Body.

Respectfully,

MAURICE J. TOBIN, Mayor.

Ordered, That under authority of section 3B of chapter 604 of the Acts of 1941 the City Auditor be, and hereby is, authorized to transfer:

From the appropriation for Special Appropriation, Ferry Improvements, \$2,810, to the appropriation for Public Works Department, Ferry Service, B, Contractual Services, \$2,000; E, Materials, \$810.

Ordered, That under authority of section 3B of chapter 604 of the Acts of 1941 the City Auditor be, and hereby is, authorized to transfer:

From the appropriation for Special Appropriation, Bridges, Repairs, etc., \$2,500, to the appropriation for Public Works Department, Bridge Service, E, Materials, \$2,500.

Referred to the Executive Committee.

PETITIONS REFERRED.

The following petitions were received and referred to the committees named:

Claims.

Grace C. Chippendale, for compensation for injuries caused by an alleged defect at 14 Rollins street.

Edward Early, for compensation for loss of false teeth while patient at City Hospital.

Eastern Steamship Lines, for compensation for damage to property caused by steamer "M. J. Perkins."

Elmer Cushing Gray, for compensation for injuries caused by an alleged defect at Charles Street Circle.

Charles LaPlaca, for compensation for damage to car by car of Police Department.

Howard V. McSherry, to be reimbursed as result of accident which occurred while in performance of duty.

Mae D. Perry, for compensation for damage to car by falling limb of tree.

Licenses.

Whiting Milk Company, at Rutherford avenue, Charlestown, for a special permit for a driveway opening in the sidewalk abutting their property on Rutherford avenue, as shown on a plan filed with the Commissioner of Public Works.

Referred to the Committee on Licenses.

MAYOR'S ABSENCE FROM CITY.

Notice was received from the Mayor of his absence from the city on Wednesday, October 6, and Thursday, October 7, 1943.

Placed on file.

ADMINISTRATIVE COMMITTEE OF THE PROBATE COURTS.

Notice was received from Charles S. O'Connor, Clerk of the Supreme Judicial Court, of the reassignment of Hon. John C. Leggat to service on the Administrative Committee of the Probate Courts and the redesignation of Hon. Mayhew R. Hitch as chairman of said Administrative Committee.

Placed on file.

OIL STORAGE GRANT TO BOSTON ICE COMPANY.

Notice was received from Carl Stuetzel, Jr., Acting State Fire Marshal during absence or disability of Stephen C. Garrity, of public hearing on Monday, October 11, 1943, at 9.30 a. m., at 1010 Commonwealth avenue, Boston, on the application of the Boston Ice Company for reinstatement of the license granted by the City of Boston on September 1, 1934, for the keeping, storage and sale of 60,000 gallons of range and fuel oil at 370 East Eagle street, East Boston.

Placed on file.

APPOINTMENT OF LOCKUP KEEPER.

Notice was received from the Police Commissioner of the appointment on October 4 of Lieut. John F. Pettiti of the Police Department to serve as keeper of the lockup.

Placed on file.

CONFIRMATION OF EXECUTIVE APPOINTMENTS.

President HANNON called up, under unfinished business, the following:

1. Action on appointment submitted by the Mayor October 4, 1943, of John J. Cunniff to be a Constable without authority to serve civil process and to serve without bond.

2. Action on appointments submitted by the Mayor October 4, 1943, of Miriam Leppo to be a Weigher of Goods; and Mary L. Spelman to be a Weigher of Coal.

The question came on confirmation. Committee Coun. Carey and Taylor.

Whole number of ballots, 12, yes 12, and the appointments were confirmed.

BUS SERVICE BETWEEN GREEN STREET TERMINAL AND WELD HILL.

Coun. M. H. SULLIVAN, for Coun LYONS, offered the following:

Ordered, That the trustees of the Boston Elevated Railway be requested, through his Honor the Mayor, to establish direct bus service between Green street terminal and the Weld Hill section of West Roxbury.

Passed under suspension of the rule.

INCREASED ALLOTMENT TO WIVES OF SERVICE MEN.

Coun. M. H. SULLIVAN offered the following: Resolved, That the members of the Boston City Council, in meeting assembled, request the members of the Massachusetts delegation in Congress to uphold the bill recently passed in the Senate which will provide a \$100 allotment monthly to the wife of any service man who has two children; and be it further

Resolved, That the members of the Boston City Council notify the members of the Massachusetts delegation in Congress of their desire to have them vote against any effort which might be made in the House of Representatives to reduce this amount.

The question came on the adoption of the resolutions.

Coun. M. H. SULLIVAN—Mr. President, within a few days there was passed in the United States Senate a bill providing for \$100 monthly allotment, dependency allotment, for wives of service men who have two children. The bill was forwarded to the United States House of Representatives in Congress, and a substantial bloc there is now working against the bill in the hope of reducing it by \$5 or \$10, or some dollars per month. It seems to me that any such action taken by the lower Congressional House would do little to bolster the morale of the men in the service. Men with two children will soon be in the far Aleutians, or in the fox holes of the Pacific, and I think it is small and mean to resort to such tactics, even on the basis of economy. I hope Massachusetts will not resort to any such miserly tactics, and I hope you will vote to uphold the resolution.

The resolutions were passed under suspension of the rule.

PROPOSED NEW SIDEWALK ON OCEAN STREET, WARD 17.

Coun. WICKES offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to construct a new sidewalk in front of the premises located at 85 Ocean street in the Ward 17 section of Dorchester.

Passed under suspension of the rule.

ADDITIONAL COPIES OF MINUTES.

Coun. COFFEY offered the following:

Ordered, That the Printing Department be requested, through his Honor the Mayor, to be held 300 copies of minutes of the meeting held March 30, 1942.

Coun. COFFEY—Mr. President, the reason I introduced this order is that I went out to the document room last week and looked in the minutes of this particular meeting and found out that there are some 100 copies with pages torn out that where I had introduced some four or five different orders. Why they were torn out, I do not know, but pages 95, 96, 97 and 98 are torn from each copy. I ask that the printer reprint these.

The order was passed under suspension of the rule.

TRANSMISSION OF GIFTS TO MEN IN SERVICE.

Coun. RUSSO offered the following:

Ordered, That his Honor the Mayor be requested to confer with the proper Federal authorities as to the advisability and feasibility of establishing a bureau for the purpose of receiving and transmitting to specified families and persons in the occupied territories gifts of clothing and other articles from relatives and friends in this country.

Coun. RUSSO—Mr. President, in presenting this order I have in mind that thousands of families here in America have friends and relatives in the occupied countries which have been occupied by our country and the Allies. We can understand the feeling that may be in the minds of these families, having their relatives or friends in these occupied countries and not having heard from them for a period of a year or more. I believe that they would be more than glad if some bureau could be set up whereby they would be able to send to these individuals in the occupied countries clothing or other necessary things. Having also in mind that the Allies must go into these territories and give food, clothing and shelter, I believe that if this bureau were set up these individuals could send to these poor persons or their families something in order to help them, and at the same time it would be helping our Federal Government—millions of dollars that the Federal Government has to go in and spend in these territories. And I also believe if they had some method, any method whatsoever, of knowing something about their relatives and friends that it would build the morale here at home. I am merely asking that the Mayor contact the proper authorities and see if something could be done in this way.

The order was passed under suspension of the rule.

RECESS.

The Council went into recess at 2.30 p. m., and returned to the Chamber and was called to order by President HANNON at 2.50 p. m.

EXECUTIVE COMMITTEE REPORTS.

Coun. TAYLOR, for the Executive Committee, submitted the following:

1. Report on order (referred today) transferring \$3,000 for shelter at Cleveland Circle—that same ought to pass.

Report accepted; said order passed, yeas 12, nays 0.

2. Report on orders (referred today) making inter-departmental transfers in Public Works Department—that same ought to pass.

Report accepted; said order passed, yeas 12, nays 0.

REPAIR OF WASHINGTON STREET, WARD 17.

Coun. WICKES offered the following:

Ordered, That the Public Works Commissioner be requested, through his Honor the Mayor, to have Washington street, Ward 17, repaired from Codman square to Bowdoin street.

Passed under suspension of the rules.

FURTHER IDENTIFICATION OF SERVICE MEN ON VOTING LIST.

Coun. HANLEY offered the following:

Ordered, That his Honor the Mayor request the Board of Election Commissioners to affix to the names appearing on the official 1943 voting list, to be used by official checkers in voting precincts on November 2, 1943, the branch of the armed services that voters are members of, and thus eliminate the possibility of dishonest voting on the part of unscrupulous persons in repeating their votes under an assumed name of a man or a woman in the armed services of our country.

Coun. HANLEY—Mr. President, the sacredness of the ballot box will be jeopardized this year more than at any other time in the history of our country, due primarily to the fact that a large number of the armed forces of our country are in all parts of

the world. The Massachusetts State Legislature in 1943, under Acts and Resolves, chapter 253, provided that the names of those men appearing on the official voting list should have affixed the branch of the armed services they are in. That is for the simple reason that "gang" politics and machine politics, utilizing the names of dead men, and utilizing also the names of men in the armed forces, would try to jeopardize their inalienable right by voting under an assumed name; and I only hope that his Honor the Mayor will request the election commissioner to be fully cognizant of the election law and have affixed to those various names the branch of the armed services that they are in.

President HANNON—Councillor Hanley asks for suspension of the rules and adoption of the order.

The order was passed under a suspension of the rule.

REPORT ASKED ON APPELLATE TAX BOARD ACTION.

Coun. HANLEY offered the following:

Ordered, That his Honor the Mayor be requested to take cognizance and report immediately on the two orders passed unanimously by the Boston City Council on Monday, September 20, 1943, namely, the tax abatements granted by the Assessors' Office and Appellate Tax Board from January 1, 1938, to January 1, 1943, and the action, if any, taken by the Corporation Council on tax abatements.

Coun. HANLEY—Mr. President, about three weeks ago this Honorable Body passed unanimously two orders relative to tax abatements. One of those orders was amended by the honorable councillor from Ward 12 (Coun. Taylor), but since that time, as has happened in the past, his Honor the Mayor has refused to take cognizance of the orders, and has refused by his silence to report back to the Boston City Council all tax abatements for materially over six years that he has been the Mayor of Boston. Now, silence sometimes is golden, but silence sometimes is utilized by cowards and by men who would use their political positions to jeopardize the interests of the people of Boston. I have before me certain statistics that I believe you, as members of the Boston City Council, are fully conversant with, but for the purpose of repetition I am going to use my prerogative as a City Councillor to express them in clumsy words. Of old it was written "Taxation without representation is tyranny." And that cry re-echoed throughout the thirteen original colonies, and that cry was responsible for solidifying our forefathers in driving from our shores for all time the imperial dynasty of King George the Third. Taxation without representation has been the cause of revolution and anarchy in every country in the world, and it has been the cause of anarchy where men have placed themselves on a pedestal above the people. And here in Boston, the seat of our American liberty, orders have been passed by this Honorable Body which his Honor the Mayor has refused to honor by sending back here a reply to our requests. Councillor Carey, about two months ago, put in a similar order and as yet has received no answer. Now, what is the reason? Certainly it is not that the Board of Assessors have not the facts because, according to law, they are compelled to submit to his Honor the Mayor every tax abatement given within a year. The overwhelming tax burden imposed upon our people by the prosecution of a global war is justifiable, because the principle involved is this,—that we either shall become a slave state or we shall remain a free country. But the exorbitant tax rate of Boston of \$41 on a thousand is not justifiable and it is not excusable. It is due primarily to tax abatements either from the assessors' office or from the Appellate Tax Board on Beacon Hill. Now, in 1929 one of the greatest depressions that ever visited our free country came down upon us. Over 10,000,000 were unemployed through no fault of their own. Want was rampant in the midst of plenty. And the tax speculators and the bankers put out their arms and grabbed the property of men and women who had suffered and worked in order that they might secure those things that belonged to each and every one of them. In 1930 the Appellate Tax Board was created. It was created for one purpose, according to the Boston Post—to elimi-

nate any discrepancy on the part of the local Board of Assessors. It was never intended and it never should be tolerated as a means for enrichment of the bankers and those who would take advantage of those who might lose their property through taxation. The former councilor from Charlestown (Coun. Galvin) who has since been rewarded by appointment as Superintendent of Markets, asked for the same list that I asked for three weeks ago. And he cited figures which jeopardized a former Mayor of Boston, in the person of Frederick W. Mansfield. He utilized incontrovertible figures, and they were never challenged. He stated that 10 per cent of the City of Boston tax abatements were obtained from the back door—the back door where these large, legal firms used the law for their own selfish purposes, while the poor widows and orphans must send their application blanks on or before October 1st to obtain an abatement, and then it is usually denied unless some City Councilor utilizes his prerogative and intervenes and asks for charity and mercy. Attorney-General—or Assistant Attorney-General—Fielding investigated the Appellate Tax Board in 1936, and he said that he pitied poor Boston. He pitied poor Boston, and was reminded of the buccaneers and pirates of old and our sinking ship, because of the tax abatement racket that permeates the Appellate Tax Board. And he cited figures. In 1931, one year after this Board was formed, there were 145 pending cases. In 1932 there were 834. And in successive years it skyrocketed to 4,234 pending cases before the Appellate Tax Board,—with law firms in Boston who, whether it is coincidental or not, are the same law firms who contributed to Mayor Tobin's first campaign. And these statistics are open in the City Clerk's office. One case of devaluation by the assessors was that of a piece of property of \$34,704,400, which was reduced by \$6,744,600—or approximately 15½ per cent. Another parcel was reduced by \$6,892,650; and another by \$6,000,000—approximately 20 per cent decrease. Now, this decrease in tax valuation was lost to the City of Boston. There was one way of legalizing this loss, and that was to throw it over on an increased tax rate on the small home owner. And these policies were carried out by the administration prior to Mayor Tobin and also by Mayor Tobin. And when this sleight-of-hand did not go by the Board, a bombshell was thrown in the City of Boston when the City Council convened at that time and demanded that Mayor Tobin utilize his executive position to demand that the assessors turn back the valuation to what it was preceding 1939. Mayor Tobin has always utilized welfare costs, and he has also utilized other figures in endeavoring to explain expenses. Now, taking the welfare costs, 16,000 have been taken off the welfare list, according to William O'Hare, and, as far as employment is concerned, it is said we are in a critical labor shortage area. Yet the \$41, the exorbitant tax rate, still prevails, and even though our distinguished councilor from Ward 1 (Coun. Coffey) has persistently asked for the reopening of the East Boston Relief Station since I came in here, it is not done. It was closed under Tobin. Fire stations were closed. Convenience stations were closed, and libraries. And yet he never pointed a finger at the leeches and parasites who feed and live on the taxpayers of Boston. He said one time, "I am going to report—I am going to report these lawyers to the Bar Association." Well, I never heard of anyone biting the hand that feeds them, and I never heard of anyone killing Santa Claus. Councilor Galvin said on May 15, 1939, that the 1934 real estate assessment was \$1,554,671,200. And it was reduced by 10 per cent through the back door—not to the small home owner, but rather to the large property owners, who were capable and able by their wealth to procure the greatest legal talent in the City of Boston. Governor Saltonstall, in 1941, in his inaugural address, said:

"The City of Boston is in difficult financial circumstances. The real estate values in Boston have shrunk. This is indicated by the number of cases before the Board of Tax Appeals, over 8 per cent of which come from the City of Boston."

In other words, of all the cities and towns within the corporate limits of Massachusetts, only 20 per cent come before the Appellate Tax Board, and 80 per cent come from the small corporate limits of the City of Boston. And this has prevailed in a Tobin administration. Noah Webster,

the lexicographer, in making up his work, said: "Honesty is straight forwardness of expression." That is not open for debate. The City Council in 1937 felt that there should be an investigation. A former City Councilor, who has since been elevated to a judgeship, said that if some struggling home owner with a family to support were to go into the Assessing Department and make a request for a small scale reduction he would be ordered out of the building, and if he couldn't pay his taxes his property would be sold. That is according to the *Boston Post* of June 19, 1937. And I also quote one of the questions put by the City Councilor: "Is it true that while the assessors were granting abatements to the wealthy land owners they refused to consider the petitions of widows and small home owners?" Councilor Wilson asked that of Mr. Murphy, and his answer was: "I don't think anybody cared about the widows except me." Then returned Mr. Murphy: "All our cases were settled at the City Club." Now, my colleagues, I don't know what action his Honor the Mayor intends to take on my order, which was also ordered by you, passing it unanimously, but I intend to obtain this information, and I intend to inform the people of Boston about this carefully guarded secret that is extracting from them their homes and their hard-earned money. Actions speak louder than words and facts are more powerful than fancy. I accept his challenge and I will guarantee, as I said two months ago, that I will make him a political derelict.

The question came on suspension of the rule and adoption of the order.

Coun. TAYLOR—I listened with great interest to the remarks of the previous councilor. I noticed many inconsistencies in his statements. He would have you believe that Mayor Tobin is responsible for the condition. Some of you may say, "Well, you rise to the defense of the Mayor." I certainly do, and I don't apologize to anybody for it because, whatever the condition is concerning the tax rate in the City of Boston, no honest and sincere person can blame him for any increase in the tax rate, but, rather, can attribute to him a more healthy financial condition of the City of Boston as it stands today than at the time he took office. I wish to point out the inconsistency of the gentleman's remarks. He excoriates the Mayor and tells you that his campaign donations came from lawyers, tax abatement lawyers. I don't know whether or not that is a fact. I am inclined to doubt it. But then he tells you that the Attorney-General has given figures from 1931 on about the decisions of the Appellate Tax Board, a board appointed by his Excellency the Governor, not a board appointed by his Honor the Mayor. And he tells you of the tremendous number and large-sized reductions given by that Board. Now, where is the consistency in that? He doesn't tell you that the Board of Assessors of the City of Boston, who come under the control of the Mayor, have granted the abatements. He doesn't tell you that, because it isn't so. But he tries to tie in the Mayor with the Appellate Tax Board of the Commonwealth of Massachusetts, over the members of which the Mayor has no control. And, mind you, there is not one man on that Appellate Tax Board that comes from the City of Boston—not one—notwithstanding the fact that the City of Boston is the greatest municipality in the entire commonwealth. There is nobody on that Board to get up on the floor there and defend the assessed valuation of properties in the City of Boston. The honorable councilor from Ward 11 (Coun. Hanley) draws a beautiful picture of investigation of the Assessing Department, where it was pointed out by an honorable gentleman by the name of Mr. Murphy that poor widows and orphans received but very scant attention, although these powerful interests received all sorts of consideration up in the City Club. Does the gentleman tell you that Mr. Murphy was not in the Assessing Department at any time during the administration of his Honor the Mayor,—Mayor Tobin? Oh, no. He would like to have you believe, as it is written down upon the record, that the things that took place while Mr. Murphy was there in the Assessing Department Mayor Tobin was responsible for, when, as a matter of fact, he was just dreaming about the mayoralty at that time. They are not consistent and I say they are not fair remarks. The implications and inferences to be drawn from those remarks are that Mayor Tobin is responsible for them. Of course he doesn't tell you either that since his Honor the Mayor

has assumed office in the City of Boston the bonded indebtedness of the city has been reduced many, many millions of dollars. He doesn't want you to know that because it would redound to the credit of the Mayor, and of course that shouldn't come to your ears, nor to the ears of the people who live in the city. This city today is by far in better financial condition than it was at the time his Honor the Mayor took office. And, mind you, when he took the office he took the office in the throes of the depression, when the welfare rolls were at their highest and continued so until the war was declared—notwithstanding the fact that we were burdened with a great welfare load, notwithstanding the fact that the Elevated was sucking from the treasury of the City of Boston over two million a year, and notwithstanding the fact that we, the people of the City of Boston, had to contribute to the State, so that the State could pay their expenses, many millions of dollars where, in days past, the State used to contribute to the City a share of money. He won't tell you that, that we used to receive close to a million dollars in corporate taxes that we don't receive today—receiving today less than \$200,000. Those are facts and figures. Those are facts right in Boston, are they not? Yes. It has been argued logically that if you want to pay your bills you have to collect sufficient money in order to render the public service the community requires. You can't do it on peanuts, and the only form of taxation we have in the City of Boston, with the exception of a small sum we receive in license fees, is taxes received from real estate property, under the old feudal system that we have here in Boston today. In many other states—in 45 other states—the state takes care of many of the expenses that the city takes care of in Massachusetts. Welfare rolls are assumed by states rather than cities. What is the remedy for that? The councillor from Ward 11 is a new member of the Council and perhaps hasn't heard too often what the trouble is in Boston. We have been controlled too much by the Commonwealth of Massachusetts. There is a remedy, and the State has got to come to our aid. They put on our shoulders all the taxes for Suffolk County—Winthrop, Chelsea, Revere pay nothing. We have got to get some other form of taxation. That is the only remedy. How it is going to be done I don't know. My colleague from Ward 11 will admit that during the last ten years Boston has gone downward. We have had no building, no new valuation. Many areas of the City of Boston have become very, very bad. Many districts, like the leather district, have practically gone out of business. Business is now moving outside of Boston, for the simple reason that there isn't any business in the City of Boston. The State can come to our aid, and that is our only problem. They have to furnish additional revenue so that property owners won't be burdened with it all. My colleague mentioned the fact that welfare has gone down within the last year. That is true, although he doesn't mention the fact that old age has increased, mothers' aid has increased, and that we have had additional expenses in public safety. Oh, it is very easy to get up on the floor and blame the fellow downstairs when he is not here to defend himself. That is easy. But let me tell you, gentlemen,—and ask anybody that knows anything about municipal finance and they will tell you,—that at the time Mayor Tobin took office this city was threatened with a commission similar to the one given to Fall River, and it is only because of his innate and honest desire to do what is right and take upon his shoulders the burden of the City of Boston that we haven't got a \$60 tax rate here and that the City of Boston is not in bankruptcy today.

Coun. HANLEY—In a conversation with his Honor the Mayor, which was in no wise confidential, he stated to me specifically, and I heard it on the Council floor, that he needs no defense from any man in the City Council; that no one is his spokesman, and no one is delegated with the authority to speak for him at any time; and when it is brought out to him that sometimes the orders that he presents to the City Council receive rebuffs, it is not due to him, but rather to those who try to defend him. Now, the councillor has stated—these are not his exact words, but they are the quintessence—that being a new member of the Council I don't know too much about municipal affairs. Evidently the councillor from the adjoining ward, Ward 12, considers the people of Ward 11

as morons, and that they elect a man either upon his facial features, because of his religion, because of his racial background or because he happens to fit with the administration. I know a little something about municipal affairs. I know very little, maybe, in comparison with the councillor from Ward 12, but I have utilized always the words of the poor, humble, obscure backwoodsman who became the greatest President we ever had, when he said, "I will study and prepare myself, and some day my time may come." And I studied and I prepared myself before I ever entered into the arena of politics, and I am capable and I am able to represent my district without any help from any other councillor. The art of reading is open to all American citizens, and I have read, and I have re-read, and I have brought on this floor of the Council incontrovertible figures, and the councillor can read those excerpts if he cares to. Governor Saltonstall in 1941, after three years of the Tobin administration, indicted the city as being in a precarious financial condition. Those are not my words. Councillor Galvin indicted the previous administration until he was kicked over by my erudite and distinguished councillor from Ward 2. Now, the Tax Appeals Board is formed according to the laws of Massachusetts, but the Corporation Counsel, who is supposed to defend the city in any action taken against the city, has never defended the Board of Assessors created by his Honor the Mayor. Now, what is he doing? The Corporation Counsel—the legal adviser and the legal defender of the people of Boston—has never defended the Board of Assessors once they placed a valuation on property. And the reason is this—that his Honor the Mayor did not demand of him that he do so. And if that isn't true, then let his Honor the Mayor answer. We are the truly elected representatives of the 22 wards of Boston, and we are in here for one purpose, to conduct city business and not to eulogize any Mayor, regardless of who he is. The tax abatement is a racket, and it is a racket that is feeding and living upon the poor of Boston. It is your duty, and it is your right, and it is your privilege to start an investigation if this communication is not answered. As far as the depression is concerned, that was conceived at by those who were feeding upon the innocent and the ignorant in the same manner that they have always done by the same men who start war, and the same men who terminate war by the scratching of a pen. His Honor the Mayor sought the position of Mayor; the position did not seek him. He is therefore open to commendation or ridicule or castigation, verbally or otherwise. He is neither a saint nor a sinner. He is neither immune from mistakes nor is he infallible. Tax abatement is one of the most potent and most powerful forces, and those controlling it may move any one of you from office if they try to go at you, but you can always depend upon the people to distinguish between error and truth.

Coun. TAYLOR—Mr. President, I just rise to refute and correct one statement that is not consistent with the facts. In every case that goes before the Tax Appeals Board involving any property of the City of Boston the Board of Assessors have always been represented by some member of the Law Department of the City of Boston.

Coun. HANLEY—In answer to the refutation on the part of my colleague from Ward 12—I am not asking this in the form of a question because I do not want to yield the floor—can he give any specific instance where the Corporation Counsel of Boston has defended the assessed valuation placed upon property by the local Board of Assessors? The Corporation Counsel should defend any department or any head of a department when the City of Boston is involved. My distinguished councillor from Ward 12, in his early days in the City Council, castigated vociferously the Board of Assessors, and he stated by inference that the people of Boston lost \$30,000 on the Sears Building by refusing to review the case and go before the Tax Appeals Board. Those are his words, and they are inscribed on the city records.

Coun. TAYLOR—I do not like to prolong this any longer than necessary, but he asked a question and I must give the answer to him. In the first place, he states inconsistencies again. I did argue years ago that the Board of Assessors should give more abatements instead of letting them go to the Tax Appeals Board. My brother doesn't want those abatements to be given now. On

the other hand, I can't tell whether he wants them to be given by the Board of Assessors or the Tax Appeals Board. And with reference to defense at the Tax Appeals Board, anybody who is a member of the bar and who is familiar with the practice before the Tax Appeals Board knows that the only one that represents the Board of Assessors on any hearing concerning the valuation of any property in the City of Boston is the Law Department of the City of Boston. There isn't one case defended by anybody else, and if he goes to the Tax Appeals Board and checks the records there he will see that this is the fact; and the Law Department, any time a person goes before the Tax Appeals Board, takes a copy of the application so that they can prepare themselves with their value experts. I don't understand how he can make such a statement, that the Law Department does not defend the City of Boston in those cases. It is not the fact.

Coun. HANLEY—Mr. President, would that I were a lawyer, versed, as my distinguished councilor from Ward 12 is versed, in tax abatements.

Coun. TAYLOR—I rise to a point of information.

President HANNON—State you point of information.

Coun. TAYLOR—I would like to ask the gentleman whether or not he knows that as a fact.

Coun. HANLEY—Mr. President, in answering that, I would say that I never use fancy. Will you please tell the councilor from Ward 12 that when a man is addressing the Chair it is his right to address the Chair and that if he has any gibe he should at least go outside this hallowed chamber. I would say there is one method in a man's madness and that is to arouse his emotionalism—either hate or love. It is old and elementary and sometimes forgotten by men, but evidently the retentive memory of a certain councilor in this Body today is very good. The report of Councilor Taylor's remarks on the Sears Building is open for scrutiny by you, the members of the Boston City Council, or anyone who would care to look at it, and if his remarks on that day are synchronized with his remarks today, then I will apologize.

The order was passed under a suspension of the rules.

INVESTIGATION OF APPELLATE TAX BOARD CASES.

Coun. CHASE offered the following:

Ordered, That the Boston Finance Commission be requested, through his Honor the Mayor, to investigate all cases that had been passed on by the Appellate Tax Board and to report back to the City Council as to whether or not in their opinion these decisions have been fair and equitable.

Coun. CHASE—Mr. President, I listened very attentively to both councilors who participated in this recent debate, and I realize that there is considerable merit to both arguments there. I was very much impressed by the remarks of the gentlemen from Roxbury, when he stated—and I believe he quoted the Mayor as saying—he was going to report these lawyers to the Bar Association. If his Honor the Mayor ever made such a remark, I assume, sir, it was made having in mind that lawyers are doing something which they are not supposed to do. Whenever a lawyer is reported to the Bar Association he is reported because of some illegal or unfair act. And I was very much

interested in that particular remark. During the six years, sir, that I have held office in this Body, I have consistently heard criticism of the Tax Appeals Board. I have also heard criticism from my constituents and various citizens in the City of Boston, and I submit that, inasmuch as the City of Boston has no jurisdiction over the Tax Appeals Board, and inasmuch as his Honor the Mayor, I believe, is tied by their decision, the only fair and equitable thing to have done is to request the Boston Finance Commission to investigate each and every case that the Tax Appeals Board has handled in the past, ever since their creation. I, sir, am willing that the City of Boston appropriate the necessary moneys for the Boston Finance Commission to do this with. I think possibly a great deal of good can be accomplished by a fair investigation, sir. I see no reason why these matters should be constantly coming up and the city officials throwing up their hands and saying, "Appellate Tax Board," and yet, year after year, we constantly have criticism of the Appellate Tax Board. Well, now, sir, something should be done. I, for one, sir, as an elected official of the City of Boston feel that something should be done. It is a very serious situation in this city. We have a tax rate of \$41, and those small property owners with their properties being taken away from them, and then we hear of these big abatements amounting to millions. I say, sir, let us do something about it. We have on other occasions notified the Boston Finance Commission to investigate the Boston Elevated Railway Company. We appropriated \$50,000 for a commission to investigate them, and why did we do it? Simply because the Boston Elevated was tied up in such a manner that it was bleeding the citizens of Boston. And now these charges against the Appellate Tax Board have appeared before us once more. I say, sir, let us do something about it. Let us ask the Boston Finance Commission to, once and for all, investigate this business, study it, report back to his Honor the Mayor and to the City Council as to the true situation, so that if something is wrong we can appeal to the Legislature for correction. Now is the time for action. I hope the Council will do something on it.

President HANNON—Councilor Chase asks for suspension of the rules and the adoption of the order.

The order was passed under suspension of the rule.

Coun. D. F. SULLIVAN—I would like to make an announcement relative to a committee meeting to be held this week to consider chapter 45 of the legislation acts, to establish a Bureau of Recreation in Boston. The Park and Playground Committee will hold a meeting on Thursday at 1 p. m. I believe this is vitally important to all members of this Body, and we intend to have several others present next Thursday to explain to the members in detail just what this act is all about. As I understand, it is bringing recreation under one department and will create the new department which will come in here after the first of the year under a separate budget. So I am making this announcement so all members will be there at 1 p. m. on Thursday.

Adjourned, on motion of Coun. CHASE, at 3.47 p. m., to meet on Monday, October 18, 1943, at 2 p. m.

CITY OF BOSTON.

Proceedings of City Council.

Monday, October 18, 1943.

Regular meeting of the City Council in the Council Chamber, City Hall, at 2 p. m., President HANNON in the chair. Absent, Coun. Fish, Foster, Goode, Hurley, Kinsella, Linehan, Lyons and Taylor.

The meeting was opened with the salute to the Flag.

APPOINTMENTS BY THE MAYOR.

Subject to confirmation by the Council, the Mayor submitted the following appointments, viz.:

Weights of Coal: Frank H. Chadwick, 58 Enmore street, Shawsheen Village, Andover, Mass.

Weights of Goods: Joseph R. Demerle, 6 Second street, Medford, Mass.; Horace C. Alden, 149 Chilton street, Belmont, Mass.; James Hynes, 203 Tremont street, Somerville, Mass.; John Stankevich, Jr., 212 Windsor street, Cambridge, Mass.

Severally laid over a week under the law.

SALE OF EQUIPMENT BY PUBLIC WELFARE DEPARTMENT.

The following was received:

City of Boston,

Office of the Mayor, October 18, 1943.

To the City Council.

Gentlemen,—I am in receipt of a communication from the Secretary of the Board of Overseers of the Public Welfare, in which he sets forth a request for permission to sell Ediphone and Dictaphone equipment.

As this equipment is not now being used by the department I recommend passage of the accompanying order.

Respectfully,
MAURICE J. TOBIN, Mayor.

City of Boston,
Overseers of Public Welfare,
October 16, 1943.

To Hon. Maurice J. Tobin, Mayor of Boston.
From Mr. William G. O'Hare, Secretary,
Public Welfare Department.

Subject: Sale of Ediphone and Dictaphone Equipment.

Your permission is respectfully requested for the sale of the following equipment which is not now being used by this department:

Twenty-nine Ediphone dictating and transcribing machines, five Ediphone shaving machines, thirty-nine Dictaphone dictating and transcribing machines, six Dictaphone shaving machines.

Due to the fact that the amount to be realized from this sale will be in excess of \$500, it is my understanding that it will be necessary for this to be presented to the City Council.

WILLIAM G. O'HARE, Secretary.

Ordered, That the Secretary to the Board of Overseers of the Public Welfare be, and hereby is, authorized to sell Ediphone and Dictaphone equipment, the estimated value of which is more than five hundred dollars.

Referred to Executive Committee.

TRANSFER FROM PARKMAN FUND INCOME.

The following was received:

City of Boston,

Office of the Mayor, October 18, 1943.

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 \$23,000 from the income of the George F. Parkman Fund to the Maintenance and Improvement of the Common and Parks in Existence on January 1, 1887.

I submit herewith an appropriation order and respectfully recommend its passage by your Honorable Body.

Respectfully,
MAURICE J. TOBIN, Mayor.

City of Boston,

Park Department, October 15, 1943.

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 \$23,000 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.....\$23,000

When making up the budget estimate for the year 1943, 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 1943, 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 \$23,000 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.....\$23,000

Referred to Committee on Parkman Fund.

CLASSIFICATION OF CITY AND COUNTY EMPLOYEES.

The following was received:

City of Boston,

Office of the Mayor, October 11, 1943.

To the City Council.

Gentlemen,—I transmit herewith for consideration by your Honorable Body the attached proposal by the Budget Commissioner to amend the "Compensation and Classification Plans for the Officers and Employees of Suffolk County."

Respectfully,
MAURICE J. TOBIN, Mayor.

City of Boston,

Budget Department, October 11, 1943.

To the Mayor and 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. The Budget Commissioner shall, subject to the approval of the City Council and the Mayor and after an investigation of the actual and proposed duties and responsibilities, classify or reclassify the position by allocating it to its appropriate class in accordance with the classification plan then in effect; if necessary a new class shall be established to provide for the new position. The Budget Commissioner may likewise, from time to time, make investigations of any or all positions in the service and propose, to the City Council, changes in classification whenever the facts are considered to warrant such action."

In accordance with the provisions of this rule the Penal Institutions Commissioner has requested that the positions of Foreman Herdsman and Assistant Foreman Herdsman be established at the Suffolk County House of Correction. After investigation of the nature and proposed duties and responsibilities of these positions, I propose and recommend the establishment of the following new classifications:

Title of Class:
Foreman-Herdsman.

Duties:
Under general direction, to have charge of and be responsible for, the operation of the Dairy Barn at the House of Correction; to keep a complete record of milk production and feeding; to supervise the breeding and care of all dairy cattle; to be familiar with the symptoms, treatment and control of dairy cattle diseases; and to perform other related work.

Range of Compensation:
Annual, \$2,500.

Title of Class:
Assistant Foreman-Herdsman.

Duties:
Under direction to assist the Foreman Herdsman in all his duties in connection with the operation of the Dairy Barn at the House of Correction; during the absence of the Foreman Herdsman to perform all the duties of the Foreman Herdsman; and to perform such other related work as may be necessary.

Range of Compensation:
Annual, \$2,000.

Very truly yours,
HERMAN L. BUSH,
Budget Commissioner.

City of Boston,
Penal Institutions Department,
October 9, 1943.

Herman L. Bush,
Commissioner, Budget Department.

Dear Sir,—I respectfully request that the Suffolk County House of Correction be allowed to employ the services of a Foreman Herdsman and an Assistant Foreman Herdsman.

The compensation for these positions is twenty-five hundred dollars with board and room for the foreman herdsman, and two thousand dollars with board and room for the assistant foreman herdsman.

The duties of the positions are as follows: The foreman herdsman is to have complete charge of our new dairy barn. He will keep a complete record of milk production and feeding. He will supervise the breeding and care of cows that have been bred. He will be familiar with the symptoms, treatment and control of dairy cattle diseases.

The assistant foreman herdsman will, in the absence of the foreman herdsman, be in charge of the new barn. He must be capable of assisting the foreman in all his duties.

At the present time there are two vacancies for officers at the institution. Instead of filling these vacancies, we wish to create the above

positions. If the above request is allowed our salary budget will only be increased by one hundred dollars a year.

Very truly yours,
JOSEPH P. DONAHOE,
Penal Institutions 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 establishing the following classifications:

Title of Class:
Foreman-Herdsman.

Duties:
Under general direction, to have charge of and be responsible for, the operation of the Dairy Barn at the House of Correction; to keep a complete record of milk production and feeding; to supervise the breeding and care of all dairy cattle; to be familiar with the symptoms, treatment and control of dairy cattle diseases; and to perform other related work.

Range of Compensation:
Annual, \$2,500.

Title of Class:
Assistant Foreman-Herdsman.

Duties:
Under direction to assist the Foreman Herdsman in all his duties in connection with the operation of the Dairy Barn at the House of Correction; during the absence of the Foreman Herdsman to perform all the duties of the Foreman Herdsman; and to perform such other related work as may be necessary.

Range of Compensation:
Annual, \$2,000.

Referred to Committee on County Accounts.

PETITIONS REFERRED.

The following petitions were received and referred to the committees named, viz.:

Claims.

George T. I. E. Morrell, for compensation for collapse of water boiler at 441 East Third street, caused by water being shut off.

Walter Nielsen, for compensation for collapse of water boiler at 10 Paisley park, caused by water being shut off.

David Platten, doing business as Centre 5 and 10 to \$1.00 store, for compensation for damage to property at 370 Centre street, caused by broken water meter.

TRANSIENT VENDOR'S LICENSE.

Notice was received from the City Clerk of the issuance of a transient vendor's license to William L. Abt for the sale of food products at Tremont Temple.

Placed on file.

APPROVAL OF CONSTABLE'S BOND.

The constable's bond of Solomon Gorfinkle, having been duly approved by the City Treasurer, was received and approved by the Council.

RELAXATION OF DIMOUT REGULATIONS.

Coun. D. F. SULLIVAN offered the following:

Ordered, That the Committee on Public Safety be requested to confer with Major-General Sherman L. Miles, Commandant of the First Corps Area, relative to a relaxation of the dimout regulations in the City of Boston.

Coun. D. F. SULLIVAN—Mr. President, I feel that the Committee on Public Safety should confer with Major-General Sherman L. Miles on the matter of relaxation of the dimout regulations in the City of Boston. Such regulations have been relaxed in other cities along the coast, and the present arrangement is a source of expense to the citizens for light which they do not get. The Public Works Department budget shows, for example, that the taxpayers are compelled to pay out a large amount of money for gas and electricity that they are not receiving. A large part of the globes is blacked out, perhaps seven-eighths in some cases, and still the taxpayers have to pay the bill. People do not dare to leave their homes in the South End and in my neighborhood because of the danger and the threat that comes to them from improperly lighted streets. I have threatened the Boston Edison Company that if they did not take some action in the matter, in conference with the powers that be, looking to relieving the conditions that exist throughout the city today, I would endeavor to have action taken in the matter. Certainly some relief is due the taxpayers who are paying for light that they are not receiving. If the company does not attempt to relieve the situation voluntarily, I think we can have action taken which will compel it to remedy the present situation. Certainly something can and should be done, and I feel confident that we can get some action. Therefore, I trust that the matter will be considered by the Committee on Public Safety and that some action will be immediately taken by that committee looking to an improvement in the conditions from which the public is now suffering.

The order was passed under a suspension of the rules.

REPORT OF COMMITTEE ON APPROPRIATIONS.

Coun. DWYER, for the Committee on Appropriations, submitted the following:

Report on message of Mayor and order (referred October 11) for transfer of \$23,000 from Police Department to Park Department—that same ought to pass.

The report was accepted and the order passed, yeas 13, nays 0.

CONFIRMATION OF EXECUTIVE APPOINTMENTS.

On motion of Coun. KELLY, the Council took up, under unfinished business, Nos. 1 and 2 on the calendar, viz.:

1. Action on appointment submitted by the Mayor October 11, 1943, of William H. Campbell to be a Constable without authority to serve civil process and to serve without bond.

2. Action on appointment submitted by the Mayor October 11, 1943, of George M. O'Kane to be a Weigher of Goods.

The question came on confirmation of the appointments. Committee, Coun. Hanley and Carey. Whole number of ballots 12, yes 12, and the appointments were confirmed.

OPPOSITION TO FEDERAL SUBSIDY FOR SCHOOLS.

Coun. HANLEY offered the following:

Whereas, The education of children is the primary duty of the parents; and

Whereas, The duty and the right of the individual states is to supplement the duty of the parents by providing schools for the development of intelligence, the acquisition of knowledge, and the formation of good character and to demand that all children

shall be taught and prepared for their duties in the role of citizens; and

Whereas, The philosophy of the dictator is to control the mind of the child through education and thus make him a slave to the state;

Whereas, The bill pending in Congress, allocating \$300,000,000 (three hundred million dollars) as a subsidy to states in providing public education;

Whereas, Such a financial grant through Federal legislation encroaches upon States Rights, sets up racial barriers, imposes unjust and burdensome taxation upon the people of New England, establishes a precedent that will eventually jeopardize the freedom of education in the curriculum of our private and public schools;

Whereas, It is another evasive attempt under the cloak of war to infringe and jeopardize our American rights and liberties; be it

Resolved, That the Boston City Council, in meeting assembled, go on record in opposition to such a bill and forward an exact copy of the above resolution to the Massachusetts delegation in both Houses of Congress, requesting them to oppose the passage of such a bill with or without reservation.

Referred to Committee on Rules.

FUEL FOR NEEDY.

Coun. WICKES offered the following:

Ordered, That the Overseers of Public Welfare be requested, through his Honor the Mayor, to inform the members of the Boston City Council as to whether or not the needy of Boston will be given their necessary amount of coal and oil during the coming winter months.

Passed under suspension of the rule.

ESTABLISHMENT OF LIST FOR SOCIAL WORKERS.

Coun. CAREY offered the following:

Ordered, That his Honor the Mayor be requested to confer with Director Lupien of the Civil Service Department with a view to having him reconsider his refusal to credit employees of the Boston Public Welfare Department with a mark for experience in connection with the recent examination for social worker; and be it further

Ordered, That his Honor the Mayor request Director Lupien to defer the establishment of a list for this position until such time as proper credit is given to said employees for their experience.

Coun. CAREY—Mr. President, a few weeks ago Mr. Lupien, Director of the State Civil Service Department, conducted an examination for a new list of social workers for the City of Boston. A number of those who took the examination are and have been employees of the Public Welfare Department, some of them close to twenty years. Also taking the examination were a number of so-called college graduates, who have had no practical training in social service work. Yet the Director of Civil Service, in marking the papers, refused to give any credit whatsoever to the employees of the local City of Boston Welfare Department who, as I say, have had years of practical training in this particular work. Still, the director does give credit to the college graduates who have had absolutely no practical training in such work. It is just one of those things to which we are being subjected nowadays. I do not wish to be interpreted as making a crack at college graduates, because I know, as we all realize, that education is the finest thing that people can receive. Yet, everybody cannot afford to go to college and become a college graduate; and it is certainly unfair not to give credit for the practical experience that many of these employees have had for many years

in the city's Welfare Department. In asking that this be referred to the Committee on Public Welfare, I feel that that committee should call upon some of these employees and should also have appear before the committee on this matter Mr. O'Hare, the secretary of the Welfare Department.

The order was referred to the Committee on Public Welfare.

APPOINTMENTS FOR SOCIAL WORKER'S POSITION.

Coun. WICKES, for Coun. FOSTER, offered the following:

Ordered, That his Honor the Mayor be requested to confer with Civil Service Commissioner Lupien relative to the possibility of holding up all appointments on the most recent civil service examination for social worker which was held on June 19, 1943, until all the appeals that have been made on same have been acted upon.

Referred to Committee on Public Welfare.

RECESS.

The Council voted at 2.31 p. m., on motion of Coun. WICKES, to take a recess subject to the call of the Chair. The members re-assembled and were called to order by President HANNON at 2.48 p. m.

REPORT OF COMMITTEE ON APPROPRIATIONS.

Coun. DWYER, for the Committee on Appropriations, submitted the following:

Report on message of Mayor and order (referred September 20) for transfer of \$1,150 from appropriation for Boston Port Authority to appropriation for Statistics Department—that same ought to pass.

Report accepted; said order passed, yeas 12, nays 0.

Adjourned, on motion of Coun. KELLY, at 2.51 p. m., to meet on Monday, October 25, 1943, at 2 p. m.

Dedication of City Council Service Flag.

City Council Chamber,
October 25, 1943.

The dedication of a service flag in honor of the members of the City Council who are in the armed forces of the United States was held in the Council Chamber, City Hall, prior to the regular meeting, President HANNON of the City Council presiding, his Honor, Mayor Maurice J. Tobin, sitting with the President, and the members of the City Council, with the exception of those away in the services, and the families and friends of members being also present.

At request of President HANNON, the City Messenger escorted to the platform Commander George M. Powers, U. S. N. R., Col. H. C. Pierce, U. S. M. C., Lieut. James M. Langan of the Navy, Major James J. Goode of the Army, Yeoman, First Class, John C. Wickes of the Navy, and Lieut. Louis J. Brems of the Coast Guard, representing Commodore Derby.

President HANNON—Your Honor, guests, my colleagues and friends, it is my happy privilege to open this meeting at this time by calling upon Michael A. Ahern to sing "America."

Mr. Michael A. Ahern sang "America," accompanied by Lawrence J. O'Connor at the organ.

President HANNON—Your Honor Mayor Tobin, my colleagues, guests and friends: This old Council Chamber has seen many happy days, as well as hectic ones; but today is one of our happiest days. We have the very great privilege of being gathered here today for an unusual and notable purpose. It is my distinct pleasure to have the honor to preside here at this meeting, where we, the civilian members of the City Council, have the opportunity to show our affection and pay our tribute of praise and honor to those of our members who are now engaged in the fighting forces of the United States. When any man enters the service it is a day of sacrifice for somebody, such as his children, his mother, his father, his wife, and others near to him; and when he happens to be in political or community life it means a double or even a triple sacrifice, when he leaves not only his family and close friends but those with whom he is associated in business or public life. Therefore, a man who has such broad interests, in addition to his family associations, when he enters the armed forces of the United States for the time being, breaks double or triple ties. As we look around this chamber today we find many reasons to be indeed proud of the six men out of our twenty-two members, almost a third of the Body, who are now serving in the armed forces of our country; men who have scorned to avail themselves of any special privileges or prerogatives that might inure to them as men in public life, elected members of the City Council, thus showing that they are just as patriotic as, and perhaps even more so than, the ordinary individual man in private life who in many cases is perhaps not giving up as much as they are in entering the armed forces of our Government. After all, we of this City Council are a business body. We are the cabinet of the Mayor of the City of Boston. Every business house is proud when its members thus gladly contribute their services to their country in its need, and such business houses and organizations are glad to present to public view a service flag with stars denoting each of their members who are so patriotically sacrificing themselves. And so we here today, as the business directors of the city and the cabinet of his Honor the Mayor, we, the remaining members of the City Council, are proud on this occasion to do honor to

those who have honored us and themselves by thus showing their devotion to our nation. We are here for that purpose. We are here to show the entire world that, although in political life, on this occasion we are taking a holiday from politics; that, while we are politicians, first of all we are Americans. I repeat that out of twenty-two members we have at the present time six in the armed services of the United States, and it is certainly a proud privilege and a pleasure for me on this occasion to offer this tribute of honor, respect and affection to the six members who have temporarily left us in the performance of this sacred duty, extending to them at this time and to their relatives and friends a welcome and a hearty Godspeed in their undertakings, wishing for them the highest success and a speedy return to their families and friends and to their colleagues in this Body, where we will again gladly welcome them to our proceedings and debates. Without further ado, I now present to you those of our colleagues who are able to be present with us at this time, while we have in our hearts fond memories of those who cannot be with us because they are on distant seas or in far countries. Let me first present the councilor from Ward 17, Dorchester, Yeoman, First Class, John C. Wickes. (Applause.) Next is the representative from Ward 19, Lieutenant James M. Langan of the Navy. (Applause.) Also, Major James J. Goode of the Army, representing Hyde Park. (Applause.) Major Goode has just returned from Trinidad, and we are more than happy to welcome him on this occasion. (Applause.) Another one of our colleagues is on the West Coast, our representative from Ward 20, "Ted" Lyons. (Applause.) Another of our members, A. Frank Foster, is a private, first class, in the Army. (Applause.) I am informed that Private Foster is now in Africa, serving with the United States Army. Another one of our colleagues, my predecessor in the chair, representing Ward 7 in the City Council, is Lieutenant Thomas E. Linehan. (Applause.) These men in the armed services of our country reflect great credit upon each and every one of the members of this Council. We miss them in our proceedings and in our debates, and each and every one of us is looking forward to the day when they will again join us in our deliberations. I wish to place also in the record communications I have received from some who would have been very much pleased to attend these exercises today.

President HANNON then read letters regretting their inability to be present from Major-General Sherman Miles, Brigadier-General C. H. Kells and Admiral Robert O. Theobald.

We could not, of course, have here everybody whom we would have liked to have; but we are fortunate in having with us one who has been of inestimable value to us and who has put himself out many times on our behalf. Therefore, I think it only fair at this time to refer to the recruiting officer of the Boston district, Commander George M. Powers. (Applause.) As I have previously stated, we are the cabinet of the Mayor of the City of Boston. We in Boston are fortunate indeed in having as our Mayor one who has not only participated with us in every important undertaking, but who has always treated us with the greatest courtesy and consideration and, in that same spirit, he is here with us on this momentous day to help in doing honor to those of our members who are in the armed services and to give to us the lunch which we enjoyed before the ceremonies. Needless to say, we enjoy a lunch, particularly in times like these when it is on somebody else's check! His Honor the Mayor has shown to us many times acts of courtesy and kindness which we, his cabinet, appreciate, we being the directors of what is really a great company. He, fully as much as we do, regrets the absence of the members of this Body who are in the armed services. Therefore, I present to you the man who,

as Mayor, holds in his hands the destinies of our city, our honored chief executive, Mayor Maurice J. Tobin. (Great applause.)

Mayor MAURICE J. TOBIN—President Thomas J. Hannon, members of the City Council in the armed services, other members of the City Council, and friends: It is an honor for me to have the privilege of associating with the members of the Council this afternoon on such an important occasion. It is well for us in times like these to measure the loyalty of the citizens of Boston today as compared with the loyalty that has been shown by Boston in the past, and to find that there is the same love of democracy and the same patriotism that was shown in the American Revolution. In spite of the changes that have come with time, changes in race and otherwise, it is encouraging to find today the same love of democracy and the same patriotism that were shown by our citizens in our past history. We find it exemplified, gentlemen, in the history of our Marine Corps and our other military organizations. We find, for example, that we in this section of the country, following the declaration of war, led in the recruiting for the United States Marine Corps. We were not only first, but we led and have continued to lead in the recruiting for the United States Marine Corps, besides standing high in the recruiting for all the armed services. In this area we also have led in the recruiting of those of over-draft age. Of course, I am not referring merely to Boston proper, but to this general section. It is well for us to remember this fact when we in this section and in other sections of the country are sometimes accused of Fascism. To those who would bring the charges of Fascism and lack of patriotism in American life against people of this area, I would simply point to the record of recruiting and response to the call of the Government in our armed services in every department of our nation's life, as showing the patriotism and the democracy of our people of all races and all walks of life. Our boys are to be found on every fighting front in this war, and we all know the way in which they are acquitting themselves. Not only have they been among the first in the United States Marine Corps, but the same is true in every other branch of our armed services, and they have shown themselves to be worthy successors of the fathers of this nation, of those who immortalized themselves at Bunker Hill, Concord and Lexington. We have all read and have been thrilled by the heroic deeds of the forefathers throughout our early history. We know that on the Seventeenth of March, 1776, the British were forced to evacuate Boston, and the recruiting figures for this war show that our young men of today, coming from all races and conditions of life, are showing the same spirit. They are active on all fronts, on sea and shore, and we know that the efforts of our boys will help to shortly redeem the holy city of Rome, so that that great force for good in the world may still remain; that they will be in evidence on the Mediterranean, the Atlantic, the Pacific, on all oceans, until the final victory of humanity over barbarism is won. It is for us to do all we can to see that they then come back to a better world, a world offering finer opportunities, and a world in which those boys themselves are not forgotten. Of course, we all have high hopes for the future, for a finer world and a finer civilization. There will, of course, be serious problems with which we will have to deal. I believe we can all see what difficulties there will be, because while we hope that after this war such wars will be a thing of the past, how difficult it is to change human nature!

That being what it is, we know that there will probably be threats of war from certain parts of the world in the time to come, but we hope that those causing such threats will be isolated in the future and that the only ones concerned will be those directly engaged in such controversies as may arise. While we all hope and trust that future wars may be avoided altogether, in spite of mankind being what it is and human nature being what it is, let us hope and trust that in the future, over the centuries, differences will be decided in a safe and reasonable manner. I am, however, delighted that I am given the opportunity to speak to you upon this occasion, when we are honoring the members of your Body who are now engaged in the armed services. Let us hope that the boys who have gone into the services of the Government will come back to us later in safety, after they have achieved a great victory for the right. Fascism breeds Fascism, but it cannot breed in a patriotic area like this. There will be no Fascism to be feared in America when those boys in the armed services come back after the victory of the Allied forces. Entering civil life, taking up their old positions or assuming new duties in the new world, they will work with the rest of our citizens to guarantee the blessings of a finer and more peaceful world than we have ever had. (Great applause.)

(The service flag referred to, which contains six stars, representing the six members of the Council who are in the armed services, will hereafter be hung in the Council Chamber.)

President HANNON—At this time, while we are doing honor to our members who are absent in the armed services, I would also like to refer to our special friend, the Assistant City Clerk, Major John B. Hynes, who has assisted us here in our meetings for a long time, and who has now entered a branch of the Federal service. I might add that we have here today fortunately in person three members of the City Council who are in the armed forces of the country, and some who are not with us are represented by members of their families. I would refer first to the mother of our colleague, Ted Lyons. (Applause.) Mrs. Lyons has made many sacrifices. Besides the sacrifice of Ted, there are also away from home three other boys in the Lyons family, in the service of the country, one of them among the first casualties in the war. Another of our members who is unable to be here today is Private, First Class, A. Frank Foster. I believe a brother of Frank Foster is present here today. (Applause.) Looking around I see also the parents of some of our other colleagues in the armed services, for instance, the mother and father of Major Goode, who I trust will stand and take a bow. (Major Goode's father and mother stood, amid applause.) There is also the mother of Lieutenant James Langan, whom I will ask to rise and take a bow. (Mrs. Langan stood, amid applause.) Then there is the mother of our colleague, Yeoman John C. Wickes, of the Navy, whom I will ask to rise. (Mrs. Wickes stood, amid applause.) Before bringing this meeting to a close, I wish to thank all for their kind attendance at this meeting honoring our colleagues. And I repeat that we all hope and pray that those commemorated by this flag, and of whom we are all so proud, will return safely to join in our debates and deliberations. In closing the proceedings, Miss Sheila O'Donovan Rossa will sing the "Star-Spangled Banner."

Miss Rossa, accompanied by Lawrence J. O'Connor, sang the "Star-Spangled Banner," after which the meeting adjourned.

CITY OF BOSTON.

Proceedings of City Council.

Monday, October 25, 1943.

Regular meeting of the City Council held in the Council Chamber, City Hall, at 2 p. m. President HANNON presiding. Absent, Coun. Fish, Foster, Hurley, Linehan and Lyons.

The meeting was opened with the salute to the Flag.

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, 1943, without power to serve civil process and to serve without bond: Abram Cooperville, 665 Massachusetts avenue, Ward 8, vice John D. Donahue, deceased; William Dillon, 55 Decatur street, Ward 2, vice Francis J. Shea, resigned.

Laid over for one week under the law.

LEVELING OFF LAND ON HANOVER AVENUE AND HARRIS STREET.

The following was received:

City of Boston,

Office of the Mayor, October 25, 1943.

To the City Council.

Gentlemen,—I transmit herewith communication from the chairman of the Board of Real Estate Commissioners, relative to your order of September 20, 1943, concerning leveling off with smooth pavement city-owned land on Hanover avenue and Harris street.

Respectfully,

MAURICE J. TOBIN, Mayor.

City of Boston,

Board of Real Estate Commissioners,

October 19, 1943.

To Arthur C. Carey, Chief Clerk, Mayor's Office,

From Daniel M. Driscoll, Chairman, Board of Real Estate Commissioners.

Subject: Leveling off Hanover Avenue and Harris Street, Boston, Ward 3.

The City of Boston is the owner of only a portion of the area mentioned. I have talked to Councilor Russo and will submit to him a plan showing the areas and owners of the vacant land which abuts the city-owned property. After he has contacted these other owners, I shall be glad to cooperate in any plan that will eliminate this hazard.

DANIEL M. DRISCOLL, Chairman.

Placed on file.

REPRINTING MINUTES OF MARCH 30, 1942.

The following was received:

City of Boston,

Office of the Mayor, October 25, 1943.

To the City Council.

Gentlemen,—I transmit herewith communication from the Superintendent of the Printing Department relative to your order of October 11, 1943, concerning the reprinting of the minutes of the meeting held on March 30, 1942.

Respectfully,

MAURICE J. TOBIN, Mayor.

City of Boston,

Printing Department, October 20, 1943.

To Arthur C. Carey, Chief Clerk, Mayor's Office,

From John J. Twomey, Superintendent, Printing Department.

Subject: Reprinting City Council Minutes.

In reply to your communication of October 15, 1943, regarding the reprinting of (300) copies of the minutes of the meeting of the City Council held on March 30, 1942, please be informed that this printing order will be promptly executed.

Very truly yours,

JOHN J. TWOMEY,

Superintendent.

Placed on file.

IDENTIFICATION OF VOTERS IN SERVICE.

The following was received:

City of Boston,

Office of the Mayor, October 25, 1943.

To the City Council.

Gentlemen,—I transmit herewith communication from the chairman of the Board of Election Commissioners relative to your order of October 11, 1943, concerning the affixing of the branch of the armed forces in which any voter might be serving.

Respectfully,

MAURICE J. TOBIN, Mayor.

City of Boston,

Election Department, October 21, 1943.

Arthur C. Carey,

Chief Clerk, Mayor's Office.

Dear Sir,—This is in reply to your communication dated October 15 with attached City Council order, offered by Councilor Hanley, requesting the Mayor to have this Board indicate on the voting list to be used by the checkers at the polls the branch of service in which any voter might be serving.

May we explain that this is a physical impossibility, since there is no way of determining what branch of the service any man or woman might be in. We have made diligent inquiry but can discover no way of obtaining this information.

Under the circumstances, it will be impossible for us to comply with the councilor's order.

Very truly yours,

BOARD OF ELECTION COMMISSIONERS,

WILLIAM A. MOTLEY, JR.,

Chairman.

Placed on file.

AMENDMENT TO COMPENSATION AND CLASSIFICATION PLANS.

The following was received:

City of Boston,

Office of the Mayor, October 18, 1943.

To the City Council.

Gentlemen,—I transmit herewith for consideration by your Honorable Body the attached proposal by the Budget Commissioner to amend the "Compensation and Classification Plans for the Officers and Employees of Suffolk County."

Respectfully,

MAURICE J. TOBIN, Mayor.

City of Boston,

Budget Department, October 18, 1943.

To the Mayor and 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 re-

port this fact to the Budget Commissioner with a full statement of the circumstances and a description of the duties as changed. The Budget Commissioner shall, subject to the approval of the City Council and the Mayor and after an investigation of the actual and proposed duties and responsibilities, classify or reclassify the position by allocating it to its appropriate class in accordance with the classification plan then in effect; if necessary a new class shall be established to provide for the new position. The Budget Commissioner may likewise, from time to time, make investigations of any or all positions in the service and propose, to the City Council, changes in classification whenever the facts are considered to warrant such action."

In accordance with this rule, I inform your Honor and the City Council it is proposed to establish the following new classification:

Title of Class:
Chief Court Officer.

Duties:

Under direction, to supervise, direct and assign the work of Court Officers in the Municipal Court, Roxbury District; to be responsible for the proper performance of duties by subordinates; to examine sureties and prepare affidavits for persons admitted to bail; and to perform other related work.

Range of Compensation:
Annual, \$2,500—\$2,600—\$2,700.

Very truly yours,
HERMAN L. BUSH,
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 establishing the following classification:

Title of Class:
Chief Court Officer.

Duties:

Under direction, to supervise, direct and assign the work of Court Officers in the Municipal Court, Roxbury District; to be responsible for the proper performance of duties by subordinates; to examine sureties and prepare affidavits for persons admitted to bail; and to perform other related work.

Range of Compensation:
Annual, \$2,500—\$2,600—\$2,700.

Referred to Committee on County Accounts.

APPROPRIATION FOR SEWERAGE WORKS.

The following was received:

City of Boston,
Office of the Mayor, October 25, 1943.
To the City Council.

Gentlemen,—I am advised by the City Treasurer that counsel employed by the bond syndicate to whom an award for bonds to the city was recently made is of the opinion that in computing the amount to be provided from taxation or available revenue funds for all loans authorized under the provisions of section 7 of chapter 44 of the General Laws, that consideration must be given, not only to the valuation of real estate and personal property within the city, but, also, to the value of motor vehicles subject to excise taxes. While, in the opinion of the financial officers of the city, this opinion of bond counsel is open to argument, nevertheless it is evident that to make an issue of the matter at this time might disrupt the delivery of the bonds involved, which is scheduled to occur on or about November 1. To comply with the opinion of the bond counsel, it will be necessary to increase the appropriation provided within the 1943 tax levy for Sewerage

Works by \$1,107.31. I submit herewith an order providing for the transfer of this amount from the Reserve Fund. In view of the necessity for prompt action in the matter, I respectfully recommend immediate consideration and adoption of this order by your Honorable Body.

Respectfully,
MAURICE J. TOBIN, Mayor.

City of Boston,
Treasury Department, October 21, 1943.
Hon. Maurice J. Tobin,
Mayor of Boston.

Dear Mr. Mayor,—On October 7, 1943, with your approval, I awarded to a syndicate headed by F. S. Moseley & Co., an issue of \$1,550,000 City of Boston bonds to be dated November 1, 1943.

Included in this issue are \$300,000 Sewerage Loan bonds which were authorized by an order of the City Council approved July 14, 1943. This loan, under the statutes, was based on an appropriation by the city of ten cents for each \$1,000 valuation of the city for the previous year. The Sewerage Works appropriation by the City Council approved February 16, 1943, was based on an assessed valuation of \$1,466,138,400, the assessed valuation of real and personal property for the year 1942.

Counsel for the purchasers of these bonds advise us that, in their opinion, this appropriation should have been based on a figure of \$1,477,211,472, the assessed valuation of real and personal property less abatements and the valuation of motor vehicles less abatements.

While it is possible that the opinion of the counsel may be open to argument, unless the city wishes to abandon the entire issue of bonds at this time, it will be necessary to provide an additional amount of \$1,107.31 for the construction of sewerage works.

I therefore respectfully request that this additional amount be provided by a transfer from the Reserve Fund.

Very truly yours,
JAMES J. MCCARTHY,
City Treasurer.

Ordered, That under the provisions of section 3 of chapter 486 of the Acts of 1909 as amended by chapter 604 of the Acts of 1941 the City Auditor be, and hereby is, authorized to make the following transfer:

From the appropriation for Reserve Fund, \$1,107.31, to the appropriation for Sewerage Works, \$1,107.31.

Referred to Executive Committee.

DEPARTMENTAL TRANSFERS.

The following was received:

City of Boston,
Office of the Mayor, October 25, 1943.
To the City Council.

Gentlemen,—I am forwarding herewith requests for transfer of funds between departmental and divisional appropriations in the 1943 budget and recommend adoption of the accompanying orders by your Honorable Body.

Respectfully,
MAURICE J. TOBIN, Mayor.

Ordered, That under authority of section 3B of chapter 604 of the Acts of 1941 the City Auditor be, and hereby is, authorized to transfer:

From the appropriation for Public Works Department, Lighting Service, B, Contractual Services, \$3,000, to the appropriation for Public Works Department, Paving Service, E, Materials, \$3,000.

Ordered, That under authority of section 3B of chapter 604 of the Acts of 1941 the City Auditor be, and hereby is, authorized to transfer:

From the appropriation for Municipal Court, West Roxbury District, B, Contractual

Services, \$200, to the appropriation for Municipal Court, West Roxbury District, A. Personal Service, \$200.

Referred to Committee on Appropriations.

PETITIONS REFERRED.

The following petitions were received and referred to the committees named, viz.:

Claims.

Atlantic Clothing Company, for compensation for damage to property at 328 Atlantic avenue, caused by leak in water main.

Rev. John Daugman, for compensation for damage to car by fire engine.

Ethel M. Fritz, for compensation for injuries caused by an alleged defect in Mascot street steps.

Committee on Licenses.

Petition of Royal Blue Line for license to operate motor vehicles between East Boston Airport and Hotel Statler.

CONFIRMATION OF EXECUTIVE APPOINTMENTS.

Under unfinished business, the Chair called up No. 1 on the calendar, viz.:

1. Action on appointments submitted by the Mayor October 18, 1943, of Frank H. Chadwick, to be a Weigher of Coal; and Joseph R. Demerle, Horace C. Alden, James Hynes, John Stankevich, Jr., to be Weighers of Goods.

The question came on confirmation of the appointments. Committee, Coun. M. H. Sullivan and Russo. Whole number of ballots 15, yes 15, and the appointments were confirmed.

SOLDIERS' RELIEF.

Coun. RUSSO, 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 October.

Report accepted; said order passed.

RECESS.

On motion of Coun. TAYLOR, the Council voted at 3.06 p. m. to go into executive session. The members reassembled in the Council Chamber and were called to order by President HANNON at 3.46 p. m.

REPORT OF COMMITTEE ON PUBLIC WELFARE.

Coun. KINSELLA, for the Committee on Public Welfare, submitted the following:

Report on order (referred October 18) that Mayor confer with Civil Service Director Lupien relative to possibility of holding up all appointments on most recent civil service examination for social worker until all appeals that have been made on same have been acted upon—that same ought to pass.

Report on order (referred October 18) that Mayor confer with Director Lupien with a view to having him reconsider his refusal to credit employees of Boston Welfare Department with mark for experience in connection with the recent examination for social worker and that Mayor request him to defer establishment of list for this position until such time as proper credit is given to said employees for their experience—that same ought to pass.

Reports accepted; said orders severally passed.

EXECUTIVE COMMITTEE REPORTS.

Coun. TAYLOR, for the Executive Committee, submitted the following:

1. Report on message of Mayor and order (referred today) for transfer of \$1,107.31 from Reserve Fund to appropriation for Sewerage Works—recommending that same ought to pass.

Report accepted; said order passed, yeas 14, nays 0.

2. Report on message of Mayor and order (referred October 11) transferring \$25,000 from Reserve Fund to appropriation for Park Department, Contractual Services—that same ought to pass.

Report accepted; said order passed, yeas 14, nays 0.

REPORT OF COMMITTEE ON LICENSES.

Coun. COFFEY, for the Committee on Licenses, submitted the following:

Report on petition of Westinghouse Electric and Manufacturing Company (referred August 23) for driveway opening at 31 Tuckerman street, Ward 7—that same ought to pass.

Report on petition of Whiting Milk Company (referred October 11) for driveway opening at 570 Rutherford avenue, Ward 2—that same ought to pass.

Reports accepted; said licenses granted under usual conditions.

PREFERENCE TO VETERANS OF WORLD WAR II.

Coun. COFFEY and CAREY offered the following:

Ordered, That his Honor the Mayor be requested to immediately confer with the Massachusetts Civil Service Commission urging them to grant veterans' preference to men who have been honorably discharged from the military or naval service of the United States and are veterans of World War II.

Coun. COFFEY—Mr. President, the reason for introducing this order—I think we have had orders similar to this previously introduced on the floor—is during the past month I have had two boys come back from the service. One of them went to get his old job back in a defense plant in East Boston and was told because of his discharge he was a risk and they couldn't take him. Both those boys took an examination recently by the Civil Service Commission and both passed the examination. One of them was in the service seven months, and the other eight months, and they were given discharges for physical disability and when they went to ask for veterans' preference they discovered to their sorrow they were not going to be given veterans' preference. One of these boys just took the examination for the Park Department and he carried his fight a little further and went to the Veterans' Bureau, and was also told by the Veterans' Bureau that he would not be given veterans' preference. So I think in all fairness to these boys in the service, who have been honorably discharged, they should be given the same preference that the veterans of World War I were given. Therefore, I ask in this order that his Honor the Mayor get in touch with the Civil Service Commission to see if they cannot work out something whereby these honorably discharged boys coming back from World War II shall be given veterans' preference.

The order was passed under suspension of the rule.

THE NEXT MEETING.

On motion of Coun. SCANNELL the Council voted that when the Council adjourn it be to meet on Monday, November 8, 1943, at 2 p. m.

FORCED PURCHASE OF CERTAIN
FRUITS OR VEGETABLES.

Coun. KELLY offered the following:

Ordered, That his Honor the Mayor be requested to immediately communicate with the Federal Food Administrator in Washington in an effort to put a stop to the practice of wholesale fruit and produce dealers in Boston in forcing merchants to purchase fruits or vegetables which they do not need in order to obtain merchandise that is scarce.

Coun. KELLY—Mr. President, during the last few weeks I have had quite a few calls from retail merchants out around Dorchester way complaining that the wholesale fruit and produce dealers in Boston, in certain parts of Boston, are forcing them to buy other merchandise in order to get merchandise that is scarce. By that I mean, Mr. President, that some weeks ago lettuce was scarce in the market and for a retail merchant to buy crates of lettuce, he had to buy bags of onions which were probably not needed or wanted. Now I understand that last week good oranges were very scarce in Boston and the same wholesale merchants forced the retail merchants to buy some other commodities that were not so scarce in order

to get the oranges. I say, Mr. President, that this practice should be stopped and that the retail merchants of the entire City of Boston should be able to purchase the merchandise they see fit regardless of what the price is, and they should not be forced to purchase this other merchandise in order to get the merchandise that is scarce. I ask suspension of the rule and passage of the order.

The order was passed under suspension of the rule.

REPORT OF COMMITTEE ON COUNTY
ACCOUNTS.

Coun. WICKES, for the Committee on County Accounts, submitted the following:

Report on message of Mayor and order (referred October 18) *re* amendment to compensation and classification plans for officers and employees of Suffolk County—that same ought to pass.

Report accepted; said order passed.

Adjourned, on motion of Coun. M. H. SULLIVAN, at 3.55 p. m., to meet on Monday, November 8, 1943, at 2 p. m.

CITY OF BOSTON.

Proceedings of City Council.

Monday, November 8, 1943.

Regular meeting of the City Council in the Council Chamber, City Hall, at 2 p. m., President HANNON presiding. Absent, Coun. Foster, Goode, Langan, Linehan, Lyons and D. F. Sullivan.

The meeting was opened with the salute to the Flag.

JURORS DRAWN.

Jurors were drawn, Coun. CAREY presiding at the jury box in the absence of the Mayor, as follows:

Sixty-five traverse jurors, Superior Criminal Court, to appear December 6, 1943:

William J. Chase, Ward 1; Gennore P. Famiglietti, Ward 1; Laurence O'Connor, Ward 1; John J. Regan, Ward 1; Leo J. Stapleton, Ward 1; James A. Monagle, Ward 2; Rocco Cantela, Ward 3; Michael Russo, Ward 3; Eugene A. Caron, Ward 4; Edwin E. Stone, Ward 4; Eugene E. Ware, Ward 4; Raymond A. Warren, Ward 4; Alexander H. Conner, Ward 5; Carlton L. Kinley, Ward 5; Arthur G. Land, Ward 5; Leo B. Loughman, Ward 5; Joseph Zimber, Ward 5; Clarence J. Hines, Ward 6; Charles E. Carey, Ward 7; Thomas G. Jenkins, Ward 7; Forrest W. Davis, Ward 8; John Shea, Ward 8; Lawrence S. Dammatin, Ward 9; Joseph E. Griffin, Ward 10; Gerard I. Hughes, Ward 10; Jeremiah Francis Shea, Ward 10; William C. Gerstel, Ward 11; Guilford J. Martin, Ward 11; Hyman Sandler, Ward 12; George W. Todd, Jr., Ward 12; Israel N. White, Ward 12; Paul J. Beers, Ward 13; Patrick Flaherty, Ward 13; John H. Tremble, Ward 13; August J. Van Newenhoven, Ward 13; Richard T. Walsh, Ward 13; Harry S. Watkins, Ward 13; Jacob Allen, Ward 14; Nathan Becker, Ward 14; Benjamin Levy, Ward 14; Solomon Silverman, Ward 14; Morris Tyler, Ward 14; Barney Weiner, Ward 14; Lance J. Cleary, Ward 15; F. John Donovan, Ward 15; Joseph A. Redington, Ward 15; Walter L. Cannon, Ward 16; James Mace, Ward 16; John J. Mulaney, Ward 16; Joseph M. Ahern, Ward 17; Edward H. Bryant, Ward 17; Edward M. Britton, Ward 18; Cornelius D. O'Connor, Ward 18; Walter E. Tivnan, Ward 18; Patrick Halloran, Ward 19; Malcolm McLean, Ward 19; Albert G. Bailey, Ward 20; John J. Barry, Ward 20; William J. Keefe, Ward 20; Albert J. Kutz, Ward 20; Frank Maguire, Ward 20; Morris Dubrow, Ward 21; Norman E. Heath, Ward 21; William G. Dunphy, Ward 22; Donald MacKenzie, Jr., Ward 22.

One hundred-fifty traverse jurors, Superior Civil Court, to appear December 6, 1943:

Frank Abate, Ward 1; Nino Alessandrini, Ward 1; Alfred J. Beaupre, Ward 1; Albert R. Blangio, Ward 1; John J. Casato, Ward 1; Hugh Ferris, Ward 1; Angelo R. Lopilato, Ward 1; John J. McCarthy, Jr., Ward 1; James M. McDonald, Ward 1; Mathew K. McKay, Ward 1; Merrill E. Osborne, Ward 1; Andrew Pizzano, Ward 1; Thomas J. Hennigan, Ward 2; John J. Murphy, Ward 2; Abraham Atlas, Ward 3; Philip R. Consolo, Ward 3; Anthony L. Gamel, Ward 3; George Hamaty, Ward 3; Anthony F. Manfredi, Ward 3; James L. Martin, Ward 3; Robert Olivari, Ward 3; James J. Peiarano, Ward 3; Samuel Rosenberg, Ward 3; Joseph D. Russo, Ward 3; Hyman Silverstein, Ward 3; Peter Sterite, Ward 3; Alfonso J. Vivolo, Ward 3; Clarence H. Barnes, Ward 4; Chester M. Bender, Ward 4; Stephen D. Driscoll, Ward 4; John M. Feely, Ward 4; Joseph E. Hill, Ward 4; Henry H. Kinsley, Ward 4; Clifford P. Pullen, Ward 4; Robert C. Waymond, Ward 4; Lawrence G. Worcester, Ward 4; Joseph Agositine, Ward 5; William A. Blair, Ward 5; Lawrence J. Flynn, Ward 5; James J. Furey, Ward 5; Thomas G. Hale, Ward 5; George E. Kent, Ward 5; Rhodes Lockwood, Ward 5; William F. McAuliffe, Ward 5; Arthur Sauter,

Ward 5; Walter M. Davis, Ward 6; Edward W. Flaherty, Ward 6; Herbert H. Johnson, Ward 6; Frank H. Macomber, Ward 6; Salvatore Molicca, Ward 6; Arthur J. Perry, Ward 6; George F. Bergeron, Ward 7; John L. Comfrey, Ward 7; Lawrence W. Flynn, Ward 7; Charles R. Lecorn, Ward 7; Denis J. McCarthy, Ward 7; Anthony J. Nichols, Ward 7; George A. O'Connor, Ward 7; John J. Robison, Ward 7; Michael T. Sheehan, Ward 7; John M. Thomas, Ward 8; Henry J. Brown, Ward 9; Elmo F. Furey, Ward 9; Clarence Jeffreys, Ward 9; Robert H. Smith, Ward 9; James J. Dacey, Ward 10; Edward F. Kennedy, Ward 10; Alfred J. Mayhew, Ward 10; James L. Mulvey, Ward 10; Leo K. Murphy, Ward 10; William Salter, Ward 10; John A. Wynne, Ward 10; William Cunniff, Ward 11; Harold C. Cutbill, Ward 11; Henri Girard, Ward 11; William N. Long, Ward 11; Frederick W. Young, Ward 11; Hirsh Aronson, Ward 12; Samuel Bellar, Ward 12; Harry Gardner, Ward 12; Harry G. Holloway, Ward 12; Orrin F. Jones, Ward 12; Nathaniel T. Julien, Ward 12; Murray R. Konowitz, Ward 12; Harold A. Lane, Ward 12; Harry H. Petchell, Ward 12; Edward T. Barnes, Ward 13; Peter P. Conley, Ward 13; James A. Keough, Ward 13; Victor Silverman, Ward 13; Barnet H. Herley, Ward 14; Nathan Broomfield, Ward 14; August Burgess, Ward 14; Nathan Francis, Ward 14; Saul Golden, Ward 14; Isaac Lippman, Ward 14; Harry Machiner, Ward 14; Edgar Little, Ward 14; John P. Naughton, Ward 14; Louis Segal, Ward 14; Benjamin Suvall, Ward 14; John H. Watson, Ward 14; Bernard Wean, Ward 14; George C. Anagnos, Ward 15; Edwin D. Baker, Ward 15; John A. Driscoll, Ward 15; Robert Elliott, Ward 15; Israel Hamlin, Ward 15; Vincent N. Marchese, Ward 15; John J. Renahan, Ward 15; Frank R. Anderson, Ward 16; John A. Barrett, Ward 16; Paul E. Dolan, Ward 16; Robert E. Elliott, Ward 16; Robert J. Hindle, Ward 16; Victor B. Johnson, Ward 16; Martin J. Murphy, Ward 16; George E. Niles, Ward 16; Max M. Ross, Ward 16; Henning M. Soneson, Ward 16; Louis A. Willard, Ward 16; William A. Wiss, Ward 16; Henry A. Farquhar, Ward 17; William George F. Harris, Ward 17; Charles J. McCarthy, Ward 17; Frank P. Prout, Ward 17; James S. Wiest, Ward 17; Frederick Yaffi, Ward 17; Joseph Barry, Ward 18; John F. Fleming, Ward 18; John J. Jones, Ward 18; Edgar P. Maillet, Ward 18; Michael Melnyk, Ward 18; Harold Nolan, Ward 18; John H. Schluter, Ward 18; Thomas J. Folan, Ward 19; Francis L. Sweeney, Ward 19; Francis D. Collins, Ward 20; Arthur B. Fitzmaurice, Ward 20; Joseph P. Heim, Ward 20; Jeremiah J. McCarthy, Ward 20; Peter Norfoft, Ward 20; George J. Scoff, Ward 20; George L. Sharkey, Ward 20; James A. Cody, Ward 21; Francis P. Healey, Ward 21; Samuel Kaplan, Ward 21; Joseph A. Belluche, Ward 22; Charles Di Bella, Ward 22; Oscar L. Kentz, Ward 22.

EXECUTIVE APPOINTMENT.

Subject to confirmation by the Council, the Mayor submitted the following appointment viz.:
Weigher of Coal: Corey A. Heath, 25 Symphony road, Boston.

Laid over a week under the law.

CLEANING OF WARD 17 STREETS.

The following was received:

City of Boston,
Office of the Mayor, November 8, 1943.
To the City Council.

Gentlemen,—I transmit herewith communication from the Commissioner of Public Works relative to your order of September 20, 1943, concerning the cleaning of all streets in Ward 17.

Respectfully,
MAURICE J. TOBIN, Mayor.

City of Boston,
Public Works Department,
November 2, 1943.
To Mr. Arthur C. Carey, Chief Clerk, Mayor's Office.

From George G. Hyland, Commissioner, Public Works Department.

Subject: Order in Council, September 20, 1943.

Receipt is acknowledged of your memorandum of October 15, 1943, concerning order in Council, dated September 20, as follows:

"Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to arrange for the thorough cleaning of all streets in the Ward 17 section of Boston."

The foreman in charge of the district has reported that this cleaning is now in progress, and that several sections have already been cleaned. On account of the large number of leaves to be collected, this work has been somewhat retarded, but it is expected that it will be completed within a few days.

GEORGE G. HYLAND,
Commissioner of Public Works.

Placed on file.

REMOVAL OF ASHES AND GARBAGE, WARD 17.

The following was received:

City of Boston,
Office of the Mayor, November 8, 1943.
To the City Council.

Gentlemen,—I transmit herewith communication from the Commissioner of Public Works relative to your order of September 27, 1943, concerning the removal of ashes and garbage regularly each week in the Ward 17 section of Boston.

Respectfully,
MAURICE J. TOBIN, Mayor.

City of Boston,
Public Works Department,
November 2, 1943.

To Mr. Arthur C. Carey, Chief Clerk, Mayor's Office.

From George G. Hyland, Commissioner, Public Works Department.

Subject: Order in Council, September 27, 1943.

Receipt is acknowledged of your memorandum of October 15, 1943, concerning order in Council, dated September 27, as follows:

"Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to remove ashes and garbage regularly each week from the Ward 17 section of Boston."

The foreman in charge of the district reports that this is being done.

GEORGE G. HYLAND,
Commissioner of Public Works.

Placed on file.

BUS SERVICE, WELD HILL SECTION, WEST ROXBURY.

The following was received:

City of Boston,
Office of the Mayor, November 8, 1943.
To the City Council.

Gentlemen,—I transmit herewith communication from the Public Trustees of the Boston Elevated Railway relative to your order of October 11, 1943, concerning the establishment of direct bus service between Green Street Station and the Weld Hill section of West Roxbury.

Respectfully,
MAURICE J. TOBIN, Mayor.

Boston Elevated Railway,
October 26, 1943.

Mr. Arthur C. Carey,
Chief Clerk, Mayor's Office.

Dear Sir,—In response to your letter of October 15th with order of the City Council requesting the establishment of direct bus service between Green Street Station and the Weld Hill section of West Roxbury, I would say that service is now provided between these two places by transfer at Centre and Weld streets, and a count taken on a typical week day shows that between 3 and 8 p. m. only 100 passengers transferred from outbound Centre street buses to Weld street buses. Therefore, only a relatively small number of passengers would be accommodated by the direct service requested which would require additional buses and be inconsistent with the regulations of the Office of Defense Transportation.

Very truly yours,
EDWARD DANA,
President and General Manager.

Placed on file.

TRANSFERS BETWEEN DEPARTMENTAL APPROPRIATIONS.

The following was received:

City of Boston,
Office of the Mayor, November 8, 1943.
To the City Council.

Gentlemen,—The inclosed requests for transfer of appropriations, together with the accompanying orders, are forwarded for consideration and adoption by your Honorable Body.

Respectfully,
MAURICE J. TOBIN, Mayor.

Ordered, That under authority of section 3B of chapter 604 of the Acts of 1941 the City Auditor be, and hereby is, authorized to transfer:

From the appropriation for Law Department, A, Personal Service, \$1,400, to the appropriation for Auditing Department, A, Personal Service, \$1,400.

Ordered, That under authority of section 3B of chapter 604 of the Acts of 1941 the City Auditor be, and hereby is, authorized to transfer:

From the appropriation for Street Laying-Out Department, A, Personal Service, \$3,500, to the appropriation for City Planning Board, A, Personal Service, \$3,500.

Ordered, That under authority of section 3B of chapter 604 of the Acts of 1941 the City Auditor be, and hereby is, authorized to transfer:

From the appropriation for Special Appropriation, Head House Pier, South Boston, Repairs, etc., \$6,500, to the appropriation for Park Department, B, Contractual Services, \$2,700; C, Equipment, \$800; D, Supplies, \$2,100; E, Materials, \$900.

Ordered, That under authority of section 3B of chapter 604 of the Acts of 1941 the City Auditor be, and hereby is, authorized to transfer:

From the appropriation for Fire Department, C, Equipment, \$17,000, to the appropriation for Public Buildings Department, B, Contractual Services, \$17,000.

Ordered, That under authority of section 3B of chapter 604 of the Acts of 1941 the City Auditor be, and hereby is, authorized to transfer:

From the appropriation for Soldiers' Relief Department, F, Special Items, \$160,000; Institutions Department, Long Island Hospital, D, Supplies, \$35,000; E, Materials, \$5,000, to the appropriation for Public Welfare Department, Central Office, F, Special Items, \$200,000.

Ordered, That under authority of section 3B of chapter 604 of the Acts of 1941 the City Auditor be, and hereby is, authorized to transfer:

From the appropriation for Special Appropriation, Snow Removal, \$1,000, to the appropriation for Public Works Department, Paving Service, B, Contractual Services, \$1,000.

Ordered, That under authority of section 3B of chapter 604 of the Acts of 1941 the City Auditor be, and hereby is, authorized to transfer:

From the appropriation for Law Department, A, Personal Service, \$4,500, to the appropriation for Supply Department, A, Personal Service, \$4,500.

Ordered, That under authority of section 3B of chapter 604 of the Acts of 1941 the City Auditor be, and hereby is, authorized to transfer:

From the appropriation for Suffolk County Court House, Custodian, A, Personal Service, \$2,361, to the appropriation for Special Appropriation, Work Relief Program, \$2,361.

Ordered, That under authority of section 3B of chapter 604 of the Acts of 1941 the City Auditor be, and hereby is, authorized to transfer:

From the appropriation for Municipal Court, Dorchester District, A, Personal Service, \$845, to the appropriation for Municipal Court, Charlestown District, A, Personal Service, \$600; B, Contractual Services, \$10; C, Equipment, \$35; D, Supplies, \$200.

Ordered, That under authority of section 3B of chapter 604 of the Acts of 1941 the City Auditor be, and hereby is, authorized to transfer:

From the appropriation for Penal Institutions Department, House of Correction, A, Personal

Service, \$800, to the appropriation for Penal Institutions Department, Office Expenses, A, Personal Service, \$800.

Referred to the Committee on Appropriations.

SALE OF OLD BOILERS.

The following was received:

City of Boston,
Office of the Mayor, November 8, 1943.
To the City Council.

Gentlemen,—I transmit herewith communication from the Fire Commissioner in which he sets forth a request to sell at private sale, for not less than one thousand dollars, two old Scotch type, double-furnace, coal-fired, wet-back boilers, which are to be removed from Fireboat Engine 47.

These boilers have been condemned for use on the fireboat by the United States Coast Guard Marine Inspection and Navigation Service and as the commissioner has received an offer I respectfully recommend passage of the accompanying order.

Respectfully,
MAURICE J. TOBIN, Mayor.

City of Boston,
Fire Department, November 3, 1943.
Hon. Maurice J. Tobin,
Mayor of Boston.

Dear Sir,—I respectfully request that your Honor obtain permission from the City Council for the private sale of two old Scotch type, double-furnace, coal-fired, wet-back boilers, which are to be removed from Fireboat Engine 47 of this department. The boilers weigh approximately 42,000 pounds and have a total capacity of 1,300 square feet of heating surface and each boiler has a diameter of 10 feet, 6 inches and is 11 feet long. The two boilers have a combined horsepower of 600 feet at 140 pounds steam pressure and were built by the Hodge Boiler Works, East Boston, in 1908. The boilers are to be sold for not less than \$1,000.

Under date of June 14, 1943, the City Council authorized the Fire Commissioner to sell these boilers at an upset price of \$1,000. The auction was held on July 23, 1943, but there were no bidders for the boilers. However, it was necessary to pay the auctioneer a fee of \$100. In my opinion no advantage would be gained by the city in holding another auction and we have received an offer of \$1,000 for the boilers from Mr. Gifford Allen of West Concord, Mass.

The boilers have been condemned for use on the fireboat by the United States Coast Guard Marine Inspection and Navigation Service and two new boilers have been already ordered to replace the old boilers.

Very truly yours,
WM. ARTHUR REILLY,
Fire Commissioner.

Ordered, That the Fire Commissioner be and hereby is authorized to sell at private sale two old Scotch type, double-furnace, coal-fired, wet-back boilers, for not less than one thousand dollars.

Referred to Executive Committee.

APPROPRIATION FOR MUNICIPAL EMPLOYMENT BUREAU.

The following was received:

City of Boston,
Office of the Mayor, November 8, 1943.
To the City Council.

Gentlemen,—I submit herewith an order providing for the appropriation of \$6,000, the same to be charged to the Contingent Fund, to be used to carry on the activities of the Municipal Employment Bureau for the balance of the year, and recommend adoption by your Honorable Body.

Respectfully,
MAURICE J. TOBIN, Mayor.

City of Boston,
Municipal Employment Bureau,
October 27, 1943.
Hon. Maurice J. Tobin,
Mayor of Boston.

Dear Mr. Mayor,—May I respectfully request that you submit to the Boston City Council an

order for an appropriation of \$6,000 to cover the expenses of the Municipal Employment Bureau for the remainder of the year 1943.

We have sufficient funds only to cover the pay roll of employees for the next two weeks.

Respectfully,
SAMUEL W. WARREN,
Assistant Director.

Ordered, That the sum of \$6,000 be, and the same hereby is, appropriated for the activities of the Municipal Employment Bureau, said sum to be expended under the direction of his Honor the Mayor, and charged to the Contingent Fund.

Referred to Committee on Appropriations.

TRANSFER FROM PARKMAN FUND.

The following was received:

City of Boston,
Office of the Mayor, November 8, 1943.
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 \$24,000 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 passage by your Honorable Body.

Respectfully,
MAURICE J. TOBIN, Mayor.

City of Boston,
Park Department, November 1, 1943.
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 \$24,000 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 \$24,000

When making up the budget estimate for the year 1943, 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 1943, 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 \$24,000 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 \$24,000

Referred to Committee on Parkman Fund.

REPAIRING OF SELDEN STREET, WARD 17.

The following was received:

City of Boston,
Office of the Mayor, November 8, 1943.
To the City Council.

Gentlemen,—I transmit herewith communication from the Commissioner of Public Works relative to your order of September 20, 1943, relative to the repairing of Selden street, Ward 17.

Respectfully,
MAURICE J. TOBIN, Mayor.

City of Boston,
Public Works Department,
October 19, 1943.
To Arthur C. Carey, Chief Clerk, Mayor's Office.
From George G. Hyland, Commissioner, Public Works Department.

Subject: Resurfacing of Selden Street, Ward 17.

I return herewith order in City Council that the Public Works Department resurface Selden street,

Ward 17, and this will advise you that, due to a ruling of the War Production Board, no work of this nature can be done on any streets that are not main thoroughfares.

GEORGE G. HYLAND,
Commissioner of Public Works.

Placed on file.

GAS LAMPS ON WARD 17 STREETS.

The following was received:

City of Boston,
Office of the Mayor, November 8, 1943.
To the City Council.

Gentlemen,—I transmit herewith communication from the Commissioner of Public Works relative to your order of September 20, 1943, concerning the placing of the various gas lamps on the streets of Ward 17 in operation again.

Respectfully,
MAURICE J. TOBIN, Mayor.

City of Boston,
Public Works Department,
October 19, 1943.

To Arthur C. Carey, Chief Clerk, Mayor's Office.
From George G. Hyland, Commissioner, Public Works Department.

Subject: Gas Lamps.

I return herewith order in City Council requesting that the Commissioner of Public Works communicate with the proper authorities in an effort to place the various gas lamps on the streets of Ward 17 in operation again, and this will advise you that we have had additional inspectors checking outages of gas lamps throughout the city and, during the coming week, special attention will be given to this ward.

We have also notified the Welsbach Company to double their patrol in this ward and any lamp reported out will be put in service within an hour. The Public Works Department has recently had quite a problem on its hands due to the fact that boys have been climbing the poles and putting out the lights.

GEORGE G. HYLAND,
Commissioner of Public Works.

Placed on file.

REPAIRING OF MARGINAL STREET, EAST BOSTON.

The following was received:

City of Boston,
Office of the Mayor, November 8, 1943.
To the City Council.

Gentlemen,—I transmit herewith communication from the Commissioner of Public Works relative to your order of September 20, 1943, concerning the repairing of Marginal street, East Boston.

Respectfully,
MAURICE J. TOBIN, Mayor.

City of Boston,
Public Works Department,
October 21, 1943.

To Arthur C. Carey, Chief Clerk, Mayor's Office.
From George G. Hyland, Commissioner, Public Works Department.

Subject: Marginal Street, East Boston.

I return herewith order in City Council that the Public Works Commissioner have repairs made to Marginal street in East Boston, and this will advise you that all necessary repairs have been made in this street by the District No. 2 Paving Service forces.

GEORGE G. HYLAND,
Commissioner of Public Works.

Placed on file.

REPAIRING OF WASHINGTON STREET, WARD 17.

The following was received:

City of Boston,
Office of the Mayor, November 8, 1943.
To the City Council.

Gentlemen,—I transmit herewith communication from the Commissioner of Public Works relative to your order of October 11, 1943, con-

cerning the repairing of Washington street, Ward 17, from Codman square to Bowdoin street.

Respectfully,
MAURICE J. TOBIN, Mayor.

City of Boston,
Public Works Department,
October 21, 1943.

To Arthur C. Carey, Chief Clerk, Mayor's Office.
From George G. Hyland, Commissioner, Public Works Department.

Subject: Washington Street, Ward 17.

I return herewith order in City Council that the Commissioner of Public Works have Washington street, Ward 17, from Codman square to Bowdoin street, repaired, and this will advise you that Mr. Barnes of the Boston Elevated Railway will put this street on his list for the resetting of the street car rails and the resurfacing of the area under his jurisdiction, provided that he can get the necessary new steel.

If he is able to perform this work during the year 1944, this department will make every possible endeavor to do the work requested.

GEORGE G. HYLAND,
Commissioner of Public Works.

Placed on file.

REPAIRING OF BROKEN STREETS AND SIDEWALKS, WARD 11.

The following was received:

City of Boston,
Office of the Mayor, November 8, 1943.
To the City Council.

Gentlemen,—I transmit herewith communication from the Commissioner of Public Works relative to your order of September 20, 1943, concerning the repairing of all broken sidewalks and streets in Ward 11.

Respectfully,
MAURICE J. TOBIN, Mayor.

City of Boston,
Public Works Department,
October 19, 1943.

To Arthur C. Carey, Chief Clerk, Mayor's Office.
From George G. Hyland, Commissioner, Public Works Department.

Subject: Broken Sidewalks and Streets in Ward 11.

I return herewith order in City Council that the Public Works Department repair all broken sidewalks and streets in Ward 11, and this will advise you that this work is being carried on as fast as our manpower shortage will allow.

GEORGE G. HYLAND,
Commissioner of Public Works.

Placed on file.

NEW SIDEWALK, 85 OCEAN STREET, WARD 17.

The following was received:

City of Boston,
Office of the Mayor, November 8, 1943.
To the City Council.

Gentlemen,—I transmit herewith communication from the Commissioner of Public Works relative to your order of October 11, 1943, concerning the construction of a new sidewalk in front of the premises located at 85 Ocean street in the Ward 17 section of Dorchester.

Respectfully,
MAURICE J. TOBIN, Mayor.

City of Boston,
Public Works Department,
October 27, 1943.

Arthur C. Carey,
Chief Clerk, Mayor's Office.

Dear Mr. Carey,—This is in reference to the following order that was passed in the City Council under date of October 11:

"Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to construct a new sidewalk in front of the premises located at 85 Ocean street in the Ward 17 section of Dorchester."

Because of a regulation issued by the War Production Board, this department is prevented from constructing granolithic sidewalks in any location where a dirt or gravel sidewalk exists, and, in view of this, no favorable action can be

taken on the above-referenced order, because a gravel sidewalk exists in front of the location referred to.

In the event, however, that the War Production Board changes or amends this ruling next year, every reasonable effort will be made to comply with the provisions of the above-referenced order.

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.

Capitol Tire and Rubber Company, Inc., for compensation for damage to truck by city truck.

Patrick Costello, to be reimbursed as result of accident which occurred while in performance of duty.

Hugh P. Doherty, to be reimbursed for accident which occurred while in performance of duty.

Ellen Fitzpatrick, for compensation for injuries caused by an alleged defect at Massachusetts avenue and Newbury street.

Robert Fowler, for compensation for injuries caused by employee of Paving Department.

George M. Freeman, to be reimbursed as result of accident which occurred while in performance of duty.

William J. Gallagher, for compensation for damage to car caused by an alleged defect in Howard avenue, Roxbury.

Harvey Sales and Service Company, for payment of bills owing by Penal Institutions Department.

Joseph Jacobs, for compensation for damage to car and injuries caused by city truck.

Emily Karklin, for compensation for collapse of water boiler at 620 Beech street, caused by water being shut off.

Philip L. Lane, for compensation for injuries caused by an alleged defect at 143 Federal street.

Rita M. McInnis, for compensation for injuries caused by an alleged defect at 130 Beacon street.

Eleanor M. McNeil, for compensation for injuries caused by Park Department truck.

Mrs. John Monahan, for compensation for injuries caused by an alleged defect at 1051A Washington street.

Rose Moschella, for compensation for loss of barrels taken from premises at 48 North Bennet street.

Phillip Portnoy, for compensation for collapse of water boiler at 16 Oswego street.

Agnes J. Shine, for compensation for injuries caused by an alleged defect at Winter and Washington streets.

Claire L. Slattery, for compensation for injuries caused by an alleged defect in Girls' High School.

Amie Spiller, for compensation for injuries caused by an alleged defect in Brunswick street, Roxbury.

Antonio Velardi, to be reimbursed for doctor's bills on account of injuries received in performance of duty.

H. Werner Sons Company, for compensation for damage to car by city truck.

Committee on Licenses.

Petitions for driveway openings: John J. Meehan, 22 Porter street, Jamaica Plain; United Farmers' Co-operative Creamery, Carter street, Charlestown.

APPOINTMENT OF LEO J. DUNN TO FINANCE COMMISSION.

Notice was received from the Secretary of the Commonwealth of appointment of Leo J. Dunn as member of Finance Commission on August 11, 1943.

Placed on file.

REINSTATEMENT OF LICENSE, BOSTON ICE COMPANY.

Notice was received from the State Department of Public Safety of reinstatement of license for oil storage of Boston Ice Company at 370 East Eagle street, East Boston.

Placed on file.

REPORT OF COMMITTEE ON PARKMAN FUND.

Coun. CHASE, for the Committee on Parkman Fund, submitted the following:

Report on message of Mayor and order (referred October 18) appropriating \$23,000 from income of Parkman Fund to be expended by Park Commissioners—That same ought to pass.

Report accepted; said order passed, yeas 15, nays 0.

REPLACING OF BRIDGE ON MERIDIAN STREET, EAST BOSTON.

Coun. COFFEY offered the following:

Ordered, That the Public Works Commissioner be requested, through his Honor the Mayor, to replace the old bridge on Meridian street, East Boston.

Coun. COFFEY—Regarding the Meridian Street Bridge, it is in a deplorable condition. There definitely should be a new bridge built there within the next week; it really is an emergency. If any children happen to be walking from East Boston over to Chelsea and they should slip, there is no protection whatsoever from their falling into the Chelsea Creek. On top of that, the soldiers have had some barracks there for the time being, and they have removed them to a place nearby, and a section of the bridge has been taken down and never replaced. What I mostly fear for is that cold weather is coming, and if we have a snow storm it would be slippery and dangerous to both adults and children. I hope this will be recognized, and that this bridge will be replaced.

The order was passed under suspension of the rule.

CLEANING OF EAST BOSTON STREETS.

Coun. COFFEY offered the following:

Ordered, That the Public Works Commissioner be requested, through his Honor the Mayor, to make immediate plans to have the streets of East Boston cleaned up.

Coun. COFFEY—This is an order to clean the streets of East Boston—I suppose I could say the entire City of Boston. I know there is a salvage drive and a tin drive on, and I know that there is a great demand for workers in the city but I think it is time to hire new men and put them to work as rapidly as possible on the streets. The streets in my town are filthy. The local papers attack both the city and myself, and I have received no less than forty letters during the past month asking me what I was going to do regarding the streets in East Boston. Only recently I introduced an order asking that two hundred permanent men be put on the city's pay roll to be employed for street-cleaning purposes only. Something has to be done about the streets. It really is a health menace.

Coun. CAREY—I would like to go along with Councilor Coffey on his order. Two weeks ago I requested the Public Works Commissioner to clean the streets in Ward 10, and work was started with a street sweeping machine. The machine hadn't been on the job over two or three days when it broke down. We know machines cannot be purchased; it is not easy at the present time. The taxpayers, nevertheless, are paying for clean streets, streets that should be a credit to the city. It will perhaps be a long time before new equipment can be bought, although there are those of us in the Council who have realized for some years that every year when the budget is brought in here, and we make efforts to have money appropriated to buy new equipment, we are met with the same response—there is no money. We do know, however, that because of war conditions this equipment cannot be purchased very readily now. The streets, however, should not be neglected. There is only one way to meet the situation, and that is to appoint men, and I trust that favorable action will be taken on Councilor Coffey's order, and that we will immediately have the appointment of some two hundred men to do this work as it should be done.

Coun. KINSELLA—I think, Mr. President, that this order is entirely timely, because I had a rather painful experience just yesterday. I was present at church when one of the clergymen, speaking of the salvage drive, said that it was a

good chance to get rid of our newspapers rather than seeing them around the streets as they have been for the last six months. I can take issue with the gentleman, because I think I know where the source of the trouble is. In every ward in the city there are city-owned vacant lots, and many of the people living adjacent thereto throw out their old swill and old newspapers, and the like of that. It doesn't take much imagination to realize that when a high wind comes along it will blow those papers, ashes and dust out into the street, and then the councilor is blamed for the condition, as though in the dark of the night he went around kicking ash barrels over. I am about fed up trying to explain. Every time we ask for improvement in conditions we are faced with the answer, "No money." I wonder how much money is left in any department to which we have to go. It appears to me if there is not sufficient money in departments charged with health maintenance in this city, all they would have to do is to come in and ask, and I think we would give it to them. I myself have witnessed a number of occasions where boys, who long ago should have arrived at the age of reason, have indulged themselves in the questionable pleasure of kicking over ash barrels. A week ago tonight, you might recall, it rained—rained hard all night. I went to a banquet at the Boys' Club, in honor of Frank Mason, celebrating the anniversary of the Boys' Club of Boston, and at a quarter past twelve, when I left there, there were three ash barrels tipped over in front of the girls' section of the club. Mice didn't tip them over. It was a gang of fresh kids that had access to those things, and they are no fresher than they are in some other places. Just lately the Selective Service Board has ordered the deferment of men engaged in the removal of ashes and garbage, in the interest of public health. I don't know why the city will appropriately and continually use the excuse that it has no money. It may be said that they cannot induce men to accept employment with the city, but something has to be done about it, and I think we ought to make a concerted effort to bring about an improvement in conditions. Let us not have it thrown up in our faces that papers have been drifting around the neighborhood for six months without any effort being made to set the blame therefor. If the city will not do anything else, the least it can do is to put up a sign that the lots are city-owned and that dumping is prohibited.

The order was passed under suspension of the rule.

COLLECTION OF GARBAGE BY COLEMAN BROTHERS.

Coun. KELLY offered the following:

Ordered, That the Commissioner of Public Works be requested, through his Honor the Mayor, to insist that Coleman Brothers live up to the terms of their contract relative to the collection of garbage in the Dorchester district, especially in Ward 15.

Referred to the Committee on Public Safety.

AVAILABILITY OF HOUSING PROJECTS TO BOSTON RESIDENTS.

Coun. KELLY offered the following:

Ordered, That his Honor the Mayor be requested to confer with the chairman of the Boston Housing Authority relative to the matter of making all housing projects available to residents of Boston who are able to meet the necessary qualifications.

Coun. KELLY—Mr. President, quite a few people in my district—and I suppose it is the same in every ward in Boston—have come to me and asked me to intercede for them to try to get them into one of the housing projects in the City of Boston, whether it be a defense project or one of the other kind of housing projects. I am amazed at the type of letter that I have received as a member of the City Council, and that other members all along have been receiving. I am going to read this letter here,—part of it.

"You are advised that families now resident in Boston are not at this time on a preferred list for acceptance. Many workers now obliged to travel long distances to and from their places of employment are receiving first preference in the assignment of apartments.

"It is regretted that the Authority cannot be of service to you in this instance."

In other words, Mr. President, I was one of the members of the Council that voted against Federal housing. It seems that the Federal housing set-up is not for residents of the City of Boston, but for outside people who live outside and want to come in and live in the City of Boston. I can realize, however, Mr. President, that the housing projects, every one of them in the City of Boston, are free and immune from taxes, and the only thing they pay to the City of Boston is a small service charge. I feel, therefore, that the taxpayers of Boston should have first preference. I feel that the taxpayers of Boston are paying the bill and residents of Boston should be given first preference in all housing projects, whether defense projects or otherwise.

Coun. TAYLOR—To clarify the situation referred to in the remarks of the councilor from Ward 15, I understand it is a Federal rule, so far as defense housing is concerned, that nobody is eligible for defense housing except those who live outside the city limits—I think ten miles—or those that live in Boston who are living with two or more families in one home. I understand the original need for defense housing was not to fill up any particular buildings because you can get more occupants than you have buildings for, but so that those defense plants stationed near and around Boston could supply homes for those who have to come from great distances, or separate those families living in homes with two or more families. I think they really intended these housing projects for low-rent housing projects, and not for defense workers, but when the war came along it was necessary that something be done in order for sufficient help to live near Boston. I think it is a Federal ruling, and I don't know how you can get around it.

Coun. KELLY—I am glad the councilor gave you that information, but I still realize that the taxpayers of the City of Boston are paying the bills, and I realize that when the city saw fit to raise the "ante" for Federal housing to some \$50,000,000, every housing project in the city was built with that \$50,000,000. I think, whatever happens, the taxpayers of the city should be given preference. I don't think those outside the city should be given any preference over the taxpayers of the City of Boston.

Coun. COFFEY—I am glad that Councilor Kelly introduced this order. I can't sit down here without at least getting my two cents' worth in. I voted against housing, and I am still against housing. My sole purpose for voting against it was this: I was told that outsiders were given preference—people coming from New Hampshire, Maine, and, in fact, from all over the country, into East Boston. My argument then and now is this, that after this war is over,—and we pray to God that conditions won't be bad, but they might be,—if conditions are bad, the people that came from New Hampshire and Vermont and Maine and other states are going to stay right here in Boston in that low-rental housing project and receive welfare that is going to be given to them by the City of Boston. We are going to foot the bill for these outsiders. There is a rule at the present time that to get into a project you have got to live twelve miles outside the city limits. To show you how unfair that is, there have been fifty-seven families who have had veterans in the service that moved into the housing project. Since they have been in there, the veterans have been transferred from one of the local bases in Boston to some other section of the country. Those fifty-seven families within a month's time moved out of the housing project and went into another housing project in some other part of the country so as to be near a soldier, sailor or marine husband, whatsoever it might be. That is the case in my ward alone, where fifty-seven families have moved out within a month. Now we are told they cannot be replaced by local residents. They have to live outside the twelve-mile limit, which means that they are going to come from all parts of the country and be given preference to live in a housing project within the City of Boston. And, as I say, when the war is over, if conditions are bad, these people are going on welfare, and they even now are getting a good break from the city, within city limits. This isn't the first time I have talked on this matter. It has been a pleasure for me to take the floor and oppose this housing. I don't believe in it, and I never will. The housing of today, as many

of the clergy have said, as the slums of tomorrow. I know that the housing project in our ward today is pretty well filled up. I have had a couple of families in my ward that got in touch with me to get housing accommodations. Nothing can be done because they don't live twelve miles out, even though they have been taxpayers here all their lives, and they are not to be given any consideration now. It is not a law; it is a rule.

Whether the rule comes from the Housing Authority here in Boston, I don't know, but I do know that the average fellow that works up here at 18 Oliver street admits that the rule has been changed so often and so fast that they themselves are confused and have to ask some superior what rule is in effect at the present time. I think something should be done about it. We should have a hearing here, and have Mr. Breen come down and get information from him as to how the rule stands now and what we can do about changing that rule so that in the future Boston residents can get preference, and not outsiders.

Coun. HURLEY—I was very anxious to secure housing for my district, and in my first term in the Council I was responsible for getting two locations. I have had one built up, and I am heartily in favor of Federal housing for low-income groups. I know when my plant out there was built, people in the district that was cleared up, were very happy, but, in the meantime, the war came on and, as the councillor from Ward 1 (Coun. Coffey) stated, probably it isn't a ruling of Boston or the Federal Housing Authority. It would be nice to have some one from the Housing Authority answer us intelligently, come to a committee meeting and have this matter discussed, because, for the past two years, people have come to me for information and help. It hasn't bothered me because every day I am out trying to relocate the people in my district who, I firmly believe, should be back in the same district they spent their entire lives in, who gave up their homes, moved out temporarily. That is all it was. They were informed when they moved that they were coming back to the same neighborhood, to attend the same church, to send their children to the same schools. And, as I said before, the war came up and all this was tossed up in the air, and we started having people coming in from Allegheny, Pennsylvania, Scranton, Pennsylvania, all over New York, and elsewhere. About a year ago—I think last May—the Federal Housing Authority in Washington—and my project was built as a low-rent project—sent orders in here to the Boston Housing Authority prohibiting low-rent cases from occupying the apartments, saying they had to be given to defense workers living outside the twelve-mile limit of Boston. It was stated that, on account of the shipbuilding programs here in Boston, there was no way for these people to be handy to their work and it would take them two or three hours to go and come from work. That was the ruling sent in last May. And then they let up a little bit and decided to let the families of the men in the armed service come in once in a while on a strict case—say an A B C case—a widow with a family. They brought that type of case in. If it is possible, without halting the war effort, I would be the happiest man in Boston to see all those outsiders, as the councillor said, not citizens of Boston. But they may become citizens of Boston, and if there is any depression, we will be burdened with their support after this war, notwithstanding the large amount of money that defense workers are making today. I think it would be a very good thing to refer this order of Councillor Kelly's—and I think it is a good order—to a committee and let us find out where we stand, and also ask the Federal Government that is spending billions of dollars all around—let them come into Boston and put up some plants handy to Fall River and bandy to Hingham, and make it easy for these defense workers,—instead of making them fight their way into Boston and surrounding Boston, putting up buildings right near their work. You may say it is a waste of money, but God knows we are spending money very freely today, and I think it is no waste to make things comfortable for the defense workers and take care of the people here in Boston. That was primarily the intention, and I ask that the order be referred to a committee for further study.

Coun. KINSELLA—As one who lives in a housing district, I think I have a stake in this discussion. Councillor Taylor was substantially correct in giving his version of the status of those projects at the present moment. Councillor

Coffey was no less correct. My recollection of this thing is that on the low-rent applications there are two specific qualifications that must be met. One is that the applicant should be an American citizen and the other is he must have resided in municipal Boston for two months next preceding the date of application. Since the war came along, the residence rule has been regulated to such an extent that we are getting people from all over New England and points further away, and up to the present moment I must say—and I say it publicly—there isn't one outside of Boston—and I don't curry favor with Boston people when I say this—there isn't one outside of Boston that appears to be capable of the gratitude you would expect, having offered them, coming from hovels and huts and cabins and shacks in the woods, better accommodations than Boston people can possibly get, although this is done by an outlay of their own money. I will give you a case in point, and all I withhold is the name, but I am sorry to tell you it is true. Two weeks ago I had a girl call me up from a pay station and say that she was living in Boston for six months, that she was now down in a project, that she had been going to the Out-Patient Department of the Boston City Hospital for three days prior to the day she called me. On that day she discovered that she had a special ailment, one that necessitated an immediate operation, but that the doctor who examined her said, "We can't take you in for the operation because you are not a bona fide Boston resident," and she said, "How can I get in, not being a resident?" He said, "Find out who the councillor is in your district; he can get you in"—making more headaches for us. I called Doctor Manary, after telling the girl to wait where she was, and Doctor Manary said, "Well, where does her husband work?" I said, "In the Navy Yard, as a painter, first class, at \$1.26 an hour." He said, "Well, she ought to be able to pay \$28 in advance as an evidence of good faith, and before the week for which the \$28 is paid has gone out, we will have operated on her. If he is making that type of money, he ought to be able to pay the bill." When she had requested this favor of me, she was all milk and honey and silk, until I called her back and told her what the good and genial doctor told me, and then she bowed her utter incapability of gratitude. She said, "What the hell kind of a city is Boston? You have to put it on the line in order to be sick." And I said, "Lady, there are an awful lot of nice people in this town that I can't get into that project, and you have the brass and the gall to take me to task because Boston requires you to pay a little something in return for the best medical service in the world." She said, "If I can dig up the 28 'bucks' I will pay, and if I can't, I would just as soon be a cripple as live among this type of people." So the next day I consulted with somebody in the Boston Housing project and got her name and apartment number, and I found out she came from Newport, Vermont. In August of this year her husband came down here, preceding his family, and took a job out at the Roxbury Iron Works, to establish his status as being in need of housing, and immediately thereupon he applied and was accepted as a tenant by the Boston Housing Authority, and then he threw his job up and went into the Navy Yard. And her complaint went a little further than that,—that he was just out of the hospital and when he went back to work yesterday his boss pointed to a tall ladder and said, "Go up there and paint that," and he said, "I can't; I am just out of the hospital." The boss said, "Let us get a look at your certificate here. You have been O. K'd by the Board as being able to work. Get up there or you are through." They want their cake and want to eat it, too. And I can regale you with stories of worthy people right in my district who haven't a Chinaman's chance of getting in because they are not defense workers living twelve miles out of Boston. A lot of defense workers never rode in an automobile in their life outside of being in a squad car, until the war came and they bought themselves a "jalopy" and paid \$50 down and charged their neighbors transportation, and came into Boston and established themselves—something that Boston some day very soon will be very sorry for. They will get on the voting list, and, unless I miss my guess, they will change the whole complexion of cultured Boston. We were decent once, but the poison is in now under the guise of war workers.

I won't take back a word. Let us stick by our own for a change. Boston is fighting a war. Anyone that lives in Roxbury and works at Fore River, or anyone that lives in Charlestown and works in Hingham, or anyone that lives in Hyde Park and works for Bethlehem, has as much right to a tight and solid roof over his head as the "hicks" from behind the plow who never had anything but a leaky roof over their heads and ought to be sent back until our own can be taken care of first. If there is anyone within the sound of my voice to whom my statements apply, let them take it. I prefer to have them take it.

Coun. RUSSO—Mr. President, of course, when the action was taken I was not a member of the Boston City Council. I am in favor of anything which has anything to do with cleaning up the so-called slum section of our city. If these housing projects are used for the purpose they were intended to be used, or what they were outlined to be used for, I am heartily in favor of them. I cannot help but recall that every time an illustration has to be made, the sections of the North End, South End and West End that I represent are brought in as an example—to improve the sections—and I guess each and every councilor here knows that if there is a section in the City of Boston that needs a little improvement, it is those sections that really need it. What do we find? We find that the tax rate, the assessment, rather, is too high, and that the Federal Government cannot meet the requirements and has drifted away to other sections of the city. Three months after I was elected was the first time I had a conversation with his Honor the Mayor, and I suggested to him at that time whether it would not be a good idea to speak to some of these insurance companies to see if we could get them interested in spending some money in order to clean up our city and make it a better place to live in, at low interest, and give these people a chance to improve their property and give them a chance to pay their tax rate, and give the people in general a better place to live in. I haven't heard anything since then. I don't know what can or cannot be done, but now that we have the housing projects I believe there is an injustice being done by allowing outsiders who happen to work in defense work to come into the city and get the best rate. On the other hand, you have the individual who has been living in the city all his life and he applies for the same thing. He is working on national defense work. He is trying to do his level best, the same as the next fellow, and he is turned down because he happens to live in the city. He is compelled to live in a section the others would not live in. If that is not an injustice, then I want to know what is. If anyone should get it, it is the people of the city, first, last and always. As the councilor here has outlined, individuals living outside of the city come in and make application. Right away they are put in because they work in national defense work or work in one of the yards. You get a family that lives in the North End. They may have two or three children in a room, and there may be one in a family who is working on defense work, living with ten or twelve people in three or four rooms. They are not able to get into a housing project because they live in the City of Boston. How much longer are we going to tolerate these conditions? I think we ought to do something, that something ought to be done now. Everyone of us would like to live in a good home. Each and every one of us is looking forward to the day when we can improve our condition, and our people have drifted away from the City of Boston. Yes, they are drifting away from it. Why? The answer is because they are not getting the respect they are entitled to; they are not getting the breaks they are entitled to, because we are allowing other individuals outside of our city to come in and get the gravy, so called. I only hope that the Federal Government will see fit to bring in housing projects in these places that I have outlined. But it would be better still if a plan could be worked out to get these insurance companies that have plenty of money interested in order that they may see where they may put some money to rehabilitate our city and our homes and make this a comfortable place for these people to live in. I assure you they have been living in this city all their lives up to now, and they would like to continue, and it is up to us to give them something for their money.

The order was referred to the Committee on Rules.

PROPOSED ESTABLISHMENT OF NATIONAL LOTTERY.

Coun. KELLY offered the following:

Whereas, The Secretary of the United States Treasury, Henry Morgenthau, insists that Congress must raise by new taxes an additional \$10,500,000,000 (10½ billion dollars);

Whereas, The cost of living has increased tremendously and further taxes would impose hardship on the average American;

Whereas, Congress has imposed many involuntary and unpopular taxes on the American public;

Whereas, Many churches of all denominations, many fraternal organizations composed of fine people, many colleges, etc., have profited greatly financially by conducting lottery drawings and many other games of chance;

Whereas, It is a fact that the great majority of the American people are anxious to participate in games of chance with gambling at horse and dog tracks through America reaching a record high in 1943;

Whereas, Russia, one of our successful Allies, as recent as October 23, 1943, started its third successful National War Lottery;

Whereas, Participants in a national lottery would not waste any time from their employment in order to purchase a lottery ticket;

Whereas, Washington officials adopted a national lottery to draft our men and boys into the armed services in World War I and World War II;

Whereas, In November, 1940, the voters of all political parties and in all sections of our state voted overwhelmingly (805,000 Yes to 325,000 No) to instruct their elected state officials to establish a Massachusetts lottery with cash prizes and the proceeds to help the aged;

Whereas, The United States Treasury is continually soliciting and advising the American public to purchase War Bonds;

Whereas, Many billions of dollars in new revenue could be raised by a strictly voluntary tax such as a national lottery with War Bonds as prizes; be it

Resolved, If Congress, after careful investigation and deliberation, decides it is absolutely necessary to raise additional billions of dollars by imposing additional taxes on the American public, that it is the opinion of the Boston City Council that said Congress seriously consider the establishment of a national lottery with War Bonds as prizes with lottery tickets being distributed through the United States mail and other established and existing Federal, State, County, City and Town agencies as a means of obtaining new revenue and help prevent inflation; be it further

Resolved, That a copy of this resolution, when adopted, be forwarded to each member of Congress and to the Secretary of the United States Treasury.

Coun. KELLY—Mr. President, in introducing this resolution I realize that lotteries are nothing new in this city or in this Commonwealth. I also realize that a main street in Boston, namely, Washington street, was one street that was paved with street paving through funds from a lottery. I also will go farther and say that after we had a fire down at Faneuil Hall some years ago, that Faneuil Hall was rebuilt with funds from a lottery. Also Harvard College, Yale, Brown, Dartmouth, William and Mary, and some more of the colleges participated and profited from lotteries. Race tracks every day of the year, Mr. President, are crowded night and day with people anxious to wager on a horse or a dog race, with but a mere percentage of 3½ to 6 per cent turned over to the state. I also realize that as late as October 23 of this year Russia, one of our successful Allies, started its third successful war lottery. And the reason I introduce this resolution today is that I know that Congress is going to take some action and is going to take it in the immediate future. They have to raise ten and a half billions of dollars and, to my mind, this would be the most successful way of raising it. If they don't raise it in this way you will have a sales tax, which most of us are against. On the November ballot of 1940 this question in the Commonwealth of Massachusetts was on the ballot in thirty out of forty Senatorial districts, and 805,000 to 325,000 of the people said they were in favor of state lotteries, so instructing their elected public officials in the Senate. So that is the reason I am introducing this resolution today and I ask, if it is referred to a committee, that the committee will hold a meeting

this week some time and report back to this Body so we can take action.

Coun. COFFEY—I want to say just a few words. I am with this for three reasons: First, it will bring some revenue into the Government; second, it will stop grafting in sections of the country; and, third, it will make the bookies go to work.

The resolves were referred to the Committee on Rules.

REQUESTED DISCHARGE OF WILLIAM A. MOTLEY, JR.

Coun. HANLEY offered the following:
Ordered, That his Honor the Mayor discharge from his appointive position William A. Motley, Jr., in view of the fact he has utilized it as a barrier to the public interest and thus jeopardizes free elections in our city.

Coun. HANLEY—Mr. President, you can refer that to Public Welfare. It gives me an opportunity of speaking on the carpetbagger of Ward 11. William A. Motley, Jr., present Election Commissioner, once graced the seat that I am sitting in. He was elected to public office through the free ballot, and yet since he was appointed Election Commissioner he has been using his position today to jeopardize any man or any woman who might be at odds with certain people that he may have a lot of respect for. This gentleman at one time came from Roxbury, Massachusetts, and, after he became too good for the people, he migrated into West Roxbury. My fight for re-election was fought honestly and cleanly. Some people expect me to get up here today and attack his Honor the Mayor. My campaign ended on the radio of Monday prior to the election. "To forget is human, to forgive is divine." I shall never forget the tactics utilized by William A. Motley, Jr. Contrary to the public interest, he circulated nomination papers. He obtained signatures, and he tried to utilize intimidation and coercion at a banquet, so that I would not be opposed. He told me, "Matt, you will not have an opponent in the next fight if you do a certain thing." In my campaign I fought and fought hard, but I always hit above the belt. I utilized my tongue and my voice, and I didn't need the money or the graft or the corruption. William A. Motley, Jr., is a disgrace to the Election Department. He has on many occasions stated that he and he alone, obtained the election for Maurice J. Tobin. Now, I have been at odds with the Mayor, but I know ability when I see it. I stated on the radio that I honored and I respected him as a private individual, and also as a public official, as an exemplary father and husband, for his eloquent tongue and for his personal appearance, and I stated to his Honor the Mayor that he is honored and respected outside the corporate limits of Boston, but within Boston he is despised and hated, not because of himself but rather because of the leeches and parasites who have utilized the grace of this man for their own selfish advancement. And one of those leeches and parasites is William A. Motley, Jr., who has deliberately and maliciously injected himself into my fight. He not only jeopardizes me, but any individual who sits in this Body, or any individual who may some day aspire to an elective position. William A. Motley, Jr., stated specifically that he, and he alone, was the one responsible for Maurice J. Tobin's being Mayor and obtaining the Republican vote—obtaining the Republican vote through Henry Parkman, Jr., who is now, I believe, in occupied territory. Maurice J. Tobin can clean house if he cares to. He can never go one step higher unless he gets rid of those leeches and parasites who cannot obtain five votes on their own names. Now, I don't want to intimidate or jeopardize any one of you individuals. I always honor and respect the twenty-one men that I have the pleasure of meeting here. I have the highest regard for each and every one, and whether I go high or low in politics is not important. I am not important, but the principles that I have the courage and the temerity to speak on in this hallowed chamber are important. They would jeopardize the security and tranquility of the home and family. I ask you, Mr. President, without placing you in an embarrassing position, to refer this to any committee that you see fit. But this man is detrimental, he is vicious, and he utilizes emotionalism as a deciding factor to accomplish what he desires,—emotionalism which

we call hate. You can never hate a man. It is contrary to human nature. That is why a small piece of the heart was taken out of this man when he was created.

The order was referred to the Executive Committee.

ACTIVITIES OF MAYOR'S OFFICIAL FAMILY.

Coun. HANLEY offered the following:
Ordered, That his Honor the Mayor request various members of his official family to confine their efforts and energies to their respective positions rather than to inject themselves in local ward fights, particularly Ward 11, to purge a candidate from public office.

Coun. HANLEY—Mr. President, they say the best way to take a burden off your shoulders is to throw it on the ground. In my fight, gentlemen, I was hit from all sides. We have sixteen precincts. From sixteen precincts came a harvest of leeches and parasites and carpetbaggers, the like of which Ward 11 had never seen. They utilized emotionalism; they utilized money that they received from crooked contracts; they utilized cars that belonged to the city; and they utilized everything within their power to annihilate and purge one man. I am not important, but evidently the principles that I expounded were the block on the wheel for many of those leeches and parasites. I know the history of the Jewish race. I know their glory; I know their sorrows; I know their sadness. I could weave together a verbal picture from the time of Abraham up to and including the greatest leader that they ever possessed,—Moses by name. I know what Semite means; and I know what Hamite means. I know what anti means. I know, because I know the translation of those words. I have read and reread the history of the Jewish race. As I said before, I never thought that I would be the target for the arrows produced from emotionalism when I fought, and fought hard, for Americanism. I never thought that I would see the day when a man would utilize his pen, voice and knowledge to try to work out the "anti-Semite" idea. The word "anti" means to hate and despise. "Semite" is a broken form of the original Sbein, a son of Noah. I was a target for the commissioner here in Boston, and I was labeled an anti-Semite, a term that I loathe and despise, because I agreed that one of the finest members who has the courage and the intelligence to take an opposite point of view is seated within this house. My religion springs from a Jewess and a Jew. How can I hate and despise anyone? Life is too short. I hate and I despise principles, but I hope I never shall see the day when I shall hate and despise any man regardless of what injury he does to me. Now, we have the original carpetbagger from Ward 11, who aspired one time for elective office, and I believe he received approximately 300 votes on his name alone. That is John A. Breen, formerly from Roxbury, and I believe he now enjoys the graces and environment of the Dorchester ward. And little John, or big John, penetrated my district. I don't believe he is the chairman of the Housing Committee, but he penetrated that district and he tried to purge me, too. And then we have William F. Higgins, the present Street Commissioner, and one of his assistants, who at one time was re-elected for a second term as a state legislator from our district. He never recognized Maurice J. Tobin as a cousin until that man became the Mayor of Boston. Now he feeds at the bountiful table of Maurice J. Tobin. I never saw a man with so many cousins, in all my life, as when he became the Mayor of Boston. And when that boy was in Ward 10, not one of them ever aided or assisted him. And we have some of the constables who went up and down in Precinct 15, up near St. Thomas' Church, and pulled doorbells and utilized everything and anything they could to break me; and every precinct that they penetrated into they were repudiated, and in some of the precincts that they refused to go in my opponent received a fair vote. In other words, they were working on the opposite side, but they were really an asset to me. Some of them had better obtain a job, because this city isn't going to be big enough for them and for me. I advised one of them to see the Public Works Commissioner and get a "hokey-pokey" job. There are only two members of the Mayor's cabinet that are really

qualified. To name them might jeopardize them, but there are only two members whom I would gladly sit down with at any time and confer with. There are only two members who are qualified by experience and by learning to be an asset to his Honor the Mayor. My fight, I believe, will have nation-wide repercussions, not because of me, but, rather, because of the principle involved, and that is this: there isn't a soldier, a sailor or a marine in the sand dunes of the Sahara or the snow-capped fields of the arctic wastes—there isn't one that cannot aspire to elective office. Henry L. Stimson, blinded by hate, wove together a rule in February of this year in order to isolate the greatest general this country has ever produced,—one of the greatest men since Washington, the greatest man and the only man that can bring our country back to normalcy. In the small, isolated spot of Boston, namely, Ward 11, that principle was challenged, and that principle is greater today than ever before. A soldier, a sailor, and a marine can aspire to and run for and seek any elective office, regardless of his status at the present time.

The order was referred to the Executive Committee.

OPPOSITION TO PROPOSED AUTOMOBILE INSURANCE RATES.

Coun. M. H. SULLIVAN and HURLEY offered the following:

Resolved, That the membership of the Boston City Council hereby expresses its opposition to the proposed automobile insurance rates that provide for a seemingly unwarranted 12½ per cent increase in costs levied on truck owners and C card holders; and be it further

Resolved, That copies of this resolution be forwarded to the State Insurance Commissioner with the request that such rates be reassessed in an effort to protect the interests of the already overburdened small business man who will be the chief victim of the suggested tax levies.

Passed under suspension of the rule.

REPORT OF COMMITTEE ON COUNTY ACCOUNTS.

Coun. WICKES, for the Committee on County Accounts, submitted the following:

Report on message of Mayor and order (referred October 25) for amendment of County Classification Plan re Chief Court Officer—that same ought to pass.

Report accepted; said order passed.

INSTRUCTION FOR BOSTON CHILDREN IN HOSPITALS.

Coun. CAREY offered the following:

Ordered, That his Honor the Mayor request the School Committee of the City of Boston to make immediate arrangements whereby Boston children of school age who are confined to hospitals outside the city limits will be given necessary instructions to permit them to keep up with their school studies.

Coun. CAREY—Mr. President, some weeks ago I introduced an order asking his Honor the Mayor to obtain an opinion from the Corporation Counsel as to why the City of Boston makes no arrangements to see that proper instruction is given to children of the city who are confined to hospitals outside the city limits. To my surprise, the Corporation Counsel informed me a few days ago, even though that order was introduced many weeks ago, that up to the time I talked with him he had not received transmission of my order from the Mayor's office. Perhaps it might have been mislaid. I don't think there was anything deliberate in not sending it to the Corporation Counsel's office, but in the meantime I have a little girl in my district who is confined to a hospital in nearby Brookline, whose mother has been pleading with me to have something done in order that the child may be instructed from day to day so her confinement in the hospital will not jeopardize her progress in school. Yet no attention has been given to the order. The desires of the child's parents are not being listened to, and I think the time has come when there should be a great deal

more impressed upon officials of this city as to whether the present School Committee is to blame or not,—that children who are unfortunately confined in hospitals should receive this instruction while they are so confined. Of course, most of the members of the Council know that the School Committee does provide home teaching for those children who are unable to attend schools. In this case, here we have this little girl who is confined in a hospital but a short distance from the city limits, and yet nothing is being done now, and nothing has been done in previous years, to see that this instruction is provided for these children. I think it is a gross mistake on the part of the City of Boston that such arrangements have never been made. I naturally would not expect a Boston school teacher to be sent to California or to the western part of the country, or down South, or to any great distance, but I do think in cases such as I have noted here, where children are confined to institutions outside the city limits, that this City of Boston should make arrangements to see to it that during that confinement the children receive the instruction that they are entitled to and that their parents have paid for. I hope arrangements will be made so in cases such as mentioned here these children will be so instructed. The order was passed under suspension of the rule.

CONFIRMATION OF EXECUTIVE APPOINTMENTS.

On motion of Coun. KINSELLA, No. 1 under unfinished business was taken from the calendar, viz.:

1. Action on appointments submitted by the Mayor October 25, 1943, of Abram Coopervise and William Dillon to be Constables without authority to serve civil process and to serve without bond.

The question came on confirmation. Committee, Coun. Coffey and Muchnick. Whole number of ballots 12; yes 12, and the appointments were confirmed.

REPLY TO WALTER WINCHELL.

Coun. KINSELLA—I ask unanimous consent to make a statement.

President HANNON—There is no objection.

Coun. KINSELLA—Mr. President, one week ago last night, on a national radio hookup, the ears of the American people were assailed by a famous keyhole reporter, a man who branded himself with that trademark years ago when he was first getting into prominence as a gossip and a columnist. I didn't hear the gentleman's remarks myself, because, in spite of what leisure I have, it is far too valuable to waste it in anticipation of anything he might say. Those who are familiar with his tactics and with his tongue have known for years of the depths of depravity to which he can sink whenever he turns loose on an unsuspecting public by voice or by written word the venom of his wrath. We, in Boston, Mr. President, pride ourselves on being liberal and tolerant toward our fellow men, of whatever degree or station in life, or whatever color or creed, or of whatever political consequence they may be. We do not expect when we grant free speech as an integral part of this country that we grant free speech to one who so badly abuses and misuses the privilege. We have here in Boston a substantial Irish population that, in personal and collective respects and respectability, is second to no group anywhere in this world. We have a substantial Italian population in this city that has always been famous for its culture and good breeding and willingness to obey the law of the majority. We have in this city a substantial portion of those of the Jewish race, who have always contributed—and I flatter nobody—who have always contributed their level best to the civic betterment of the districts in which they live and the city in general. And yet this vile and vicious tongue, this licentious tongue, of this radio commentator, taking advantage of the fact that it is extremely inconvenient to answer him, since we do not have access to the same tools he used against us, reviled and calumniated and vilified, without exception, everyone in Boston when he said "This is your New York reporter, Walter Winchell, who tells you that Boston was once famed for its beans; now it is famed for its bums." I wonder what inspired or

motivated such a calumny. Of course, Walte Winchell, speaking to Boston, presumes to set himself up as an authority on any matter,—an authority the existence of which on any matter whatever is extremely doubtful, if not altogether non-existent. We have in this city, roughly, 780,000 people. We have no crime wave of any proportions. There is something else we do not have. We do not have at our firesides every night in the week 50,000 to 75,000 boys who are away fighting for the very things that Winchell, and Winchell alone, wants for himself and which he will not extend to any one of them or to all of them, to any one of their friends or relatives left behind, or to all of them. Go to the window of the chamber and look down on the casual transients. They are Boston people, nine out of ten of them. And those people are the "bums" that provided five complete army divisions, many of whom won't ever come back,—many more of whom because of the type of injury sustained to their bodies or minds, God Almighty might well rule should not come back. We have been reviled by the most slanderous, the most libelous, statement that only a Winchell could concoct. I was on the point of sending this questionable gentleman a telegram asking him if he cared to recant. He might have recanted last night. I didn't hear it because I took my leisure time and put it to a greater gain and a better advantage. But I speak for everyone in the chamber, member and non-member, and for everyone in the corporate limits of the city when I say to Walter Winchell—who very likely will dig up my record and assail me personally—when I say, "Walter Winchell, you owe the people of Boston and the five army divisions they have supplied, the humblest apology you can make, if you are half the man you would like us to think you are."

RECESS.

By direction of President HANNON the Council took a recess at 3.45 p. m., subject to the call of the Chair. The members reassembled and were called to order by President HANNON at 4.05 p. m.

EXECUTIVE COMMITTEE REPORTS.

Report on petition of Mary C. Connolly (referred September 13) to be paid annuity on account

of death of her brother, Malaebi F. Reddington, late member of Fire Department—recommending passage of accompanying order, viz.:

Ordered, That under the provisions of chapter 366 of the Acts of 1943 an annuity of one thousand dollars be allowed and paid to Mary C. Connolly, sister of Malachi F. Reddington, a member of the Fire Department, who died on November 15, 1942, on account of injuries received in the performance of his duty, said annuity to continue during such time as she is unable to support herself and does not marry; the payments to date from August 26, 1943, and to be charged to the appropriation for Fire Department, Pensions and Annuities.

Report on petition of Gertrude E. Mitchell (referred September 20) to be paid annuity on account of death of her brother, Albert F. Mitchell, late member of the Fire Department—recommending passage of accompanying order, viz.:

Ordered, That under the provisions of chapter 366 of the Acts of 1943 an annuity of one thousand dollars be allowed and paid to Gertrude E. Mitchell, sister of Albert F. Mitchell, a member of the Fire Department, who died on August 9, 1935, on account of injuries received in the performance of his duty, said annuity to continue during such time as she is unable to support herself and does not marry; the payments to date from August 26, 1943, and to be charged to the appropriation for Fire Department, Pensions and Annuities.

Report on petition of Mary Mahoney (referred September 13) to be paid annuity on account of death of her brother, John J. Moriarty, late member of the Fire Department—recommending passage of accompanying order, viz.:

Ordered, That under the provisions of chapter 366 of the Acts of 1943 an annuity of one thousand dollars be allowed and paid to Mary Mahoney, sister of John J. Moriarty, a member of the Fire Department, who died on April 19, 1942, on account of injuries received in the performance of his duty, said annuity to continue during such time as she is unable to support herself and does not marry; the payments to date from August 26, 1943, and to be charged to the appropriation for Fire Department, Pensions and Annuities.

Reports accepted; said orders severally passed.

Adjourned at 4.06 p. m., on motion of Coun. SCANNELL, to meet on Monday, November 15, 1943, at 2 p. m.

CITY OF BOSTON.

Proceedings of City Council.

Monday, November 15, 1943.

Regular meeting of the City Council in the Council Chamber, City Hall, at 2 p. m., President HANNON presiding. Ahsent, Coun. Foster, Goode, Linehan.

The meeting was opened with the salute to the Flag.

JURORS DRAWN.

Jurors were drawn, Coun. M. H. SULLIVAN presiding at the box in the absence of the Mayor, as follows:

Thirty-five traverse jurors, Superior Criminal Court, to appear December 6, 1943:

John A. Hunter, Ward 1; Francis J. Murphy, Ward 2; John Sullivan, Ward 2; Cornelius R. Ahearn, Ward 3; Harry L. Cohen, Ward 3; William J. Wilson, Ward 4; George W. Judkins, Ward 5; Arthur P. Milligan, Ward 6; Russell C. Grant, Ward 7; Emilio DiMaggio, Ward 7; Robert E. Kemp, Ward 9; William F. Pridden, Ward 9; James F. Cullen, Ward 11; Charles Ladin, Ward 11; Arthur J. Ryan, Ward 11; John L. Harrison, Ward 12; William H. Stewart, Ward 12; Abraham F. Baker, Ward 13; Fred Caporale, Ward 13; William King, Ward 13; Lester J. McDonald, Ward 13; Thomas F. Sullivan, Ward 13; Murray A. Cone, Ward 14; Joseph F. Galli, Ward 16; Thomas F. Dolan, Ward 17; Robert L. Harper, Ward 19; John A. McLellan, Ward 19; Philip J. Rice, Ward 19; Dana E. Sargent, Ward 19; Thomas P. Gullinan, Ward 20; Andrew C. Gallivan, Ward 20; Abraham Haddad, Ward 20; Paul J. Hooley, Ward 20; George B. Sullivan, Ward 20; Joseph B. Clark, Ward 21.

CLEANING OF EAST BOSTON STREETS.

The following was received:

City of Boston,

Office of the Mayor, November 15, 1943.

To the City Council.

Gentlemen,—I transmit herewith communication from the Commissioner of Public Works relative to your order of November 8, 1943, concerning the making of immediate plans to have the streets of East Boston cleaned up.

Respectfully,
MAURICE J. TOBIN, Mayor.

City of Boston,
Public Works Department,
November 12, 1943.

Arthur C. Carey,
Chief Clerk, Mayor's Office.

Dear Mr. Carey,—This is in reference to the following order that was passed in the City Council under date of November 8:

"Ordered, That the Public Works Commissioner be requested, through his Honor the Mayor, to make immediate plans to have the streets of East Boston cleaned up."

I assure you that every reasonable effort will be made to keep the streets of East Boston clean, but we need the whole-hearted cooperation of all of the residents, because we are handicapped, to some extent, in keeping the streets of this city clean because of the work that we are required to do which normally does not come under the jurisdiction of the department, such as the collection of scrap metal, waste paper, tin cans, etc.

Respectfully yours,
GEORGE G. HYLAND,
Commissioner of Public Works.

Placed on file.

REPLACING OF MERIDIAN STREET BRIDGE.

The following was received:

City of Boston,

Office of the Mayor, November 15, 1943.

To the City Council.

Gentlemen,—I transmit herewith communication from the Commissioner of Public Works relative to your order of November 8, 1943, concerning the replacing of the old bridge on Meridian street, East Boston.

Respectfully,
MAURICE J. TOBIN, Mayor.

City of Boston,
Public Works Department,
November 13, 1943.

Arthur C. Carey,
Chief Clerk, Mayor's Office.

Dear Mr. Carey,—This is in reference to the following order that was passed in the City Council under date of November 8:

"Ordered, That the Public Works Commissioner be requested, through his Honor the Mayor, to replace the old bridge on Meridian street, East Boston."

The City of Boston has been ordered by the Secretary of War to remove the present Meridian Street Bridge before April 30, 1946, and it is our intention to comply with the provisions of this order as soon as possible after the war or at such time as steel will be available for the construction of a new bridge.

It is impossible at the present time to obtain sufficient steel to construct a new structure and, in view of this, no immediate steps can be taken to comply with the provisions of this order.

Respectfully yours,
GEORGE G. HYLAND,
Commissioner of Public Works.

Placed on file.

AMENDMENT TO COMPENSATION AND CLASSIFICATION PLANS.

The following was received:

City of Boston,

Office of the Mayor, November 15, 1943.

To the City Council.

Gentlemen,—I transmit for consideration by your Honorable Body the amendment proposed by the Budget Commissioner to the Compensation and Classification Plans for the Officers and Employees of Suffolk County.

Respectfully,
MAURICE J. TOBIN, Mayor.

City of Boston,

Budget Department, November 15, 1943.

To the Mayor and City Council.

Honorable dear Sirs,—Under the provisions of Rule 7, "Amendment to the Compensation Plan," of the Compensation and Classification Plans for the Officers and Employees of Suffolk County, "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."

Under date of October 28, 1943, the Penal Institutions Commissioner, in the attached communication, advises me that it is impossible for him to secure the services of an organist at the House of Correction within the limits of the range of compensation established for this position in the Compensation Plan, namely, \$600. Under the provisions of the above-mentioned rule I have made an investigation and study of this situation, and concur with the Penal Institutions Commissioner.

I therefore recommend that provision be made for an annual salary not exceeding \$900 per year for the organist, and that the Compensation Plan be amended as provided in the accompanying order.

Respectfully,
HERMAN L. BUSH,
Budget Commissioner.

Ordered, That the Compensation and Classification Plans and Rules 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 is, amended as follows:

In the class "Organist," under the "Range of Compensation," strike out the amount \$600 and insert in its place the amount \$900, so as to read as follows: "Annual, maximum not to exceed \$900."

Penal Institutions Department,
October 27, 1943.

To Herman L. Bush, Commissioner, Budget Department.

From Joseph P. Donahoe, Commissioner, Penal Institutions Department.

Subject: Duties of Organist at House of Correction.

Mrs. Sarah Quinn, former organist at the House of Correction, who died February 21, 1943, was appointed February 7, 1916, previous to the adoption of the County Classification Plan. She received \$900 per year, plus the Emergency Compensation Allowment. This position was filled by Charles A. McCarthy, whose salary was \$900 plus E. C. A. Mr. McCarthy has enlisted in the United States armed forces. A military substitute will fill his position.

Duties of Organist.

Each Friday afternoon is devoted to rehearsals. Saturday evening the organist reports at the island to get everything in readiness for the early morning service on Sunday.

Christmas and Easter extra time is given to rehearsals, also holidays, retreats and missions call for extra time at Deer Island. When missions are conducted they extend over a period of one week and the organist is present at every service.

Time given to transportation to and from Deer Island must be taken into consideration, as, owing to the gasoline shortage, the organist must arrange to reach the island by boat and leave the island on regular schedule, which may be an hour or two after his work is completed there. It is most difficult reaching Deer Island during the winter months when storms are raging and transportation is practically at a standstill.

A requisition has been forwarded to your office for a military substitute at a salary of \$900 per year instead of \$600 under the County Classification Plan. The reason that I am asking for the higher salary is that due to the number of hours required to perform the duties of organist and the distance to the island from the mainland, it will be impossible to obtain an organist who will be willing to accept the salary—\$600 per year—under the County Classification set-up.

JOSEPH P. DONAHOE,
Penal Institutions Commissioner.

Referred to Committee on County Accounts.

APPROPRIATION FOR RAZING DILAPIDATED BUILDINGS.

The following was received:

City of Boston,
Office of the Mayor, November 15, 1943.

To the City Council,

Gentlemen,—The inclosed request for transfer of appropriations from the Reserve Fund to B-42, Miscellaneous Contractual Services, in the Building Department, is for the purpose of razing buildings which have become unsafe and dilapidated due to neglect, and because of the nature of the expenditures under this item, it is practically impossible to estimate, with any degree of accuracy, the amount needed during any given year.

I therefore recommend consideration and adoption by your Honorable Body of the accompanying order transferring the sum of \$6,000 from the Reserve Fund to the Building Department.

Respectfully,
MAURICE J. TOBIN, Mayor.

Ordered, That under authority of section 3B of chapter 604 of the Acts of 1941 the City Auditor be, and hereby is, authorized to transfer:

From the appropriation for Reserve Fund, \$6,000, to the appropriation for Building Department, B, Contractual Services, \$6,000.

Referred to Committee on Appropriations.

TRANSFERS WITHIN DEPARTMENTAL APPROPRIATIONS.

wing was received:

City of Boston,
Office of the Mayor, November 15, 1943.
To the City Council.

Gentlemen,—The inclosed requests for transfer of appropriations, together with the accompanying orders, are forwarded for consideration and adoption by your Honorable Body.

Respectfully,
MAURICE J. TOBIN, Mayor.

Ordered, That under authority of section 3B of chapter 604 of the Acts of 1941 the City Auditor be, and hereby is, authorized to transfer:

From the appropriation for Police Department, A, Personal Service, \$13,451.80, to the appropriation for Public Works Department, Sewer Service, D, Supplies, \$13,451.80.

Ordered, That under authority of section 3B of chapter 604 of the Acts of 1941 the City Auditor be, and hereby is, authorized to transfer:

From the appropriation for Special Appropriation, Ferry Improvements, etc., \$13,830, to the appropriation for Special Appropriation, Bridges, Repairs, etc., \$13,830.

Ordered, That under authority of section 3B of chapter 604 of the Acts of 1941 the City Auditor be, and hereby is, authorized to transfer:

From the appropriation for Fire Department, A, Personal Service, \$59,422.37, to the appropriation for Public Works Department, Sanitary Service, A, Personal Service, \$59,422.37.

The message and orders were declared referred to the Committee on Appropriations.

PETITIONS REFERRED.

The following petitions were received and referred to the committees named, viz.:

Claims.

William Compagnone, for compensation for damage to property and injuries caused by city truck.

Frank Hoffman, to be reimbursed as result of accident which occurred while in performance of duty.

Mary E. Mullen, for compensation for damage to property at 98 Quincy street, caused by break in water pipe.

James S. Munro, for refund on license fee.

Committee on Licenses.

Petition of Michael R. O'Donnell for license to operate motor vehicles from Commonwealth Airport to Copley square via North Station and return; Commonwealth Airport to Copley square via South Station and return. To meet all incoming and departing planes.

APPOINTMENT OF JOHN N. LEVINS.

Notice was received from the Mayor of the appointment of John N. Levins, 1192 Morton street, Dorchester, to be a member of the Boston Port Authority, for the term ending July 24, 1947, *vice* James J. McCarthy, resigned.

Placed on file.

APPOINTMENT OF ROBERT A. MACLELLAN.

Notice was received from the School Committee of the re-election of Robert A. MacLellan as Commissioner of School Buildings.

Placed on file.

REQUESTED REPORT FROM COMMITTEE ON RULES.

Coun. KELLY—Mr. President, I ask unanimous consent to make a statement.

President HANNON—Councillor Kelly asks unanimous consent to make a statement. Is there any objection? The Chair hears none.

Coun. KELLY—I have a resolution before the Rules Committee, and we held a hearing on it

last Friday at 1 p. m., and it was voted before the Rules Committee that it ought to pass. I ask the chairman of the Rules Committee at this time to report it back to the Council.

Coun. CAREY—I ask unanimous consent to make a statement. There was a meeting in the Rules Committee, held on Friday, at which, Mr. President, three members of the committee were present. The resolution introduced last week by Councilor Kelly was considered. Two of those councilors present voted to report the resolution back, "Ought to pass." That was a majority of the committee, and I have since polled other members who feel that they don't want to vote for the resolution today. I, therefore, feel that the matter should be left in the committee but if the councilor insists that the matter be reported back today, at the present time, I have to report it "Ought not to pass."

Coun. KELLY—I ask unanimous consent to make a statement.

President HANNON—No objection.

Coun. KELLY—Mr. President, at the hearing before the Committee on Rules on Friday—I might be corrected if I am wrong—there were four out of the five members of the Rules Committee present when the meeting was called,—Carey, Kelly, Fish and Hurley. When the Rules Committee hearing ended there were three members of the Rules Committee present, which creates a quorum. I understand that three out of five creates a quorum, and Councilor Hurley made a motion that the resolution ought to pass, and I seconded it. As there was a quorum of the Rules Committee in at that time, I feel that the resolution ought to be reported back "Ought to pass," as there was a quorum when the motion was made. And, even though the chairman of the Rules Committee didn't see fit to vote one way or the other, nevertheless, he was there, and there were three, which made a quorum.

Coun. CAREY—I ask unanimous consent to make a statement.

President HANNON—No objection.

Coun. CAREY—I would not like to have it inferred from the remarks of the councilor from Ward 16 that I am a liar and not telling the truth. At the time the Rules Committee was hearing the Kelly resolution on Friday there were but three councilors present, Hurley, Kelly and Carey, Councilor Fish was not there at the time. I think it is within the prerogative of any councilor in a committee meeting to reserve his right to vote on any particular matter. There were three votes on Friday. To repeat, I will say today that I have polled the committee and there were not a sufficient number of votes of that committee to bring back the resolution.

Coun. HURLEY—I ask unanimous consent to make a statement.

President HANNON—No objection.

Coun. HURLEY—Mr. President, I, being a member of the Committee on Rules, was present at the meeting. At the appointed time the meeting was called to order by the chairman, and there was a majority of the members present. I made a motion that it ought to pass, and I didn't bear any objections about lack of a quorum. We went through with an orderly meeting and voted in an orderly fashion, and a majority of those present voted that the order ought to pass. I have no argument with the chairman, but I know there was a majority present, and never once during the meeting was there a question of a quorum, and if we hadn't a quorum we would have had no meeting.

Coun. KELLY—I ask unanimous consent to make a statement.

President HANNON—No objection.

Coun. KELLY—I want to correct the councilor from Ward 10. When I said there was a quorum out in the room at the end of the hearing, I meant that the chairman was there, Councilor Kelly and Councilor Hurley. At no time did I say that Councilor Fish was there at the end of the hearing. He was there at the start of the hearing, and I think three members out of five create a quorum. I make a motion that the chairman of the Rules Committee report back at this time on the resolution before the Rules Committee, and report back the resolution heard before the Rules Committee last Friday on the open floor of the Council.

Coun. CAREY—May I ask if he wants the committee's report or the resolution brought back here?

Coun. KELLY—I ask the chairman of the Rules Committee to bring back the report of the committee as it was made last Friday in the committee room.

President HANNON—The Chair once again is going to call attention to the rule, or lack of rule. It says: "Any matter referred to a committee may be recalled by a majority vote of all members of the Council if such matter is not reported upon within one month from the date of reference." The Chair is again going to remark that the Chair knows of no rule here by which any matter can be recalled from committee unless it has been there thirty days.

Coun. TAYLOR—I rise to a point of information.

President HANNON—State your point.

Coun. TAYLOR—In a case of this type, where it is somewhat different from that referred to in the rule, where a committee has already acted and passed upon it, doesn't it then take it out of the jurisdiction of that rule?

President HANNON—The Chair will reply in the negative. The Chairman appoints chairmen of committees. These committees function. The Chair must rely on the report of committee chairmen. If that report is not here, it is up to a majority of the committee members to file a report, but I don't know of any rule here by which the Council can recall, and the Chair has reiterated that statement at least five or six times during the course of the year.

Coun. TAYLOR—Where the committee has acted upon a certain order, does the President mean to say it is solely the function of the chairman to submit it before the Body?

President HANNON—For the information of all the gentlemen, the Chair feels that the Chair itself and the members of the Council must rely on the integrity of the chairmen of the various committees. What transpires in committee rooms is known only to the committee members. We must rely upon the report of the committee as brought forth by the committee chairman.

Coun. TAYLOR—I rise to a point of information.

President HANNON—State your point.

Coun. TAYLOR—Do I understand that any member of that committee can bring in that report?

President HANNON—The gentleman has been a member of committees longer than the Chair, and I feel that the gentleman can answer his own question.

Coun. TAYLOR—I would like a ruling.

President HANNON—The Chair does not think it calls for any ruling. It is not a point of inquiry nor a point of interpretation by the Chair, the matter of regular procedure of committees.

Coun. TAYLOR—In the matter of procedure, if the chairman brings in a report, I would like to ask the Chair if he would entertain submission of that report by any other member of the committee.

(A brief recess.)

President HANNON—If there is any matter properly before the Body here, the Chair will be happy to entertain it. Any further motions or resolutions?

REPORT OF COMMITTEE ON APPROPRIATIONS.

Coun. DWYER, for the Committee on Appropriations, submitted the following:

Report on message of Mayor and order (referred October 4) for transfer of \$5,000 from Contingent Fund for care of graves of soldiers, sailors and marines—that same ought to pass.

Report accepted; said order passed, yeas 13, nays 0.

REFERENCE OF TRANSFER ORDERS.

Coun. TAYLOR—May I ask what was referred to the Committee on Appropriations?

President HANNON—Budgetary transfers.

Coun. TAYLOR—I would like to ask the President of this Body if, instead of referring it to the Committee on Appropriations, he do what Presidents in the past have always done on transfer orders, and refer it to the Executive Committee. That has been the usual procedure up to within the last few months, and I so move, that that be referred to the Executive Committee instead of the Appropriations Committee. It is not a question of appropriations, Mr. President.

Coun. RUSSO—I rise to a point of information,

President HANNON—State your point.

Coun. RUSSO—I would like to find out from the councilor from Ward 12 (Coun. Taylor) whether or not he means that we withdraw all those transfers from the Committee on Appropriations over to the Executive Committee, or whether or not he is talking about this transfer that just was adopted, mainly, the \$5,000 for the use of decorating the graves of World War veterans?

Coun. TAYLOR—I think that has already been voted upon by the Council. I am not referring to that at all. I am referring to the one that just came before the Body. I would also like to call the President's attention to No. 2 of Rule 24, "The Committee on Appropriations to consist of referred members of the Council, to whom shall be referred such appropriation matters as may be submitted." It isn't a matter of appropriations. It is the transfer of funds from one department to another, and has always been a matter for the Executive Committee, and has been since I came into the Council.

President HANNON—The only thing that is bothering the Chair isn't the matter of whether it is an appropriation or whether it is a transfer. Each man is entitled to his own interpretation, but as far as I am concerned, an appropriation means the setting aside of money to be used by a certain department, and if the money is brought from one department to another department, as far as I am concerned, it is an appropriation. I am concerned primarily here with the duties we have as City Councilors. I think we are sent here to act as a cabinet and to check on the financial status and affairs of various city departments. The budget is submitted the first of the year. Whatever outlays for this and that department are in the budget and we pass that budget on the strength of those expenditures. Now, I, as the chosen President of the Council, am trying to preserve, or even bring back, some of the powers that belong to this City Council, and I believe every money matter should be referred properly to the committee that knows something about it. That committee, as far as I am concerned, is the Committee on Appropriations. They are the ones who passed on the use of that money and know for what purposes the money is used, and I think any money in an order relative to transfer of funds from one department to another should properly be referred to the Committee on Appropriations.

Coun. TAYLOR—I, as an ordinary member of the Council, feel that it has always been the duty of the Executive Committee, which Executive Committee comprises all of the members of the Council, including the members of the Appropriations Committee—it has always been the duty of any President of this Body to refer transfers to the Executive Committee, up until recently. A transfer is something to be acted upon immediately, not something for long deliberations of the Council. We have twenty-two members of the Body ready to listen to it, particularly on the day we meet. I move, Mr. President, that that particular order there, requesting transfers, be sent to the Executive Committee instead of to the Appropriations Committee.

President HANNON—Before I entertain the motion, I want to state that the basis of the gentleman's argument, the gentleman from Ward 12 (Coun. Taylor), seems to be that the members of the Appropriations Committee are likewise members of the Executive Committee. If that be so, we might as well abolish all committees and merely have an Executive Committee, because members of every committee are likewise members of the Executive Committee. We might as well do away with all committees and merely have an Executive Committee. Another statement that the gentleman from Ward 12 made is that these matters will not admit of delay. There the gentleman is again wrong, because any time these matters do not admit of delay, his Honor the Mayor puts on the letter accompanying the order that he requests immediate action, or that it is necessary that this matter be acted upon immediately, and the Chair has always taken great pride, and proper pride, in referring that matter to the Executive Committee, which can act upon it immediately.

Coun. TAYLOR—All I am asking is that my motion be entertained for the transfer of this to the Executive Committee.

President HANNON—The Chair will go into recess to determine the matter.

(Short recess.)

President HANNON—The Council will be in order. The question comes on Councilor Taylor's motion that the matters relative to transfer of funds between departments, just received from his Honor the Mayor's office, be referred to the Executive Committee. The question is on reference to the Executive Committee.

The motion was declared lost.

Coun. TAYLOR—I doubt the vote and ask for a roll call.

The roll was called, with the following result:

Yeas—Coun. Coffey, Hurley, Lyons, Muchnick, Scannell, M. H. Sullivan, Taylor—7.

Nays—Coun. Carey, Dwyer, Fish, Hanley, Hannon, Kinsella, Russo—7.

President HANNON—Seven in the affirmative and seven in the negative, and the motion is defeated.

Later in the session Coun. TAYLOR said: I would like to move reconsideration on my previous motion to transfer to the Executive Committee the orders which you have already sent to the Committee on Appropriations.

President HANNON—Councilor Taylor moves reconsideration of the vote by which the Body refused to adopt the motion referring to the Executive Committee the orders regarding transfers of money. The question is on reconsideration.

The motion to reconsider was declared lost.

Coun. TAYLOR—I doubt the vote and ask for a roll call.

The roll was called and the motion to reconsider was lost, yeas 8, nays 9:

Yeas—Coun. Chasc, Coffey, Hurley, Kelly, Muchnick, Scannell, M. H. Sullivan, Taylor—8.

Nays—Coun. Carey, Dwyer, Fish, Hanley, Hannon, Kinsella, Lyons, Russo, D. F. Sullivan—9.

President HANNON—Reconsideration does not prevail.

COUNCILOR LANGAN'S FAREWELL.

Coun. LANGAN—Mr. President, will you grant me the courtesy? I just ask unanimous consent to make a statement.

President HANNON—The Chair will declare Councilor Langan in order.

Coun. LANGAN—Mr. President, I was fortunate enough about five years ago to be elected by my constituents in Ward 19 to serve them in the Boston City Council. I am now about to leave it, as this is, I believe, my final appearance. But I could not leave this Body in which I have served, I hope, faithfully, nor could I leave my friends I have made in here, without saying a few words to express my feelings. I have been fortunate indeed to have associated with men from the twenty-two—or the other twenty-one wards—of the City of Boston, who have not only served as representatives of their people in connection with the city government, but have become, I hope, my personal friends. During that time we have had personal differences, but they were on the basis of policies and, Mr. President, in leaving this Body I leave with the feeling that I have served among men who have given the very best within their ability for their constituents; and I now express myself as being proud that I have served with not only the membership as it now stands, but members of the City Council who have gone out of office. Mr. President, in my humble way, to my comrades and associates in the City Council, I say farewell, and hope that on another day we shall meet, if not in this City Council, then in some social relationship, and I hope that the thirty men I have met here will count me among their friends in the days to come. (Applause.)

EAST BOSTON RELIEF STATION.

Coun. COFFEY offered the following:
Ordered, That the City Hospital Trustees be requested, through his Honor the Mayor, to immediately reopen the East Boston Relief Station on a 24-hour-day basis in order that defense workers in that area may receive prompt and proper treatment for any injuries received in connection with their employment.

Passed under suspension of the rule.

FLAG AT HALF-MAST ON DECEMBER 7.

Coun. COFFEY offered the following:

Ordered, That the City Messenger be, and he hereby is, directed to display the flag at half-mast on the anniversary of the attack on Pearl Harbor by the Japanese on December 7, 1941.

Passed under suspension of the rule.

REPORT OF COMMITTEE ON PARKMAN FUND.

Coun. LYONS, for the Committee on Parkman Fund, submitted the following:

Report on message of Mayor and order (referred November 8) for appropriation of \$24,000 from income of Parkman Fund, to be expended under direction of Park Commissioners for Maintenance and Improvement of Common and Parks in Existence on January 12, 1887—that same ought to pass.

Report accepted; said order passed, yeas 13, nays 0.

SALE OF BEER.

Coun. CAREY offered the following:

Ordered, That the Licensing Board of the City of Boston be requested, through his Honor the Mayor, to conduct an investigation to ascertain why beer on draught cannot be purchased on Sundays and during the evening hours on week days in certain night clubs, cafes and taverns in the City of Boston, thereby compelling service men and others to purchase beer by the bottle.

Coun. CAREY—As can be noted, Mr. President, an order relative to the charges being made in drinking establishments for beer on draught was introduced by me several weeks ago. As a matter of fact, it was at our meeting on July 26. In talking with the chairman of the Licensing Board this morning, she informed me that up to this time she has not received the request from the Mayor's office. I noticed in the press this morning the statement made by an official of one of the veterans' organizations wherein he complains of the very same condition that I complained of on July 26, and yet nothing, up to this time, has been done to remedy a condition that is distasteful and unfair, and is chiseling of the most rabid type. In my remarks on July 26 I pointed out the fact that we have thousands of service men in the city every day and night of the week. Some, or most of them, I believe, are here on furlough. We know what that means. It means they are having a few days off and God knows, when they report back for duty, whether they will ever come back here or not. Yet, while they are here in the city, and some of them are from far distant points, they are being deprived of the opportunity to buy a glass of beer at the common, everyday price of 10 cents a glass. Instead, if they want that beer, they are being forced to pay from 25 to 35 cents a bottle for it, while there is still plenty of beer on draught in these establishments. And I say that definitely, because I checked myself and found that that statement is true. Yet we have some of the owners of some of these establishments who will tell you and me how interested they are in the welfare of men in the service. They are so interested that they are going to chisel every five-cent piece out of the pockets of those men, knowing that this might be the last chance to get that five-cent piece. They will tell us about all they want to do to help these men in the service, and yet in this instance here they are depriving them of something to which they are justly entitled, and at a price their pockets can afford. I don't want to leave the impression that I mean only men in the service, but they seem to be the principal goats, because the rest of us in civilian clothing, if we want a glass of beer, can perhaps wait until tomorrow to get it, but most of these service men are here or at home on furlough, looking for a little relaxation. They want that beer, and want it to the extent where they will buy it, perhaps, no matter what the price. It is a condition that should have been investigated months ago, and yet we find that it still prevails here in the city. It is a despicable thing to do, and a most unfair advantage to take, and it is a shame that the owners of these establishments cannot be brought to the whipping post and lashed until the blood would be strewn on every street of the city. Good God, if we can't

be fair to these service men, with whom can we be fair? There is no need of this. As a matter of fact, it is easier to supply the beer on draught than it is in bottles, because within the last few days some of the brewery establishments have carried advertisements in newspapers asking people to return empty bottles because of the shortage of them.

The order was passed under suspension of the rule.

APPOINTMENT OF ADDITIONAL INSPECTORS BY LICENSING BOARD.

Coun. CAREY offered the following:

Ordered, That the Boston Licensing Board be requested, through his Honor the Mayor, to include in their budget for the coming year a sum sufficient to provide for the appointment of six inspectors whose duty it shall be to more rigidly supervise establishments where intoxicating beverages are sold and lodging houses operating under a license granted by said Board.

Coun. CAREY—This order, asking that the Licensing Board include in their budget for the coming year a sum sufficient to provide for the appointment of six inspectors, I think deserves the deepest consideration that can be given to it. Complaints that have been made to the Licensing Board so far have been made by the Police Department. If they have not been made by the Police Department itself, they have been made by citizens, and upon making that complaint, the Police Department has conducted certain investigations. Just a few weeks ago, if I recall it correctly, in two instances I read in the newspapers of brawls in two of these drinking establishments, brawls wherein the customers were ill treated. They entered these establishments to patronize them and pay for whatever they got, and yet, before they left the establishment, they were subject to abuse. It has come to my attention that even up to this day minors are being served liquor in some of these drinking establishments. Last week I noticed that a judge of one of our local courts severely censured the Licensing Board because it has granted a license to a lodging house whose reputation was not of the best, and, from what the judge had to say, the license never should have been granted the second time, having been refused some years back. To my way of thinking, the only way that the Licensing Board can be held strictly to the proper supervision of the establishment, whether drinking places or lodging houses, is only through its own inspection. I realize it will cost the City of Boston some money to provide six inspectors, and I don't suppose that six inspectors will be enough. It is a situation that certainly should be taken care of for the good name of the city, if for nothing else, and I sincerely hope that these orders will immediately find their way to the Licensing Board, and that proper and favorable action will be taken on them.

Coun. FISH—May I have that order read?

(The order was read.)

Coun. FISH—Is that that the Mayor request the Licensing Board?

President HANNON—Yes.

The order was passed under suspension of the rule.

DISCONTINUANCE OF STREET GAS LAMP BLACKOUT.

Coun. CAREY offered the following:

Ordered, That his Honor the Mayor be requested to confer with the Commander of the First Corps Area for the purpose of taking up the matter of discontinuing the blacking-out of street gas lamps throughout the city.

Coun. CAREY—Mr. President, that order is similar to some extent to the order introduced by my colleague from Ward 9 a few weeks ago relative to the doing away completely of the dimout in the city. Up to this time nothing has been done by the First Army Corps Area. During the past weeks I have had many complaints made to me about gas lamps that have been extinguished completely on some of the streets of my district, and I dare say that that condition is existing throughout the city. I don't think, as a matter of fact, that the glare or glow from gas lamps has ever been serious enough to justify blacking them out. They throw but very little light. And I was pleased to hear from the Commissioner of

Public Works at a meeting of the Manpower or the War Manpower Committee a few weeks ago that he was making plans to do away with all gas lamps as soon as possible after the war is over. The complaints that have come to me within the last few weeks were transmitted to the Welsbach Street Lighting Company of America, the firm that does the providing of the gas lighting of the city, and I beg to read here a letter that I received from Mr. Fitzgerald, district manager of the Welsbach Company:

"November 10, 1943.

Councilor William A. Carey.

Dear Sir,—Upon receipt of your telephone call yesterday regarding gas street lamps on Cherokee street, Roxbury, our repair man checked every lamp on this street and found the automatic lighting machines run down, causing the lamps to be out at night. This condition also exists on Delle avenue, and is caused by boys tampering with the wire installed on the lamps for blackout purposes."

I don't know as I agree with him that it is caused by boys. Altogether too often we have this vandalism and hoodlumism laid at the feet of boys and I feel unjustifiably so sometimes. At any rate, these lamps on these two streets, and they are only two of several streets, as a matter of fact, now called to my attention in Ward 10—these lamps, according to the Welsbach people, were out because of tampering with the wires installed on them for blackout purposes. That condition is no doubt going to exist as long as those wires are so readily available to passersby. The gas lamps throw but very little light, leaving but very little light on the street. Of course, when they are out altogether there is no light on the street. We have had a series of bag snatchings and holdups of various kinds, and that can be laid at the door of poor street lighting, I think, more than anything else. There is no reason now, I feel, why the blackout cannot be removed from these gas lamps, and I certainly hope that this order also will be immediately transmitted to the Commander of the First Army Corps Area, and that he will see fit to immediately order discontinuance of the blackout of these street gas lamps.

The order was passed under suspension of the rule.

REMOVAL OF SHIELDS ON STREET LIGHTS.

Coun. D. F. SULLIVAN offered the following: Ordered, That the Public Works Commissioner be requested, through his Honor the Mayor, to confer with the officials of the First Service Command relative to removing the shields on all street lights in the city in view of the fact that there is a relaxation of the dimout regulations.

Coun. D. F. SULLIVAN—Mr. President, the purpose of this order is because a few weeks ago the First Service Command relaxed the dimout regulations in this area. It went so far as to allow marquee signs and neon lights, and various other colors, to be lighted at night, but did not relax on the street lighting. The main source of life protection of the citizens of the city is through the street light system which is on from dusk until dawn. In my area alone we have quite an area covered which is serviced by gas lights. They should never, in the first place, as the councilor from Ward 10 stated, have been hacked out, as they do not throw sufficient light to throw any glare whatsoever. The purpose of the dimout regulations in the first place was not because of bombings, but because of the danger to ships at sea. They have already announced that the submarine hazard has been done away with, and that there is no further need of dimout regulations, but they went further,—that any permanent dimout installations or attachments to meet dimout regulations must stay. Well, I feel, Mr. President, that the taxpayers of the City of Boston have been paying now, over the past year, money for light which they have not been receiving. I believe, as to the street lights of the Boston Edison Company and also the Welsbach Company who service the gas lights, that this money is directly in the budget of the Public Works Commissioner. That is the reason I had the order worded so, so he could confer with the officials in charge of the First Service Command to take it up with them and see if they will not relax on the dimout regulations relative to street lights. I believe that the Public Works Com-

missioner can get it across to the Army officials why it should be needed, due to the bag snatching and so forth, that we have had. It is no fault of the police, but due to not having sufficient light here in the city, and I believe that if the Public Works Commissioner puts it across to the First Service Command officials here they will get authority from Washington to remove those shields and also abandon this covering of gas lights throughout the city. I ask suspension of the rules and adoption of the order.

The order was passed under suspension of the rule.

RECEIPT OF PENSION CHECKS BEFORE THANKSGIVING.

Coun. KELLY offered the following: Ordered, That the Boston Retirement Board be requested, through his Honor the Mayor, to send out pension checks to retired employees of the City of Boston so that they will receive them before Thanksgiving.

Passed under suspension of the rule.

REQUESTED REAPPOINTMENT OF COMMISSIONER TIMILTY.

Coun. D. F. SULLIVAN offered the following: Whereas, The Honorable Joseph F. Timilty in the seven years as Police Commissioner for the City of Boston has manifested a wholesome interest in the public affairs which come under his jurisdiction; and

Whereas, Through his efforts he has maintained the high moral repute of the city of his birth; and

Whereas, He has constantly used the facilities of his office to provide worthwhile interests for the children of the city in an effort to ward off the temptations that assail the young; and

Whereas, His enthusiasm for the welfare for the men in the armed forces has made Boston a haven for every Soldier, Sailor and Marine passing through our city; and

Whereas, His every effort has maintained the high standard afforded in public life by his late father, the Honorable James P. Timilty, whose memory is held in admiration by the residents of the metropolitan area; be it

Resolved, That the members of the City Council of Boston hereby record themselves as being in favor of the reappointment by the Governor of Joseph F. Timilty as Police Commissioner of the City of Boston.

Coun. D. F. SULLIVAN—Mr. President, the reason for this resolution is because in another ten days the Governor will appoint a Police Commissioner for the City of Boston. The present commissioner has been a resident of my district, the district which I represent here in the City Council. He was born in my neighborhood and comes from a family well thought of and well liked, and his father served in public office before him,—a father that he has just right and cause, as other members of his family have, to be proud of, proud of the name he left after him for his sons to carry on, one of them having been appointed to one of the highest positions here in the city,—that of Police Commissioner. He is carrying out this job faithfully and well, the same as his father would have wanted him to do,—the same as his father would have done if he was in his place. Yet, there has been court action taken by a man who was elected by the people, a man who doesn't care who he jeopardizes as long as he gets his name in the news prints. Commissioner Timilty has been exonerated both times and has never before nor since had the finger of dishonesty placed upon him. He has brought credit to the people of Roxbury where he was born. I don't believe that the Governor can make any other choice but to reappoint the present commissioner. I feel that the Governor cannot find any other man in the city who would have the respect of the men in the Police Department that the present commissioner has today. He has the respect of all those who have served under him. That is more than can be said for past commissioners, as there have been ill feelings throughout the department. For the number of men that he has to protect the city, he does a very fine job. He has created certain boys' clubs to keep them out of mischief and trouble. Various parties throughout the year have been assigned to take

care of the boys, and it is a matter of record that the juvenile delinquency here in the city has been cut down, even during the present conditions that we are going through. I sponsored this resolution because it is feared by some that the Governor may not reappoint Commissioner Timilty. Commissioner Timilty, as stated in the resolution, has done everything humanly possible to make all the soldiers and sailors visiting in this city at home. I know that there are other members who would like to speak on this resolution, so in response to the order I am asking suspension of the rules and passage of the resolution, and that the City Clerk be requested to forward a copy of this resolution to the Governor.

Coun. HURLEY—Mr. President and members of this Council, under ordinary circumstances, I really think that this is none of our business. I think that the Governor has a free choice to appoint the man that he thinks is best fitted to be Police Commissioner of Boston, and I also think that the Mayor of Boston, with his department heads, should be given a free hand; that, after all, he is responsible for their actions. But, Mr. President, this is not an ordinary thing. There have been extraordinary happenings in the past few months, and I think it is only proper and right that every member here of the Boston City Council, knowing of the work and knowing of the high type of man that Joe Timilty is, should stand up and vote in favor of this resolution asking the Governor to reappoint him. I think that Joe Timilty is an unusual man, a man of all of the people. Race, color, creed, religion, never enter into any deliberation or any decision he has made in the past. Joe Timilty's name is known throughout the entire United States of America. I have done a lot of traveling in the past seven years in different parts of this country and, noticeably, within the last two years I have conversed with people in different cities where I have stopped, and people have asked me, "Who is this man, Joe Timilty?" They have asked who is this man that their sons and their fathers and brothers in the service of the United States have written home about and told of the treatment accorded them in a strange and a distant city. Mr. President, just think of the interest that this great man has taken, not alone in the service men but in the children of the City of Boston. Over one half-million service men have been taken off the streets at night. Yes, probably taken out of places that are not reputable, and put in a clean and wholesome atmosphere, watching a show conducted by Joe Timilty—a boxing match or a dance, or some place like that, that some mother's son from a distant part, who had no relatives in Boston, might not be attracted to some place that was not so healthy. He has also sent gladly five thousand children to summer camps. And I can speak with authority on this,—that it has benefited children from my district, a poor district in Boston, where their fathers and mothers cannot send them to some pay camp to enjoy the rest and cure and health that people in better circumstances can. He has taken the poor children of Boston under his supervision each year for at least ten years back, and has sent five thousand kiddies away where they may get a wholesome, healthy atmosphere. Joe Timilty was the originator of the Junior Police about ten years ago, when he recognized—I think one of the first in the country to recognize—juvenile delinquency. They are doing a great job and, as a result of that work, Mr. Timilty was appointed head of the Juvenile Delinquency of Police Chiefs of the World. That is quite a record for a clean, wholesome Bostonian like Timilty. And it isn't a question of Joe Timilty; he had to be that way. His father before him, as Councilor Sullivan has so well stated, was a man that the poor looked up to,—a man with a helping hand, always wanting to assist some one not as well off as he, and his family. And it was not alone his father, every one of the Timiltys are that type, and each Timilty would have to be born over again, and born of different parents, if he wasn't as clean and righteous as Joe Timilty. It is quite a thing to say that there is no finger of scandal pointed at him, or that he is being removed by the Governor who appointed him for some malfeasance or misfeasance in office. But not Joe Timilty. I admit, Mr. President and members of the Council, there has been a mighty small group in the state working hard to remove Joe Timilty. The Attorney-General of the Commonwealth of Massachusetts

is having quite a little job, quite a little tussle with our honorable Governor, but why make a political football out of Joe Timilty? That is the question here. This question of his removal from office is politics, and, Mr. Governor, you are making the mistake of your life if you are answering to any small group in opposition to nearly everyone in Boston and greater Boston, in removing this great man from office. Mr. President, among the other things accomplished by this great Police Commissioner in Boston, this is the only city in the entire United States recognizing, as I said before, juvenile delinquency,—the only city in the country that has a crime prevention bureau. We are not going out having police chasing people and arresting them and throwing them into jails, but we are educating the children against lawlessness, in so far as that every weekend, every Saturday morning, in every station house in Boston, the children are brought in there and, under the guidance of police officers, are lectured on law and order, and it is explained to them what it means to be upright citizens, and what their future depends on in being honorable and upright citizens of the City of Boston. This is an unusual thing for a Police Commissioner. The usual procedure has been to occupy a chair and listen to the stories of police officers and officials up there, and then for the Police Commissioner to take his car and ride home and go to bed. Joe Timilty is on the job, I would say, seventeen hours of the day, night and day. He is around the streets at night, watching and looking up everything that will benefit the people of Boston, anything to prevent crime and make our city a good city and a healthy city. Through the surveillance of the Police Department we have got the best record in the entire United States here in Boston on social diseases. That is shown by figures of the Army and Navy and Marine Corps that are turned in here to the surgeon in charge of this district in the respective fields, and the record of social diseases among the army men in Boston is wonderful. Mr. President, it was only last week that he made the recommendation to our School Committee that one hour a week be set aside for children in order to lecture to them on law and order. I don't know what this feeling is against Joe Timilty. The law enforcement officer of the Commonwealth of Massachusetts, I think, has gone out of his way to inject himself into this question. As the councilor from Ward 9 (Coun. D. F. Sullivan) has so ably stated, there have been two occasions when he has gone to court and before the Grand Jury trying to blacken a clean, wholesome—yes, a great man, Mr. President—but before a jury who heard all the facts our Police Commissioner was exonerated with a clean bill. Now, this question comes up again,—the Police Commissioner's removal. As I stated before, under ordinary circumstances it is none of our business, but I certainly think after listening to the malicious stories that are being passed about by certain individuals—and I say it is only a small number—we should stand up on our feet. Yes, and not only pass this resolution asking the Governor to hold Joe Timilty in office, but we should thank God we have a clean, wholesome, far-sighted man like our Police Commissioner. And I go along with Councilor Sullivan in asking that this resolution be adopted unanimously by the Council this afternoon, and that a copy be forwarded to the Governor at once.

Coun. SCANNELL—Mr. President, about two weeks ago I heard this story about Commissioner Timilty not being reappointed. I want to go along with the remarks of the councilor from Ward 9 (Coun. D. F. Sullivan) and the councilor from Ward 8 (Coun. Hurley), the Roxbury section of Boston, who sponsored this order. I also want to say a few words on behalf of our beloved Police Commissioner who, in my mind, has gone out and done something for the children of Boston. There was recently an ordinance acted on in this Council, the curfew ordinance. I differed with the commissioner about the curfew ordinance in some respects. But I will say now that the Police Commissioner of Boston has done an honorable job with the children of Boston. Mr. President, when some of the Police Commissioners have just stood up there and acted within the letter of their appointment as Police Commissioners, here is a man that goes out privately raising funds, funds of his own, for the last five years, to send five thousand Boston children from poor sections of Boston into a summer camp.

That is an outstanding accomplishment, and I believe there was never a commissioner in the City of Boston that has done anything like that for the children of this city. As the councillor from Ward 8 (Coun. Hurley) so well stated, yes, this is politics, and I say Republican politics, where a Democrat with an Irish name will never get along with the Republican Tories of Beacon Hill. I hope that the Governor of Massachusetts will not remove this man because a man who has been missing three months from his office wants this man removed, because he can't get a jury to convict him in Suffolk County. I say it is time we had a man in this city that is interested in the children of Boston. I hope that the Governor of Massachusetts will see fit to reappoint the Honorable Joseph Timilty as Police Commissioner. I say that Joe Timilty has an outstanding record as Police Commissioner of Boston, and I know very well that the majority of the people in my district, or most of the people in my district, the South Boston district, want Joe Timilty reappointed. And I am going along with the sponsor of this order. I wanted to put an order in here today, but the gentleman from Roxbury should naturally do it because Mr. Timilty has been an outstanding citizen of Roxbury, and he is proud of him.

Coun. HANLEY—Mr. President, at the outset I would like to commend my distinguished colleague and friend from Roxbury, Daniel F. Sullivan, for his courage and intelligence in bringing before us here today a resolution commending Joseph Timilty and asking that he be reappointed by Governor Leverett Saltonstall. Sometimes when we use the political titles of "Governor" and "President" and "Mayor," we forget that those titles are given by the people, and that that man is the servant of the people and not the servant of any Attorney-General or any newspaper writer from New York City or any other city. I happened to be in New York for the past two days, and during that time I came in contact with various individuals in private and public life, and the first question that was put to me when I got off the train at Grand Central station was, "What are they trying to do in Boston?" Boston, the city of our American liberty and education, the outstanding city in the forty-eight states that allows religious freedom. And yet today we are stigmatized by every city and every state of our forty-eight states. And why? Because some newspaper reporter came all the way from New York City and barged into a press conference up on Beacon Hill,—a man—I don't know his name, but I know the paper he writes for, and I know who backs the paper. The name is "P. M." It may mean "Post-Mortem" but I believe it means "Pro Marx." The writer who came all the way from New York City and utilized pressure and utilized the coining of phrases and words in order to stigmatize 850,000 people of all creeds, of all nationalities and all races, utilizing his "P. M." and the power of his voice, evidently contacted Walter Winchell, a former vaudevillian and hooper, a man who has tried to dignify journalism, and in dignifying it has degenerated it by looking above the transom and looking through the keyhole, utilizing his sarcastic and stinging talk over a nation-wide hook-up, attacking the City of Boston as a place for bums. If I was not humbling myself too much, I would be only too happy to engage in public debate with this man. I said last week, and I say it again, that they utilize sometimes phrases and words, and they forget the literal translation. Joseph Timilty, a son of the late Timilty, is a credit to his Irish race, to his Catholic religion, and to the city of his birth. He should never be utilized as a political football by any man who tries to aspire for the governorship of our Commonwealth. Evidently Attorney Bushnell has read and reread of Dewey of New York, and utilizing a man, and utilizing the term of anti-Semite, he has tried to castigate vociferously the greatest Police Commissioner that the City of Boston has ever produced. I was in Faneuil Hall about four weeks ago, and I listened to one of the most eloquent orators of the Jewish religion. I believe his name is Rabbi Shubow. And he stated specifically that if we thought more about the youth than adult Hitler we wouldn't have this catastrophe today. Joseph Timilty has thought of and done something for the youth of Boston. He knows full well that a youth in adolescence is open to temptation, both from within and from without.

That is why governments are formed, to protect the welfare of the family. I say this, and I say it without qualification, that Governor Leverett Saltonstall is the Governor of the Commonwealth; as such, he is neither Republican nor Democrat, communist nor socialist, or any other party. As the Governor of our Commonwealth, he is the servant of the people, and he should look up to the people and not to any mud-slinging Attorney-General. He should never allow his office to be penetrated by the leeches and parasites from the adjoining counties of other states, whether they are journalists or maligners, or political groups. Joseph Timilty should be reappointed, and then, if he wants to resign, that is up to himself, but he should not be stigmatized now or forevermore by any man who is merely utilizing him to become the Governor of this great state.

Coun. KINSELLA—Mr. President, in view of the fact that Commissioner Timilty as head of a department affords police protection to the entire City of Boston, I believe that every member of this Body ought to take to his feet and state his honest conviction in this matter. I don't know Mr. Timilty as long or as well as I would have enjoyed knowing him, but it appears that if he is at the end of his road it is for no other purpose than to satisfy the political longings of "Butcher" Bob Bushnell, who cannot send him to the chair as he did every friendless individual that ever came before him, as county prosecutor, but who resorts to maligning and calumniating a man when the courts have absolved him of the Attorney-General's own hard worked for accusations. I might ask his Excellency the Governor a few pointed questions, and I would like to ask them loud enough for his Excellency to hear them, though he now be on Beacon Hill. What manner of political peace did he make with the man who very nearly had him indicted a few short months ago in the Grove affair? What answer will he make to the thousands of Democratic voters in Boston who accepted him at his own valuation in 1938 and again in 1940 and once more, for good measure, in 1942? Or does he believe it is his right to have their support, but not their right, at a future date to attempt to influence his action, when that influence is designed to continue in office an honest public servant who has served the community well, who carries on the tradition of a noble and respectable father, and who cannot be reduced to annihilation at the will of "Butcher" Bob Bushnell. The people of Boston have had, as Councilor Hanley so aptly said a few moments ago, a grand character in the Police Commissioner's chair, the grandest character that it has ever been the good fortune of Boston to have in the memory of the oldest inhabitant, and that is no exaggeration. I have found Mr. Timilty on the occasions, both official and social, that I have met him, to be wholesome and friendly, helpful, considerate, courteous, kind, and, as an official, completely adequate to the task of affording Boston the protection for which it has paid. Now, shortly after Pearl Harbor, Mr. Timilty undertook, at some expense to himself, because the program he had outlined for service men didn't meet with the approval of those who wanted to organize recreation as they want to organize our day-to-day existence,—Mr. Timilty went into his own funds in many instances to make the stay in Boston pleasant, not only for the boys of Boston who were back home, but for the boys from out of town. He has been one of the best ambassadors of good will that Boston has ever had. And it seems to me a miscarriage of justice, and an affront to the decent instincts of the people of Boston that such a man cannot be continued in office. What is wrong with Timilty today that wasn't wrong with him when he was last appointed? Wherein has the Boston Police Department deteriorated so much in efficiency in 1943, November, to a deterioration it had not reached before? And let us assume that it has. The character of the man has not deteriorated with it. And I say, for the benefit of the police officers who are present, that the department has not deteriorated nor has it degenerated. I offer that only as a sop to the vanity of those who would attack a public servant who has conducted himself with credit to himself, credit to his family, credit to the memory of a noble old father, and credit to the City of Boston.

CONFIRMATION OF APPOINTMENT.

President HANNON called up No. 1 on the calendar, under unfinished business, viz.:

1. Action on appointment submitted by the Mayor November 8, 1943, of Corey A. Heath to be a Weigher of Coal.

The question came on confirmation of the appointment. Committee, Coun. Carey and Kelly. The appointment was confirmed, yeas 14, nays 0.

REPORT OF COMMITTEE ON CLAIMS.

Coun. FISH, for the Committee on Claims, submitted the following:

Report on petition of Morris Swart (referred June 7) to be reimbursed for execution issued against him on account of his acts as operator of fire apparatus on November 29, 1941—recommending passage of accompanying order, viz.:

Ordered, That the sum of fifty-two dollars and twenty cents (\$52.20) be allowed and paid to Morris Swart in reimbursement for amount of execution issued against him on account of his acts as operator of fire apparatus, said sum to be charged to the Contingent Fund.

Report on petition of Morris Swart (referred June 7), to be reimbursed for execution issued against him on account of his acts as operator of fire apparatus on November 29, 1941—recommending passage of accompanying order, viz.:

Ordered, That the sum of two hundred sixty-nine dollars and seventy cents (\$269.70) be allowed and paid to Morris Swart in reimbursement for amount of execution issued against him on account of his acts as operator of fire apparatus, said sum to be charged to the Contingent Fund.

Report on petition of Morris Swart (referred June 7), to be reimbursed for execution issued against him on account of his acts as operator of fire apparatus on November 29, 1941—recommending passage of accompanying order, viz.:

Ordered, That the sum of one thousand fifty-five dollars and seventy-one cents (\$1,055.71) be allowed and paid to Morris Swart in reimbursement for amount of execution issued against him on account of his acts as operator of fire apparatus, said sum to be charged to the Contingent Fund.

Report on petition of Morris Swart (referred June 7) to be reimbursed for execution issued against him on account of his acts as operator of fire apparatus on November 29, 1941—recommending passage of accompanying order, viz.:

Ordered, That the sum of forty dollars and sixteen cents (\$40.16) be allowed and paid to Morris Swart in reimbursement for amount of execution issued against him on account of his acts as operator of fire apparatus, said sum to be charged to the Contingent Fund.

Report on petition of Harold LaMotta (referred July 26) to be reimbursed for execution issued against him on account of his acts as operator of motor truck belonging to Sewer Division, Public Works Department—recommending passage of accompanying order, viz.:

Ordered, That the sum of three hundred thirty-nine dollars and thirty-nine cents (\$339.39) be allowed and paid to Harold LaMotta in reimbursement for amount of execution issued against him on account of his acts as operator of a motor truck belonging to the Sewer Division, Public Works Department, said sum to be charged to the Contingent Fund.

Report on petition of James A. McCabe (referred September 13) to be reimbursed for 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 fifty dollars and twenty cents (\$50.20) be allowed and paid to James A. McCabe 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.

The reports were accepted and the orders severally passed.

COUNCILOR LYONS' FAREWELL.

Coun. LYONS—I ask unanimous consent to make a statement.

President HANNON—No objection.

Coun. LYONS—Mr. President and members of the Council, seeing that I am back in Boston until tomorrow night, having been for the last three nights in Boston after coming in from the Pacific, and that I am going back there tomorrow night, I just want to extend my thanks and courtesies to you fellows and to the President, and also to the Mayor, and to the public stenographer. I also want to express my thanks to the press and to the Clerk of Committees and to all those who have extended themselves and their courtesies to me so readily, to make me feel at ease and at home. I am going back there tomorrow, and this will be my last time to have the pleasure and honor of coming into this hall until after the war. I just want to expose my heart to you fellows for the way you have treated me, and to say this has been a home to me, and that all you fellows have been like brothers. When you elected me last January as President I thought it was wonderful to have the faith of you boys, and I had to relinquish that because my heart belonged to the Navy until the war is over. I want to state that I wish all you fellows success, and luck to John Langan who is stepping into the arms of matrimony tomorrow, and best wishes to the rest of you boys here. I might meet you out there, if time permits, on the coast, but I hope not—not because of not wanting your company, but because I hope the war will soon be over. So, in closing, I hope that the man who takes my job over here in Ward 20 will have extended to him the courtesy that you extended to me in 1938 and will feel that you make it home for him. Thank you very much. (Applause.)

Adjourned, on motion of Coun. DWYER, at 4 p. m., to meet on Monday, November 22, 1943, at 2 p. m.

CITY OF BOSTON.

Proceedings of City Council.

Monday, November 22, 1943.

Regular meeting of the City Council, in the Council Chamber, City Hall, at 2 p. m., President HANNON presiding. Absent, Coun. Foster, Goode, Langan, Linehan, Lyons and M. H. Sullivan.

The meeting was opened with the salute to the Flag.

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 first day of May, 1943, without power to serve civil process and to serve without bond: Thomas F. Coffey, 451 Meridian street, Ward 1, vice Dennis Glynn, resigned.

Weigher of Goods: Patrick J. Walsh, 468 East Sixth street, South Boston, Mass.

Severally laid over a week under the law.

REVISED BUILDING CODE.

The following was received:

City of Boston,

Office of the Mayor, November 22, 1943.

To the City Council.

Gentlemen,—I submit herewith Parts 26 to 31, inclusive, of the revised Building Code for the City of Boston, in ordinance form, also further recommendations for Parts 3, 4, 7 and 22.

There is also suggested an amendment to be known as "War Provision." These proposed revisions are recommended by the Building Commissioner of the City of Boston.

These amendments complete recommendations concerning the entire code and conclude the work of the Advisory Committee. In submitting these ordinances which complete the revision of the legislative building code, it seems fitting to call attention to the magnitude of the work which has taken more than three years, and to officially recognize that the thanks of the city and its citizens should be extended to the public-spirited gentlemen who, with the Building Commissioner, composed the Advisory Committee and who gave up their time and energy to this task solely as a public duty.

Although it is again imposing a considerable burden on them, it is my intention to request the present members of the committee to continue to act as an Advisory Committee in matters affecting the Building Code.

I submit the accompanying ordinances for consideration by your Honorable Body.

Respectfully,

MAURICE J. TOBIN, Mayor.

City of Boston,

Building Department, November 1, 1943.

Hon. Maurice J. Tobin,
Mayor of Boston.

Honorable Sir,—We submit to you herewith recommended amendments of Parts 26 to 31, inclusive; also further recommendations for Parts 3, 4, 7 and 22. We have also suggested an amendment to be known as "War Provision."

These amendments complete recommendations concerning entire code and concludes the work of the Advisory Committee.

The committee would like to call your attention to the advisability of creating a permanent committee whose duties it would be to advise the Building Commissioner in interpreting the new code, and also to suggest to the Building Commissioner

and the Board of Appeal further amendments, if the occasion should arise in the near future.

Respectfully submitted,

JAMES H. MOONEY,
Chairman.

FRANCIS V. BULFINCH.

JOHN C. KILEY.

A. B. MACMILLAN.

JOHN J. TOBIN.

C. CLARK MACOMBER.

BURTIS BROWN.

In accordance with the provisions of chapter 479 of the Acts of 1938 as amended by chapter 217 of the Acts of 1939, as Building Commissioner of the City of Boston, I recommend the adoption of the following ordinance.

JAMES H. MOONEY,
Building Commissioner.

An Ordinance Altering, Amending, Extending or Rendering Ineffective Provisions of 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 Building and Other Structures in the City of Boston.

Be it ordained by the City Council of Boston as follows:

Section 315. Section 2602 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out paragraph (b) as so appearing and inserting in place thereof the following:

(b) The symbols and notations used in this part are defined as follows:

a—Angle between inclined web bars and axis of beam.

A—Total area of pedestal, pier, or footing at the column base.

A'—Loaded area of pedestal, pier or footing at the column base.

A_c—Total area of the concrete section = A_g - A_r.

A_r—The cross-sectional area of the steel column.

A_g—Gross area of concrete column.

A_s—Effective cross-sectional area of steel in tension in beams and slabs, or compression in columns.

A_v—Total area of cross-section of one unit of web reinforcement.

b—Width of rectangular beam or width including flange of T-beam.

b'—Thickness of web in beams of I or T section.

c—Diameter of column capital of a flat slab.

c'—The distance from gravity axis to extreme fiber in compression.

C—The ratio of f_a to the allowable fiber stress for members in flexure.

C_o—In two-way slab design, coefficient dependent on position of panel relative to adjacent continuous panels.

C_i—Coefficient for bending dependent upon continuity and restraint.

d—Depth of beam or slab from compression face to center of longitudinal tensile reinforcement.

d'—Least lateral dimension of a column.

e—The eccentricity of resultant load, measured from the gravity axis.

E_c—Modulus of elasticity of concrete in compression.

E_s—Modulus of elasticity of steel (thirty million pounds per square inch).

f_a—Average allowable stress on an equivalent axially loaded concrete column.

f_c—Compressive unit stress in concrete.

f_c'—Ultimate compressive strength of concrete at age of twenty-eight days.

f_r—The allowable stress for unencased steel column.

f_s—Tensile unit stress in longitudinal reinforcement.

f_s'—The useful limit stress of spiral reinforcement. See section 2671, paragraph (d).

f_v—Tensile unit stress in web reinforcement.

g—Sum of perimeters of bars in one set.

h—Unsupported length of column.

I—Moment of inertia of a section about the neutral axis for bending.

j—Ratio of arm of resisting couple in bending to depth (d).

L—Span length of beam or slab; length or width of flat slab panel.

- L_1 —Length of width of a two-way or flat slab panel at right angles to the direction in which bending is considered.
- M —Bending moment or moment of resistance in general.
- M_o —Sum of positive and negative bending moments at the principal design sections of a panel of a flat slab.
- n —Ratio of modulus of elasticity of steel to that of concrete (E_s/E_c).
- p —Ratio of effective area of tensile reinforcement in bending.
- p' —Ratio of volume of spiral reinforcement to the volume of the concrete core (out to out of spirals).
- p_g —Ratio of the effective cross-sectional area of vertical reinforcement to the gross area A_g .
- P —Total safe axial load on a short column.
- p' —Total safe axial load on a long column.
- r —Ratio of breadth to span of panel of a two-way slab.
- R —Least radius of gyration of a column section or equivalent concrete section.
- s —Spacing of web reinforcement measured along the axis of the beam.
- s' —Distance from the center of a concentrated load to nearer support of a slab.
- t —Thickness of flange of T-beams.
- t' —The overall depth of section.
- t_1 —Thickness of flat slab near column (including dropped panel, if any).
- t_2 —Thickness of flat slab outside the dropped panel.
- u —Bond stress per unit of surface area of bar.
- v —Shearing unit stress.
- V —Total shear at a cross-section.
- V' —Excess of the total shear over the allowed resistance in shear of the concrete unreinforced.
- w —Uniformly distributed load per unit length of beam or slab or per unit area.
- w' —Actual width of a concentrated load upon a slab.
- W —Total uniformly distributed load in a single panel area.

Section 316. Section 2622 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by inserting the letter "(a)" after the title; and by inserting at the end the following new paragraph (b): "(b) Construction joints shall occur within the middle third of the span and preferably where the shear is least. At each such joint, reinforcing steel shall be provided perpendicular to the joint and near the top of the slab and its amount shall be equal to .003 of cross-section area of the concrete. These rods shall be spaced not over two times the thickness of the slab or within the width of the beam or

girder. Rods shall be fully anchored each side of the joint." so as to read as follows:

Section 2622. *Construction Joints in Concrete.*—(a) Joints not indicated on the plans shall be so made and located as least to impair the strength of the structure. Such joints in floors shall be located near the middle of spans of slabs, beams, or girders, unless a beam intersects a girder at this point, in which case the joint in the girder shall be offset a distance equal to twice the width of the beam. At least two hours must elapse after depositing concrete in columns or walls before depositing in beams, girders, or slabs supported thereon. Beams, girders, brackets, column capitals, and haunches shall be considered part of the floor system and shall be placed monolithically herewith. All joints shall be bonded in accordance with section twenty-six hundred and twenty-three. (For construction joints in flat slabs, see also section twenty-six hundred and sixty-eight.)

(b) Construction joints shall occur within the middle third of the span and preferably where the shear is least. At each such joint, reinforcing steel shall be provided perpendicular to the joint and near the top of the slab and its amount shall be equal to .003 of cross-section area of the concrete. These rods shall be spaced not over two times the thickness of the slab or within the width of the beam or girder. Rods shall be fully anchored each side of the joint.

Section 317. Section 2623 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out the second sentence as so appearing and inserting in place thereof the following: "Such surfaces shall first be slushed with a coating of neat cement grout, against which, before it has attained its initial set, the new concrete shall be placed." so as to read as follows:

Section 2623. *Bonding Fresh and Hardened Concrete.*—Before new concrete is deposited on, or against concrete which has set, the surface of the set concrete shall be roughened, cleaned of foreign matter and laitance and thoroughly wetted but not saturated. Such surfaces shall first be slushed with a coating of neat cement grout, against which, before it has attained its initial set, the new concrete shall be placed.

Section 318. Section 2629 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out paragraph (a) as so appearing and inserting in place thereof the following:

(a) Reinforced concrete members shall be designed with reference to safe loads and working stresses. The unit stresses in pounds per square inch in concrete of the strength indicated shall not exceed the following allowable values, where (f'_c) is the strength at twenty-eight days

KIND OF STRESS.	Expressed as a Proportion of the Strength.	ALLOWABLE UNIT STRESSES.		
		Specific Values for Common Strengths. (Pounds per Square Inch.)		
		Strength.		
		2,000.	2,500.	3,000.
Flexure:		$n = 15$	$n = 12$	$n = 10$
Extreme fiber stress in compression.....	0.40 f'_c	800	1,000	1,200
Shear:				
Beams with no web reinforcement and without special anchorage of longitudinal steel.....	0.02 f'_c	40	50	60
Beams with no web reinforcement but with special anchorage of longitudinal steel.....	0.03 f'_c	60	75	90
Beams with web reinforcement but without special anchorage of longitudinal steel.....	0.06 f'_c	120	150	180
Beams with web reinforcement and with special anchorage of longitudinal steel.....	0.09 f'_c	180	225	270
Flat slabs at distance (d) from edge of column cap or drop panel. (See also section 2641)	0.025 f'_c	50	62	75
Footings. (See also section 2642)	0.02 f'_c	40	50	60
Bond:				
Plain bars not to exceed 160 pounds per square inch.....	0.04 f'_c	80	100	120
Deformed bars not to exceed 200 pounds per square inch.....	0.05 f'_c	100	125	150
Bearing:				
On full area.....	0.25 f'_c	500	625	750
On one third or less area, axially applied.....	0.375 f'_c	750	937	1,125
Axial Compression:				
In columns with lateral ties.....	0.18 f'_c	360	450	540
In columns with continuous spirals enclosing a circular core.....	0.225 f'_c	450	562	675

Section 319. Section 2630 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out paragraph (a) as so appearing and inserting in place thereof the following:

(a) The following allowable unit stresses shall not be exceeded in reinforcing steel.

ALLOWABLE UNIT STRESS. (Pounds per Square Inch.)

Tension:	
Structural grade billet steel bars	18,000
Reroiled steel bars	18,000
Intermediate grade billet steel bars . . .	20,000
Cold drawn steel wire or cold stretched expanded metal fabric	20,000
Web reinforcement (steel)	16,000
Other steel reinforcement fifty per cent of the yield point, but not to exceed	18,000

Section 320. Section 2634 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out said section as so appearing and inserting in place thereof the following:

Section 2634. *Depth of Reinforced Concrete Beam and Slabs.*—(a) The effective depth of beams and slabs shall be taken as the distance from the center of gravity of the tensile reinforcement to the compressive surface of the structural member; except for monolithic beams and slabs where the top is a wearing surface, then the effective depth shall be taken to a plane one-half inch below the finished surface.

(b) For beam and slab construction the total thickness for slabs shall not be less than three and one-half inches except as provided in section twenty-six hundred fifty-three and twenty-six hundred fifty-nine.

Section 321. Section 2637 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by inserting after the word "per cent" in the tenth line the word "for", so as to read as follows:

Section 2637. *Points of Inflection in Reinforced Concrete, and Shear.*—The location of points of inflection, reactions and shears, shall be assumed consistently with the loading and the computed distribution of bending moments. In the three cases of slabs and beams of two or more continuous spans when the arbitrary coefficients for bending of section twenty-six hundred and thirty-six may be applied, the reactions on end supports shall be taken as forty per cent for Case 1, forty-five per cent for Case 2, and fifty per cent for Case 3, of the load on the end span, and the reaction on the first interior support shall be computed accordingly; the loads on interior spans may be assumed as evenly divided between supports in determining shear and reactions.

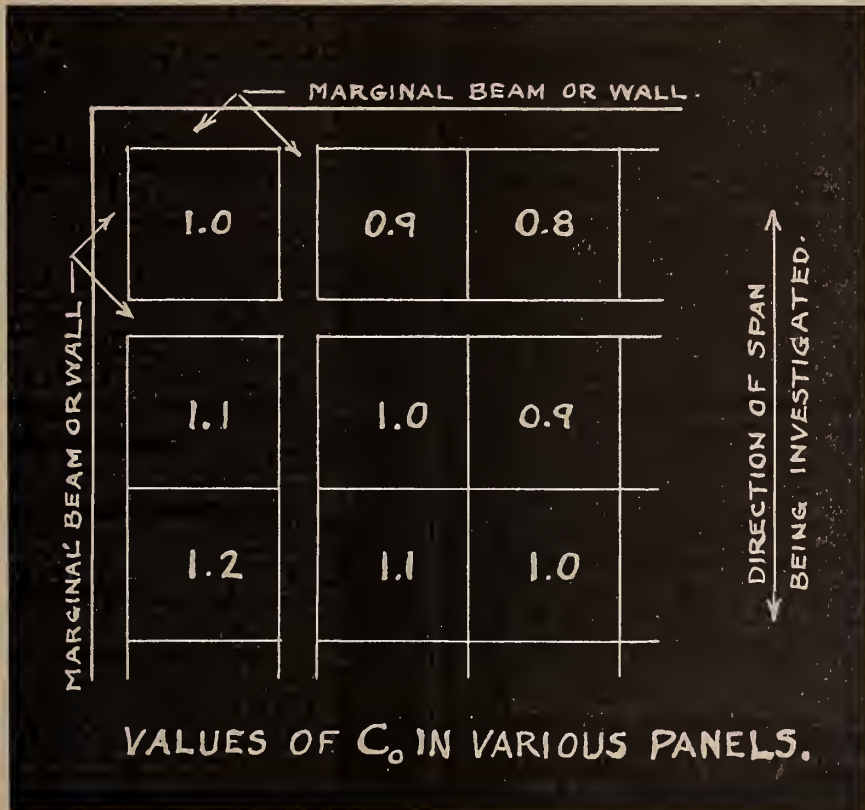
Section 322. Section 2650 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out paragraph (b) as so appearing and inserting in place thereof the following:

(b) Any steel beam or girder completely encased in concrete as described in paragraph (a) having a compressive strength of at least two thousand pounds per square inch and comprising an integral part of a complete floor system such as concrete slabs and beams, in conformity with section twenty-six hundred and forty-eight, may have its resistance to bending increased fifteen per cent.

Section 323. Said section 2650 is hereby further amended by inserting at the end the following new paragraph (c):

(c) Stresses allowed in paragraph (b) shall be allowed in tension members of trusses, if the requirements of this section are fulfilled.

Section 324. Section 2653 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by inserting the word "in" after the word "inserted" in the eighth line of paragraph (7), so as to read as follows:



(2) Neither paper, wood, nor roofing material shall be used between or at the ends of structural hollow masonry fillers included in calculations of resistance to shear or hending to prevent concrete from flowing into the interstices thereof, nor any other material that would impair the bond between the end of the filler and the concrete, but this shall not prevent the use of such materials when inserted in but not projecting from the openings of the fillers nor the use of the same material that is permitted for the fillers themselves. If concrete is allowed to penetrate the interstices of hollow masonry fillers, the weight thereof shall be included in the dead load to be supported. The webs of structural filler units whose ends are thus in contact with the concrete may be included in calculations of resistance to hending.

Section 325. Section 2654 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out paragraph (b) as so appearing and inserting in place thereof the following:

(b) The slab shall be regarded as consisting of a series of adjacent strips of unit width spanning in each direction. In computations for shear and diagonal tension, bond, and for the loading of supporting members, each strip, spanning in either the longer or the shorter direction, shall be assumed to carry and transmit to its supports a total load (W), represented by the expressions:

$$W = 1/2 C_{or} w L = 1/2 C_{ow} L_1$$

in which (w) is the total load per unit area of the slab.

(L) is the span of the strip.

(L₁) is the width of the panel transverse to the span.

(r) is the ratio of L₁ to L.

(C_o) is a coefficient dependent on the position of the panel relative to adjacent panels continuous with it at its ends and sides, as indicated on the accompanying diagram. Full restraint at end support, as defined in section twenty-six hundred and thirty-six, shall be considered equivalent to continuity in determining (C_o).

(See Diagram on page 342.)

Section 326. Said section 2654 is hereby further amended by striking out paragraph (c) as so appearing and inserting in place thereof the following:

(c) The positive hending moment for a strip of unit width in the middle half of the panel, spanning in either direction, shall be assumed as given by the following formula:

$$M = 0.33 C_1 C_{or} w L^2 = 0.33 C_1 C_{ow} L \frac{2}{1}$$

in which (C₁) is a coefficient for hending determined in accordance with the conditions of restraint at end supports of the strips as provided in section twenty-six hundred and thirty-five or section twenty-six hundred and thirty-six.

Section 327. Section 2655 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by inserting the word "structural" before the word "metal" in the first line of subdivision (5) of paragraph (e), so as to read as follows:

(5) the diameter of a structural metal column capital, for purposes of slab design, shall be taken as twice the distance from the center of the column to the center of hearing of slab or dropped panel on a continuous circumferential support, or twice the average distance to centers of hearing on radial or non-continuous supports, the unit hearing assumed as uniform and not in excess of the stress allowed by this code.

Section 328. Section 2657 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out paragraph (a) as so appearing and inserting in place thereof the following:

(a) The numerical sum of the positive and negative hending moments in either rectangular direction of an interior panel, for the design of tensile reinforcement, shall be assumed as not less than —

$$M_o = 0.09 WL \left(1 - \frac{2c}{3L} \right)^2 = M_{pc} + M_{pm} + M_{nc} + M_{nm}$$

where (M_{pc}) is the positive moment at mid-span of the column strip.

(M_{pm}) is the positive moment at mid-span of the middle strip.

(M_{nm}) is the negative moment at one end of a middle strip.

(M_{nc}) is the negative moment at one end of the column strip.

(L) is the length of the strips between center lines of columns.

(c) is the diameter of the column capital, or top of column if there is no capital.

(W) is the total live and dead load uniformly distributed over a single panel area.

Section 329. Section 2659 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by adding at the end of paragraph (d) the following words "nor less than six inches," so as to read as follows:

(d) In no case, however, shall the slab thickness be less than one fortieth the length of the panel nor less than six inches.

Section 330. Section 2664 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by adding the following new sentence at the end of said section: "All such arrangements shall be subject to the approval of the commissioner," so as to read as follows:

Section 2664. *Flat Slab Reinforcement Other than Two-way or Four-way.*—Arrangement of reinforcement other than two-way or four-way shall provide reinforcing at the principal design sections and at intermediate sections equivalent to that specified above. All such arrangements shall be subject to the approval of the commissioner.

Section 331. Section 2668 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out the word "three" in the seventh line of said section and inserting in place thereof the word "two," so as to read as follows:

Section 2668. *Construction Joints in Flat Slabs.*—Construction joints in flat slabs shall occur preferably midway between columns. Where such joints occur, steel reinforcing shall be provided perpendicular to the joints in addition to the reinforcement required for hending of cross-sectional area equal to one third that required for bending at the joint. Steel rods so provided shall be spaced not over two times the slab thickness, shall be fully anchored for the allowed tensile stress by embedment each side of the joint, and shall be placed in the same plane with the reinforcement provided for hending in each strip.

Section 332. Section 2669 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out the word "twelve" in the fourth line of paragraph (a) and inserting in place thereof the word "ten," so as to read as follows:

(a) Unless designed as long columns under the provision of section twenty-six hundred and seventy-three, reinforced concrete columns shall not be longer than ten times the least lateral dimension. Struts shall be designed as columns.

Section 333. Section 2671 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out the title as so appearing and inserting in place thereof the following:

Section 2671. *Design of Spirally Reinforced Concrete Columns.*—

Section 334. Said section 2671 is hereby further amended by striking out paragraph (a) as so appearing and inserting in place thereof the following:

(a) The maximum allowable axial load, P, on columns reinforced with longitudinal bars and closely spaced spirals enclosing a circular core shall not exceed $P = 0.225 f'_c A_g + A_s f_s$. See section 2602 for symbols.

Section 335. Said section 2671 is hereby further amended by striking out paragraph (b) as so appearing and inserting in place thereof the following:

(b) The normal working stress in the vertical column reinforcement, f_s , shall be taken at 40 per cent of the minimum specification value of the yield point; viz. 16,000 pounds per square inch for intermediate grade steel and 20,000 per square inch for hard grade or rail steel. This reinforcement shall consist of at least six bars and the minimum diameter of the bars

shall be five-eighths inch and not less than one per cent nor more than eight per cent of the gross concrete area.

Section 336. Said section 2671 is hereby further amended by striking out paragraph (c) as so appearing and inserting in place thereof the following:

(c) Where lapped splices are required in the longitudinal reinforcement, the minimum amount of lap for deformed bars, where the strength of the concrete is 3,000 pounds per square inch or above, shall be twenty-four diameters of bar of intermediate grade steel and thirty diameters of bar of hard grade steel. For bars of higher yield point, the amount of lap shall be increased in proportion to the normal working stress. When the concrete strengths are less than 3,000 pounds per square inch the amount of lap shall be one-third greater than the values given in this paragraph.

The lapped splices of plain bars shall be at least 25 per cent greater than that given above for deformed bars.

Welded splices or other positive connections may be used instead of lapped splices, if approved.

Section 337. Said section 2671 is hereby further amended by striking out paragraph (d) as so appearing and inserting in place thereof the following:

(d) Spiral reinforcement shall consist of evenly spaced continuous spirals held firmly in place and true to line by at least three vertical spacer bars. The outside diameter of spirals shall be maintained constant and the ends of the spiral wire shall be anchored. Spiral wire may be spliced by lapping one third the circumference of the spiral and hooking the ends, or by welding. The spacing of the spirals shall not exceed one sixth of the diameter of the core nor three inches. The ratio of spiral reinforcement, p' , shall not be less than

$$p' = 0.45 \left(\frac{A_g}{A_c} - 1 \right) \frac{f'_c}{\bar{f}'_s}$$

where p' is the ratio of volume of spiral reinforcement to the volume of the concrete core (out to out of spirals).

$\frac{A_g}{A_c}$ is ratio of gross area to core area of column

\bar{f}'_s is useful limit stress of spiral reinforcement to be taken as 40,000 pounds per square inch for hot rolled of intermediate grade, 50,000 pounds per square inch for hard grade and 60,000 pounds for cold drawn wire.

Section 338. Said section 2671 is hereby further amended by striking out the letter "(d)" at the beginning of paragraph (d) and inserting in place thereof the letter "(e)", so as to read as follows:

(e) Spiral and longitudinal reinforcement shall be protected by a covering of concrete cast monolithic with the core not less than one and one-half inches thick.

Section 339. Said section 2671 is hereby further amended by striking out the letter "(e)" at the beginning of paragraph (e) and inserting in place thereof the letter "(f)", so as to read as follows:

(f) In columns supporting a beam-and-slab floor or roof, the spiral reinforcement shall extend from the floor below at least to one and one-half inches above the bottom of the lowest beam of the floor or roof above, which frames into the column.

Section 340. Said section 2671 is hereby further amended by striking out the letter "(f)" at the beginning of paragraph (f) and inserting in place thereof the letter "(g)", so as to read as follows:

(g) In columns supporting a flat slab floor or roof the spiral reinforcement shall extend from the floor at least to mid-height of the concrete column capital above.

Section 341. Section 2672 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out the title as so appearing and inserting in place thereof the following:

Section 2672. *Design of Tied Reinforced Concrete Columns.*—

Section 342. Said section 2672 is hereby further amended by striking out paragraph (a) as so

appearing and inserting in place thereof the following:

(a) The maximum allowable axial load, P , on columns reinforced with longitudinal bars and separate lateral ties shall not exceed

$$P = 0.18 f'_c A_g + 0.8 A_s f_s$$

See section 2671 (b) for value of f_s .

Section 343. Said section 2672 is hereby further amended by striking out paragraph (b) as so appearing and inserting in place thereof the following:

(b) The minimum ratio of longitudinal reinforcement shall not be less than one per cent nor more than four per cent of the gross concrete area, also at least four bars shall be used, of minimum diameter of five-eighths inches. Clear distance of the face of each bar to the face of the column shall be one and one-half inches plus the thickness of the column tie. Corner rods in columns shall not be nearer to either adjacent surface than two inches plus the thickness of the column tie.

Section 344. Section 2673 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out said section as so appearing and inserting in place thereof the following:

Section 2673. *Long Columns.*—(a) The axial load on columns which are longer than ten times the least dimension shall not be greater than —

$$P' = P (1.3 - 0.03 \frac{h}{d'})$$

(b) The maximum allowable load P' on eccentrically loaded columns in which $\frac{h}{d'}$ exceeds 10 is given by the formula in paragraph

(a) in which P is the allowable eccentrically applied load on the short column. In long columns subjected to definite bending stresses, as determined by sections 2674, 2675, 2676, the ratio shall not exceed 20.

Section 345. Section 2674 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out said section as so appearing and inserting in place thereof the following:

Section 2674. *Bending in Concrete Columns.*

(a) The bending moments in the columns of all reinforced concrete structures shall be determined on the basis of loading conditions and restraint and shall be provided for in the design. When the stiffness and strength of the columns are utilized to reduce the moments in beams, girders and slabs, as in the case of rigid frames, or in other forms of continuous construction wherein column moments are unavoidable, they shall be provided for in the design. In building frames, particular attention shall be given to the effect of unbalanced floor loads on both exterior and interior columns and of eccentric loading due to other cases. Wall columns shall be designed to resist moments produced by

1. Loads on all floors of the building.
2. Loads on a single exterior bay at two adjacent floor levels, or
3. Loads on a single exterior bay at one floor level.

(b) Resistance to bending moments at any floor level shall be provided by distributing the moment between the columns immediately above and below the given floor in proportion to their relative stiffness and condition of restraint. At the roof the moments shall be provided for in the section of the column below.

Section 346. Section 2675 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out said section as so appearing and inserting in place thereof the following:

Section 2675. *Combined Axial and Bending Stresses.*—(a) In reinforced concrete columns subjected to bending stresses, recognized methods of analysis shall be followed in calculating the stresses due to combined axial load and bending. The maximum fiber stress in compression and in the case of large eccentricities of loading the tensile stresses in the vertical bars, as given in this Part will govern the design.

(b) For designs where the eccentricity is less than one-half the overall column width, and the value of p_g is 0.3 or more, the following

formula shall be used to calculate the combined fiber stress in compression.

$$f_c = \frac{P}{A_g} \frac{\left[1 + \frac{ec'}{R^2} \right]}{1 + (n-1) P_g}$$

where e is the eccentricity of resultant load, measured from the gravity axis.

c' is the distance from the gravity axis to the extreme fiber in compression.

R is the radius of gyration of the equivalent concrete section.

n is as given in section 2629.

t' is the overall depth of the section.

The other symbols are as given in section 2602, paragraph (b).

The term $\frac{ec'}{R^2}$ may be replaced by the value

$\frac{6e}{t'}$ for rectangular columns and $\frac{8e}{t'}$ for round columns.

(c) For other limitations than mentioned in paragraph (b) more accurate methods of design shall be used to insure that the allowable stresses are not exceeded.

Section 347. Chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby further amended by inserting after section 2675 the following new section 2676:

Section 2676. *Allowable Combined Axial and Bending Stresses.*—(a) For spiral and tied columns, eccentrically loaded or otherwise subjected to combined axial compression and flexural stress, the maximum allowable compressive fiber stress shall not exceed f_c in

$$f_c = f_a \frac{1 + \frac{ec'}{R^2}}{1 + C \frac{ec'}{R^2}}$$

where f_a is the average allowable stress on an equivalent axially loaded concrete column.

C is the ratio of f_a to the allowable fiber stress for members in flexure. This

$$f_a = \frac{0.225 f'_c + f_s P_g}{1 + (n-1) P_g} \text{ for spiral columns.}$$

$$f_a = 0.8 \left[\frac{0.225 f'_c + f_s P_g}{1 + (n-1) P_g} \right] \text{ for tied columns.}$$

$$C = \frac{f_a}{0.45 f'_c}$$

(b) The allowable tensile stress in the longitudinal reinforcement shall equal that specified for flexural members, provided however that splices in the tensile steel at or near the section of maximum column moment are capable of developing fully the yield point strength of the reinforcement.

(c) When columns are subjected to wind stresses in addition to combined axial loads and bending, the column section need not be increased unless the allowable stress given in paragraph (a) of this section is exceeded by more than one-third.

Section 348. Section 2676 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out said section as so appearing and inserting in place thereof the following:

Section 2677. *Combination Columns.*—(a) The axial load on combination columns, in which structural steel columns of rolled or built-up section wrapped with No. 10 gage wire spaced four inches on centers or its equivalent are encased in concrete not less than two inches thick over all of the metal, except rivet heads and connections, shall not exceed

$$P = A_n f'_r \left[1 + \frac{A_c}{100 A_r} \right]$$

where A_c is the total area of the concrete

A_r is the cross-sectional area of the steel column

f'_r is the allowable stress for unencased steel column, as allowed in Part 28.

(b) The concrete shall be at least equal in quality to two thousand pound concrete as specified in section twenty-six hundred and ten.

(c) Stress allowed in paragraph (a) shall be allowed in compression members of trusses, if the requirements of this section are fulfilled.

Section 349. Section 2677 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out said section as so appearing and inserting in place thereof the following:

Section 2678. *Concrete Walls.*—(a) Reinforced concrete walls shall have at least the thickness specified in Part 14. Reinforced concrete walls shall be reinforced in two directions at right angles by steel reinforcement having an effective area in each direction of not less than (0.0025) times the cross-sectional area of the concrete. In walls less than six inches thick the reinforcement may be placed at mid-thickness of the wall unless calculated bending requires it to be placed near one face. In walls six inches or more in thickness, not less than half the steel required by this paragraph shall be placed as close to each face of the wall as requirements for fire and rust protection will allow. Such steel reinforcement shall be in the form of reinforcing bars not less than three-eighths inch in diameter and spaced not over eighteen inches apart or of approved wire mesh.

(b) Protective covering for reinforcing shall be as required in section 2627 and Part 22, except as provided in paragraph (a).

(c) Provide construction joints and expansion joints for walls, copings and balustrades, together with drainage and weep holes as required by the commissioner.

(d) The capacity of a reinforced concrete wall to support a vertical load shall be computed in the same manner as specified in sections twenty-six hundred and seventy-two, twenty-six hundred and seventy-three and twenty-six hundred and seventy-four for columns with lateral ties. The vertical reinforcement shall not be assumed to contribute to the capacity of the wall unless it conforms to the requirements for longitudinal reinforcement in columns and is stayed by lateral ties perpendicular to the wall.

Section 350. Section 2678 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out said section as so appearing and inserting in place thereof the following:

Section 2679. *Sloped or Stepped Concrete Footings.*—(a) Footings shall be designed to sustain the applied loads without exceeding the allowable working stresses in this part. Allowable bond stress shall be reduced 25 per cent from the stresses allowed in section 2629 in all tension regions requiring moment reinforcement in more than one direction.

(b) Footings may have sloped or stepped tops provided the thickness of the footing above the reinforcement shall not be less than six inches for footings on soil, nor less than nine inches for footings on piles, also plain concrete footings may have sloped or stepped tops provided the thickness is not less than twelve inches.

(c) Concrete in reinforced footings shall be proportioned for a strength of at least eighteen hundred pounds per square inch.

Section 351. Section 2679 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out said section as so appearing and inserting in place thereof the following:

Section 2680. *Bending in Concrete Footings.*

(a) The critical section for bending in a concrete footing which supports a concrete column or pedestal, shall be considered to be at the face of the column or pedestal. Where a steel or cast iron column base rests on a concrete footing, moments in the footing shall be considered at the middle and at the edge of the base and the larger one shall be used in the design. Loads shall be considered as uniformly distributed over the column. In the case of columns other than square or rectangular the critical section shall be taken at the side of a concentric square of equal area. For concrete footings under masonry walls, moments in the footing shall be taken midway between the middle and the edge of the wall.

(b) The bending moment at a critical section shall be computed from all the forces acting

on the footing on one side of the section (excluding the weight of the footing). Critical sections for bond and shear shall be taken for the same loading and same plane as for bending. Bond shall also be investigated at planes where changes in concrete section or reinforcement occur. The critical section for diagonal tension in footings on soil shall be considered as the concentric vertical section through the footing at a distance d from each face of the column pedestal or wall. This depth d should be measured from the top of the section to the plane of the centroid of longitudinal reinforcement. The critical section for diagonal tension for footing supported on piles should be considered as the concentric vertical section through the footing at a distance d from each face of the column, pedestal or wall, and any piles whose centers are at, or outside this section should be included in computing the shear.

(c) Shear in footings shall be computed as specified in section 2642.

(d) For reinforced concrete columns, the critical section for transverse bending should be taken at the faces of the columns or pedestals. For footings under metallic column bases, the critical section should be assumed midway between the face of the column and the edge of the metallic base. The transverse reinforcement should be divided into groups proportionate in sectional area to the column loads. The transverse reinforcement at each column should be placed uniformly within a band having a width not greater than the width of the column plus twice the effective depth of the footing. Longitudinal reinforcement should be distributed over the whole width.

The critical sections for diagonal tension in combined footings should be taken at the faces of the supported members for all beam elements and also for all projecting cantilevers.

Section 352. Chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by inserting after section 2679 the following new section:

Section 2681. *Plain Concrete Footings.*—(a)

The critical section of plain concrete footings shall be computed and cast as a monolithic section of the entire width and depth measured from a plane two inches above the bottom of the footing. The maximum tensile fiber stress in the concrete shall not exceed 0.025 of the ultimate compression strength of the concrete. The average shearing stress shall not exceed 0.02 of the ultimate compressive strength of the concrete, computed on a concentric vertical section through the footing at a distance $(d-2)$ inches from each face of the column, pedestal or wall, excluding two inches of depth nearest the bottom.

(b) The area of the top of the footing shall not be less than the amount given by formula section 2682.

Section 353. Section 2680 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out said section as so appearing and inserting in place thereof the following:

Section 2682. *Bearing on Concrete Footings.*—

(a) The compressive stress in the longitudinal reinforcement at the base of a reinforced concrete column shall be transferred to a pedestal or to a footing by extending the bars into the pedestal or footing or by use of dowels. There shall be at least one dowel for each column bar, and the total sectional area of the dowels shall be not less than the sectional area of the longitudinal reinforcement in the column. The dowels or column bars shall extend into the column and into the pedestal or footing the distance required to transfer to the concrete, by allowable bond stress, their full working strength. Hooks shall not be considered as adding to bond resistance in compression. The unit compressive stress on the top of the pedestal or footing directly under the column or base shall not be greater than that determined by the formula.

$$f'_c \left[3 + \frac{A}{A'} \right]$$

nor greater than $(0.375 f'_c)$ unless the pier pedestal or footing is reinforced laterally as provided in paragraph (b).

(b) When lateral reinforcement in the form of a spiral or hoops is provided in the pedestal

or footing the unit stress in bearing for the core area may be increased to $(1 + 2.5 np')$ times that allowed for plain concrete, but no area outside the outer face of the spiral or hoops shall be considered.

Section 354. Section 2681 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out said section as so appearing and inserting in place thereof the following:

Section 2683. *Pedestals — Plain Concrete.*—

(a) The compressive unit stress on the gross area of a concentrically loaded pedestal or the upper surface of a pedestal footing shall not exceed 0.25 f'_c .

(b) The depth and width of a pedestal or pedestal footing shall be determined by consideration of shear and bending stresses as given in section 2681. However, in no case shall the depth be greater than three times its least width.

(c) A pedestal or pedestal footing supported directly on piles shall have a mat of reinforcing, of cross-sectional area not less than 0.20 square inch per foot of width in each direction, placed three inches above the top of the piles.

Section 355. Part 27 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out Part 27 as so appearing and inserting in place thereof the following:

PART 27.

PRECAST GYPSUM CONCRETE.

Section 2701.—Precast Gypsum Concrete.

Section 2701. *Precast Gypsum Concrete.*—(a) Precast gypsum concrete units may be used for floor construction and shall be of uniform thickness except for rabbets at support and shall be solid; such units may be used for roof construction and shall be of uniform thickness, whether solid or hollow, or recessed on the under side. The span of precast gypsum concrete shall not exceed four feet in floors and six feet in roofs except in so-called suspension construction in which the span for floors shall not exceed six feet and in roofs shall not exceed eight feet. For the purpose of this section any span over three feet shall be called long span.

(b) Except as otherwise provided in paragraph (c) of this section, precast gypsum concrete units shall have not less than the following thicknesses:

(1) Solid units in roofs shall be not less than two inches thick, nor if long span, less than three inches thick.

(2) Solid units in floors shall be not less than two and one half inches thick, nor, if long span, less than four inches thick.

(3) Hollow units in roofs shall be not less than three inches nor the shell in compression less than three fourths inch thick; if long span, the units shall be not less than five inches thick nor the shell in compression less than one and three eighths inches thick.

(4) Recessed units in roofs shall be not less than five inches thick nor the panel less than one and three eighths inches thick.

(c) Precast solid reinforced gypsum concrete units not more than fifteen inches wide and bound on the long edges with structural or pressed sheet steel of approved design anchored to the units shall be not less than two inches thick. If the length of units is not less than one and one half times the span and the steel bearing on the edges is designed to interlock with adjoining units in the manner of tongue and groove, and if of sufficient strength to transmit the load on one unit to adjoining units, the end joints may be staggered at random provided they are not less than two feet apart and the construction may be designed as continuous.

(d) Precast gypsum concrete units for floor and roof construction shall be reinforced and unless the shape or marking of the unit is such as to ensure its being placed right side up, the reinforcing shall be symmetrical so that the unit can support its load either side up.

(e) Precast gypsum concrete units shall be designed in accordance with conditions outlined in paragraph (g) below.

(f) Precast gypsum concrete units shall not be used structurally in floors or roofs until the manufacturer thereof has submitted satisfactory evidence of their quality and the commissioner has given his approval. Approval

shall be conditioned upon such requirements as to design, materials, methods of manufacture, erection and support as the commissioner shall determine.

(g) The basis of design and materials shall be consistent with the following requirements to qualify for approval:

(1) Precast gypsum concrete shall contain not more than three per cent wood chips, shavings or fibre by weight of dry materials before mixing.

(2) Precast gypsum concrete shall have a minimum strength of one thousand pounds per square inch.

(3) In designing the precast gypsum concrete the modulus of elasticity shall be considered as six hundred thousand pounds per square inch.

(4) In design of structural members of reinforced gypsum concrete the unit stress in the concrete shall not exceed the following allowable values:

- Maximum unit compression in bending.....0.25 f_c
- Axial compression or hearing.....0.20 f_c
- Bond on plain bars or wires.....0.02 f_c
- Bond on deformed bars or wire mesh.....0.04 f_c
- Shear (straight rods or wires).....0.02 f_c
- Shear (reinforcement anchored).....0.03 f_c

In this table (f_c) indicates the ultimate compressive strength of the gypsum concrete as approved by paragraph (f) of this section.

Unit stress in steel reinforcement shall not exceed the values allowed in Part 26.

(5) Fire protection coverage for steel reinforcement in gypsum shall be limited to a minimum of one-half inch in thickness.

(6) In no case shall gypsum concrete be used for a wearing surface in gypsum construction.

(7) Gypsum concrete shall not be used in floors of garages, dance halls, gymnasiums, armories or floors used for any other purpose where subject to extreme vibration, impact, or heavy, moving load concentrations.

Section 356. Section 2802 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by inserting after the word "to" in the first line of sub-division (1) of paragraph (a) the word "Standard"; and by inserting at the end the words "and buildings," so as to read as follows:

(1) Structural steel to Standard Specifications for Steel for Bridges and Buildings.

Section 357. Said section 2802 is hereby further amended by inserting after the word "to" in the first line of sub-division (2) of paragraph (a) the word "Standard," so as to read as follows:

(2) Rivet steel to Standard Specifications for Structural Rivet Steel.

Section 358. Said section 2802 is hereby further amended by striking out paragraph (c) as so appearing and inserting in place thereof the following:

(c) Structural steel members installed in pre-code buildings prior to the year 1924 shall not be stressed in excess of eight-tenths of the allowable stresses specified in this part. Similar members installed after 1924 and prior to the year 1943 shall not be stressed in excess of nine-tenths of the allowable stresses specified in this part.

Section 359. Section 2803 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out the numeral "18,000" in sub-division (1) of paragraph (a) and inserting in place thereof the numeral "20,000", so as to read as follows:

(1) Tension, on net section..... 20,000

Section 360. Said section 2803 is hereby further amended by striking out sub-division (2) under paragraph (a) as so appearing and inserting in place thereof the following:

(2) Compression, in short members where lateral deflection is prevented.... 20,000

Section 361. Said section 2803 is hereby further amended by striking out sub-division (3) of paragraph (a) as so appearing and inserting in place thereof the following:

(3) Compression in columns and compression members axially loaded; on the gross cross section:

where values of $\frac{L}{r}$ is not greater than 120 for main members..... $17,000 - 0.485 \frac{L^2}{r^2}$

and values of $\frac{L}{r}$ greater than 120 but not over 200 for secondary members..... $18,000$
 $1 + \frac{L^2}{18,000 r^2}$

where L is the unbraced length of the member and r is the corresponding radius of gyration of the section both in inches.

Section 362. Said section 2803 is hereby further amended by striking out sub-division (4) of paragraph (a) as so appearing and inserting in place thereof the following:

(4) Bending, maximum stress on the net section:

where lateral deflection is prevented or where $\frac{L}{h}$ is not more than 15..... 20,000
 and values $\frac{L}{h}$ is greater than 15, but not greater than 40 with maximum at 20,000 pounds..... $22,500$
 $1 + \frac{L^2}{1,800 b^2}$

where L is the unbraced length of the compression flange, and b is the width of the compression flange both in inches.

Section 363. Said section 2803 is hereby further amended by striking out sub-division (5) of paragraph (a) as so appearing and inserting in place thereof the following:

(5) Shear, on the gross area of the webs of beams and girders:

where $\frac{h}{t}$ is not more than 60.. 13,000
 and where $\frac{h}{t}$ is greater than 60..... $18,000$
 $1 + \frac{h^2}{7,200 t^2}$

where h is the height of the web in the clear between flanges or length in the clear between stiffeners, whichever is the lesser dimension, and t is the thickness of the web both in inches.

Section 364. Said section 2803 is hereby further amended by striking out the table under paragraph (b) and inserting in place thereof the following:

BEARING.	Double Shear.	Single Shear.
Rivets, power-driven.....	40,000	32,000
Turned bolts in reamed or drilled holes.....	40,000	32,000
Unfinished bolts and hand-driven rivets.....	25,000	20,000
Pins.....	32,000	

Section 365. Said section 2803 is hereby further amended by striking out sub-division (1) of paragraph (c) as so appearing and inserting in place thereof the following:

(1) Shear:	
Pins.....	15,000
Rivets, power-driven.....	15,000
Turned bolts in reamed holes.....	15,000
Rivets, hand-driven.....	10,000
Unfinished bolts.....	10,000

Section 366. Said section 2803 is hereby further amended by striking out sub-division (2) of paragraph (c) as so appearing and inserting in place thereof the following:

(2) Tension:	
Rivets.....	15,000
Bolts and threaded rods on area at root of thread.....	16,000

Section 367. Said section 2803 is hereby further amended by striking out sub-division (3) of paragraph (c) as so appearing and inserting in place thereof the following:

(3) Bending in pins.....	30,000
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Section 368. Section 2807 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out the words "one hundred and sixty" in the second line of paragraph (a) and inserting in place thereof the words "one hundred and twenty," so as to read as follows:

(a) The ratio $\frac{L}{T}$ shall not exceed one hundred and twenty for columns in buildings and main compression members in trusses and frames; nor two hundred for bracing and other secondary members.

Section 369. Said section 2807 is hereby further amended by striking out the words "eighteen thousand" in the fifth line of paragraph (b) and inserting in place thereof the words "twenty thousand," so as to read as follows:

(b) In structural steel columns and compression members of trusses, subject to eccentric loads or to bending other than that incidental to axial loading, the maximum unit compression shall not exceed twenty thousand pounds per square inch—

Section 370. Section 2803 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out the word "twenty-four" in the eleventh line of paragraph (k) and inserting in place thereof the word "twenty-seven" so as to read as follows:

(k) Stiffeners shall be provided on both sides of the webs of plate girders over end bearings and where necessary at points of concentrated loads, designed to transmit the reactions and loads to the web. Bearing stiffeners shall not be crimped over flange angles, and shall be fitted to the flange angles where they bear. Where the ends of stiffener angles are chamfered to clear the fillets of flange angles, the outstanding legs only shall be computed in bearing and the average unit stress in bearing shall not exceed twenty-seven thousand pounds per square inch. Where stiffener angles are raised from the web on fillers to clear the fillets of flange angles and the whole of the stiffener angle is fitted in bearing, the average unit stress shall not exceed eighteen thousand pounds per square inch.

Section 371. Said section 2803 is hereby further amended by striking out paragraph (m) as so appearing and inserting in place thereof the following:

(m) Intermediate stiffeners shall be provided on both sides of the webs of plate girders where the thickness of the web is less than one sixtieth of the clear distance between flanges. Clear spacing between stiffeners shall not exceed 84 inches nor be more than

$$\frac{3}{v} \sqrt{\frac{270,000 t}{h}}$$

where h is the clear depth between flanges, in inches t is the thickness of the web, in inches v is the greatest unit shear in panel, in pounds per square inch under any condition of complete or partial loading. Plate girder stiffeners shall be in pairs, one on each side of the web, and shall be connected to the web by rivets spaced not more than 8 times their normal diameter.

Stiffeners as indicated above in this paragraph need not be provided where adequate provision is made against buckling and torsion. Intermediate stiffeners shall overlap but need not bear on flange angles.

Section 372. Section 2809 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out paragraph (j) as so appearing and inserting in place thereof the following:

(j) Rivets transmitting calculated stress, when the grip exceeds five diameters, shall have their number increased one per cent for each additional one-sixteenth inch in rivet grip.

Section 373. Said section 2809 is hereby further amended by inserting at the beginning of paragraph (n) the following words "In built up sections," so as to read as follows:

(n) In built-up sections the distance from the center of rivet holes to an edge shall not exceed twelve times the thickness of the thinnest plate or shape nor six inches.

Section 374. Said section 2809 is hereby further amended by striking out paragraph (r) as so appearing and inserting in place thereof the following:

(r) Arc and gas welding may be employed as a substitute for or in combination with riveting, bolting or other connecting means permitted under this code, for connecting to one another or assembling the component parts of structural steel of buildings, or for connecting steel to wrought iron members of pre-code buildings, provided that such work be designed and executed in accordance with the American Welding Society Code for Arc and Gas Welding in Building Construction, latest edition, and modified as follows:

(1) The ability of welding operators to produce welded connections of the required strength shall be determined by having them prepare strength test specimens.

(2) The preparation of these specimens and strengths required shall be as determined by the commissioner, but such strengths shall not be less than those prescribed in the American Welding Society Code for Fusion Welding and Gas Cutting in Building Construction, Part 2, Structural Steel.

(3) The Building Commissioner shall promulgate rules and regulations as to operation and inspection of welding, and the qualifications of welders.

Section 375. Said section 2809 is hereby further amended by inserting the following new paragraph after paragraph (r):

(s) Gas Cutting:

Gas cutting may be substituted for shearing sawing or other cutting means, in fabricating or altering structural steel or wrought iron members of buildings subject to the following limitations:

(1) Gas cutting shall be done by experienced and competent workmen.

(2) Gas cut edges shall be reasonably smooth and regular.

(3) Gas cutting may be used in preparing base-metal parts for welding, provided that the edges so cut be thoroughly cleaned so as to expose a clean surface.

(4) Gas cutting shall not be used to replace milling for bearing surfaces.

(5) Gas cutting shall not be performed on a member while under stress.

(6) Gas cutting of members to form openings or to remove portion of flanges shall not be done unless the design provides therefor.

(7) Gas cutting shall not be used to form rivet holes or bolt holes.

Section 376. Section 2811 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out said section as so appearing and inserting in place thereof the following:

Section 2811. Concrete Filled Pipe Columns. —(a) Steel pipes filled with concrete may be used as columns and under axial loads the capacity shall be assumed to be that of the pipe computed as provided in this chapter plus the capacity of the concrete. The unit stress in the concrete shall not exceed one-fourth the 28-day strength of the concrete as designated in Part 26. The ratio of L/d shall not exceed 40, where L

is the unbraced height of the column in inches and d is the outside diameter of the pipe in inches.

(b) Steel equal in quality to that described in Section 2802, paragraph (1) shall be used for pipe. Pipe shall be new and full size, shall be made by the seamless process or equal and, for sizes larger than four inches in outside diameter, shall be standard weight or heavier. Pipe shall be cut square to its length. Ends shall be milled if necessary to obtain the exact length.

(c) Concrete filling shall be machine-mixed and proportioned for a strength of not less than three thousand pounds per square inch, as described in Part 26. Concrete shall be compacted by a satisfactory mechanical method while being placed.

(d) Where required to increase the strength of columns, longitudinal steel reinforcement may be used. Reinforcement shall be new, straight, continuous for the entire length of the column, symmetrically placed and ends milled for bearing, and ends arranged for even bearing with the pipe and milled after filling if necessary to obtain uniform bearing. The strength of this reinforcement shall be calculated by adding its net area to the area of the steel pipe in paragraph (a) and using the net area of concrete.

(e) Bases, caps, web ties and brackets shall be of steel. Each shall be attached by an approved method. Brackets and web ties shall have a mechanical anchorage in addition to welding. Welding and cutting shall be done in accordance with requirements of section 2809, paragraphs (r) and (s).

(f) Material surrounding a filled pipe column for fire protection shall not be considered either load-bearing or as increasing the stiffness.

(g) Filled pipe columns shall be inspected during their manufacture by an inspector appointed by the commissioner. This inspector shall attach a permanent label to each column inspected and approved and shall file a record of all inspections with the commissioner.

(h) Copies of sanction tests of filled pipe columns made according to this section shall be filed with the commissioner for each diameter of column produced by a manufacturer to be of approximate L/d of 24. Tests shall be made in an approved laboratory. For acceptance the test strength shall not be less than three times the working strength as computed by paragraph (a) hereof.

(i) For columns without sanction tests or existing, unapproved columns, the unit working stress shall not exceed in pounds per square inch

for steel	10,000
for concrete	500

Section 377. Section 2813 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out section 2813 as so appearing and inserting in place thereof the following:

Section 2813. *Thickness of Structural Steel.*—The thickness of metal in structural steel members shall not be less than five-sixteenths of an inch where exposed to moisture or the weather, and not less than one-quarter of an inch where protected from moisture and the weather. Both these requirements do not apply to steel joists as defined in section 2818, members formed of flat rolled steel, the flange edges and webs of rolled beams, channels, stairs, fire escapes, signs, skylights, windows non-bearing walls and partitions, suspended ceilings, cornice brackets, ventilator hoods, marquees, and other light iron work, and structural steel for buildings in Type V one story high.

Section 378. Section 2816 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out paragraph (b) as so appearing and inserting in place thereof the following:

(b) After erection, steel work (except that which is to be encased in concrete) shall be painted an additional approved coat of another color. These requirements shall not apply to steel joists and other secondary members formed from sheet steel except that these members where embedded in exterior walls shall be painted from the wall to a point one foot inside the inside face of the exterior wall. If the shop coat of paint on steel members has been damaged in transit or erection, the damaged portions shall be field painted after erection.

Section 379. Said section 2816 is hereby further amended by inserting after the word "oil" in the fourth line of paragraph (c) the following: "except that this shall not apply to steel joists and other secondary members formed from sheet steel," so as to read as follows:

(c) Required shop painting of shop-welded work shall be applied after the welding is completed. Required shop painting of work to be field welded shall consist of a coat of linseed oil except that this shall not apply to steel joists and other secondary members formed from sheet steel. Required field painting of field-welded work shall be applied after welding is finished and shall consist of two coats of approved paint.

Section 380. Said section 2816 is hereby further amended by striking out paragraph (d) as so appearing and inserting in place thereof the following:

(d) Primary frame steel built into exterior masonry walls shall have adequate protection against corrosion by encasing in one and one-half inches of Portland cement mortar, see section 2411 paragraph (h) or by a mastic asphalt or pitch one-eighth inch thick or its approved equivalent. Masonry protection herein mentioned shall not change other masonry requirements.

Section 381. Section 2818 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out sub-division (3) of paragraph (a) as so appearing and inserting in place thereof the following:

(3) Beams of I-section, channels or other sections fabricated by bending, pressing, welding or expanding sheet steel.

Section 382. Said section 2818 is hereby further amended by striking out paragraph (c) as so appearing and inserting in place thereof the following:

(c) Steel joists shall not be used in floors of garages, dance halls, gymnasiums, armories, or floors used for any other purpose where subject to extreme vibration, impact, or heavy moving load concentrations, nor in floors supporting live loads in excess of one hundred twenty-five pounds per square foot.

Section 383. Said section 2818 is hereby further amended by striking out paragraph (b) as so appearing and inserting in place thereof the following:

(f) The span of joist having an all steel top chord shall not exceed five hundred and fifty times the radius of gyration of the top chord in a plane perpendicular to the web of the joist, but in case the top chord consists of a flat top section continuous with a center web, the radius of gyration of the top plate alone shall be taken. Joist having a top chord of steel with a wood nailing strip attached shall be limited in span to one hundred sixty times the total width of the top chord. The span shall not exceed twenty-four times the depth of the steel portion of the joist.

Section 384. Part 28 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby further amended by inserting after section 2819 the following new section:

Section 2820. *Steel Deck Floors and Roofs.*—(a) This type of construction, for the purposes of this Part, shall mean secondary members and decking of steel in the form of flats or of various shapes or of combination with rolled steel sections.

(b) The provisions of this Part for design of structural steel shall apply to steel deck construction.

(c) The quality of steel shall meet the specifications of the American Society of Testing Materials for Light Gage Structural Quality Flat Hot-Rolled Carbon Steel. Stresses for design in extreme fibre shall not exceed 18,000 pounds per square inch. Tests shall be as described elsewhere in this Code.

(d) Minimum U. S. gage of sheets for floors shall be 18 gage and for roofs 22 gage. Connections shall be made by riveting, bolting, welding or by other methods equally secure. Provisions shall be made to secure the decking against uplift, vibration and deflection. Protection shall be made by painting or otherwise, as provided for steel in this part.

(e) Steel deck construction shall not be used in floors of garages, dance halls, gymnasiums, armories, or floors used for any other purpose

where subject to vibration, impact or heavy moving load concentrations, nor in floors supporting live loads in excess of one hundred twenty-five pounds per square foot.

Section 385. Section 2901 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out the words "to a depth of more than ten feet" in the first and second lines of sub-division (1) of paragraph (b), so as to read as follows:

(1) Where an excavation is carried below the curb grade at the common property line, or below the surface of the ground where there is no such curb grade, the person causing such excavation to be made shall, at all times, if accorded the necessary license to enter upon the adjoining land, and not otherwise, at his own expense, preserve and protect from injury any wall, building, or structure, the safety of which may be affected by said excavation, and shall support it by proper foundations. If the necessary license is not accorded to the person making such excavation, then it shall be the duty of the owner refusing to grant such license to make such wall, building or structure safe and to support it by proper foundations; and, when necessary for that purpose, such owner shall be permitted to enter upon the premises where such excavation is being made.

Section 386. Said section 2901 is hereby further amended by striking out sub-division (2) of paragraph (b).

Section 387. Said section 2901 is hereby further amended by striking out the numeral (3) at the beginning of sub-division (3) of paragraph (b) and inserting in place thereof the numeral (2), so as to read as follows:

(2) Where a party wall is intended to be used by the person causing the excavation to be made, he shall, at his own expense, preserve such party wall from injury and shall

support it so that the said party wall shall be safe for the purposes intended.

Section 388. Said section 2901 is hereby further amended by striking out the word "sixteen" in the eighth line of paragraph (c) and inserting in place thereof the words "one hundred and sixteen", so as to read as follows:

(c) If the person whose duty it shall be under the provisions of this section to guard and protect an excavation, or to prevent adjoining soil from moving or caving, or to preserve or protect any wall, building, or structure from injury, shall neglect or fail so to do, the commissioner may enter upon the premises, and make safe such excavation, wall, building or other structure as provided in section one hundred and sixteen of Part 1.

Section 389. Section 2902 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out the words "and does not overlie" in the sixth line of paragraph (a), so as to read as follows:

(a) The foundations of every permanent structure shall be supported by satisfactory bearing material, which shall mean natural deposits of rock, gravel, sand, rock flour (inorganic silt), clay, or any combination of these which does not contain an appreciable amount of organic matter.

Section 390. Section 2904 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out the words "or can be molded only with the greatest difficulty" in the third and fourth lines of the paragraph entitled "Hard Clay" under sub-division (3) of paragraph (a), so as to read as follows:

Hard Clay;—A clay requiring picking for removal, a fresh sample of which cannot be molded in the fingers.

Section 391. Said section 2904 is hereby further amended by striking out table as so appearing under paragraph (b) and inserting in place thereof the following:

CLASS.	MATERIAL.	Allowable Bearing Value. (Tons per Square Foot.)
1	Massive bedrock without laminations, such as granite, diorite, and other granitic rocks; and also gneiss, trap rock, felsite and thoroughly cemented conglomerates, such as the Roxbury Puddingstone, all in sound condition (sound condition allows minor cracks).....	100
2	Laminated rocks such as slate and schist, in sound condition (minor cracks allowed).....	35
3	Shale in sound condition (minor cracks allowed).....	10
4	Residual deposits of shattered or broken bedrock of any kind except shale.....	10
5	Hardpan.....	10
6	Gravel, sand-gravel mixtures, compact.....	5
7	Gravel, sand-gravel mixtures, loose; sand, coarse, compact.....	4
8	Sand, coarse, loose; sand, fine, compact.....	3
9	Sand, fine, loose.....	1
10	Hard clay.....	6
11	Medium clay.....	4
12	Soft clay.....	1
13	Rock flour, shattered shale, or any natural deposit of unusual character not provided for herein.....	*

* Value to be fixed by the Commissioner.

Section 392. Section 2906 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out the words "Concrete in foundations shall have stone or gravel aggregate" in the seventh and eighth lines, and inserting in place thereof the following: "Concrete in all foundations shall be with stone or gravel aggregate concrete", so as to read as follows:

Section 2906. *Foundation Design.*—Foundations shall be designed to distribute to the supporting media all vertical, horizontal and inclined loads, as specified in section twenty-nine hundred and five, without exceeding the allowable stresses specified elsewhere in this code for the materials of which the foundations are to be constructed. Concrete in all foundations shall be stone or gravel aggregate concrete and shall be proportioned for an ultimate strength of at least fifteen hundred pounds per square inch.

Section 393. Section 2907 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by inserting after the word "foundations" in the first line of sub-division (3)

of paragraph (a) the words "and all structural steel below grade", so as to read as follows:

(3) Structural steel grillage foundations and all structural steel below grade shall be designed in accordance with the provisions of Part 28, shall have at least six inches of concrete below the steel and shall be entirely embedded in and surrounded by concrete at least four inches thick between steel and soil.

Section 394. Said section 2907 is hereby further amended by striking out paragraph (b) as so appearing and inserting in place thereof the following:

(b) Caisson piers may be constructed of either plain or reinforced concrete. The unit compressive stress in the concrete at the least cross-section shall not exceed 0.225 f_c. When the height of the shaft H exceeds 18 D such stress shall not exceed

$$0.225 f_c \left(\frac{1.5 - \frac{H}{36D}}{36D} \right) \text{ where:}$$

f_c is the ultimate compressive strength of the concrete as specified in Part 26.

- H is length of shaft in feet measured from the top of the bell to cut-off.
 D is shaft diameter — in feet when the shaft is of constant cross-section.
 D is $d + 0.014 H$ when the shaft increases two inches in diameter each six feet plus or minus in height.
 d is shaft diameter in feet at top of bell.

Section 395. Said section 2907 is hereby further amended by inserting at the end of paragraph (c) the following new sentence: "The stress in the vertical steel shall not exceed ten thousand pounds per square inch.", so as to read as follows:

(c) In reinforced concrete caisson piers the vertical steel shall have an area at least one half of one per cent of the minimum area of cross-section of the concrete. Such steel shall be stayed laterally by steel ties equivalent at least to one quarter inch round bars spaced twelve inches on center. The stress in the vertical steel shall not exceed ten thousand pounds per square inch.

Section 396. Section 2908 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by inserting after the word "part" in the second line of paragraph (g) the following: "such as rolled steel sections or other types"; and by striking out the words "such additional" in the second line, so as to read as follows:

(g) Types of pile construction not specifically provided for in this part, such as rolled steel sections or other types, shall meet requirements as may be prescribed by the commissioner.

Section 397. Section 2909 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out paragraph (c) as so appearing and inserting in place thereof the following:

(c) The allowable load on each pile shall be further limited by the requirement that such load shall not cause excessive movement of the pile relative to the soil. Satisfactory proof of this load for all soil conditions and all types of piles can be obtained from load tests conducted in accordance with section twenty-nine hundred and seventeen. In the absence of such proof of the supporting capacity, the load on any pile shall not exceed the allowable value determined in accordance with paragraphs (d) to (h) inclusive of this section.

Section 398. Said section 2909 is hereby further amended by striking out paragraphs (d), (e), (f), (g), and (h) and inserting in place thereof the following:

(d)

$$(1) R = \frac{2Wh}{s + 1.0} \text{ for drop hammers}$$

$$(2) R = \frac{2Wh}{s + 0.1} \text{ for steam hammers}$$

in which W = weight of striking part of hammer in pounds

h = height of fall of striking part of hammer in feet

s = average penetration per blow, in inches, for the last five blows.

R = allowable pile load in pounds
 (e) For double-acting steam hammers, the value of "s" must be determined only when the hammer is operating at the maximum number of blows per minute as scheduled in the Manufacturers' Specifications.

Section 399. Said section 2909 is hereby further amended by striking out the letter "(i)" at the beginning of paragraph (i) and inserting in place thereof the letter "(f)", so as to read as follows:

(f) The data used in determining driving resistance shall be obtained during the driving and not upon re-driving when a pile has been allowed to stand more than one hour after having been driven. When driving wooden piles, broomed heads shall be cut to sound wood before making penetration measurements.

Section 400. Said section 2909 is hereby further amended by striking out the letter "(j)" at the beginning of paragraph (j) and inserting in place thereof the letter "(g)", so as to read as follows:

(g) For cast-in-place concrete piles in which the driven casing is withdrawn leaving a shell pile of smaller diameter than the outer casing, the pile driving formula may be used for piles in soils of Classes 11 and 12 and it may also be used for piles driven into soils of other classes

when the supporting capacity obtained from the formula is at least doubled in the last three feet of driving.

Section 401. Said section 2909 is hereby further amended by striking out the letter "(k)" at the beginning of paragraph (k) and inserting in place thereof the letter "(h)", and by striking out the words "driven again to the required resistance" in the last line and inserting in place thereof the words "rejected and additional piles driven to obtain the required resistance", so as to read as follows:

(h) The commissioner shall require a competent inspector, qualified by experience and training and satisfactory to him, to be on the work at all times while piles are being driven. The inspector shall make an accurate record of the material and the principal dimensions of each pile, of the weight and fall of the hammer, if a single-acting steam hammer or drop hammer, and the size and make, number of blows per minute, and energy per blow, if a double-acting steam hammer, together with the average penetration of each pile for at least the last five blows and the grades at tip and cut-off. A copy of these records shall be filed and kept in the office of the commissioner. Where piles are driven through soft soil to hard bearing material, providing high point resistance, the grades of all piles or pile shells previously driven shall be measured to detect uplift; and if uplift occurs in any pile or pile shell while other piles are being driven, such pile or pile shells shall be rejected and additional piles driven to obtain the required resistance.

Section 402. Section 3001 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by adding at the end of paragraph (b) the following new sentence: "The commissioner shall require automatic sprinklers in the basement or basements of pre-code buildings of occupancies of Groups E and F or of either of the two combined with occupancies of Groups H or I, when in his judgment public safety demands such protection." so as to read as follows:

(b) Fire extinguishing apparatus shall be installed in buildings where specified in Parts 3 to 12, inclusive. The commissioner shall require automatic sprinklers in the basement or basements of pre-code buildings of occupancies of Groups E and F or of either of the two combined with occupancies of Groups H or I, when in his judgment public safety demands such protection.

Section 403. Said section 3001 is hereby further amended by inserting after paragraph (c) the following new paragraph:

(d) All devices used in connection with fire extinguishing systems shall have the approval of a recognized testing laboratory and the approval of the commissioner or shall comply with the recommendation of the National Fire Protection Association.

Section 404. Section 3003 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out the words "one and one quarter" in the third and fourth lines of paragraph (d) and inserting in place thereof the words "one and one half", so as to read as follows:

(d) A first aid hose station shall consist of an angle globe valve, threaded hose coupling, not more than fifty feet of approved linen hose, all one and one half inches in diameter, and a tapered nozzle with one half inch smooth orifice, attached, ready for use and mounted in an approved rack or reel, preferably in a cabinet. The valve and hose shall be not over five feet above the floor.

Section 405. Section 3004 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out the words "long turn" in the fourth and fifth lines of paragraph (b), so as to read as follows:

(b) Piping shall be connected by screw fittings, flanges or unions; right and left fittings shall not be used. Fittings for changes in direction in pipes shall be standard fittings. Reduction in pipe size shall be made by reducing fittings.

Section 406. Section 3005 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out the sixth, seventh, eighth, and ninth lines of paragraph (a) and inserting in place thereof the following: "in accordance with the requirements of the National Fire Protection

Association or the National Board of Fire Underwriters, shall be accepted as meeting the requirements of Sections 3005, 3006, and 3007 of this code," so as to read as follows:

(a) Where automatic sprinklers are required, the system of sprinklers and piping shall be designed to spray walls, ceilings and every portion of the floor space in accordance with the requirements of this part, except that arrangement and placement of sprinklers in accordance with the requirements of the National Fire Protection Association or the National Board of Fire Underwriters, shall be accepted as meeting the requirements of Sections 3005, 3006, and 3007 of this code.

Section 407. Said section 3005 is hereby further amended by striking out in the third line of paragraph (e) the comma after the word "construction"; and by striking out in the third line the word "fixed"; and by inserting after the word "wide" in the fourth line the words "when fixed against walls and more than sixty inches wide when such fixtures are clear of walls or partitions", so as to read as follows:

(e) Sprinklers shall be placed under all soffits, inclined surfaces, decks, tables, benches, shelving, mezzanines, balconies or other similar construction more than forty-two inches wide when fixed against walls and more than sixty inches wide when such fixtures are clear of walls or partitions, within floor areas where sprinklers are required.

Section 408. Said section 3005 is hereby further amended by striking out paragraph (h) as so appearing and inserting in place thereof the following:

(h) Sprinklers shall be of a type and construction approved by the commissioner and shall be designed to release at not more than seventy-five degrees Fahrenheit above the maximum temperature to be expected at the location where installed.

Section 409. Said section 3005 is hereby further amended by striking out the word "long" in the fifth line of paragraph (k), so as to read as follows:

(k) Piping shall be connected by screw fittings, flanges, or unions; right and left fittings shall not be used. Fittings for changes in direction in mains and risers shall be standard fittings. Reduction in pipe size shall be made by reducing fittings.

Section 410. Said section 3005 is hereby further amended by striking out paragraph (m) as so appearing and inserting in place thereof the following:

(m) Sprinkler systems or portions thereof subject to freezing shall be equipped with approved dry pipe valves. The capacity of a system depending upon a single dry valve shall not exceed three hundred twenty-five gallons unless provided with a quick opening device, in which case the capacity shall not exceed five hundred seventy-five gallons. The air pressure maintained in a dry pipe system shall not exceed thirty-five pounds. Every dry pipe valve shall be equipped to give an alarm upon operation. The commissioner may allow that part of an automatic sprinkler system controlled by a cold weather valve to be shut off and drained in cold weather subject to such conditions as he shall in any case specify and the Fire Commissioner so notified in writing by the department.

Section 411. Said section 3005 is hereby further amended by inserting after paragraph (m) the following new paragraph:

(n) Nothing in this code shall be construed to prohibit the installation of a system of sprinklers containing twenty-five or less heads attached to the domestic water supply, provided the system is not mandatorily required elsewhere by this code.

Section 412. Section 3006 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out paragraph (f) as so appearing.

Section 413. Said section 3006 is hereby further amended by striking out the letter "(g)" at the beginning of paragraph (g) and inserting in place thereof the letter "(f)"; and by inserting after the word "building" in the third line of paragraph (g) the words "or a garage"; and by inserting after the word "approved" in the fourth line the word "sprinkler", so as to read as follows:

(f) Where a main supply pipe serves automatic sprinklers in a basement or sub-basement

concealed from view, or a remote building or a garage or part of a building, an approved sprinkler alarm shall be provided unless the commissioner shall waive this requirement.

Section 414. Said section 3006 is hereby further amended by striking out the letter "(h)" at the beginning of paragraph (h) and inserting in place thereof the letter "(g)", so as to read as follows:

(g) Neither goods, furniture, machinery or other materials or equipment shall be so placed as to interfere with the effectiveness of sprinklers nor shall sprinkler piping be used to support such materials or equipment.

Section 415. Section 3007 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out the words "where pumped" in the fourth line of paragraph (a) and inserting in place thereof the words "when general service is permitted", so as to read as follows:

(a) Water supply for required fire extinguishing apparatus shall be taken from the "high service" city water mains where available and, except when general service is permitted, shall be independent of the supply for sanitary, industrial or other purposes.

Section 416. Section 3009 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by striking out paragraph (a) as so appearing and inserting in place thereof the following:

(a) Every system of automatic sprinklers and all parts thereof shall satisfactorily meet a pressure test of two hundred pounds per square inch and when water pressure is over two hundred pounds it shall be tested to fifty pounds above the highest static pressure.

Section 417. Said section 3009 is hereby further amended by striking out the last sentence in paragraph (b) as so appearing, so as to read as follows:

(b) Standpipes and all parts thereof except hose shall satisfactorily meet a pressure test of two hundred and fifty pounds per square inch at ground level.

Section 418. Said section 3009 is hereby further amended by inserting the following new paragraph after paragraph (d):

(e) Piping shall not be concealed until tested and approved.

Section 419. Part 30 of chapter 479 of the Acts of nineteen hundred and thirty-eight is hereby amended by inserting after section 3009 the following new section:

Section 3010. *Access Panel for Fire Extinguishing Apparatus.*—Where basement or cellar space below the ground floor of a store is used for storage purposes of any description, access panels shall be provided in openings incorporated in the ground floor construction for use of fire department. Each access panel opening shall be a minimum of ten inches square and provided with a removable cover of suitable strength to receive the live load for which the floor is designed. This removable cover shall be easily distinguishable from the rest of the floor. One such opening shall be located ten feet in from the main entrance door to store in line perpendicular to door. There shall be additional access panel openings in the same continuous line as the initial installation every twenty feet or portion thereof so that each opening shall provide provisions for fire extinguishing apparatus to cover each four hundred square feet of floor space. Where finished material of floor would cover or conceal access panel, such covering shall be painted red directly over each opening.

Where ceiling material is provided on the underside of ground floor construction, the access panel openings shall be provided with a breakable glass seal located below the removable cover. This glass seal may be located at the level of the ceiling; if above the level of the ceiling the four sides of the panel opening between the ceiling and the removable cover shall be finished with the materials joining the ceiling proper, or equivalent fire-resistive material.

The above requirements shall not apply if the basement or cellar is equipped with an approved automatic sprinkler system.

Section 420. Part 31 of chapter 479 of the Acts of nineteen hundred and thirty-eight is

hereby amended by striking out Part 31 as so appearing and inserting in place thereof the following:

PART 31.

PLUMBING.

- Section:
 3101 — Plumbing in Buildings.
 3102 — Definitions pertaining to Plumbing.
 3103 — The Drainage System.
 3104 — Soil and Waste Pipes.
 3105 — Rain Water Drains.
 3106 — Indirect Wastes.
 3107 — Mechanically Discharged Drainage.
 3108 — Traps.
 3109 — Venting.
 3110 — Vent Pipes.
 3111 — Buildings more than One Hundred and Twenty-five Feet High.
 3112 — Materials of the Drainage System.
 3113 — Water Supply.
 3114 — Hot Water Supply.
 3115 — Plumbing Fixtures and Units.
 3116 — Cast Iron Pipes.
 3117 — Wrought Iron and Steel Pipes.
 3118 — Brass, Copper and Lead Pipes.
 3119 — Hangers and Supports.
 3120 — Inspection and Tests.
 3121 — Prohibited Fixtures, Fittings and Connections.

Section 3101. *Plumbing in Buildings.*—(a) Every building where people live, work or assemble shall have a supply of pure and wholesome water and a drainage system.

(b) Every building shall have such toilet accommodations and plumbing fixtures as are specified in Parts 3 to 12, inclusive, of this code or as required by any Massachusetts State Law or Regulation. If not so covered, to be as directed by the Building Commissioner or Health Commissioner of the City of Boston.

(c) Plumbing fixtures shall not be installed in rooms which do not conform to the requirements of this code.

(d) A permit to install, alter or repair plumbing shall not be issued unless the work is to be performed under the supervision of a master plumber, licensed under chapter one hundred and forty-two of the General Laws and registered by the Commissioner. An application for a permit for plumbing shall be signed as provided in section one hundred and ten of this code by a licensed and registered master plumber.

(e) Every master plumber holding a certificate issued in accordance with section three of chapter five hundred and thirty-six of the Acts of nineteen hundred and nine, section two of chapter five hundred and ninety-seven of the Acts of nineteen hundred and ten or chapter five hundred and eighteen of the Acts of nineteen hundred and twelve, or licensed under chapter one hundred and forty-two of the General Laws, and has a business address in Boston or does business in Boston, shall personally register his name and business address with the Commissioner each year on or before the fifteenth day of May. He shall give the Commissioner immediate notice of any change in his business address.

Section 3102. *Definitions Pertaining to Plumbing.*—For the purpose of this part of the code the words and terms defined in this section shall be construed as so defined except when qualifying words or the context clearly indicate that another meaning is intended.

Plumbing.—Plumbing is the art of installing in buildings the pipes, fixtures and other apparatus for bringing in the water supply and removing liquid and water-carried wastes; also, the system of pipes, fixtures, and other apparatus installed in buildings for distributing the water supply and for the disposal of liquid and water-carried wastes, including valves, traps, soil, drain, waste and vent pipes.

Plumbing System.—The plumbing system of a building includes the water supply distributing pipes; the fixtures and fixture traps; the soil, waste and vent pipes; the storm water drainage; with their devices, appurtenances, and connections all within or adjacent to the building.

Master Plumber.—A plumber who is licensed under chapter one hundred and forty-two of the General Laws as a master plumber having a regular place of business and who, by himself, or journeyman plumbers in his employ, performs plumbing work.

Journeyman Plumber.—A person who is licensed as a journeyman plumber under chapter one hundred and forty-two of the General Laws and who installs plumbing in the employ and under the direction of a master plumber.

Battery of Fixtures.—A group of fixtures of one type, at the same level, not less than three in number.

Branch.—That part of a system of piping which extends from the main to a fixture or fixtures and which serves to connect to the main the fixtures which are not directly connected thereto.

Building Drain.—That part of the lowest horizontal piping of a building's drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls and extends to a point ten feet outside the inner face of the exterior walls.

Indirect Waste Pipes.—A waste pipe which is not directly connected to the drainage system but discharges into an open sink or other fixture.

Length of Pipe.—The developed length of pipe and fittings as connected, measured along the center line.

Main.—A general term signifying the principal line of a system of piping from which branches extend to fixtures.

Plumbing Fixture.—A receptacle or outlet intended to receive and discharge water, liquids or water-carried wastes into a drainage system either directly or indirectly or to some other place that the Building Commissioner may approve.

Repair of Leaks.—Such repairs as are necessary to protect property but do not involve change in construction.

Soil Pipe.—A pipe which conveys the discharge of water-closets, with or without the discharge of other fixtures, to the building drain.

Stack.—A general term for vertical line of soil, waste or vent piping.

Trap.—A fitting or device so constructed as to prevent the passage of air or gas through a pipe without materially affecting the flow through it of sewage or waste water.

Trap Seal.—The vertical distance between the crown weir and the invert of the trap outlet.

Vent Pipe.—A pipe provided to ventilate a drainage system and to prevent back pressure and trap siphonage.

Waste Pipe.—A pipe which receives the discharge of any plumbing fixture except a water closet, and conveys it to the building drain or to a soil pipe.

Water Distribution Pipe.—A pipe which conveys water from the water service pipe to or from a faucet, valve or any piece of equipment requiring water.

Water Service Pipe.—The water supply pipe from the city main to the building served.

Cross Connection.—Any connection whereby the portable water supply may become contaminated by any other substance or liquid.

Section 3103. *The Drainage System.*—(a) The entire drainage system shall be so designed, constructed and maintained as to dispose of sewage and liquid wastes with velocities of flow that will avoid the deposit of solids and prevent clogging the pipes. The drainage pipes shall be so designed, constructed and supported as to be free from leakage of water, air or gas through defective materials, imperfect connections, corrosion, settlement, vibration, temperature changes, freezing or other causes. The entire system shall drain completely. No cement joints nor connections between iron and cement or tile pipe or brick drain shall be made within any building.

(b) The plumbing drainage system of every building shall be separately and independently connected, outside of the building to the public sewer if such sewer is accessible, to an approved private sewer or, if a sewer is not accessible, to an approved cesspool or septic tank; except that two or more buildings may have a common sewer if approved by the Building Commissioner and the Commissioner of Public Works. Sewage discharge into a cesspool shall have such treatment as the Commissioner and the Health Commissioner shall require.

(c) No substances which will clog the drains, produce explosive mixtures or injure the pipes or their joints shall be allowed to enter the drainage system or the sewer.

(d) Steam, vapor, and water at a temperature above one hundred and thirty degrees of Fahrenheit shall not be discharged into the sewer. The blow-off of boilers, steam exhaust or drip, or hot water from any other source destined to be discharged into a sewer shall first be condensed and cooled to one hundred and thirty degrees Fahrenheit in a blow-off tank or other approved device of which the size, arrangement, location, venting and all connections shall be subject to the approval of the Commissioner and the Commissioner of Public Works.

(e) A blow-off tank of approved design and connections, connected to one or more high pressure boilers shall have a capacity not less than thirty per cent of the largest boiler to which it is connected. Every blow-off tank shall have a vapor pipe not less than two inches in size extending above the roof and above any window within fifteen feet.

(f) Where a drainage system may be subjected to back flow of sewage suitable provision shall be made, by means of a gate and check valve or otherwise approved device, controlling fixture branches subject to back flow from the main drain.

(g) The building drain shall have a Y-branch fitting with an end cleanout or with an iron stopper near the point where it leaves the building. The cleanout shall be in a straight line with the drain as it passes through the wall. The drainage system shall have an adequate number of cleanouts so arranged that any stoppage in the pipe can be readily cleared. Cleanouts in drains underground shall be made accessible. Other cleanouts shall be so located as to be accessible or to be made accessible through removable panels or otherwise.

(h) A building drain shall not be smaller in any portion than the largest soil or waste pipe or stack entering the drain.

(i) Stable fixtures and their drainage piping shall be installed in a manner approved by the Commissioner.

(j) A building drain shall have a fall of not less than one-eighth inch per foot of run and its size shall not be less than required for the fixtures which discharge through it as provided in the following table in accordance with the number of fixture units assigned to each type of fixture as specified in section thirty-one hundred and fifteen. Schedule Paragraph E.

MAXIMUM NUMBER OF FIXTURE UNITS FOR PIPE SIZE.

PIPE LINE. (Inches.)	Drains.	Stacks.
1 1/4	1	1
1 1/2	2.5	3.5
2	9	12
2 1/2—No water closets..	21	27
3—1 water closet by permission	45	72
4	150	210
5	370	540
6	720	1050
8	1860	2640
10	3600	5250
12	6300	9300
15	11600	16800

(k) Changes in direction of building drains shall be made with Y-branches or long sweep fittings. Such changes in direction of building drains shall have full size cleanouts up to four inch in size and not less than four inch for sizes larger, at or near the change of direction and at or near the foot of all stacks. Cleanouts shall not be over fifty feet apart on straight runs. Drains shall not be laid in filled ground without adequate support to the building structure. Drain pipes passing under walls shall be free from stress.

(l) All other connections to the drainage system shall be made with Y-branches or sweep fittings with the exception of vertical soil or waste pipe connections which may be made with short pattern TY's. Tee connections may be used on vents only.

(m) Offsets in vertical soil, waste, vent and conductor stacks shall be made as direct as possible and short radius fittings shall not be used.

Section 3104. *Soil and Waste Pipes.*—(a) Soil and waste pipes from plumbing fixtures shall discharge into the building drain.

(b) Every building drain serving water closets or pedestal urinals shall have at least one four-inch diameter vent extension through roof. Branches of soil or waste pipes, if more than twenty feet long shall be extended through roof or connected to vent stack undiminished in size, except that a two-inch waste stack may be connected at the bottom to a three-inch waste if the number of connected fixture units does not exceed eight.

(c) A horizontal branch of soil or waste pipe shall have a fall not less than one-eighth inch per foot of run.

(d) The maximum developed length of one and one half inch or smaller waste pipe shall not exceed fifty feet.

(e) No soil pipe shall be less than four inches in size, except that a three-inch soil pipe may be used for one water closet, with the approval of the commissioner, where it is not practicable to use a four-inch pipe.

(f) No waste pipe where buried underground shall be less than three inches in size.

(g) In buildings more than one hundred and twenty-five feet high, soil stack shall be at least five inches, waste stacks serving slop sinks or urinals shall be at least four inches and waste stacks serving lavatories shall be at east three inches in size.

Section 3105. *Rain Water Drains.*—(a) All rain water drains from roofs, including area drains and surface drains, shall be kept separate from the building drainage system of a building, except as provided in this section. Area drains and surface drains may be connected to the building drainage system or otherwise disposed of only with the approval of the commissioner.

(b) Where a storm water sewer is accessible rain water drainage shall be discharged therein. In locations where the commissioner shall indicate that storm water sewers may presently be laid, the main rain water drain shall extend at least ten feet from the inner face of the foundation wall and may there be connected to the building sewer. Elsewhere the rain water shall be discharged into the building drain near the point where it leaves the building, or otherwise disposed of in such manner as not to flow upon a public way or neighboring land.

(c) A main rain water drain outside a building, except where a storm water sewer exists, shall be laid not lower than four feet below street grade.

(d) Rain water leaders shall not project into a public way more than seven inches.

(e) All rain water piping shall have a fall of not less than one eighth inch per foot of run. The size of a rain water drain or leader branch shall be not less than as provided in the following table.

MAXIMUM HORIZONTAL PROJECTION OF DRAINED AREA.

Pipe Size. (Inches.)	Area. (Sq. Ft.)
2	600
3	1,750
4	3,600
5	6,300
6	8,000
8	16,000
10	25,000
12	40,000

When and where the rain water and sanitary systems are combined, the area of the combina-

tion drain pipe shall be not less than sixty-six and two-thirds per cent of the sum of the pipe areas discharged into it.

Section 3106. *Indirect Wastes.*—(a) Drips from refrigerators, ice boxes or other containers in which food is stored, heated or cooled shall not be directly connected to soil or waste pipes or any other part of the drainage system, but shall discharge in open sight into an open fixture which shall have a supply of running water. Wastes of instrument sterilizers, aspirators, compressors, stills, vacuum and other similar equipment shall enter trap through a visible broken connection of not less than one and one half inches long. Trap to be located as close to the fixture as practicable.

(b) Indirect wastes discharging into open fixture from fish storage tanks, corn beef tanks, or window display tanks and similar equipment shall be a separate system and the end of the indirect waste shall be extended independently above the roof for ventilation.

(c) Each fixture and piece of equipment wasting into indirect waste pipes shall have separate traps.

(d) An indirect waste serving two or more fixtures or pieces of equipment shall be extended through the roof independently.

(e) Vapor vents, from sterilizers and other hospital equipment, where required shall be installed as a separate system terminating above the roof.

(f) Layouts of all indirect waste systems shall be submitted for approval to the building commissioner.

Section 3107. *Mechanically Discharged Drainage.*—(a)

Floor drains, drips from machinery and other clean wastes approved by the commissioner, too low to drain by gravity to the sewer, may drain to an open sump or receiving tank and thence be discharged by mechanical means into the gravity drainage system. The discharge pipe shall be equipped with a check valve and shall be trapped with a deep seal trap.

(b) Where the whole or a part of a drainage system receiving the discharge of soil and waste pipes, other than those provided for in the preceding paragraph, is too low to drain by gravity to the sewer it shall drain to a closed iron sump or receiving tank and thence be discharged by mechanical means, automatically operated, into the gravity building drain or directly to the sewer. Such closed iron sump or receiving tank shall form part of the drainage system and shall be made tight and be tested as provided for other parts of the system. It shall be vented by means of an independent vent pipe not less than four inches in size extended through the roof as provided for vent stacks in section thirty-one hundred and ten, or connected to a vent stack not less than four inches in size at least twenty feet above the tank, or may be properly connected to the vent stack of the fixtures discharging into the sump if such vent is four inch size or larger.

(c) The discharge pipe from a sewage ejector shall not be less than four inches in size and shall be fitted with a check and gate valve.

(d) The plumbing fixtures which drain to a closed sump or receiving tank for mechanical discharge shall have waste or soil pipes, traps and vent pipes as provided for in gravity drainage. Such vent pipes shall be extended independently through the roof or be connected to a vent stack not less than twenty feet above the tank, or at least above the rim or overflow point of the lowest fixture of the gravity drainage system.

(e) Drainage discharged by mechanical means into the gravity drainage system within a building, as provided in this section, shall discharge into the top of the receiving drain.

(f) Where closed sumps for wastes other than sewage are used, they shall have a chamber vent not less in size than the size of the inlet.

Section 3108. *Traps.*—(a) Except as otherwise provided in this section, the waste pipe of every plumbing fixture shall have a separate trap to prevent emission through the fixture of foul air from the drainage system. Such trap shall be placed as near the fixture which it serves as is practicable.

(b) Single tray or sink may be fitted with a one and one half inch trap. A two part or a three part tray may be considered as one fixture and shall be fitted with a trap, the outlet of which shall be not less than two inches in size.

Two part tray, three part tray, combination of two trays and one sink when close together, combination sink and tray, each of which may be considered as one fixture and shall be fitted with a trap, the outlet of which shall be not less than two inches in size. Where a two inch half S trap is used, the combined waste to the inlet side of the trap shall be not less than two inches in size. When placed on the same level the waste pipe from the traps of two fixtures of like type and used for the same purpose may be connected to the branch openings of a long pattern double TY type of fitting placed in an upright position and shall require no other vent than the continuation of the waste serving these two fixtures undiminished in size.

(c) The waste pipes from dishwashers or sinks discharging grease in a kitchen of a hotel, restaurant or club shall have individual grease traps of approved capacity and type or else shall waste into a master grease trap and system. When individual approved grease traps are used they shall be easy of access to open and clean and placed as near as practicable to the fixture which they serve.

(d) The waste pipe from every floor drain or other fixture from which, in the opinion of the commissioner, grease may be discharged in such quantity as to clog or injure the drain, shall have an approved grease trap. A master grease trap will be allowed in lieu of separate grease traps when separate system of drainage is installed for fixtures requiring a grease trap. The master grease trap must be in an accessible location for cleaning. Master grease trap will be required in lieu of separate grease traps on individual fixtures, when in the opinion of the building commissioner, it is necessary, to protect the drainage system and public sewer from grease. When a master grease trap is installed, each fixture discharging into a master grease trap shall be fitted with individual one half S trap properly vented. Master grease traps shall be approved by the commissioner as to capacity and type.

(e) The waste pipe from every floor drain or other fixture from which gasoline, naphtha or other inflammable liquid may be discharged to a sewer shall have a special trap approved by the commissioner of public works so constructed as to prevent the passage of such liquids or gas into the sewer. Plans of approved type may be procured at the office of the commissioner. When a gasoline separator serves floor drains on the same level as the gasoline separator and each entering the gasoline separator independently and within fifteen feet they shall require no other than the chamber vent.

(f) The waste pipe from wash stand for vehicles shall have an approved trapped combination floor drain and sand arrester not less than four inch in size.

(g) The waste pipe from an area drain or surface drain shall have a deep seal trap.

(h) Traps shall be installed in all conductor leaders terminating below the main roof, or roofs used for any purpose, other than weather protection. Separate traps may be omitted if main roof drain is properly trapped.

(i) Every trap installed shall be so located as to be accessible.

(j) Every trap shall have a water seal of at least one and one half inches. Deep seal traps shall have a water seal of at least four inches.

(k) All fixture trap cleanouts shall be water sealed.

(l) Slip joints or unions shall not be used on the outlets of traps.

(m) Threaded outlet connections on all screw traps shall be iron pipe size.

(n) Iron traps less than two inch in size, shall not be used where concealed.

(o) Non-syphon trap shall only be used by special permission of the Commissioner and when so used shall be of an approved type and shall have a depth of seal not less than four inches.

Section 3109. *Venting.*—(a) The drainage system shall be so designed that there will be circulation of air in all pipes thereof and no danger of syphonage, aspiration or forcing of trap seals under conditions of ordinary use.

(b) Traps, except non-syphon traps where approved, shall be protected from syphonage

or air pressure by separate vent pipes, not less in size than the outlet of the trap they serve, except as otherwise provided in this section.

(c) The trap for the fixture having the highest connection to a soil or waste stack need not have separate vent pipe if within five feet from the stack and the soil or waste pipe is not connected to the soil or waste stack below the invert of the trap, with the exception of closets and similar fixtures which shall be connected to soil or waste stack not more than eighteen inches below the weir of the group.

(d) The traps of a battery of water closets, pedestal and stall urinals and hed pan washers, may have, instead of separate vent pipes, a vent pipe connected to the common waste or soil pipe just before the branch from the fixture most remote from the waste or soil stack and between the first fixture and the soil or waste stack. If such a battery has more than six fixtures there shall be a similar vent pipe connection before the branch from every sixth fixture and in no case shall there be more than five fixtures between the vents. Vents shall not be less than four inch in size. This type of venting may be used only when the vertical distance between the water level of the trap and the top of the common waste or soil pipe is not more than twenty-four inches and where the developed length of the branch waste or soil pipe is not more than three foot six inches between the center line of the common waste or soil pipe and the water level of the trap. Water closets and pedestal urinals shall be considered one type. No other fixtures shall enter the battery system. The commissioner shall prepare explanatory sketches showing the method of construction described in this section.

(e) Single floor drains shall be separately vented unless otherwise noted. Groups of two or more floor drains discharging through a separate branch waste pipes not more than fifteen feet long into four inch or larger main waste pipe serving floor drains only, may be vented on the outlet side of the end floor drain, by means of an extension of the main waste pipe undiminished in size as a vent pipe.

Section 3110. *Vent Pipes.*—(a) The vent pipes from traps and the extension of soil and waste pipes shall be extended upward through the roof or connected to vent stacks extended through the roof. Waste and soil stacks shall be extended through the roof and for the purpose of this section, the portion of a waste or soil stack above the highest fixture connected to it shall be considered a vent stack.

(b) Vent pipes shall be connected at the bottom with a soil or waste pipe or with the building drain in such manner as to prevent accumulation of rust scale and properly to drip the water of condensation. The foot of all vent stacks shall be connected to soil or waste stack through a separate Y branch.

(c) Vent stacks shall be extended to a height of not less than two feet above the roof and not less than one foot above the top of any window within fifteen feet. Where a roof is to be used for purposes, other than weather protection, vent stacks shall extend not less than seven feet above the roof and the arrangement shall be subject to the approval of the commissioner.

(d) No vent stack through roof shall be less than four inches in diameter from a point within the building.

(e) Two or more vent pipes may be connected together but such connection shall be above the fixtures served.

(f) Vent pipes shall not be connected to the trap or branched into the waste pipe except where a continuous vent is not practicable. Vent pipes shall be run as directly as practicable. Horizontal vent pipes when below the top of the fixture it serves shall be installed with the shortest possible horizontal run. The opening of these vents shall be above the center line of the waste pipe.

(g) The size of a vent pipe, up to and including two-inch shall not be less in size than the outlet of the trap it serves. Such vent pipe shall connect to the waste pipe not more than eighteen inches from the trap. The size of a vent pipe shall not be less than as provided

in the following table depending upon the number of fixture units which it serves and the length of the pipe.

PIPE SIZES. (Inches).	Maximum Number of Fixture Units.	Maximum Length Feet.
1 1/4	5	10
1 1/2	3	25
2	25*	60
3	100	125
4	250	250
5	500	300
6	1250	400
8	2400	Not limited

* Note exception below.

In determining the length of a vent pipe the stack and branches shall be considered continuous.

(h) A vent pipe serving water closets, pedestal urinals, hed pan washers and service sinks shall not be less than two inches in size. Such two inch vent pipe shall not serve more than three fixtures of the above type and shall not be longer than forty feet.

(i) The size of a vent stack shall be at least one half of the diameter of the waste or soil stack served. Where soil stacks are installed, fitted with connections for future use, are four inch in size, a parallel vent stack not less than three inch in size with three inch branches shall be installed. The parallel vent stack shall be connected to the soil stack below the lowest proposed fixture.

(j) Where three or more vent stacks are connected near the top to a single pipe extending through the roof, the internal area of the combined stack shall be not less than one half the sum of the area of the stacks so connected.

(k) Every vent pipe shall be free from dips or sags and shall be so graded and connected as to drip back to the soil or waste pipe.

(l) Bow vents shall be installed only by permission of the commissioner and in accordance with his instructions and shall be dripped at its lowest point.

Section 3111. *Buildings More Than One Hundred Twenty-Five Feet High.*—(a) Vent stacks shall not be less than three inch in size.

(b) Vent stacks serving water closets, pedestal urinals, hed pan washers or service sinks shall be increased to at least four inches in size at a point eighty feet above the bottom of vent stack.

(c) Vent stacks shall not be connected to other vents or vent stacks but shall extend through the roof independently where practicable.

(d) Vent stacks including the upper portion of soil or waste stacks three inches in size shall be increased to four inch in size from a point below the roof.

(e) Two inch branch vents serving water closets, pedestal urinals, hed pan washers and service sinks shall not be more than thirty feet long and shall serve not more than three of the above fixtures. Branch vents for other fixtures shall comply with the table in Section 3110.

Section 3112. *Materials of Drainage System.*—

(a) Waste, soil and vent pipe shall be of cast iron hub and spigot pipe, cast iron screw pipe, galvanized steel or wrought iron, lead, iron size brass or copper, except that cast iron screw pipe, and galvanized steel or wrought iron pipe shall not be used underground. In buildings of Group I Occupancy galvanized piping shall not be used for built-in waste piping in floor or wall construction.

(b) All sanitary and rain water drains within a distance of ten feet outside the inner face of the foundation wall shall be cast iron hub and spigot pipe coated with asphaltum or red lead.

(c) Waste and vent pipes, traps and fittings serving fixtures in chemical laboratories or used for the disposal of acid or other corrosive chemicals shall be of approved acid resisting materials. The arrangement of piping shall be approved by the commissioner. All plumbing fixtures in

large chemical laboratories shall have a separate system of drainage and vent piping independent of other drainage system of building. When diluting chamber is used, individual vents for fixture traps in group fixtures may be omitted if main waste is extended through roof undiminished in size, and branch from main to fixture is not more than twenty-five feet. If branch waste to fixture is more than twenty-five feet, the end of the branch shall be extended full size over roof or reconnected to main chemical vent stack.

The effluent from diluting tank may waste into the building drainage system.

The design and location of the dilution tank and arrangement of the piping shall be approved by the commissioner.

Section 3113. *Water Supply.*—(a) All water piping of every description supplying water from city mains to all plumbing fixtures and equipment with the exception of the distributing piping of hot water building heating system, intercommunicating piping between various pieces of apparatus of a boiler room plant, and engine room apparatus, shall be installed by a journeyman plumber licensed under chapter one hundred and forty-two of the General Laws under a permit issued to a registered and licensed Master plumber.

(b) No water distribution system to plumbing fixtures and equipment shall be installed until a plan submitted to the commissioner has been approved for a safe and adequate supply.

(c) Water supplied from city mains shall be distributed by a system of piping independent of water from any other source unless such source is approved by the health commissioner for drinking purposes.

(d) No connections to fixtures supplied with city water, or to supply piping thereof, shall be made from other pipes, piping systems, mechanical apparatus, equipment or device, directly or indirectly, in such manner that in the opinion of the health commissioner, and the building commissioner, the quality of the potable water may be adversely affected. No plumbing fixture, device or construction shall be installed which will provide a cross connection between a distributing system of water for drinking and domestic purposes and a drainage system, soil or waste pipe or sprinkler or process piping system so as to permit or make possible the back flow of sewage or waste or non-potable water into the water supply either by gravity, siphonage or pressure.

(e) The water service pipe and distribution pipes shall be of sufficient size to permit continuous ample flow of water to fixtures and equipment in all stories at all times.

(f) Where the water pressure is insufficient to supply all fixtures freely and continuously, a house supply tank or pneumatic system shall be provided, adequate for the purpose. Such tank or system shall be supplied by city pressure through automatic controls, where necessary by power driven pumps.

(g) The over-flow pipe from gravity or house tank or drip pans shall be extended to drain into suitable plumbing fixture or be connected to rain water leader. When connected to leader over-flow shall be fitted with deep seal trap and check valve. Over-flow pipe shall be at least twice the area of the water supply pipe feeding the tank.

(h) All plumbing fixtures shall be provided with a sufficient supply of water for flushing to keep them in a sanitary condition. Every water closet and urinal shall be flushed by means of an approved flush valve or individual tank of at least four gallons flushing capacity for water closets and at least two gallons for urinals, and shall be adjusted to prevent the waste of water. The flush pipe for water closet flush tanks shall be not less than one and one quarter inches in diameter and the water from the flush tanks shall be used for no other purpose.

(i) No plumbing fixture, mechanical apparatus, equipment or device shall be connected with building water supply distributing system through automatic flush valve, other valve or tank, unless such flush valve, valve or tank is located above the fixture or equipment being served.

All water closets, urinals, slop hoppers, bed pan washers, dish washers and other fixtures receiving their supply of water through flush valves, shall have an approved type of vacuum breaker installed between flush valve and fixture or equipment being served. The vacuum breaker shall be installed at a minimum distance of four inches from bottom of vacuum breaker to the top of fixture or equipment.

Fixtures or equipment having water supplied through submerged inlets shall be fitted with an approved type of vacuum breaker installed in the water supply line between the water supply control valve and the fixture or equipment being served and at no less than four inches above the top of the device being served.

All vacuum breakers shall be made easily accessible for observation, inspection and repairs.

For all fixtures and devices supplied through faucets or equivalent, such faucets shall be located above the top of the receptacle being served and with a minimum approved air gap between the end of supply nozzle and the top of receptacle.

(j) An accessible shut-off shall be provided on the main water distribution pipe just inside the foundation wall which shall control the water supply to the entire building. In structures, other than residences occupied by one family, accessible shut-offs shall also be provided which shall separately control the water supply for each flat, apartment, suite, or store of a building.

(k) Supply pipes of ferrous material shall not be installed under bath room floors in Group I occupancy.

No pipe or fittings that have been used for other purposes, nor second hand pipe or fittings of objectionable origin shall be used for distributing potable water.

(l) Water supply branch of lead, copper or brass to individual fixture shall not be less than three eighths inch size; of other material, not less than one half inch size. Water supply branch connected to a flush valve shall not be less than one inch size for water closet, pedestal or blow-out urinal and not less than one half inch size for other type of urinal.

Slip joints on water supply system shall not be used on the pressure side of fixture faucets or cocks.

Section 3114. *Hot Water Supply.*—(a) Hot water storage tanks shall be installed and connected by a licensed plumber under a permit issued to a registered and licensed master plumber.

(b) No hot water storage tank or other vessel in which water is to be stored or heated under pressure shall be installed or connected unless there are plainly stamped thereon in the metal, the maker's business name, its capacity in terms of Massachusetts standard liquid measure, maker's guarantee of pressure to which tank has been tested, maximum working pressure at which tank may be installed. The test pressure shall not be less than two hundred pounds hydraulic or hydrostatic pressure. The working pressure shall not be greater than forty-two and one half per cent of the guaranteed test pressure. No tank shall be installed at pressure greater than its working pressure.

(c) Every hot water tank or boiler hereafter installed, or relocated to which a heating device or appliance is connected, in which water is to be heated under pressure above fifteen pounds per square inch, shall be equipped with pressure relief, temperature relief and vacuum relief valves placed in an accessible location. These valves are to be placed on the hot water tank or boiler, or on the piping to or from the hot water tank as hereinafter described. No make of such valves shall be used unless approved by the building commissioner.

(d) *Individual Pressure Relief Valves.*—Pressure relief valves shall have a disc which is kept closed by a spring on which tension can be varied to take care of different static pressures. The valve shall be set to open at a pressure not more than fifteen pounds higher than the working pressure stamped thereon in the metal of the tank or boiler. Valve may be

placed on the hot or cold water supply above tank or hoiler between control valve and tank or hoiler.

(e) *Temperature Relief Valves.*—Fushible Plug Type; Temperature relief valves of the fushible plug type shall be placed in a separate tapping in the shell of the tank or hoiler within twelve inches of the top of the tank or hoiler, or on the hot water flow pipe from tank or hoiler. Where temperature relief valve is installed on the flow pipe, it shall be within eight inches, developed length, from the top of the tank or hoiler and the fusing element shall be installed within two inches of the flowing water. The fusing element of the individual temperature relief valve shall fuse and begin to discharge hot water from the tank or hoiler when the temperature of the water has reached a point not greater than two hundred and twelve degrees Fahrenheit.

(f) *Temperature Relief Valves.*—Automatic Type; Temperature relief valves of the automatic type shall be placed in a tapping in the shell of the tank or hoiler within twelve inches of the top of the tank or hoiler, or shall be installed on the flow pipe from the top of the tank or hoiler within eight inches, developed length, from the top of the tank or hoiler and shall be installed within two inches of the flowing water, and shall begin to discharge hot water from the tank or hoiler when the temperature has reached a point not greater than two hundred and twelve degrees Fahrenheit and shall close tight when the temperature of water in tank or hoiler has been reduced approximately thirty-five degrees lower than the relief temperature. The capacity of the temperature relief valve shall be governed by the maximum heating rate of the hot water heater. A differential of ten degrees plus or minus from closing temperature will be considered satisfactory.

(g) *Vacuum Relief Valves.*—Vacuum relief valves shall be constructed so as to relieve vacuum instantly at a minus pressure not greater than one inch of vacuum in the tank or hoiler.

The relieving element of the vacuum valve shall be of materials that will not corrode or hold fast to the seat after prolonged use.

The valve shall not leak under an internal pressure of from ten pounds to one hundred and twenty-five pounds per square inch.

Valves of the hall check type shall not be approved.

Vacuum relief valves shall be placed on the cold water supply pipe to tank or hoiler above top of tank or hoiler.

Where cold water supply enters below the top of tank or hoiler from a water supply located below the tank or hoiler, the supply pipe shall rise to above the top of tank or hoiler forming a loop and the vacuum valve shall be placed on top of loop above tank.

(h) All internal parts of pressure relief valves, fushible plug valves or automatic relief valves shall be of materials impervious to corrosion equal to eighty-five per cent copper, five per cent tin, five per cent lead and five per cent zinc, except fusing element.

(i) The casing of each valve shall be stamped, or have a metal strap attached to it stating in plain lettering the manufacturer's name, type of valve, limit of pressure relief settings, capacity of B. T. U. discharge and melting point of fuse plug.

(j) Pressure relief, temperature relief valves shall have the discharge end of the valves extended to an open fixture or to the basement of the building near to the floor if open fixture is not available.

(k) The valve shall be designed so that it will discharge water at a rate that will prevent any increase in the water temperature in the tank or hoiler when the valve is in operation.

(l) The area of the discharge pipe from the relief valves shall not be less than the area of the valve. When two or more valves are connected to the same discharge pipe the pipe area shall not be less than the aggregate area of all the valves it serves. The discharge pipe shall be of

brass or copper and pitch down from the valve it serves to prevent the trapping of water.

(m) Combination pressure and temperature relief valves may be used if they comply with all of the requirements as described for individual valves.

Temperature relief of the fushible plug type or automatic type will be acceptable.

(n) In all hot water tanks or boilers having a capacity of one hundred gallons or larger the pressure relief valve shall be fitted with a lever type handle to allow for periodic tests by inspectors.

(o) *Tankless Hot Water Heaters.*—All tankless heaters connected to or part of heating boilers operated at more than five pounds pressure shall be equipped with approved type pressure relief valve. Pressure relief shall not be set more than one hundred and twenty-five pounds. Pressure relief valve shall be placed between control valve and heating coil.

(p) *Cistern Pressure Hot Water Tank.*—Cistern pressure hot water tanks in which water is to be heated or stored shall have an expansion pipe extended from the highest point of the hot water system or from the top of the hot water tank, over the top of the supply tank that supplies the water to the hot water tank. No valve of any description shall be installed on the expansion pipe between the top of the hot water tank and its opening above the supply tank. The expansion pipe shall be of non-ferrous material.

(q) No check valves or non by-pass pressure regulators shall be installed on the cold water supply to the hot water tank.

(r) When check valve or pressure regulator is installed the installation shall be approved by the Commissioner.

(s) No shut off valve shall be installed to prevent the circulation of water between the hot water tank and its heater, unless approved by the Commissioner.

Section 3115. *Plumbing Fixtures and Units.*—

(a) The orifice of the jet of every drinking fountain shall be placed above the rim of the fixture and shall throw an inclined stream. The water supply issuing from the orifice shall be of sufficient volume and height so that persons using the fountain need not come in direct contact with the orifice.

(b) Earthenware integral fixture traps shall have a flange on the fixture bolted to a flange on the end of the waste or soil pipe, the joint made tight with red or white lead or other approved compound, or with an approved gasket. A rubber gasket shall not be used. If the waste or soil pipe is of lead the flange on its end shall be of heavy brass soldered to the lead pipe; if of cast iron, the flange shall be of extra heavy cast iron caulked or screwed to the pipe. Such floor flanges for water closets, slop sinks or urinals shall be not less than three sixteenths inch thick. The joint between flange and lead hend or start shall be examined by the Plumbing Inspector before the fixture is permanently set.

The waste or soil pipe to floor or wall outlet earthenware fixtures where used with a flange shall terminate at the finished floor or wall line.

Brass floor or wall flanges shall be of heavy pattern with no openings except for bolts and waste openings.

Lead closet hends or starts shall be limited to one connection, which shall be used for vent only, except in replacement of the closet hend or start existing wastes may be connected to new hend or start.

The lead hend or start shall be connected to the drainage system by means of a heavy bell-shaped brass ferrule with full size wiped solder joint.

(c) No trough or multiple type urinal or water closet shall be installed except for exterior temporary use, unless approved by the commissioner.

(d) Minimum size of floor drain shall be 3 inches except as noted for refrigerator wastes in table below.

(e) The following schedule shall be used for determination of the minimum diameters of fixture traps and the equivalent unit of value.

FIXTURE.	Trap Size. (Inches.)	Unit Value.
Bath room group—1 water closet—1 lavatory—1 bath tub.....		6.0
Bath room group—1 water closet—1 lavatory—1 bath tub—1 shower stall.....		7.0
Baby's bath slab.....	1½	2.0
Bed pan sterilizer.....	3	5.0
Bed pan washer.....	3	5.0
Combination sink and tray.....	2	2.0
Commercial laundry tray—revolving type—7½ gallon per minute discharge.....		4.0
Dish washer—hotel—restaurant—club.....	2	6.0
Dental cuspidor.....	1½	0.5
Drinking fountain.....	1½	0.5
Floor drain—unrated fixtures—for each gallon per minute discharge.....		2.0
Floor drain—for refrigerator wastes—minimum trap size 2 inches.....		0.5
Foot bath.....	1½	2.0
Instrument sterilizer.....	1½	0.5
Laundry tray.....	1½	2.0
Lavatory.....	1½	1.0
Pedestal urinal.....		5.0
Bar sink.....	1½	2.0
Fish sink.....	2	4.0
Kitchen sink.....	1½	2.0
Kitchen sink—hotel—restaurant—club.....	2	4.0
Laboratory sink.....	1½	2.0
Lunch counter bar sink—combination of same.....	2	4.0
Pot sink.....	2	4.0
Scullery sink—hotel—restaurant—club.....	2	4.0
Sewage ejector—for each 25 gallons per minute discharge.....		50.0
Shower stall.....	2	4.0
Slop or service sink—group H and L occupancy.....	2	4.0
Slop or service sink.....	3	5.0
Stall urinal.....	2	4.0
Surgeon's sink.....	1½	2.0
Restaurant glass sink.....	1½	2.0
Restaurant silver sink.....	1½	2.0
Vegetable sink—hotel—restaurant—club.....	2	4.0
Wall hung urinal.....	2	4.0
Water closet.....		5.0
Water still.....	1½	0.5
Utensil sterilizer.....	1½	0.5

Unit value of fixtures not contained in the above table shall be determined by the Commissioner.

Section 3116. *Cast Iron Pipe.*—(a) Cast iron pipe shall be sound, cylindrical and smooth, free from cracks, sand holes and other defects, of uniform thickness and of the grade known in commerce as extra heavy. If buried underground it shall be coated with asphaltum or red lead; otherwise, it shall be uncoated until inspected and approved. The weight of cast iron pipes per length, in lengths to lay five feet, shall not be less than listed in the following table:

MINIMUM WEIGHTS OF CAST IRON PIPE.

DIAMETER. (Inches.)	Weight per Length. (Pounds.)	
	Single Hub.	Double Hub.
2.....	25	26
3.....	45	47
4.....	60	63
5.....	75	78
6.....	95	100
8.....	150	157
10.....	215	225
12.....	270	285
15.....	375	395

(b) Fittings for cast iron hub and spigot pipe shall be of the weight known in commerce as extra heavy and shall comply with the weights and dimensions to the cast iron soil pipe fittings as approved by American Standards Association.

(c) Joints in cast iron hub and spigot pipe shall be made with hemp or oakum and molten lead run full and caulked to make gas and water tight without the use of wax or any compound.

(d) No double hub or sleeve shall be used on cast iron drain, soil, waste, or vent pipes. The drilling, tapping or welding of cast iron, hub and spigot drain, waste, soil or vent pipes, and the use of saddle hubs or bands are prohibited.

(e) Caulking ferrules shall be of approved quality bell-shaped cast brass, not less than four inches long and not less than diameter and weight listed in the following table:

MINIMUM DIAMETER AND WEIGHT OF CAST BRASS FERRULES.

DIAMETER. (Inches.)	WEIGHT. (Ounces.)
2½.....	16
3½.....	28
4½.....	40

(f) Cleanouts in cast iron hub and spigot pipe shall have brass or iron bodies. Cleanouts shall be the full size of the pipe up to four inches and not less than four inches for larger pipes. The caps shall be of cast brass not less than one quarter inch thick, shall have square or hexagonal nuts not less than three quarter inch high and one and one half inches in least diameter, or recesses for special wrenches, and shall have not less than six tapered threads standard

for iron pipe. Caps as described above shall also be used for cleanouts in screw pipe drainage systems.

(g) Where steel or wrought iron pipe, two inches or less in diameter, is connected to cast iron hub and spigot pipe the joint shall be made by means of an approved caulking sleeve or fitting.

(h) Caulking hubs when used on screw pipe shall be heavy pattern. Caulking sleeves shall not be used as hubs.

Section 3117. *Wrought Iron and Steel Pipe.*—
(a) Galvanized wrought iron or galvanized steel pipe shall be of not less than the following thickness and weight per linear foot:

SIZE.	DIAMETER. (Inches.)		Thickness. (Inches.)	Weight Per Foot. (Pounds.) Plain Ends.
	External.	Internal.		
3/8.....	.675	.493	.081	0.567
1/2.....	.840	.622	.109	0.850
3/4.....	1.050	.824	.113	1.130
1.....	1.315	1.049	.133	1.678
1 1/4.....	1.660	1.380	.140	2.272
1 1/2.....	1.900	1.610	.145	2.717
2.....	2.375	2.067	.154	3.652
2 1/2.....	2.875	2.469	.203	5.793
3.....	3.500	3.068	.216	7.575
3 1/2.....	4.000	3.548	.226	9.109
4.....	4.500	4.026	.237	10.790
5.....	5.563	5.047	.258	14.617
6.....	6.625	6.065	.280	18.974
8.....	8.625	8.071	.277	24.696
10.....	10.750	10.136	.307	34.240
12.....	12.750	12.090	.330	43.775

(b) Nipples when used shall be cut from standard weight pipe.

(c) Fittings for wrought iron or steel soil, waste or drain piping shall be cast iron, recessed and threaded drainage fittings, with smooth interior water-way and threads tapped so as to provide a uniform slope in branches from vertical pipe of not less than one quarter inch per foot. Fittings for wrought iron or steel vent piping shall be cast pattern.

(d) All screw pipe used for soil, waste and vent shall be reamed to eliminate burr.

Section 3118. *Brass, Copper and Lead Pipes.*—

(a) Brass and copper pipe for soil, waste and vent

pipes shall be of the weight and thickness known in commerce as iron pipe size.

(b) Fittings for brass or copper soil, waste or drain pipes shall be recessed heavy cast brass or cast iron drainage fittings with smooth interior water-way and iron pipe size threads tapped so as to provide a uniform slope in branches from vertical pipes of not less than one quarter inch per foot.

(c) Lead pipes for soil, waste and vent pipes including bends and traps, shall be not less than the following average thickness and weight per linear foot and not more than the following lengths:

SIZE. (Inches.)	Thickness. (Inches.)	Weight per Linear Foot. (Pounds.)	Maximum Lengths. (Feet.)
1 1/4.....	1/8	2.50	6
1 1/2.....	1/8	3.00	10
2.....	1/8	4.00	10
2 1/2.....	9/64	5.00	10
3.....	11/64	8.00	4
4.....	5/32	10.00	4

(d) The use of lead pipes in a drainage system is restricted to the above table. Concealed horizontal lines of lead pipe shall be supported for their entire length. All other lead pipes shall be properly supported to prevent sagging.

(e) Branch connections of lead pipe shall be full size wiped solder joints; connections of lead pipe to cast iron and screw pipe shall be made by means of brass ferrules and soldering nipples respectively to which the lead pipe shall be full size wiped solder joints, other connections in lead pipe shall be made by means of a round or flanged full size wiped solder joint. Overcast or cup joints are prohibited.

(f) Soldering nipples for the connection of lead pipe to screw pipe shall be of approved quality cast brass or of brass pipe, iron pipe size. If cast, they shall have not less than the weight listed in the following table:

MINIMUM WEIGHTS OF CAST BRASS SOLDERING NIPPLES

Diameter. (Inches.)	Weight. (Ounces.)
1 1/2.....	8
2.....	14
2 1/2.....	22
3.....	32
4.....	56

Section 3119. *Hangers and Supports.*—*Drainage System.* All drain, waste and vent piping shall be securely supported with approved metal hangers or supports, in such a manner as to prevent sagging or swaying.

Drainage piping placed in filled ground or other shifting soil shall be securely hung from the building structure by brass rod of approved diameter and rust proof bangers.

Drainage piping placed in filled ground or other shifting soil outside or inside the building structure, shall be properly supported in such manner as to prevent settling of the pipe.

Vertical stacks shall be supported at each floor.

Horizontal lines shall be supported at approximately five feet on centers when of caulked lead joint construction and approximately eight feet on centers when of screw pipe construction.

Inserts for concrete construction shall be of malleable iron, cast iron or pressed steel. When pressed steel is used it shall be rust proof and not less than twelve gauge.

Expansion shields when used shall be of an approved type.

Friction clamps when used shall not be made of less than one and one quarter inch by one quarter inch stock.

Three eighths inch rod shall be the minimum size used.

Rod sizes, when used with band or ring type banger, shall be as follows: piping up to and including two inch in size, three eighths inch, piping two and one half inch and up to and includ-

ing six inch in size, one half inch, piping above six inch in size five eighth inch.

Hangers consisting of rod only shall be in the U form and both ends of the U shall be fastened to the structure, and of sizes called for above.

Water Supply Piping: All water supply piping shall be securely supported with approved metal hangers or supports, in such a manner as to prevent sagging or swaying.

Wire hangers shall not be used for supporting pipes larger than one inch in size. When wire hangers are used the wire shall be not less than one eighth inch gauge.

Horizontal lines of pipe shall be supported as follows: pipes one quarter inch and up to one half inch in size, approximately eight feet on centers and pipes three quarter inch or larger approximately ten feet on centers.

Vertical lines of water supply piping shall be properly supported.

Section 3120. *Inspection and Tests.*—(a) No part of a plumbing system shall be covered or concealed from view until it has been examined by the plumbing inspector or tested in the presence of a plumbing inspector and approved by the commissioner, who shall examine or test it within two working days after receiving written notice that the work is ready for inspection, weather permitting. No part of a plumbing system shall be used unless the drain, soil, waste, vent and the water supply pipes, when roughed in, have been tested by the plumber in the presence of the plumbing inspector as hereinbefore provided at a time when such test is practicable.

(b) Tests shall be made by water if practicable, or air pressure in such a manner as to disclose all leaks and imperfections in the work.

Section 3121. *Prohibited Fixtures, Fittings and Connections.*—The following list of fixtures, fittings, connections, and devices are hereby prohibited:

Fixtures.—Submerged flushometer closets.

Second hand fixtures of objectionable origin, unless approved by the commissioner.

Unlined wooden sinks or trays for restaurants and laundries.

Long hoppers.

Enameled iron water closets and urinals.

Wash sinks or basins so fitted as to retain water to be used simultaneously by more than one person.

Fittings.—Double hubs.

Sleeves used as hubs.

Saddle hubs and bands.

Repair clamps.

Connections.—Slip and union joints on sewer side of trap.

Drilling or tapping of drain, soil, waste or vent pipes.

Devices.—Traps depending on partitions to form seal.

Iron bath traps up to two inch.

Water jacketed grease traps.

Fire pot hot water generators except on gravity supply hot water systems.

Three quarter and full S traps under three inch in size.

No trap or water supply piping shall be exposed to freezing without adequate protection.

In accordance with the provisions of chapter 479 of the Acts of 1938 as amended by chapter 217 of the Acts of 1939, as Building Commissioner of the City of Boston, I recommend the adoption of the following ordinance.

JAMES H. MOONEY,
Building Commissioner.

An Ordinance Altering, Amending, Extending or Rendering Ineffective Provisions of 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 Building and Other Structures in the City of Boston.

Be it ordained by the City Council of Boston as follows:

Section 1. Section 308 of chapter 479 of the Acts of nineteen hundred and thirty-eight as amended by section 61 of Ordinances of the City of Boston, effective May 17, 1943, is hereby further amended by striking out in the first line of sub-division (1) of paragraph (e) the words "from a sub-station", so as to read as follows:

(1) A separate feeder of the service company other than that from which the normal service is taken, or

Section 2. Section 408 of chapter 479 of the Acts of nineteen hundred and thirty-eight as amended by section 71 of Ordinances of the City of Boston, effective May 17, 1943, is hereby further amended by striking out in the first line of sub-division (1) of paragraph (e) the words "from a sub-station", so as to read as follows:

(1) A separate feeder of the service company other than that from which the normal service is taken, or

Section 3. Section 710 of chapter 479 of the Acts of nineteen hundred and thirty-eight as amended by section 90 of Ordinances of the City of Boston, effective May 17, 1943, is hereby further amended by striking out in the first line of sub-division (1) of said section the words "from a sub-station," so as to read as follows:

(1) A separate feeder of the service company other than that from which the normal service is taken, or

Section 4. Section 2217 of chapter 479 of the Acts of nineteen hundred and thirty-eight as amended by section 274 of Ordinances of the City of Boston, effective May 17, 1943, is hereby further amended by striking out sub-division (10) of paragraph (b) and inserting in place thereof the following:

(10) Shingles of asphalt saturated felt surfaced with granulated slate or other similar material and carrying the Underwriters Class "C" label.

Section 5. Section 2217 of chapter 479 of the Acts of nineteen hundred and thirty-eight as amended by section 274 of Ordinances of the City of Boston, effective May 17, 1943, is hereby further amended by striking out paragraph (d) as so appearing and inserting in place thereof the following:

(d) Built-up roofing shall be secured to the roof deck in the following manner:

(1) Over masonry slab. The first layer shall be laid in molten asphalt or tar mopped on the roof deck, after the deck is properly primed, or by nailing a layer of building paper to nailing inserts other than wood placed in the deck.

(2) Over wood decks the built-up roofing shall be secured by nailing a layer of building paper to the roof deck over which the prepared roofing is to be laid with the first layer laid in molten asphalt or tar.

(3) Roofings other than built-up roofings, such as shingles, slates, tile and roll roofing shall be well secured to the deck by nailing, bolting, wiring, or other approved methods.

Section 6. Chapter 479 of the Acts of nineteen hundred and thirty-eight as amended by Ordinances of the City of Boston, effective May 17, 1943, is hereby further amended by inserting at the end the following new part:

PART 33.

WAR PROVISION.

Section 3301. During the continuance of the existing state of war between the United States and certain foreign countries, and for the period of six months following the termination of such existing state of war, the Building Commissioner may grant a permit allowing the substitution of specified building materials and methods of construction for the materials and methods now required by this code, whenever he shall find that the materials required by the code are not available or cannot be obtained because of a Federal law, rule, or regulation, and that the substitution shall not conflict with the spirit and intent of this code.

Referred to the Committee on Building Code.

APPROPRIATION FOR "CLEAN-UP" CAMPAIGN.

The following was received:

City of Boston.

Office of the Mayor, November 22, 1943.
To the City Council.

Gentlemen,—In connection with the "Clean-Up" campaign conducted this year by the Health and Public Works Departments, a large number

of posters, stickers and signs have been set up and distributed throughout the city. In addition, there have been printed for distribution a large number of pamphlets indicating sanitary rules and regulations of both departments. Because of the unusual nature of the campaign and the fact that more than one city department was involved, I feel that the cost of the various items of advertising and publicity should be charged against the Contingent Fund rather than against a departmental budget. I submit, therefore, an order providing for the necessary appropriation and respectfully recommend its adoption by your Honorable Body.

Respectfully,
MAURICE J. TOBIN, Mayor.

Ordered, That a sum not in excess of ten thousand dollars be, and hereby is, appropriated, to be expended under the direction of the Mayor, for printing, advertising and other expenses involved in the 1943 "Clean-Up" campaign, said sum to be charged to the Contingent Fund.

Referred to Committee on Appropriations.

TRANSFERS BETWEEN DEPARTMENTAL APPROPRIATIONS.

The following was received:

City of Boston,
Office of the Mayor, November 22, 1943.
To the City Council.
Gentlemen,—The inclosed requests for transfer of appropriations, together with the accompanying orders, are forwarded for consideration and adoption by your Honorable Body.

Respectfully,
MAURICE J. TOBIN, Mayor.

Ordered, That under authority of section 3B of chapter 604 of the Acts of 1941 the City Auditor be, and hereby is, authorized to transfer:

From the appropriation for Law Department, A, Personal Service, \$3,000, to the appropriation for Building Department, A, Personal Service, \$3,000.

Ordered, That under authority of section 3B of chapter 604 of the Acts of 1941 the City Auditor be, and hereby is, authorized to transfer:

From the appropriation for Collecting Department, D, Supplies, \$1,400, to the appropriation for City Council, B, Contractual Services, \$1,200; C, Equipment, \$200.

Ordered, That under authority of section 3B of chapter 604 of the Acts of 1941 the City Auditor be, and hereby is, authorized to transfer:

From the appropriation for Fire Department, A, Personal Service, \$6,500, to the appropriation for Public Works Department, Sanitary Service, A, Personal Service, \$6,500.

Ordered, That under authority of section 3B of chapter 604 of the Acts of 1941 the City Auditor be, and hereby is, authorized to transfer:

From the appropriation for Library Department, A, Personal Service, \$3,714.07, to the appropriation for Registry Department, A, Personal Service, \$3,714.07.

Ordered, That under authority of section 3B of chapter 604 of the Acts of 1941 the City Auditor be, and hereby is, authorized to transfer:

From the appropriation for Suffolk County Court House, Custodian, A, Personal Service, \$270, to the appropriation for Work Relief Program, \$270.

Ordered, That under authority of section 3B of chapter 604 of the Acts of 1941 the City Auditor be, and hereby is, authorized to transfer:

From the appropriation for Public Buildings Department, F, Special Items, \$500, to the appropriation for County Buildings, C, Equipment, \$500.

Ordered, That under authority of section 3B of chapter 604 of the Acts of 1941 the City Auditor be, and hereby is, authorized to transfer:

From the appropriation for Suffolk County Court House, Custodian, A, Personal Service,

\$22.12, to the appropriation for Boston Juvenile Court, B, Contractual Services, \$6.12; C, Equipment, \$16.

Declared referred to the Committee on Appropriations.

Coun. TAYLOR—Mr. President, I would like to move that the transfer orders be referred to the Executive Committee instead of to the Committee on Appropriations.

Coun. Taylor's motion to refer to the Executive Committee was declared lost. Coun. TAYLOR doubted the vote and asked for the yeas and nays.

The roll was called, and the motion to refer to the Executive Committee was declared lost, yeas 4, nays 7:

Yeas—Coun. Coffey, Hurley, Taylor, Wickes—1. Nays—Coun. Carey, Chase, Dwyer, Hanley, Hannon, Kinsella, D. F. Sullivan—7.

Coun. HURLEY—Mr. President, I ask reconsideration.

President HANNON—The gentleman moves reconsideration.

Coun. HURLEY—Speaking on reconsideration of this motion to refer to the Executive Committee, I am a member of the Committee on Appropriations, and I think the Committee on Appropriations has in the past been guilty of a lot, but at this time there are a lot of people who are going to be without their salaries this week because of the delay of our committee in acting upon these orders. If this was earlier in the year and somebody suggested a transfer, I certainly would ask to have it sent to the Appropriations Committee. These gentlemen here in this Body today probably have people living in their districts who are bound to be without their Thanksgiving dinner as a result of these several orders being referred to the Committee on Appropriations, and we want no part of that. I want no blame being attached on me for depriving any man of funds to carry on his home in Thanksgiving week or any week in the year, and that is why I am asking that this matter be reconsidered, and I think that the councilors who vote the other way will see the light of this now and vote to have it referred to the Executive Committee. Nearly all of the twenty-two members of the Council will be present today and can act on this thing immediately.

President HANNON—For the benefit of the gentleman from Ward 8, the Chair would like to say that these are merely ordinary transfers. There is no item to be transferred relative to a department that needs the money for the pay roll. As was stated last week by the Chair, where any note or notation is made on the order that it is imperative that it be acted upon at once, the Chair has always taken great pains to refer the matter to the Executive Committee, and the next order will be referred to the Executive Committee because it entails pay roll money.

Coun. COFFEY—Mr. President, a point of information. Is the other order pertaining to the pay roll of the Planning Board?

President HANNON—Yes.

Coun. DWYER—Mr. President, I certainly would be very remiss in my duty as chairman of the Committee on Appropriations if I did not make a statement at this time. There have been any number of transfer orders within the past few weeks referred to the Committee on Appropriations because of the entire picture that has been presented to us in the way of city finances since the first of the year, as time has gone on. Among these orders was one which has been referred to, dealing with the Planning Board and its pay roll. At the start of the year the Planning Board came before the Committee on Appropriations and requested so much money, and the money that they requested was granted. But, Mr. President, there were two additional employees put on the pay roll within a matter of weeks after the budget was passed, resulting now in a deficit in the pay roll. They came in, therefore, two weeks ago, with orders providing more money. We held a bearing last week, and at that time the proposed transfer from the Street Laying-Out Department was before us, and the Committee on Appropriations asked Chairman John A. Donoghue to come before the committee and give us information about the \$3,500 that it was proposed to transfer from his department. He came before us and informed the committee that he could not give up the \$3,500 this year, that if he did so his employees would go without their salary; that he had only a little over \$2,000 that could be spared. The Committee on Appropriations therefore, wishing to give relief to the Planning Board, whose members are going

without their salaries, voted to transfer from the Street Laying-Out appropriation to the Planning Board \$2,000 out of the \$2,094 left in the budget of that department. It has never been the intention of the Committee on Appropriations to cut the pay roll in any department, thereby seriously affecting the employees. The committee has leaned over backwards to see that city employees got their money. I insist, however, that there has been too much of this business of coming in at the last minute and holding a club over members of the Body on the ground that unless such transfers are made from one department to another employees will not be paid. We propose, in so far as we can do so, to see that employees are paid, but we don't like this way of going about it. Why doesn't the Mayor see to it that these department heads, who should be interested in their employees, bring such matters to our attention earlier, instead of waiting until the last minute? I don't say that the head of the Planning Board did that, but somebody did, and it wasn't your councilors or your Committee on Appropriations. I say it is high time that the Mayor knew what his department heads were doing and that some action remedying such situations was started earlier. I trust that reconsideration will not prevail.

Coun. TAYLOR—Mr. President, it may seem surprising to some members of the Council that so many transfer orders come up at a late period in the year. However, it does not need a Philadelphia lawyer to see why that is. As a matter of fact, we all know that the budget is made up early in the year, and I don't believe we have anybody in the city who can sit down and figure out exactly how the appropriations are going to come out in dollars and cents during the year, how much money is going to be used by a particular department, and how much can be spared by another. The best we can do is to make some reasonable estimate at the first of the year, and then at the end of the year, having definite knowledge of how the thing has come out, if there is in one department an amount that can be spared, with a corresponding need in another department, make the transfers from one department to the other. Those matters can then properly be considered in committee, and the transfers carried through. So, of course, under the circumstances, there must be transfers of balances of appropriations from one department to another, as we deal with the necessities and the available funds at the end of the year. There are times when it is proper that these matters should be referred to our efficient Appropriations Committee. I do not object to that. But when we are approaching the end of the year and when the importance of some of these transfers becomes apparent, when there is slack in some departments and shortages in others, I feel that at times more prompt and decisive action can be taken by the Executive Committee, which comprises all our members. I do not understand the procrastination we see in some committee action, when prompt action could be taken by reference to the Executive Committee. We all know there are transfers which should be made to meet the requirements of those who are on old age assistance, as well as in other categories, and if those transfers are not made we are assured, in the case of welfare, by Mr. O'Hare of the Welfare Department, there will be great hardship to those who are dependent upon such payments. On December 1 there are many such recipients who should receive their money. Of course, you can procrastinate as much as you want, but if you do, those poor people will suffer, and will want to know where the blame is. I, for one, don't want to be blamed for that. I want them to receive the money they should receive without any unnecessary delay. Let us act promptly upon matters which should be acted upon promptly. We are here now, and two years from now some may be in and some may be out, but I say that at the present time we should perform the duty that devolves upon us in these matters without unnecessary delay. In my opinion, such orders should be sent to the Executive Committee, comprising all the members of the Body, so that we may have prompt action, and so that all the members of the Body may understand the necessities of the case and vote intelligently. Therefore, I believe these orders should be sent to the Executive Committee, so that there may be immediate action. Of course, as I say, at the beginning of the year these things cannot be foreseen, but they develop as the year goes on, and we come to a point where we can take decisive and intelligent action, applying the surpluses in one department

to the shortages in another, and in the Executive Committee we can have the heads of departments before us so that we all understand the merits and demerits of proposed transfers. Through that committee these matters can be acted upon by the entire Body, using our intelligent judgment as to whether the transfers should be made. Therefore, I ask reconsideration so that mistakes that may have been made can now be corrected, and corrected immediately, not being projected into the future.

Coun. D. F. SULLIVAN—Mr. President, it is very interesting to listen to the gentleman from Ward 12 (Coun. Taylor) trying to throw blame on the Appropriations Committee. I am a member of that committee and I believe that since the first of the year the committee has done a marvelous job in detecting various discrepancies in appropriations as the year has gone on, and in remedying them. This question of the advisability of transfers, for example, came up in connection with the Assessing Department, and it was referred to the Appropriations Committee. They sent for the Assessing Department, receiving the necessary information, and came back to the floor of this Body with that necessary information. Then, naturally, when the Appropriations Committee reports to this Body, as they have reported in that and in other matters, the matter can be referred to the Executive Committee for final disposition. That happened to be a matter that affected the entire personnel of the Assessing Department, not merely the forty-eight street men. I am sick and tired of members coming in here at the last minute and throwing blame indiscriminately on other members of the Council, who in many cases do not deserve it. We had before us another order to transfer \$3,500 from the Street Laying-Out Department to the Planning Board. We did not know about the merits of the thing, so we called in Chairman Donoghue of the Street Laying-Out Department, who informed us that \$3,500 could not be taken from the A schedule of his department, because it was not there to take. Some of that money had been used for paymasters earlier in the year and, as a matter of fact, there was only \$2,094 left in that schedule of the Street Laying-Out Department. Therefore, we recommended that \$2,000 be taken out of that \$2,094 remaining in the schedule and turned over to the Planning Board, thereby enabling that board to pay the salaries of its employees. Mr. President, I feel that these orders properly belong in the Appropriations Committee. We give thorough consideration to everything that comes before us at this time, when it becomes important, beginning with November, to make transfers from surplus amounts to shortages in winding up the year. We have the heads of departments coming before us, and we go thoroughly into the figures. Naturally, it should be known a month or several months in advance what can be done in this line, in order to make our finances come out properly at the end of the year. We are in touch with the whole matter from the first of the year, when the budget is adopted, and we use every endeavor, as the year goes on, through heads of departments and otherwise, to keep in touch with the situation. Of course, the twenty-two members of the Body have a right to know where the money goes and who is getting it, and what is being done with it. That is information that we obtain and we are glad to transmit it to the other members. That, of course, is the way our committee system works, if we are going to continue to have committees to consider the needs of the different departments and the proper transaction of the city's business. If we are not going to go on in that way, as we have in the past, and I believe with good results, why not throw this whole committee system overboard, winding up the committees and going into everything that comes up before all the members of the Body? But we have been following the committee system, because a sub-division of our work in that way, on the whole, works out better and reduces a great deal of labor that would otherwise be thrown on individual members of the Body. Certainly our Committee on Appropriations has done good and faithful work, and, we believe, has greatly assisted in the conduct of the business of this Body. I trust, therefore, that the reference to the Appropriations Committee will not be reconsidered.

Coun. COFFEY—Mr. President, I have sat here with joy in my heart for a change. I hope that within the next month or two, or within the

next two years, we will get good and hot up here. I have been itching to go for a long time. When we do, I am going to start hitting below the belt; I am going to hit good and heavy some of the twenty-two members who think they are going to run this Council. I will not hold my tongue still in my head. I will have my say up here. I probably will not last until the end of it, but I will have my say whether I last or not. I sat on the Appropriations Committee religiously for a solid year, and I think I saw the way they have operated, and I dislike the way they have operated. It would not be a bad thing to abolish all committees and to bring everything into Executive in the future where all of the twenty-two members would have a tongue and know what was going on, where all twenty-two members could meet and bring in the heads of departments. Let us not do it with a committee that might be controlled, or that we know might have a grievance, or with a committee that might want to have some other things done besides the things that I would like to have done. I would like to have these pay rolls padded. I have been hollering for a long time to have the pay rolls padded. I would have them padded with a lot of these wounded veterans and disabled veterans who are walking the streets of Boston, the same as a sergeant who came in to see me today. He told me he was discharged from the service with a wounded leg. He wore civilian clothes out on Saturday night and was insulted so many times that he put his uniform back on again, and he is going to keep on wearing it until the time that he gets a discharge button or some insignia to show that he is a veteran of this war. Now, at the last meeting we had here it seemed that the Planning Board had gone without pay for that week, and I made a motion to reduce the \$3,500 from John Donoghue's department, a department that did not need it — to reduce up to \$2,000 so that the Planning Board which had gone without pay last week could receive pay this week. The order was passed, and then we discovered that we had no authority to act on the order in part, that we had to take it as a lump sum or reject it. So that that is why a second order is coming in here after these orders are acted upon now. I got a call from a girl who has been working down in the Employment Bureau for twenty-two years, a girl whom I will take my hat off to, and a girl whom I am very sorry is only receiving a \$30 salary — and I think every member here will agree with me that she should be getting much more than she is receiving; I am very sorry that she will no doubt have to go without her pay Thanksgiving — as she and Sam Warner and Miss Elovitz have been very good to me before the war started by getting employment for my constituents, and I would like to have them get a week's pay before Thanksgiving. But they are not going to get that week's pay because the motion that I made that the order be passed and the transfer of \$6,000 be sent to that Employment Bureau so that they could receive their pay did not prevail, and, of course, it will not be acted upon until the next meeting of the Appropriations Committee, which at the earliest will be some time this week, which means that the Employment Bureau people are going without their salaries this week. There are some ways to look at everything that comes up here before us, and I have observed enough to watch things going both ways. I know when a fellow is satisfied and I know when a fellow is dissatisfied. Some of us are satisfied to get a few jobs for some of our constituents, to put some of our friends on a pay roll, whether it is padded or not. That is O. K. with me, because I have always been the type that believes that to the victor go the spoils. If any man is with me and I win, I am going to take care of him. If I go out and work for a candidate seeking a higher office than the office I hold, I always submit a list of the names of workers who worked for the candidate and ask him to take care of them. That is why I broke my friendship with John Dowd long before John Dowd was indicted and went to jail, because he promised to take care of my friends and he did not keep his word and he never had guts enough to ask me to see that a friend of mine "kicked in" for that job. I believe that to the victor go the spoils, yes, and I believe in padding pay rolls, providing they are my friends. I believe that, and I am honest enough to admit it. If I can get any of my friends on the pay roll who can't get on the pay roll themselves, I want to put them on that pay roll. But I don't like the way some of the fellows up here have been acting in the past few months. They

were satisfied three or four months ago, things were all right. Yes, they were all right three or four months ago, but things have changed since then, Mr. President, things have changed because of their attitude and their actions, something has happened in their wards that they did not like, and they were not men enough to get up here three or four months ago when things were going good and make a change. I don't care who I hit. Nobody on the floor of this Body has ever attacked Mayor Tobin more viciously than I have, and I will probably do it again in the future. I am like the leopard which never changes its spots. But I never strike unless it involves jobs for some of my constituents or some of my friends. As long as things are going, let them go. I will watch them. And when the time comes, as I said, I will hit below the belt if necessary. We will bring the facts out and we will bring them out right. I have called on them in the past more than once, and the chances are I will call on them again in the future. I think these orders should be referred to the Executive Committee, and I think the Committee on Appropriations should do something about the salaries for the Employment Bureau so that those people down there will not go without a Thanksgiving dinner, or if they do get a Thanksgiving dinner they will have to borrow the money, up until the time that a few of these men upon this committee act.

The question came on reconsideration. Reconsideration was declared lost. Coun. TAYLOR doubted the vote and asked for a roll call. The roll was called, and reconsideration prevailed, yeas 8, nays 6.

Yeas—Coun. Chase, Coffey, Hurley, Kelly, Muchnick, Scannell, Taylor, Wickes—8.

Nays—Coun. Carey, Dwyer, Hanley, Hannon, Kinsella, D. F. Sullivan—6.

The question then came on reference to the Executive Committee.

Coun. HANLEY—Mr. President, if this is to prevail, I believe we should abolish all committees. A committee is for the purpose of giving further understanding and study to a controversial subject. Your Appropriations Committee was formed at the beginning of the year by yourself, Mr. President. You formulated that committee on the basis of your intelligence, on the basis of your sincerity, on the basis of your knowledge of municipal affairs. Each and every member of the Appropriations Committee you held in high repute. I do not like the slings and the arrows directed at any member of this Body by scrupulous or unscrupulous men. I do not like the manner in which the Boston City Council has been castigated, orally and in writing, by men who sometimes are on the padded pay roll themselves, I do not like the members of this Body fighting between themselves, when the principle is above each and every one of us. My distinguished colleague from Ward 1, East Boston, James S. Coffey, whom I have the pleasure of meeting as a City Councilor, and who as a private citizen I knew by the propaganda emanating from various sections that he had tried to ruin and jeopardize not only himself but his family and his name—I knew that James S. Coffey, through the columns of the press, was considered a radical character, one who would take the floor at any time and throw his hat down, and that he sometimes got angry, but nevertheless, I never had the opportunity of knowing him until I became a member of this Honorable Body. And when they sometimes refer to our colleague and castigate him as crackpot and as radical, I sometimes say to myself, "If a man was not important, or his principles were not important, they would let him fall of his own weight." Now, the word "radical" means any person who goes to the bottom of the trouble and tries to find out the cause without first trying to eliminate the effect. As I said before, without fear of refutation, I admire the councilor from Ward 1 for his courage, his temerity and his vocabulary, and I only hope as the years go on in their predestined manner that we will always be friends, even though we may disagree on various principles. Now, as to referring this to the Executive Committee, I, of course, sit in the Executive Committee. It is only a formality. The twenty-two of us sit in there and everything usually goes through as a matter of course. Some picayune voice is heard, saying, "I move that it pass," and it generally passes. But on the Appropriations Committee, we have a cross-section of all Boston represented; we have radicals and crackpots and conservatives, or any name that you

want to use, but, at least, they are members of the Boston City Council and anything that they do or say I will usually uphold, because I believe in facts and not fancies, in contrast to some of the men who have been given honorable positions by his Honor the Mayor, some of whom are not even fit to run a "hokey pokey" in downtown Boston or in the suburbs of Boston. Some of them are more interested in purging him from public life than they are in carrying out the duty imposed upon them by virtue of their appointed position. Some of them have migrated into my ward and other wards in order to approach individuals. I was very happy to hear the Election Commissioner's name here. He was placing himself in front of Precinct 9 station that he alone put Maurice Tohin on the telephone pay roll, that he and he alone was responsible for putting Mayor Tohin into the great seat which he occupies down on the second floor, that he and he alone was responsible for getting Mayor Tohin a position in the New England—

Coun. MUCHNICK—Mr. President.

President HANNON—For what purpose does the gentleman rise?

Coun. MUCHNICK—A point of order.

President HANNON—The gentleman will state his point of order.

Coun. MUCHNICK—It seems to me that this has nothing to do with whether we shall refer the matter to the Executive Committee.

President HANNON—The gentleman will confine himself to the subject under debate, which is reference to the Executive Committee rather than to the Committee on Appropriations.

Coun. HANLEY—Well, Mr. President, the councillor from Ward 14 (Coun. Muchnick) can stand up here at any time; he has the loquaciousness, he has the intellectual honesty, he has a college degree, and I believe he has reasoning power. Nevertheless, he did not have an opponent in the last election, he did not spend a dime for being reelected.

Coun. MUCHNICK—Mr. President.

President HANNON—For what purpose does the gentleman rise?

Coun. MUCHNICK—I do not believe my college degrees are the subject matter of discussion on the matter of reference to the Executive Committee.

President HANNON—The Chair is not certain that they will not be. The gentleman might be bringing out the qualifications of the members of the various committees. Councillor Hanley.

Coun. HANLEY—I thank you, Mr. President, for this defence, and I appreciate it. But I do not want you or anyone else to interject yourselves into a controversial subject that may be detrimental to yourself. The councillor from Ward 14 deliberately—he used the word deliberately and knowingly well the meaning—

Coun. MUCHNICK—Mr. President.

President HANNON—For what purpose does the gentleman rise?

Coun. MUCHNICK—I would like to have the councillor stick to the point at issue.

President HANNON—Go ahead, Councillor Hanley.

Coun. HANLEY—Mr. President, I do not intend to be the object of jibes, whether they are stinging or not stinging, from any councillor. I have made friends of the various councillors from the various districts, I have made friends because I refused to sit idly by and allow my voice to be stultified or to be used. It is very easy for me to be a "yes" man. It is very easy for me to get my friends on the pay roll of the city. I have as much control as any other member of this Council; I have one vote. But I do not intend to humbly stand here and allow any man who may qualify as a lawyer and as a politician to influence me. I will reserve my judgment. The Executive Committee is made up of twenty-two members of the Council. They may call some of these various commissioners before them and ask questions, but they will only bring out these things asked at this particular time. If any private industry or any home ever ran its business or its economy like the City of Boston, a can say that the Morris Plan would do a tremendous business. The Budget Commissioner deliberately and maliciously used anti-Semitic propaganda against me in the fight for re-election, and yet they tell me that he was the most honorable man in the last war. He received citations and received injuries. And yet this man deliberately and maliciously utilized underhand tactics against a man who could not fight, a man who could

not use his pen or his voice or appear on the platform because this malicious man took a boy from the Army in order to defeat me. And this man went through Precinct 7, which happens to be a Jewish precinct, and maliciously attacked me as anti-Semitic. He utilized his car to drive out voters in order to kill me politically, trying to feed upon the misery and the sorrow and the suffering of the Jewish people. I am not important, but any man who would delve into the gutter of personality and anti-Semitism when it is raging through our nation is not fit to be called a man. And I challenge refutation by any member. This man is not qualified to be a Budget Commissioner. He knows no more about finance than a burlesque man. This is merely one way of circumventing the budget that was presented to the Appropriations Committee and was approved by this Honorable Body. William A. Carey, the distinguished councillor from Ward 10, hit the nail on the head when he stated that down on the island prison fare was given to certain recipients of old age, but I never thought that I would hear such a menu as they give the poor on Long Island, and that then we should be asking for a transfer from that department to some other department. Take the Fire Department. It is laughable to see it going through the streets! The great City of Boston with its fire engines. You would do better in Toonerville. Yet we have the highest rate of fires of any great city in the United States of America by 400 per cent. Any yet they are giving money away into another department. I believe we also have the Public Buildings Commissioner—they call him something like that—another political parasite who was tried and found wanting. A City Hall externally and internally which is a disgrace, with its filth and dirt. And it is not due to any custodian, because the custodian only carries out orders. They are interested in one thing, and that is to make money while the boys are away, to make money on white elephants, to make money through contracts. Out in my district a contract was signed and sealed in order to eradicate a hazard at Green street and Eggleston square, and the work was expected to start October 1. But because of political reasons, for fear Councillor Hanley would get one lot of praise, the life and the limb were jeopardized of hundreds of people who utilize Eggleston square and Green street. The work has not started, and I believe it will never start until I have a sit-down with his Honor the Mayor and smoke what I call the "pipe of peace."

Coun. CHASE—Mr. President, I was prepared to agree to consideration of these matters by the Committee on Appropriations, but after hearing the debate and the charges that have been made, I am of the opinion that the matter can be better straightened out by reference to executive session, just as well as going before the Committee on Appropriations. All the members of the Committee on Appropriations are also members of the Executive Committee. I think the members of the Council, in view of some of the serious charges that have been made, should go into detail in the executive session, along with the Committee on Appropriations, in the same detail that the Committee on Appropriations would naturally go into the matter; and I trust, Mr. President, that the members of the Council will at this time refer to the Executive Committee.

President HANNON—The question is on reference to the Executive Committee.

Coun. D. F. SULLIVAN—Mr. President, I wish to amend the motion to refer to the Executive Committee by adding that the department heads he invited to be present in executive committee when these orders are considered.

Coun. COFFEY—And I would also move that Mr. Fox and Mr. Bush be present.

Coun. CAREY—Mr. President, I would ask how many of these orders involve pay roll items?

President HANNON—Three, councillor.

Coun. CAREY—Would it be possible, Mr. President, to refer those three items to the Executive Committee and to have the Appropriations Committee sit on the others.

President HANNON—A motion to that effect would be in order.

Coun. CAREY—Mr. President, I so move, that the three transfers involving pay roll items be referred to the Executive Committee and that all others be referred to the Appropriations Committee for consideration.

Coun. Carey's motion was declared carried.

Coun. D. F. SULLIVAN—Mr. President, I doubt the vote and ask for the yeas and nays. I think all the items should go to the Appropriations Committee, and I think if I were chairman of the Appropriations Committee I would endeavor to bring all appropriations into this Body and have them considered here, if necessary, until midnight tonight. I would be willing to sit here, and we can go thoroughly into all these matters. We can then see how the interest of the employees of the City of Boston is affected. I hope that they will all be referred to the Executive Committee, and that we will, if necessary, sit here all the evening, and finally act upon all these items.

Coun. HURLEY—Mr. President, I certainly would be glad to sit here all the week, if necessary, and I can call up my house and tell them that I will not be there tonight. I am willing to sit here for several hours and all night, if necessary, in the interests of the people of Boston.

Coun. DWYER—Mr. President, I would simply say that the Committee on Appropriations have acted upon these matters that are before us here today, in the main, after due consideration, and I believe properly, and while I would be most happy to put in all the time that members may desire on such matters, I believe some consideration should be paid to the action already taken by the Committee on Appropriations.

Coun. COFFEY—Mr. President, can't we bring all these matters out here by a two-thirds vote and throw them into the executive session, as has been suggested, and settle the whole thing one way or the other?

President HANNON—The Chair awaits the pleasure of the Body.

Coun. COFFEY—Mr. President, can I make a motion that these matters be brought before the Council by a two-thirds vote?

President HANNON—Not under the rules of the Council.

Coun. CAREY—Mr. President, my reason for making the suggestion I did in regard to transfer of items that affect city employees, is this. I am not in favor of any action that will delay city employees in getting their pay. I am winding up my sixth year here, and I have never yet voted for any orders that would hold back the pay for city employees. I, for one, am perfectly willing to stay here all night, and if anything I can do will help city employees to get their pay, I shall be happy to do it.

Coun. FISH—Mr. President, there seems to be a great deal of trouble in getting committees together, and it sometimes involves unnecessary delay. We have three transfers coming up from the Mayor's office today, along with others, and as far as such orders in the Committee on Appropriations are concerned, I understand that we cannot get them out for that committee for thirty days unless they are reported out through the chairman. Since there seems to be some question about this whole matter, I wonder if it would not be in order now to take a recess for possibly five or ten minutes, which will perhaps give to the Appropriations Committee time to make a report, or we can perhaps go into executive on certain matters that involve the pay rolls of employees.

Coun. DWYER—Mr. President, I rise to a point of order. I don't see how under our rules the Appropriations Committee can meet at this time.

Coun. TAYLOR—Mr. President, when I asked that these orders be transferred to the Executive Committee, I had no idea of transferring those already in the hands of the Appropriations Committee, but I was simply referring to the orders then before the Body. I had no other intention. I was simply referring to the transfer orders that have come before us today.

Coun. FISH—Mr. President, referring to these proposed transfers of appropriations already in the Committee on Appropriations, my point would be that among them is one that involves salaries of the Municipal Employment Bureau. I believe it is the intention of the Council today that no salaries of city employees shall be held up at this time, but that they should be referred to the Executive Committee.

Coun. RUSSO—Mr. President, I rise to a point of information. Have those transfer orders been referred to any committee, the transfer orders now referred to?

President HANNON—The Chair will state for the benefit of the gentleman from Ward 3 (Coun. Russo) that various transfer orders have come in here today, and some, in the regular order of business, would be referred to the Committee on

Appropriations. Some, of an emergency nature, concerning salaries of city employees, either can be, or might well be referred to the Executive Committee.

Coun. RUSSO—Mr. President, while I am a member of the Appropriations Committee, it makes no difference to me whether some of these orders before us are referred to that committee or not. I simply have in mind the fact that it has been customary to refer these matters coming before us to various committees and each and every one of us is a member of various committees and have our chance to speak on the various matters before the committees, and also to speak in the Council when the matters are reported by those committees. If we are going to allow everything that comes in here to be acted upon without reference to a committee, we ought to have all committees. For that reason, I believe these orders should go to various committees, letting the committees sit down and give a bearing upon them and then report them out when the committee wishes to do so. However, I am willing to sit here on these matters, to bring everything out, and to decide them here.

Coun. COFFEY—Mr. President, the majority of the Committee on Appropriations are here present, and I now move a recess so that we may go into the Committee on Appropriations and bring out the orders that concern the salaries of municipal employees, so that they may get their salaries this week. Therefore, I move a recess.

President HANNON—The councilor moves that we take a recess. The question before the Body is whether or not we shall take a recess.

Coun. COFFEY—Mr. President, I would also like to have brought out here other matters before the committee, that may relate to the salaries of the employees of the Municipal Employment Bureau.

Coun. DWYER—Mr. President, is it legal for us to take a recess and have the Committee on Appropriations meet at this time?

President HANNON—The motion before the Body at this time is the only thing that we can consider at the moment. The question before the Body is on taking a recess.

RECESS.

The Council voted at 3.15 p. m. to take a recess subject to the call of the Chair. The members reassembled at 3.35 p. m., President HANNON in the chair.

President HANNON—The question is on adopting Councilor Carey's motion to refer all the A-1 items to the Executive Committee, all others going to the Committee on Appropriations.

Coun. Carey's motion prevailed, yeas 11, nays 1:
Yeas—Coun. Carey, Chase, Coffey, Fish, Hanley, Hannon, Hurley, Russo, Scannell, Taylor, Wickes—11.

Nays—Coun. D. F. Sullivan—1

TRANSFER TO CITY PLANNING BOARD.

The following was received:

City of Boston,
Office of the Mayor, November 22, 1943.
To the City Council.

Gentlemen,—On November 8, 1943, a transfer request, together with accompanying order, was submitted to your Honorable Body transferring the sum of \$3,500 from Item A, Personal Service, in the Street Laying-Out Department, to Item A, Personal Service, in the City Planning Board. Will you kindly substitute the attached order and request for transfer of \$2,000 from A, Personal Service, in the Street Laying-Out Department, and \$1,500 from the Reserve Fund to Item A, Personal Service, in the City Planning Board, in place of the prior request for transfer dated November 8, 1943, from the Street Laying-Out Department to the City Planning Board in the amount of \$3,500.

Respectfully,

MAURICE J. TOBIN, Mayor.

Ordered, That under authority of section 3B of chapter 604 of the Acts of 1941 the City Auditor be, and hereby is, authorized to transfer:

From the appropriation for Street Laying-Out Department, A, Personal Service, \$2,000; Reserve Fund, \$1,500, to the appropriation for City Planning Board, A, Personal Service, \$3,500.

Referred to Executive Committee.

PETITIONS REFERRED.

The following petitions were received and referred to the committee named, viz.:

Claims.

Charlotte True Bergeson, for compensation for injuries caused by alleged defect at Beacon and Arlington streets.

Irene Capone, for compensation for damage to property at 17 Snow Hill street, caused by garbage truck.

Mary C. Driscoll, for compensation for injuries caused by an alleged defect at Avery and Tremont streets.

Mark A. Foley, to be reimbursed for execution issued against him.

Lillian Ford, for compensation for injuries caused by an alleged defect in East Broadway.

Ethel M. Fritz, for compensation for injuries caused by broken stairs at Norfolk and Mascot streets.

J. Fullarton & Co., for compensation for damage to property at 12 Blackstone street, caused by flooding of cellar.

E. M. Gilmore, for compensation for damage to property at 12 Blackstone street, caused by flooding of cellar.

Fred B. Mack, for compensation for injuries caused by fire apparatus.

Ellen E. Nason, for compensation for injuries caused by an alleged defect at 32 Mt. Pleasant avenue.

Committee on Licenses.

Petition of Michael R. O'Donnell for license to operate motor vehicles from airport to Copley square via South Station and airport to Copley square via North Station.

APPOINTMENT OF COMMITTEE FOR
ERECTION OF MEMORIAL.

The following was received:

City of Boston,

Office of the Mayor, July 23, 1943.

Wilfred J. Doyle, Esq.,

City Clerk.

Dear Sir,—In connection with the appropriation of five thousand dollars for the erection of a Memorial to the memory of the boys who have made the supreme sacrifice in the service, which has been passed by the City Council and signed by me, I am appointing the following committee:

Thomas J. Hannon, President of the City Council.

Robert P. Bellows, Chairman of the Art Department.

Herman L. Bush, Budget Commissioner.

Thomas Fitzgerald, Soldiers' Relief Commissioner.

Frank White, Suffolk County Commander, Veterans of Foreign Wars.

George W. Gardner, Past Commander, Suffolk County Council, The American Legion.

William F. O'Brien, Department Adjutant, U. S. W. V.

Respectfully,
MAURICE J. TOBIN, Mayor.

Placed on file.

APPOINTMENT OF FRANK J. MURRAY.

Notice was received of the appointment by the Mayor of Frank J. Murray of 205 Bellevue street, West Roxbury, as Corporation Counsel, for the term ending April 30, 1947, *vice* Robert E. Hopkins, resigned, effective November 16, 1943.

Placed on file.

NOTICE OF INDEMNITY BOND.

Notice was received from the Metropolitan District Commission inclosing Bond of Indemnity from Centrline Corporation on contract for cleaning water pipes and lining with cement mortar in West Roxbury and Dorchester.

Placed on file.

APPROVAL OF RENEWAL OF TAX
TITLE LOANS.

Notice was received from the Emergency Finance Board of approval on November 19, 1943,

of so much of \$2,000,000 Tax Title Loan originally approved by Board on December 11, 1940, as is outstanding December 16, 1943 (rate of interest on renewal note to be one per cent, payable at maturity), and approval of so much of \$1,500,000 Tax Title Loan originally approved by Board December 9, 1941, as is outstanding December 19, 1943 (rate of interest on renewal note to be one per cent, payable at maturity).

Placed on file.

REPORT OF COMMITTEE ON
APPROPRIATIONS.

Coun. DWYER, for the Committee on Appropriations, submitted the following:

Report on message of Mayor and orders for inter-departmental transfers (referred October 11) from Fire Department to Building Department, \$3,500—that same ought to pass.

Report on message of Mayor and order (referred October 25) for transfer of \$3,000 from Public Works Department, Lighting Service, to Public Works Department, Paving Service—that same ought to pass.

Report on message of Mayor and orders (referred November 8) for inter-departmental transfers—that same ought to pass.

Report on message of Mayor and order (referred November 8) for appropriation of \$6,000 for Municipal Employment Bureau, same to be charged to Contingent Fund—that same ought to pass.

Report on message of Mayor and order (referred November 15) for transfer from Reserve Fund to Building Department, Miscellaneous Contractual Services, \$6,000—that same ought to pass.

Report on message of Mayor and orders (referred November 15) for transfers from Fire Department (\$59,422.37) to Public Works Department, Sanitary Service, and from Police Department (\$13,451.80) to Public Works Department, Sewer Service—that same ought to pass.

President HANNON—If there is no objection, the vote will be taken on all the transfers at once. The first question comes on acceptance of the committee's report.

The report was accepted and the question came on the passage of the orders.

Coun. D. F. SULLIVAN—Mr. President, I move that all the orders be referred to the Executive Committee, and that the department heads interested be sent for.

Coun. DWYER—Mr. President, does the councillor mean all these orders here?

Coun. D. F. SULLIVAN—Yes, Mr. President, I think it is only fitting and proper that they should be referred to the Executive Committee, because there are only seven members on the Appropriations Committee and there are twenty-two members of the Body. I think all of the twenty-two members are entitled to all the information they can receive upon this matter, and that we should give all the councillors a "break." I think that motion is proper and in order.

Coun. DWYER—Mr. President, it seems to me if this motion is carried, the Executive Committee will be taking up unnecessarily a lot of time with the department heads, when these matters have already been gone into thoroughly with the Appropriations Committee, who have usually had in attendance the entire membership of seven members.

The orders reported here have been passed unanimately by the committee, after going through the thing very carefully with heads of departments; and if there is any question on any particular item upon which any member of the Council would desire to have light, I, certainly as a member of the committee, and any other member of the committee would be most happy to answer it.

The motion to refer the orders to the Executive Committee was declared lost.

Coun. D. F. SULLIVAN—Mr. President, I doubt the vote and ask for a roll call. I am simply being consistent in asking that these things be referred to the Executive Committee, which comprises all the members of the Body. Two thirds of the members here don't know what the orders are about, and, in order to be consistent, I feel that we should give them the opportunity to obtain all the information that is necessary for them to vote intelligently upon these matters. If you do not so vote, I feel that you are not being consistent with yourselves.

The clerk called the roll, and the motion to refer was lost, yeas 11, nays 4.

Yeas—Coun. Carey, Hanley, D. F. Sullivan, Taylor—4.

Nays—Coun. Chase, Coffey, Dwyer, Fish, Hannon, Hurley, Kelly, Muchnick, Russo, Scannell, Wickes—11.

Coun. D. F. SULLIVAN—Mr. President, I move a reconsideration of the vote whereby the Body refused to send these orders to the Executive Committee.

Coun. RUSSO—Mr. President, may I say at this time, as a member of the Appropriations Committee, that I see no reason why these matters, which have been acted upon at length in the Committee on Appropriations, should now be referred to the Executive Committee.

Coun. D. F. SULLIVAN—Mr. President, I thought the members would like to be enlightened as to where the money is going, and why. If the members wish to be inconsistent, voting first one way and then the other, well and good. I also am a member of the Committee on Appropriations, but two thirds of the members of the Body are not members of that committee and have not had the opportunity that the Committee on Appropriations had. We are inconsistent as hell in this matter. Here we have orders that two thirds of the members sitting here know nothing about. In the Executive Committee such members can ask questions and have them answered. I cannot, for the life of me, see why we should not vote to refer these matters to the Executive Committee, so that two thirds of the members who may have questions to ask may have them answered. These orders all have to do with money which is being paid out of the city treasury.

Coun. KELLY—Mr. President, I just want to make my position clear in this matter. The reason why I did not vote to refer these matters to the Executive Committee is that I did not wish to have further time wasted. Some of these matters should be acted upon immediately. They were considered very thoroughly and carefully by the Committee on Appropriations, of which I am a member, and was present practically all of the time at the meetings. Of course, I am only speaking for myself, but as a member of the Committee on Appropriations I, like other members, sat through all the hearings upon these matters, which were very carefully considered by the committee, and I see no sense now in having the matters referred to the Executive Committee.

Coun. HURLEY—Mr. President, I wish also to say a word in regard to my not voting to refer these matters to the Executive Committee. I also am a member of the Committee on Appropriations and attended those meetings faithfully. Very careful consideration was given to the matters before the committee, and I might say, incidentally, several of these items deal with pay rolls, which have already been held up and which should not be held up any longer. I believe we should act immediately upon such matters, so that the men involved may get their pay this week and have something in the house for Thanksgiving. In regard to the other matters, I don't think it makes an awful lot of difference, anyway.

President HANNON put the motion to reconsider and, being in doubt, ordered a roll call.

The motion to reconsider was lost, yeas 5, nays 10.

Yeas—Coun. Carey, Hanley, Hannon, Scannell, D. F. Sullivan—5.

Nays—Coun. Chase, Coffey, Dwyer, Fish, Hurley, Kelly, Muchnick, Russo, Taylor, Wickes—10.

President HANNON—The question now comes on the passage of the orders, and the clerk will call the roll.

The orders reported by the committee were passed, yeas 13, nays 0.

Yeas—Coun. Carey, Chase, Coffey, Dwyer, Fish, Hannon, Hurley, Kelly, Muchnick, Russo, Scannell, Taylor, Wickes—13.

Nays—0.

SOLDIERS' RELIEF.

Coun. RUSSO, 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.

INVESTIGATION OF JOBS FOR VETERANS.

Coun. COFFEY offered the following:

Ordered, That his Excellency the Governor be requested, through his Honor the Mayor, to consider the advisability of opening an employment office in the State House, under the direction of an honorably discharged wounded or disabled veteran, whose duty it will be to investigate the various non-civil service appointments in departments throughout the State to determine the number of married women working therein whose husbands are earning sufficient funds to support them and whose jobs might be filled with honorably discharged wounded or disabled veterans.

Coun. COFFEY—Mr. President, we know that for the past several months men have been coming home from the various fronts either wounded or disabled, honorably discharged, and, as has been brought out here on several occasions, they have gone back seeking their old employment, but because they have been given a disability discharge the insurance company which insures their former employer does not want any part of them because of the fact that they are disabled and their condition might be aggravated, and as the result of that the insurance companies might find themselves paying out compensation to these men who are seeking employment. I thought it might be a good idea to introduce an order similar to this instead of waiting for these so-called post-war programs. I know after the last war, when I came home a disabled veteran, I was supposed to have been rehabilitated. I waited for almost three years before my case was acted upon in Washington and before I was given an opportunity to go to a business college. Before I left for the war I was very active at baseball and basketball and other sports; I was in very good physical condition. When I came back, I was a very poor physical specimen. When I left I weighed 182 pounds, and I weighed 139 pounds when I was discharged from the hospital in June of 1919. I waited for three years for my rehabilitation, and then they said they were going to make a hookkeeper out of me. They tell me that there were some 30,000 young men after the last war sent to various colleges to become hookkeepers, and after they had received their period of training they came out to discover that there were only three or four thousand jobs available for those men. It meant that on that basis they were training some twenty-seven or twenty-eight thousand men for jobs that they could not possibly get. The post-war program, or the so-called post-war program, we have been reading about—the Governor and the mayors of the various cities have set up these various organizations and are making a study of the future of the veteran. I think that now is the time to act. There have been over 600,000 veterans discharged from the service, every one because of a disability or wound, or I might say because they have become mental cases. The mental cases will have to be rehabilitated by the Government itself. In talking with a discharged disabled soldier here this afternoon in the Hall he told me that he had been out of service, discharged last week with a wound. I asked him what he wanted to do in the future, and he said, "God knows; I don't." I said, "What did you do before you went into the service?" and he said, "I was a driller at a shipyard up until the time I was inducted into the service, but I can't go back to my old employment, even if they wanted to employ me, because of my disability." That is why I thought that an order like this would be effective at the present time. We know that the Governor has under his jurisdiction the giving of several thousands of jobs to non-civil service employees. Take, for example, the Unemployment Compensation Bureau. We know that that at the present time is loaded with hundreds, and we might say with thousands of married women whose husbands are making more than sufficient money to support those women. I am asking the Governor to set up a board in the State House and to appoint a disabled veteran or a wounded veteran as its head. My reason for that is, of course, that the veteran will take a vital interest in getting jobs for these other disabled and wounded veterans who have been wounded and disabled in the service. I think now is the time to act. I don't think any married woman who is working in the Unemployment Compensation Bureau, or working in any other department that is under state control, would object. I don't think there would be any reason to object if her husband was making sufficient salary

to support her and her family. I don't think they should object. I think they would feel it would be their patriotic duty at this time to step aside and give one of these wounded or disabled boys their job. Now is the time to do it. We should not wait. God only knows how long this war is going to continue. If it continues for a year or two these boys are going to be walking the streets of Boston, because they are not able to do a hard day's work, to go into a shipyard or any other defense plant and draw a week's pay. I think that the white-collar jobs are the jobs for these boys. In your own rationing boards, the O. P. A., the Unemployment Compensation, you know, as I know, there are women who are receiving anywhere from \$32 to \$50 a week, and you know as well as I do that their husbands are holding down good jobs,—two salaries going into that home, whereas these boys in nearly nine out of ten cases have been refused compensation from the Government because they have been given the civilian defense discharge, which means that when they were accepted into the service the Government contends that they had something wrong with them, and although the Government had aggravated that condition, the Government still believes that they are not responsible, and these boys have a case filed, not by themselves but by the Red Cross, and in nine out of ten cases—I will go farther and say 95 to 99 out of every 100 of these cases—they have been turned down, which means that the boys are not to receive compensation, they are not to be given disability allowances, and they are not going to be rehabilitated as far as the Government is concerned. I read in the paper only recently where the Governor was going to do something for these boys, and try to do it in the near future. I think this is the time to do it. As I stated previously, there are over 600,000 of these boys already discharged. There are thousands of jobs waiting in the state service for these boys, and I hope that the Governor will take active steps and set up a Board and appoint a disabled or wounded honorably-discharged veteran as the head of it, and let him work in conjunction with the various veteran organizations and start weeding out these married women and putting these disabled veterans in their place.

Coun. SCANNELL—Mr. President, at the outset I wish to congratulate the councilor from East Boston (Coun. Coffey) for putting the order into the Body. These are orders that should be presented here. We should particularly have in mind at all times these boys who are fighting for our country. Just the other day a young man from my district came to see me, and he asked to get on the civil service list. We went to the Federal Building, and they said, "Young fellow, you cannot take a Federal examination because you have a medical discharge from the United States Army." There have been five or six cases in my district alone where the boys are back, and the Government is not doing anything for them. There is a young man in my section I have just been trying to put to work in private industry, and we went to the State House and to the Federal Building in regard to his case. They would not take an application from him because he had a medical discharge. These are the fellows for whom I think something should be done. In conjunction with Councilor Coffey I will go to the State House and ask to have a special joint session of the Legislature so that we can do something for the boys coming back from the war, changing the Civil Service Laws in their interest.

President HANNON—That would be the subject of a separate order.

Coun. TAYLOR—Mr. President, there is a good deal of merit in what the councilor from East Boston (Coun. Coffey) has said. It is true that private industry refuses to employ these men because the insurance companies won't assume the risk. I understand that that is the fact. If that is the case, I think the insurance companies whose properties the boys were helping to protect should be censured and condemned. I don't think any insurance company should increase the rate of an employer who employs discharged veterans or that any insurance company should in any way attempt to prevent any employer from relieving an honorably discharged veteran. Therefore, I would amend the councilor's order by adding the following:

"As also, that his Excellency the Governor be requested to instruct the Insurance Commissioner to revoke or suspend the license of any insurance company that increases the rate of an employer

who employs discharged veterans, and also of those insurance companies who in any way attempt to prevent an employer from relieving any honorably discharged veteran."

The question came on the adoption of Coun. Taylor's amendment.

Coun. RUSSO—Mr. President, I wish to go along with Councilor Taylor, as far as his amendment is concerned, and because about five weeks ago I made a public statement to the effect that our Federal, State and City Governments, the three branches combined, should do something for these boys who are coming back. I wish to commend Councilor Coffey for the order he has offered. I feel that it is a very proper offer at this time, and that the City and State should both, as far as possible, do something to see that these boys when they do come back, are properly taken care of. I have had similar experiences in my ward to that stated by our other members, in regard to boys who have come back. I have in mind particularly a boy in the North End who has been for eighteen months at Guadalcanal, where I believe he was awarded the Purple Heart. I have tried several places to see what could be done in the way of finding employment for him. He was discharged because of physical disability however, and it seems that he cannot be employed, although, lo and behold, he is now working in private industry as a painter. If he is so able, I see no reason why he was previously refused a job. But the fact is that the insurance companies are making it difficult for employers to employ these people, and I think something should be done about it right now, quickly, before it gets to a point where it cannot be controlled. It is important that these boys should find places where they can utilize whatever energy they have, to keep them in comfort and helping themselves and their families. Therefore, I want to go along on these very meritorious orders.

Coun. HANLEY—Mr. President, I was very happy to hear the remarks of my distinguished colleague from East Boston, also of my distinguished colleague from Ward 12, both of whom were in the last war, and who were able to give very vivid descriptions of what transpired. At my age I was unable to be in the last war, but I remember as a small boy standing upon Tremont street watching the returning soldier boys from the last conflict. I remember the plaudits of the crowd and the strains of martial music. I remember how they were applauded,—applauded in churches and in auditoriums, and I remember that when they put their soldier uniforms away and placed on their civilian attire they were targets for the private industrialists—the private industrialists who heaped profits into their treasury at the expense of those soldier boys. I know that James S. Coffey from that time remembers the filth and the dirt and the vermin that he suffered in France and in other countries of Europe, and I know that as he looked upon the ship that would bring him back again to the United States of America he thought he was coming back to the land of plenty. He thought he was coming back to the country that he and four million others helped to preserve. As he looked forward into the future he thought that he might be able to bring up his children under the Stars and the Stripes and educate them according to their religious conviction. But he never thought that that cloud would descend upon him and upon his family, as his boy today is fighting for the same principles that his father fought for twenty-seven years ago. I know human nature, and it has not changed. Human nature is the same today as it was yesterday, as it will be tomorrow, and those who have clarity in their hearts and have justice as a motivating power should write upon the statute books salutary laws that will protect the youth of our land, whether they are soldiers, sailors or marines. We can find funds for the prosecution of the war; we can, we will and we must find a basis for the continuation of the peaceful life. The youth who today are fighting in the far-flung parts of the world are really the forgotten generation, a generation that grew up in the prohibition era, a generation that, when they received their diploma from the grammar school or the high school or the college, were met with stinging remarks from those who tried to purchase them body and soul. Such a boy was never given the opportunity to utilize the talents that a munificent Creator gave him. This younger generation is called upon today to defend our forty-eight states from encroachment both from

with in and without. Now, they receive their medical discharge. To some of them that means distortion and derangement by the gruesome and horrible sights that they have seen as their comrades have fallen in battle. Many of them will never again see the beauty of Nature or the smiles and the tears of their parents or their loved ones. Many of them will never again walk the highways or the byways of our beautiful land. Many hospitals will be erected to take care of them. But what is the price? What a price are they paying, and what is their victory? Let us hope and pray that the remarks of my distinguished colleague, James S. Coffey, and also of Charles I. Taylor will not be placed in the waste basket of forgotten orders, but let us hope and pray that they will do something for these boys. They have deserved victory; let us give them the laurel wreath.

Coun. CAREY—Mr. President, I, too, am happy not only to go along with the spirit of the order put in by Councilor Coffey, but to vote for it. There are some differences of opinion, of course. We are told that one of the conditions under which a veteran will secure medical discharge is that he will secure employment in defense industry. Yet we have the remarks of Councilor Russo to the effect that a constituent of his was refused employment in defense industry because he had received a medical discharge. I think it would be well for the Council to find out whether there have been rules promulgated by the Draft Board or by Government officials in connection with men who are refused employment in defense industry. A young man in my ward visited me after he had received a medical discharge. He was sent to one of our Federal offices, where he was allowed to take a civil service examination. I think at this time it might be well to further amend the order offered by Councilor Coffey, asking that the Clerk of Committees be instructed to communicate with John McCormack, the Democratic leader of the House, in regard to this matter, as he is the majority leader, to find out whether orders have been issued in regard to employment in defense industry as a condition of their discharge. I also congratulate Councilor Taylor upon his amendment. I think the insurance companies certainly should be condemned for any effort on their part to refuse insurance if any private business wants to hire these men; and I certainly hope an effort will be made, through the Governor's office, to find the facts and to have something done about this whole matter. I think no effort should be spared to severely censure such insurance companies.

Coun. COFFEY—Mr. President, there is a rule now which the army has in effect that when a man is over thirty-eight years of age and can get a letter from a defense plant that they will hire him in the event that he is given an honorable discharge, he takes that letter with him—usually he is on furlough when he makes the request—and goes to his commanding officer, and if he is over thirty-eight years of age and has not any disabilities he will get his discharge from the service and will be given a job in that defense plant. I might say that I have known of a dozen whose commanding officers told them, because of their age and their limited duties, if they could get a letter from a defense plant the Army would discharge them. But what we are getting at now is these medically discharged cases, and every one of them walking the streets of Boston, and every other city in the United States, was medically discharged, which means either through a disability or through a wound. Those men are discharged, and those are the men that I have referred to in this order. Those men who are discharged because of being over age and who have an opportunity to go into a defense plant are not to be affected in any way whatsoever by this order. It is only those who are walking the streets now, who are now unemployed and given no compensation by the Government, and in most cases, as I have said, have been refused work by private industry because when they see them or their draft cards which show them a medical discharge, the insurance companies shy away from them and don't want them because they naturally become a risk.

President HANNON—The amendment suggested by Councilor Carey should probably be the subject of a separate order.

Councilor Taylor's amendment was adopted, and the order as so amended was passed, under suspension of the rule.

INCREASED PAY FOR GRAVE DIGGERS.

Coun. CAREY offered the following:

Ordered, That the Park Commission be requested, through his Honor the Mayor, to include in their budget for the coming year a sum sufficient to provide for an increase in pay to grave diggers to \$6 per day.

Coun. CAREY—Mr. President, just a word relative to that order. I don't believe any member of the Council whose job might be to dig graves for six days, and perhaps even seven days in the week, would hesitate to say that he thought he was entitled to more than the wage of the ordinary day laborer. As a matter of fact, I have talked to some of these men in private employment and have been informed that gravediggers are paid \$5.50 and \$5.75 a day, and in some cases an increase has been put into effect that will result in their being paid over \$6 a day. I understand that these graves are six feet in depth, which makes the surface of the ground higher than the height of most of the laborers. It is, of course, very arduous work, and a man who is expected to do it for six days in the week certainly should be properly paid, if we are to be supplied with gravediggers in the future.

The order was passed under suspension of the rule.

PAYMENT FOR OVERTIME WORK IN CITY DEPARTMENTS.

Coun. CAREY offered the following:

Ordered, That his Honor the Mayor be requested to instruct all department heads to pay employees for overtime work instead of giving them compensatory time off.

Coun. CAREY—Mr. President, just a word on that matter. I understand that some department employees are being paid in cash for overtime work, and not by time off. I think that would be a good rule to put into effect in all departments, that employees who work overtime in the evening or on Saturday, or possibly Sundays, should be paid in cash instead of in time off.

The order was passed under suspension of the rule.

MICROFILMING OF VITAL TAX PAYMENT RECORDS.

Coun. CAREY offered the following:

Ordered, That the City Collector be requested, through his Honor the Mayor, to include in his budget for next year a sum sufficient to provide for the microfilming of all records of tax payments that must be preserved in the City Collector's department.

Coun. CAREY—Mr. President, for the justification for that order, I invite any of the members to visit the City Collector's office and see how these things are piled around on top of other things there, awaiting action of some kind. Certainly something should be done. Those records must be preserved for future reference. If anything happened to them through a fire or accident in City Hall or the Annex, the result would be very serious. They are important, and are mounting up to an extent that they cannot be readily stored. When this microfilming is done, very little space will be required to keep them in.

The order was passed under suspension of the rule.

APPOINTMENT OF POLICE COMMISSIONER.

Coun. TAYLOR, HURLEY, SCANNELL and MUEHNICK offered the following:

Resolved, Whereas his Excellency the Governor will soon name his appointee to the office of Police Commissioner for the City of Boston; and

Whereas, This appointment is one of the most important within the gift of the Governor; and

Whereas, This appointment affects the protection and the safety of the people of Boston; be it

Resolved, That his Excellency the Governor submit the name of his appointee for the position of Police Commissioner at least two days before the scheduled meeting of the Governor's Council so that ample time for consideration of the qualifications of the appointee be given to the Executive Council and to the people of the City of Boston; and be it further

Resolved, That a copy of this resolution be forwarded to his Excellency the Governor and the members of the Governor's Council.

Coun. TAYLOR—Mr. President, I do not intend by this resolution to dictate to the Governor whom he shall appoint as the next Police Commissioner of the City of Boston. That certainly would not be in my province, although I might have my own personal opinion in that respect. But I do say this, that whoever the Governor intends to appoint should be the subject of discussion not only in the City Council, but also by the people of the City of Boston. Ordinarily the procedure in the case of an appointment by his Excellency the Governor is that he submits the name to his Executive Council for confirmation at the time or immediately before the time of the meeting of the Council. In most cases the rule is suspended and the appointment is confirmed at once. There have been several instances, naturally, where, particularly in the case of judges, a week's delay is given. I think the same should be done in the case of the appointment of the Police Commissioner of the City of Boston. The office of the Police Commissioner, in my opinion, is fully as important as an appointment to the bench, because it involves the safety and protection of the public, for which the Police Commissioner is responsible. The Governor naturally must be very careful in his appointments, and some time should be given for consideration of the matter by the public, so that if the appointee does not measure up in qualifications or character to the people of Boston may have an opportunity to protest to his Excellency the Governor and also to the Executive Council. As I say, it is a very important appointment. The appointee holds the destinies of the City of Boston in his hands in matters that naturally come under his jurisdiction. Therefore, I don't think confirmation should be hurried. I believe that some time should be allowed, at least forty-eight hours, so that the public and the papers may have an opportunity to investigate and have something to say about the character and qualifications of the man who is appointed.

The order was referred to the Committee on Rules.

MEALS FOR CITY HOSPITAL CLERKS.

Coun. HURLEY offered the following:

Ordered, That his Honor the Mayor confer with the trustees of the Boston City Hospital for the purpose of determining what clerks are entitled to meals at said hospital.

Coun. HURLEY—Mr. President, I think that the President is so very, very anxious, probably, that this matter be introduced, that he must agree heartily, because there has been a lot of confusion in the Boston City Hospital in regard to matters that should have been straightened out years ago. I don't know what the exact number of employees at the hospital is today, but there are certain exceptions, certain groups or classes that have no right under the, I think it is, civil service rules, salary or compensation, to eat at the cafeteria up there. It has been called to my attention during the past week that there were two clerks up there, one who is receiving a paltry \$1,000 and the other a \$1,100 salary, and that they were informed that they were not eligible and not allowed to eat in the cafeteria. But the thing that amazed me, Mr. President, is that the party who informed these people who receive \$1,100 and \$1,000 a year, employed as clerks at the Boston City Hospital,—the party who informed them that they had no right to eat there was none other than a Miss Gertrude Foley, executive secretary to the Board of Trustees of the Boston City Hospital, who receives a meager salary of \$3,500 a year! There have been a lot of times that we have criticized these trustees of the hospital, probably for their domineering and autocratic ways, but I think they are small fry when they are compared to this woman Gertrude. Gertrude had that job created for herself. She was direct from the Sanatorium when she came in there, but she got along all right. Then she went around looking for power, and I don't know why but she had a certain way of handling those people up at the hospital, and she picked up a little here and a little there, and finally it is getting so that she tells the trustees of the hospital what is going on and what has to go on. Well, I don't know. Every time that anyone speaks about

receiving a raise of salary from something like sixteen "hucks" a week, she is the first one to protest. It is a terrible thing letting these people get starvation wages in that hospital, and she is right up in arms to prevent an increase. I don't know what she is trying to save money for. I know that in the past that is what has happened, and I think that Gertie is hoping to get more money for herself. So that that was the reason for my introducing this order, to find out who in the hospital is entitled to food and who is not entitled to it. I know that her predecessor, who is now employed at the State House, was not allowed to have his meals there, but from my own observation the same Gertie spends an hour and a half to two hours down in the cafeteria per day. I know she is putting on a lot of weight, and I don't think that that weight is going to help her to be as efficient as the salary of \$3,500 would seem to indicate. So that I think that we should have this matter referred to the Committee on Hospitals, and we can have a little hearing immediately, and let us find out what is going on up there and who is running that place. I hope, Mr. President, that you will refer this matter to the Committee on Hospitals.

Coun. RUSSO—Mr. President, in my four years in the Council this matter has been brought to our attention time and time again. I know that I have filed several orders in the past, asking the trustees of the hospital to consider the advisability of changing this cafeteria system, instead of giving the employees their meals in this way, to give them the extra cash. I know that several individuals when they took the job in the Boston City Hospital weren't married, and perhaps at that time \$600 or \$700 a year was sufficient for them. But during these years they have become married and have children, some of them having quite a family, and still they are compelled to go to the cafeterias to eat. Many times they do not find the kind of food they desire. Certainly, whether they eat there or not, they are receiving but a small amount of pay. I say that the only way we can correct that is to give the employees cash, and give them the right to go out and eat at any place they may desire, giving them a chance to bring the \$4 or \$4.50 into the family budget, so as to help out their families a little better than they have been able to do. It seems to me that that is the way to correct the situation for all time, and I do hope that the hospital authorities will take up this suggestion of mine.

Coun. DWYER—Mr. President, I move to refer the order to the Executive Committee, so that all the councilors may familiarize themselves with the entire situation, and may have the lady who has been referred to especially appear before them. I believe it is a matter that should be considered by the Executive Committee, and I make that motion.

Coun. D. F. SULLIVAN in the chair.

Chairman SULLIVAN—The Chair will also add that he considers this a very good order, and that he is very much pleased to see it introduced. I, too, believe there should be some weeding out done up there in the hospital. There are conditions there upon which the Finance Commission has made reports from time to time. I think we are lax in not cleaning up some of the conditions there. I realize, of course, that we have not the appointing power, or the power to make removals. But certainly something should be done.

The question came on referring the order to the Committee on Hospitals. The Chair being in doubt ordered a roll call.

The motion to refer to the Committee on Hospitals prevailed, yeas 11, nays 1.

Yeas—Coun. Carey, Chase, Coffey, Fish, Hanley, Hurley, Munchick, Russo, Scannell, D. F. Sullivan, Taylor—11.

Nays—Coun. Dwyer—1.

MILK FOR BABIES AND YOUNG CHILDREN.

Coun. FISH, for Coun. KELLY, offered the following:

Ordered, That his Honor the Mayor be requested to confer with the proper officials in Washington for the purpose of making some arrangement whereby mothers of babies and

young children may be able to obtain sufficient milk to meet their daily requirements.

Passed under suspension of the rule.

AMENDMENT OF CIVIL SERVICE LAWS RE VETERANS.

Coun. SCANNELL offered the following:

Resolved, That the City Council of Boston, in meeting assembled, hereby favors the calling of a special session of the Legislature by his Excellency the Governor for the purpose of amending the Civil Service laws for the benefit of veterans of World War II.

Passed under suspension of the rule.

RECESS.

On motion of Coun. CHASE, the Council voted at 4.45 p. m. to take a recess, subject to the call of the Chair. The members reassembled and were called to order by Coun. D. F. SULLIVAN at 5.12 p. m.

EXECUTIVE COMMITTEE REPORTS.

Coun. TAYLOR, for the Executive Committee, submitted the following:

1. Report on message of Mayor and order (referred November 8) authorizing Fire Commissioner to sell at private sale two boilers for not less than \$1,000 — that same ought to pass.

Report accepted; said order passed.

2. Report on message of Mayor and order (referred today) authorizing transfer from Street

Laying-Out Department of \$2,000 and from Reserve Fund of \$1,500 to City Planning Board, Personal Service—that same ought to pass.

3. Report on messages of Mayor and orders (referred today) authorizing transfers, \$3,000 from Law Department to Building Department; \$6,500 from Fire Department to Public Works Department, Sanitary Service; \$3,714.07 from Library Department to Registry Department—recommending that said orders ought to pass.

Report accepted; said orders passed, yeas 12, nays 0.

Yeas—Coun. Carey, Chase, Dwyer, Fish, Hanley, Hannon, Hurley, Muchnick, Russo, Scannell, D. F. Sullivan, Taylor—12.

Nays—0.

EMPLOYMENT OF DISCHARGED VET- ERANS IN DEFENSE PLANTS.

Coun. CAREY offered the following:

Ordered, That the secretary of the City Council be instructed to communicate with House Majority Leader, Congressman John W. McCormack, and ascertain whether or not medically discharged veterans of the present war are instructed by any officials of the Army, Navy, or any other division of the United States Government, that, upon said medical discharge, they must secure employment only in establishments working on defense orders for the United States Government.

Passed under suspension of the rule.

Adjourned, on motion of Coun. MUCHNICK, at 5.27 p. m., to meet on Monday, November 29, 1943, at 2 p. m.

CITY OF BOSTON.

Proceedings of City Council.

Monday, November 29, 1943.

Regular meeting of the City Council in the Council Chamber, City Hall, at 2 p. m., President HANNON in the chair. Absent, Coun. Foster, Goode, Langan, Linehan, Lyons.

The meeting was opened with the salute to the Flag.

PURCHASE OF BEER.

The following was received:

City of Boston,

Office of the Mayor, November 29, 1943.

To the City Council.

Gentlemen,—I transmit herewith communication from the chairman of the Licensing Board for the City of Boston regarding your order of November 15, 1943, concerning an investigation to ascertain why beer on draught cannot be purchased during the evening hours and on Sundays in certain night clubs, cafes and taverns in the City of Boston.

Respectfully,

MAURICE J. TOBIN, Mayor.

City of Boston,

Licensing Board, November 22, 1943.

Mr. Arthur C. Carey,

Chief Clerk, Mayor's Office.

Dear Sir,—The Boston Licensing Board under chapter 138 of the General Laws is authorized to issue licenses for the sale of alcoholic beverages to be consumed on the premises.

In relation to beer, no authorization is given as to how beer shall be sold, either on draught or in the bottle, and the Board does not feel that this is its responsibility; the licensee has the right to sell the beer to whom he pleases and how he pleases, so long as he confines his actions to the statute and regulations of the Licensing Board.

Very truly yours,

MARY E. DRISCOLL, Chairman.

Placed on file.

APPOINTMENT OF LICENSING BOARD INSPECTORS.

The following was received:

City of Boston,

Office of the Mayor, November 29, 1943.

To the City Council.

Gentlemen,—I transmit herewith communication from the chairman of the Licensing Board for the City of Boston regarding your order of November 15, 1943, concerning the inclusion in the budget for 1944 of a sum sufficient to provide for the appointment of six inspectors.

Respectfully,

MAURICE J. TOBIN, Mayor.

City of Boston,

Licensing Board, November 22, 1943.

Mr. Arthur C. Carey,

Chief Clerk, Mayor's Office.

Dear Sir,—In regard to the City Council's order of November 15, 1943, relative to the inclusion in the budget for 1944 of a sum sufficient to provide for the appointment of six inspectors, the Board wishes to advise you that we have no authorization under the statute to employ inspectors.

Very truly yours,

MARY E. DRISCOLL, Chairman.

Placed on file.

SENDING OUT OF PENSION CHECKS.

The following was received:

City of Boston,

Office of the Mayor, November 29, 1943.

To the City Council.

Gentlemen,—I transmit herewith communication from the Executive Officer of the Boston

Retirement Board regarding your order of November 15, 1943, concerning the sending out of Thanksgiving and Christmas pension checks at an early date.

Respectfully,

MAURICE J. TOBIN, Mayor.

City of Boston,

Retirement Board, November 22, 1943.

To Arthur C. Carey, Chief Clerk, Mayor's Office.
From William D. Kenney, Executive Officer,
Boston Retirement Board.

Replying to your letter of November 18 with regard to the City Council order, requesting that the pension checks be sent out before Thanksgiving, I wish to state that this has always been the custom not only before Thanksgiving but also before Christmas.

W. D. KENNEY,

Executive Officer.

Placed on file.

PETITIONS REFERRED.

The following petitions were received and referred to the committees named, viz.:

Claims.

Costello Distributing Company, Inc., for compensation for damage to truck by city truck.

Mildred L. Dobson, for compensation for injuries caused by an alleged defect at Chauncy and Bedford streets.

George Duriss, for compensation for damage to car by city truck.

Matthew E. Farrell, to be reimbursed for execution issued against him.

C. V. Mayo, for compensation for injuries caused by an alleged defect in Newbury street.

Town of Norwood, to be reimbursed for loss of cot as result of Cocoanut Grove Fire.

Anna A. Roberts, for compensation for injuries caused by an alleged defect in Berkeley street.

John E. Troy, Jr., for compensation for damage to car caused by an alleged defect at Washington street and Corey avenue, Brighton.

Katie Udelson, for compensation for injuries caused by an alleged defect at 103 Columbia road.

Henry W. Zellen, to be reimbursed as result of accident which occurred while in performance of duty as employee of Sanitary Division.

Executive.

Petition of Mary G. Carroll to be paid an annuity on account of death of her husband, John M. Carroll, late member of Fire Department.

Petition of Bridget F. McBrine, to be paid an annuity on account of death of her husband, Robert E. McBrine, late member of Fire Department.

Petition of Agnes Smith, to be paid an annuity on account of death of her husband, Andrew R. Smith, late member of Police Department.

CONFIRMATION OF EXECUTIVE APPOINTMENTS.

President HANNON called up, under unfinished business, Nos. 1 and 2 on the calendar, viz.:

1. Action on appointment submitted by the Mayor November 22, 1943, of Thomas F. Coffey to be a Constable without authority to serve civil process and to serve without bond.

2. Action on appointment submitted by the Mayor November 22, 1943, of Patrick J. Walsh to be a Weigher of Goods.

The question came on confirmation. Committee, Coun. Taylor and Coffey. Whole number of ballots 13, yes 13, and the appointments were confirmed.

REPORT OF COMMITTEE ON LICENSES.

Coun. COFFEY, for the Committee on Licenses, submitted the following:

Report on petition of Boston Cab Company (referred October 4) for license to operate motor vehicles between East Boston airport and Statler Hotel—that petitioner have leave to withdraw.

Report on petition of Royal Blue Line (referred October 25) for license to operate motor vehicles between East Boston airport and Hotel Statler—that petitioner have leave to withdraw.

Report on petition of Michael R. O'Donnell (referred November 22) for license to operate motor vehicles between East Boston airport and Copley square—that petitioner have leave to withdraw.

Reports accepted; said petitioners given leave to withdraw.

REPAIRING OF FENCE, MERIDIAN STREET.

Coun. COFFEY offered the following:

Ordered, That the Public Works Commissioner be requested, through his Honor the Mayor, to have the wooden fence on Meridian street, from May street to the bridge, repaired.

Passed under suspension of the rule.

HALF-MASTING OF FLAGS ON PEARL HARBOR DAY.

Coun. COFFEY offered the following:

Ordered, That the City Messenger be requested, through his Honor the Mayor, to fly all flags under his jurisdiction at half-mast on December 7, Pearl Harbor Day; and be it further

Ordered, That his Honor the Mayor request all citizens of Boston to observe one minute of silence on the above mentioned date.

Passed under suspension of the rule.

RECESS.

On motion of Coun. COFFEY the Council voted at 2.10 p. m. to take a recess subject to the call of the Chair. The members reassembled and were called to order at 2.35 p. m. by President HANNON.

EXECUTIVE COMMITTEE REPORTS.

Coun. TAYLOR, for the Executive Committee, submitted the following:

Report on message of Mayor and order (referred October 18) for sale of equipment by Board of Overseers of Public Welfare—that same ought to pass.

Report accepted; said order passed.

GRATITUDE TO TOWN OF BOSTON, ENGLAND.

Coun. MUCHNICK offered the following:

Ordered, That the Boston City Council hereby extends its gratitude to the Town of Boston, England, for the hospitality extended to our armed forces on Thanksgiving Day and that the City Clerk be instructed to forward an appropriate message expressive of our gratitude to the Town of Boston.

Passed under suspension of the rule.

POSTPONEMENT OF DECEMBER 24 DRAFT QUOTAS.

Coun. FISH offered the following:

Resolved, That the Boston City Council, in meeting assembled, request his Excellency Governor Saltonstall to instruct Col. Ralph Smith, State Director of Selective Service, to notify all draft hoards in the Commonwealth to postpone the December draft quotas from December 24 to December 26; and he it further

Resolved, That a copy of this resolution be sent to Governor Saltonstall.

Coun. FISH—Mr. President, the purpose motivating my offering of this order is, of course, clear. It is simply to defer action in this matter of the draft over the Christmas holidays. In my own local draft board, for instance, men report for physical examination December 1, and that is followed by draft board action three weeks later, which practically brings it up to December 24, the day before Christmas. I have been very careful in the resolution to use the words indicating that I oppose anything in this matter that might, if carried out, affect the operation of

the draft service. It is merely a request that this be done, and is not offered with the idea in my own hoard or any other hoard in the Commonwealth to interfere with the prosecution of the war. I am of the belief, however, that this slight delay will not so interfere with the prosecution of the war, and that at such a time as Christmas, if there is no objection to it, it might be well to put it into effect.

The order was passed under suspension of the rule.

PAYMENTS TO COLEMAN BROTHERS.

Coun. KELLY offered the following:

Ordered, That the City Treasurer be requested, through his Honor the Mayor, to hold up the payment of money to Coleman Brothers until such time as they live up to the terms of their contract for the collection of ashes and garbage in the Dorchester district.

Coun. KELLY—Mr. President, I introduced an order some three weeks ago on the same matter. I then tried to use sugar, but it didn't do any good, and now I am using a little salt. This order requests that the City Treasurer hold up the payment of money to Coleman Brothers until such time as they live up to the terms of their contract for the collection of ashes and garbage in the Dorchester district. While I have had in mind particularly conditions in my Ward 15, I think the other wards may suffer from the same situation. I know that these contractors are two weeks behind schedule in my ward. The taxpayers of the City of Boston are paying for this service and should get the service for which they are paying. I am getting eight to ten calls every night from people who are asking why the garbage is not being taken from their back yards. So I move reference of the order to the Committee on Public Safety, to look into the matter.

The order was referred to the Committee on Public Safety.

TELEPHONE SERVICE IN CITY HALL.

Coun. RUSSO offered the following:

Ordered, That the Superintendent of Public Buildings be requested, through his Honor the Mayor, to take immediate steps to improve the telephone service in City Hall.

Coun. RUSSO—Mr. President, my reason for introducing this order is that during the past year I have had many complaints from my constituents who have tried to get in touch with me in City Hall by telephone. If it had not been for my own personal experience, perhaps I would not believe that our telephone service in City Hall is very, very poor. The same thing has happened to me on many occasions when I have tried to get some one at City Hall, and sometimes it costs 15 to 20 cents to get a call in. I do not believe that that is fair or right. Sometimes the only way I can get a call in is to state who I am when I call, and when I do that, the call is completed right away. I don't believe that that situation is fair to the people of the City of Boston. They are the ones who are paying taxes and meeting the hills, and they should be given the same rights, the same privilege that any one of us enjoys. You dial Lafayette 5100, the receiver is taken off, and you wait a few minutes, and then the operator asks you to state what department you want to talk with. Then you hold the receiver for five, six or seven minutes until you really get disgusted and put down the receiver or call again. That sometimes happens two or three times in succession before you finally receive the party with whom you wish to talk. That is the frequent experience of people who are trying to contact somebody in City Hall, in order to get information. I don't think it is right to give an opportunity to our citizens in this way to complain about City Hall and to ask what kind of a City Hall we have here. We should not be so delayed in getting our calls through, and I ask that the Superintendent of Public Buildings immediately do something about it. I believe that the taxpayers outside of the Hall are entitled to just as much consideration and to as good service as I am, as a member of the City Council. I hope, therefore, that the order will pass, under suspension of the rule, and that something will be done immediately.

The order was passed under suspension of the rule.

PAYMENT TO CONTRACTORS REMOVING ASHES AND GARBAGE.

Coun. D. F. SULLIVAN offered the following:
Ordered, That the Public Works Commissioner be requested, through his Honor the Mayor, to hold up the payment due the contractor for the removing of garbage and ashes in the Dudley section of Roxbury due to his failure to live up to the specifications set down in said contract.

Referred to the Committee on Public Safety.

EXTRA CHRISTMAS ALLOWANCE FOR OLD AGE RECIPIENTS.

Coun. CHASE and RUSSO offered the following:
Ordered, That his Honor the Mayor consider the advisability of making arrangements whereby the recipients of old age assistance and welfare assistance will be granted an extra allowance for a Christmas dinner.

Passed under suspension of the rule.

APPOINTMENT OF POLICE COMMISSIONER BY MAYOR.

Coun. HANLEY offered the following:

Ordered, That his Honor the Mayor request the Corporation Counsel to draft a bill and present it to the incoming General Court that will give the power of appointing the Police Commissioner of Boston to the Mayor and thus eliminate for all time political, racial and religious discrimination against the people of Boston.

Coun. HANLEY—Mr. President, as a City Councilor I would like to come in at this time and congratulate the new Police Commissioner of Boston. May I, as a public official, extend to him my happy wish and fervent hope for his health, happiness, success and longevity. This past week the people of Boston have witnessed one of the greatest political tricks ever recorded in the annals of Boston history. It was planned by men hereof of reason and intelligence. Stooping into racial and religious intolerance, they built up a case against the former Police Commissioner of Boston which reverberated throughout the entire forty-eight states of our Union. It was drama played upon the historic scenes of Boston, but it will have repercussions in every city, in every state and in every town of our country. We have witnessed the City of Boston stigmatized by the words "racial intolerance." We have witnessed the modern Scribes and Pharisees coming in from New York City and dictating to the Governor of our Commonwealth. We have witnessed the mud-slinging Attorney-General, Robert T. Bushnell, stooping into the gutter of vilification and utilizing a man's name that has been renowned in Boston politics. We have witnessed a man, under the cloak of racial and religious discrimination, setting himself up so that some day he may attempt to be the Governor of our Commonwealth.

Coun. M. H. SULLIVAN—Mr. President, I feel that the gentleman is not speaking on the order.

President HANNON—The Chair feels that he is.

Coun. HANLEY—I expect people to interrupt me, but I don't intend to be silenced. I am going to rip off this cloak of hypocrisy, and I don't care who it hurts. If the gentleman from Ward 22 cares to engage in debate, I will be only too happy to go over into his Brighton district. I say, and I say it again, that Commissioner Timilty has been stigmatized by Robert T. Bushnell as an anti-Semite. And I say, and I say again, that it was done by men, perpetrated by men hereof of reason and intelligence for the purpose of stigmatizing Boston. I have facts, not fancy. I use truth and not error, and I use sense and intelligence and not emotionalism. In June of this year I introduced an order in the Boston City Council asking that "Mission to Moscow" be banned. It received publication in every newspaper in the forty-eight states. I received letters of commendation and letters of condemnation, and I received a letter from New York City with clippings from some magazine. It was dated June of 1943, and it brought out every accusation that Robert T. Bushnell heaped upon the head of Police Commissioner Timilty. That was in June of this year. And some one maliciously wrote in in black crayon that Boston is a suburb of Cork; it was one time known as an American city. And this happened

in June, and from that period on Bushnell was absent from his official office three months. Where he was is known by many—whether he was collaborating within the walls of P. M., or with Max Lerner, the associate editor of P. M., or with the filthy and spiteful voice of the news commentator that nauseates the people of America on every Sunday evening. There is not one politician, and I now say it emphatically—there is not one politician in the state, in the city, or in the Federal Government, that does not know where a Jewish vote exists, and there is not one that does not utilize emotionalism as a pawn in order to ingratiate themselves with people who have been persecuted for centuries. There is not one man in public life that does not know this fact. There are approximately four and one half million Jewish people in the United States of America. There is a population of approximately 130,000,000 of United States citizens. But minorities are protected by the Bill of Rights, and that is why persecution and prosecution have never been tolerated and never should be tolerated within the confines of our country. There is no room in our country for hyphenated Americans. There is no room in our country for anti-Protestantism, anti-Catholicism, anti-Judaism, or any other anti. There is only room in our country for one thing, and that is for Americanism.

But we have witnessed all types of intolerance, and I am here today to take off that cloak of hypocrisy that the Scribes and the Pharisees of old used in order to ingratiate themselves with a persecuted people. Charles Dickens, in writing the "Christmas Carol," utilized his pen in taking "Scrooge" down through the corridors of time in order to show him the true spirit of Christmas. May I adopt the technique of Charles Dickens and take the "Scrooge" of the Attorney-General's office, who will never otherwise be escorted down through the corridors of time, and turn back the pages, the dusty pages, of history and show him the nations and the empires that have gone into the dust. I would bring him back to the past of the Jewish race, and I would show him an old man with an upraised dagger, about to plunge it into his son. His hand was stayed, and for his obedience he was promised that from his loins would spring one day the Messiah. And I would bring him down to the battlefield, and I would show him the Philistine, having their giant with Herculean strength, marching up and down castigating the Israelites, and from a tent came a small boy with a sling in his hand, who catapulted a stone, overthrowing, and then decapitating Goliath. And I would show him where Pharaoh tried to exterminate the Jewish race for all time, and in his frenzy and his hate he forgot the little babe that was in his own little home, a man who would one day grow up and rule for a time Egypt. Egypt,—and the prophecy reads that she shall never have a national flag of her own. And Moses, who had an impediment in his speech and was unable to deliver the message, utilized his brother Aaron to bring the story to the kings of Egypt. And upon Egypt descended the ten plagues, and Moses brought those people out of bondage and crossed the Red Sea, and for forty years they wandered, even though the distance was approximately twenty miles from the promised land. The story of Judaism is wreathed in glory, it is wreathed in sadness, and it is wreathed in happiness. I would bring him down through Russia and show him the Cossacks upon their steeds, with their knives, running them into the poor persecuted Jews. I would bring him to the snow-capped fields of Siberia. And I would bring him into England, where the Jews were not allowed to associate with the people of England, where chains bound them. And I would show him the writings of the Bard of Avon, William Shakespeare, who utilized his pen and his ability to stigmatize the Jew. And Winston Churchill even used the term later on. I would bring him to America, a land that was opened up because the people were persecuted, and I would bring him to Boston Common and show him a tree where one day hung the body of the witch who, because of her features, was considered not fit to mingle with the people. I could show him the road that Roger Williams had to flee over into the neighboring state of Rhode Island. And I would bring him over to my distinguished colleague's district, that of Leo Kinsella, and show him there the ruins of a convent in 1934. I would show him the spot where one day a convent was erected to house only women whose main point in life was to propagate the faith and

hold the children of Boston. And after we view all these sights, I would bring him up into Councilor William F. Hurley's district, and show him there an edifice the like of which is not elsewhere in New England, and upon its stones is a relic taken from the Ursuline convent of Charlestown. That is a history of persecution. That is history in this state, and we are turning hack the pages once again and allowing a mud-slinging Attorney-General, Robert T. Bushnell, to utilize a stigma. Governor Saltonstall, who has been honored by the people of Massachusetts, being elected three times as the Governor of our great state, was whipped into line by a bludgeon that was taken from the oven of hate, racial intolerance and religious bigotry, utilizing the office of Police Commissioner to heat another man. They didn't have the audacity or the intestinal fortitude to pound another man of a different creed or racial descent. They have dug their own political graves by this one act. I believe I was the last one to speak to Governor Saltonstall, representing a social group, and, in turn, representing hundreds of thousands of signatures obtained voluntarily in behalf of the former Police Commissioner. He received us most courteously and graciously. He smiled as his picture was taken, and his monologue was not about the Police Commissioner, but about some peculiar circumstance in the height of oratory that a former Governor leveled at his official countenance, and I am sure that the so-called handsome men of Hollywood would be only too happy to take on the features of Governor Saltonstall if they could be honored in the same way that the people of Massachusetts have honored him. He comes from a rich family, and sometimes, for political reasons, he states that his people were one time Irish. I believe tonight or tomorrow evening we will have the great honor and pleasure of having the associate editor of P. M. come and tell us what post-war rehabilitation will be. His name is Max Lerner. Evidently when he will grasp the hand of Leverett Saltonstall, he will say, "Well done, our good and faithful servant." Now, I am going to bring out a few facts, and I am merely taking the writings of Attorney-General Bushnell. Every communicate that he forwarded to Governor Saltonstall was permeated with the term "anti-Semite." In Brooklyn, according to a June issue, seventeen synagogues were desecrated. We have had zoot suit riots on the West Coast. We have had race riots in Detroit. We had race riots in New York City and in Boston, we had hoys in gang fights, and they called it anti-Semitism. And yet Boston was listed as a "city of hums" by the maligner of the air waves, Walter Winchell, a former vaudevilian and hooper, who degenerated journalism for all time. In Brooklyn we had so-called gang fights. They called it anti-Semitism, but they never asked for the head of the Police Commissioner. Robert T. Bushnell, utilizing syllogism instead of facts, built up this case, utilizing abusive treatment, both physical and verbal. He, therefore, was under the jurisdiction of the Commissioner of Police, and therefore the Commissioner of Police was guilty of abusive treatment, both verbal and physical. That is what we call syllogism. It sounds like fact but it is based on fancy. Now, if that syllogism was true, I could cite a case that was brought to us by way of the newspapers last week, of General Patton, who raised his arm and hit the back of a soldier, a boy who was shell-shocked. He was indicted and convicted by General Eisenhower for abusive treatment. Now, the Commander-in-Chief is President Franklin Delano Roosevelt. He is the boss, and I wonder would anyone have the temerity to call him an abusive man. That is how cases are built. They are either built on fact or fancy. Robert T. Bushnell can take his place in the midst of bigots, down through the history of Massachusetts Bay Colony. That is where he belongs. He thinks that unto himself he has drawn the Jewish vote for Governor, but he will find that even though those people are persecuted, even though they are sometimes utilized as pawns, they will know that under his cloak of hypocrisy lie the claws, the tongue and the lips of a ravenous wolf.

Coun. CHASE—Mr. President, I feel I shall not be able to vote for this order, having in mind that the people of Boston and Massachusetts may misconstrue the wording of the order and may think that we members of the Boston City Council are of the opinion that Governor Salton-

stall was forced by the Attorney-General to make the appointment of Colonel Tom Sullivan. Furthermore, it smacks too much of accusing the Governor of racial intolerance and religious intolerance. I happen to be a member of Governor Saltonstall's party. I happen to be a member of the Attorney-General's party. And I rise to defend Governor Saltonstall in the appointment of Colonel Tom Sullivan, a man whom I have had the very pleasant opportunity of cooperating with in the conduct of municipal business of Boston in the past six years. I think, if anything, his Excellency the Governor should be complimented and congratulated on his very excellent appointment. And I say this, Mr. President, without any reflection whatever upon the former Police Commissioner. I can fully appreciate, sir, how the councilor from Roxbury feels on the matter, and I sympathize with him. I am a Republican, and I have, on two occasions, supported the Attorney-General. I worked hard for his election to the office he is now holding, but I, sir, like many other Republicans throughout the Commonwealth, feel that Mr. Bushnell is subject to the grave fault of popping off without due deliberation or without considering the reputations of the men that he talks about. I refer, Mr. President, to specific examples of attacks made by the Attorney-General upon many prominent men of my own party, and, in particular, Mr. President, I refer to the onxious and selfish attack that the Attorney-General made on that great Senator, Henry Cabot Lodge, Jr., and he made it, Mr. President, for the sole purpose, in my opinion, of satisfying his own political ambition to be United States Senator. I refer again, Mr. President, to the onxious attack that Mr. Bushnell made upon Leverett Saltonstall when he interfered after endeavoring to force the Governor to appoint Judge Zottoli Chief Justice of the Court. The Governor appointed Davis B. Kenniston. The vicious assault he made through innuendo in commenting upon the Governor's appointment of Mr. Davis B. Kenniston when he said, Mr. President, "The underworld of Boston will be pleased by that appointment." I think, Mr. President, that the people and voters, all my people, very much resented that onxious and unfair statement. I, for one, have known Davis B. Kenniston all my life, and can vouch for the fact that there is no more honorable man in the entire Commonwealth. It is regrettable, Mr. President, that the Attorney-General does not give more thought to matters involving the public's interest before indulging in personal attacks on the characters of some of our most beloved citizens. I know exactly how the councilor from Roxbury feels. I more than sympathize with him, but I hesitate in voting for this order because I do not want the people of Boston and of Massachusetts to feel that his Excellency the Governor is guilty of any racial intolerance or any religious intolerance. I think his Excellency has made a very fine appointment, and I know that Colonel Tom Sullivan will be an excellent Police Commissioner, and I, sir, shall vote against the order.

Coun. D. F. SULLIVAN—Will the councilor from Ward 4 answer one question? Do you think, councilor, that any man in his right mind would do the things that Attorney-General Bushnell has done in the past?

Coun. CAREY—In order that my colleagues might know what we are voting on, may I ask that the order be read again?

(The order was read again.)

Coun. CAREY—Mr. President, I will vote for the order. I do not care to go into any discussion as to whether or not we might have had this very same situation arising even though the Police Commissioner were to be appointed by the Mayor of the City. It is quite likely we would have had to go through the same thing about anti-Semitism and what not. I am going to vote for the order because I feel that the Mayor of Boston should have the appointing power for the Police Commissioner of the City of Boston. Police heads in every other city of this state are appointed by the mayor of the city. I think that right should rest with the Mayor of the City of Boston.

Coun. HANLEY—In fear that my distinguished colleague from Ward 4 may get the wrong interpretation of my remarks, my supporting speech is not what you vote on. The content of my order is written. As Councilor Carey from Ward 10 has well stated, I believe we are the only large city where the appointive power does

not rest in the Mayor as far as the Police Commissioner is concerned, even though we pay the bills. The Police Commissioner of Boston is part and parcel of the people of Boston. His bills are paid by the taxpayers of Boston, and he is selected by the Governor of the Commonwealth and confirmed by the Executive Council. We have twenty-two men in the Boston City Council representing the welfare of their constituents who know the pulsations of the people far better than any state politician. As far as Republican and Democrat are concerned, they are like peas in a pod. There is no difference. I wonder will the Governor of our Commonwealth make public certain interests that donated to the campaign? I wonder would he give a list of leading Democrats who sold out the Democratic party in Boston? Consider well Attorney-General Dever when he was sold out in Boston. He was not sold out by the Republicans. I could name names and I could name a lot. There are rackets; there always will be rackets. The greatest racket is in the tax abatement. You have rackets in Washington, District of Columbia, and you have rackets in City Hall. You will have rackets as long as human nature remains the way it is, and it will so remain always. My distinguished friend from the Back Bay happens to be Republican. If he lived in Ward 11 or Ward 10, or any other of the wards, he would have to change his appellation if he wanted to be elected, and I believe if I lived in Ward 4 I would have to change my party if I wanted to be re-elected. I know he is friendly with Senator Henry Cabot Lodge, a man who was also maligned, but that does not change the content of my order. It brings back to the Mayor of our city the appointive power, where it should belong. It was taken away from us because of the Boston police strike that catapulted an obscure individual into the presidency of the United States, Calvin Coolidge. And Calvin Coolidge, in his wisdom, saw fit to appoint Joseph F. Timilty as a supervisor of internal revenue in our district. The content of my order is open for debate. My arguments may be open for debate, but it does not change the letter or the writing of my order.

Coun. TAYLOR—Mr. President, as far as the first part of the order is concerned, I certainly have no objection. I am a great believer in home rule for the City of Boston. I think too many positions have been taken away from the appointive power of the Mayor and given into the hands of others who should not have them, and the Police Commissioner is a functionary of the City of Boston, and I think he should be appointed by the Mayor of this city. While I am always happy, Mr. President, to have men get upon the floor of this Body, or any place else, and extol the virtues of the Jewish people, at the same time bringing out inferences that perhaps Commissioner Timilty had been fired from his job because of anti-Semitic outbreaks in certain sections of the city would leave the impression among the public that because of his anti-Semitism Commissioner Timilty was removed. I look with suspicion, Mr. President, upon remarks of those who praise us and then leave an opening that might tend to destroy us. Joe Timilty was a good man. I knew him well, and from my knowledge of him and my experience and relationship with that man I don't think he had one drop of anti-Semitic blood coursing through his veins, and the agitation against Commissioner Timilty had long ago started by those who wanted to put him out of office, long before any of these so-called anti-Semitic outbreaks. The movement was on then and there was no racial issue then. The racial issue came afterwards. It just happened to come at a time, as I understand it, when Attorney-General Bushnell demanded of the Governor to do away with the services of the commissioner for other reasons than anti-Semitic outbreaks. We of the Jewish faith have been fighting our battles for many thousands of years, and we have lived to fight again, and we will carry on our fight not only for those who would like to destroy our race, but for those who would like to destroy all minority races. We are always glad to have champions of other races come to our assistance, to aid us who suffer for no other reason than that we were born Jews. But beware of those who would champion us and then, on the other hand, would bring out other influences which would tend to destroy us. And doing away with Timilty, as far as his office is concerned, had nothing at all to do with anti-

Semitic outbreaks. And I don't want the public to believe, by inference or by anything else, that they were responsible. It only tends to create more agitation among the friends of Timilty that those of the Jewish faith were responsible. We had no part in it. Many, many, many citizens of Boston know that Joe Timilty himself is not anti-Semitic. At no time has he ever so indicated by his word or his action, and I know definitely that he is not. The only crime against Timilty is that perhaps he might have been a little bit too lenient with some members of the Police Force that perhaps he had not censured in a way some would have liked. But he himself can hold his head up high, as far as I am concerned, at least, as a member of a race which also has known persecution, and never at any time in my limited experience or knowledge has he ever done anything detrimental to the people of the Jewish race. I want to leave this one word, Mr. President, that the Governor has seen fit to appoint somebody else in his place, and in so doing, it is my honest opinion that when the Governor vacated that position and appointed somebody else he did it not because of any anti-Semitic feeling that he felt the commissioner might have had against the Jews, which never existed, but only because he felt as a Governor, for some other reason, that he should appoint somebody else. We must be careful, we of all races who are in a minority, that we don't spread a fire that will eventually burn us. We must remember that the Constitution of the United States gave us all equal rights. We must not set class against class. We must be careful of the propaganda that we disseminate for the purpose of carrying on our hates to such an extent that they might cause destruction to people. Hitler has done it and done it very effectively, and if it is done to one branch of the people it can be done to another. I welcome those who come to our assistance, but, for God's sake, let us not inject anti-Semitic things into matters which do not concern anti-Semitic things. The Police Commissioner's removal has nothing at all to do with anti-Semitism, and I move, Mr. President, that the latter part of the order pertaining to discrimination be stricken from the order and that the first of it remain.

Coun. RUSSO in the chair.

Chairman RUSSO—The question is on the amendment of Councilor Taylor.

Coun. HANLEY—I have listened to the eloquent voice of my distinguished colleague from Ward 12 (Coun. Taylor). I have always admired him for his courage and his convictions. In his remarks he inferred that my remarks were in a sense for one purpose, that of injecting anti-racial and anti-religious issues in the appointment of Thomas Sullivan. It is a public record, produced in all newspapers, the last letter of Attorney-General Bushnell to Governor Leverett Saltonstall. After he read the letter, he passed it to the newspaper men and said that no comment was necessary. And throughout that letter was permeated with the words "anti-Semite." I said in my remarks—the councilor was out of this hallowed chamber at the time—that there is no room in my country for any hyphenated American. There is no room for anti-Protestantism, anti-Catholicism and anti-Judaism. Minorities are protected by the Bill of Rights. That is why we have become a powerful and wealthy nation, because our forefathers, who were whipped and scourged by their European lords and masters, wove together the greatest human document that the world has ever seen, the United States Constitution, a constitution that does not distinguish between a Catholic, a Protestant or a Jew,—a constitution that allows every man and woman to practice his religion according to the dictates of his conscience. And that is why we have become great, because we never built an empire upon persecution, even though it was rampant. In the southland we see the formation of the Ku Klux Klan, and we see it destroyed by President Grant. And again we see it come into being, and the Ku Klux Klan's main purpose in living was destroying, prosecuting and persecuting Jews, Catholics and Negroes. And we see Hugo Black, a former Ku Kluxer, promoted to the highest tribunal, the Supreme Court of the United States, even though he belonged to the Ku Klux Klan. I never leave an opening that I cannot bar up. I know how Hitler came into power, and I know how he will

go out of power. Hitler is a name, a person, but Hitlerism is a poison and a venom that will destroy any country, any nation or any empire. There is a vast difference between a thing and a person. There is only one heartbeat between any of us and death, but the death of Hitler will never eradicate the causes of Hitlerism, and unless those causes are eradicated there will always be racial and religious persecution. We had our formula. It was given to the greatest leader of the Jewish people, Moses. It was written on two tablets of stone in Hebraic, and the background of their panorama is woven around those tablets of stone, and those Ten Commandments are the basis of society of all nations and all empires. The first three are man's obligation to his Creator, and the last seven are man's obligations to man, the entire ten enshrining the Fatherhood of God under the Brotherhood of Man. That is a formula, and that is a formula that I hope I will die with.

Coun. COFFEY—Mr. President, talking on the order itself, in my opening remarks may I state first of all we are all practical politicians. If we were not, we would not be here. Every man that holds office in this chamber, present now, has been elected either two, three, four and some five times to public office, and, of course, every man here in Boston—and I know I speak of every man in the chamber, including the councilor from Ward 4, and I think even the councilor from Ward 5, the new councilor-elect, would also be in favor of home rule for Boston, but let us be honest about things. Who is responsible for these conditions as they exist today? I don't blame the Governor. I don't blame Attorney-General Bushnell. And I think every councilor here will have to agree with me. Speaking of blame, we can blame Joe Ely, who was Governor of the Commonwealth four years and Charlie Hurley, Governor for two years, and I blame the ex-Congressman from my district, who always talked on home rule, but when he had an opportunity to give home rule to Boston he never took advantage of it. It was very simple for any of those three Governors, all three combined, Governors for eight long years, and not one saw fit to give Boston home rule. So how can we at this late day try to place any responsibility on Bob Bushnell, who is a practical politician and has held office a number of years, and on Leverett Saltonstall, Governor of this Commonwealth for three consecutive terms? I don't blame either one. I blame the party. I blame the party of which I happen to be a member and for which I happened to have been a sucker since 1926, running out and doing errands for a lot of fellows I thought were going to do a great job for the Commonwealth of Massachusetts, and it finally ends up with the chairman of the State Democratic Committee, who is a contractor's secretary, or otherwise, the secretary of the State Democratic Committee who is a contractor. We can also place the blame on some of our colleagues, those who served in the Legislatures that are gone and became mayors of other cities in the Commonwealth. Some didn't even serve a year in office and laid themselves open to criticism, to prosecution and sentences to jail. It is our own party we can blame for conditions as they are today. We have had an opportunity in the past and have muffed it. We have had men who have become our governors who, just by sending a simple message to the Legislature, could have given home rule to Boston. We could have had our own police force. We are forced under the circumstances to pay the Police Commissioner's salary out of the taxpayers' money of the City of Boston. And still the Mayor and the members of the Boston City Council have not one word to say as to who shall be the Police Commissioner and how he shall act while in office. The responsibility is the Governor's, and I think Leverett Saltonstall, being a politician and a wise man, may have been a smart man when he was forced—and there was no doubt he was forced—to remove Commissioner Timilty because of circumstances that have arisen in the past two years, and was smart enough to appoint a man very friendly to him, a man who came before us only a few short months ago. He calls the Governor "Leverett," I didn't call the Governor "Leverett" and on this occasion I said, "Who is Leverett?" and he said, "I mean the Governor." We knew whom he meant. He was very close to the Governor, we knew. And it was predicted four months ago by a member of this Body that the next

Police Commissioner would be Tom Sullivan. It is a smart move on the part of the Governor, and one main reason is that he is a Boston Irishman, is a good man, and will probably be a good Police Commissioner, and if he isn't, I will let him know it, like any other. I would let him know. It isn't the first time I have attacked the Police Commissioner and I would do it again, unless things are done in a half decent fashion. Some "hookies" have been allowed to get C coupons. I haven't any gas and I have to put my car up. I know a lot of "hookies" are running around with C coupons. I don't know how they got them. I made a statement pertaining to a lot of them. I said I favored a measure because of three reasons, and one was because it would make the "hookies" go to work. But, getting back to the Police Commissioner, let us be honest about it. There are a few officers up in the gallery. I say it, and I dare be contradicted, that 80 per cent of the Police Department was with Governor Saltonstall, although they are registered Democrats and live in the City of Boston and come from Boston wards and are represented in the Council and in the Legislature by Democrats—in the House, and also by a Democratic Senator. Still those men were with Saltonstall, right on the line, and these recent appointments that were just made by the new Police Commissioner, they also smack of appointments that were made through the indorsement of somebody other than the new Police Commissioner, because we know he wasn't familiar with the job, and I heard he refused the job at least twice before he finally decided to take it. Lo and behold, he was not in office two hours when these men who are going to stand trial were suspended and half a dozen new appointments were made, and new captains sent out into various districts, and I happen to know that some of those who were put in these new positions are very friendly with Governor Saltonstall, extremely friendly. And, as I say, I don't blame the Governor. That is politics. He has to survive, and to survive he has to get the majority of the people throughout the Commonwealth to vote for him, and he did a darned good job against Paul Dever in the City of Boston, when Paul Dever surprised the entire state by carrying the towns and hamlets against the so-called strong Republican Saltonstall. And when he came down to Boston it wasn't so much that he was knifed, it was partly that the other side played smart politics, and they are going to play smart politics just as long as we have men leading our party that we have now in the driver's seat, as I say. As I said before, I don't blame Leverett Saltonstall; I don't blame Bob Bushnell. I am glad to see them fight. I hope a few more Republicans get into the jumble up there, so that the Democratic party will have a chance to put somebody in the Governor's seat that will bring home rule. In closing, don't forget this. Ely held office for four years; he was a Democrat; Hurley held office for two years, and Jim Curley was three times Mayor of Boston and was Governor for two years. And Boston is still without home rule.

Councilor Taylor's amendment was declared adopted.

Coun. CHASE—May we have the order read again?

(The order as amended was read again.)

Chairman RUSSO—The question is on the passage of the order as amended. All those in favor—

Coun. FISH—I ask reconsideration of that amendment.

Chairman RUSSO—It was carried.

Coun. FISH—I doubt the vote and ask for a roll call.

Chairman RUSSO—All those in favor.

Coun. FISH—I withdraw the doubt.

Coun. TAYLOR—I rise to a point of order.

Chairman RUSSO—State your point of order.

Coun. TAYLOR—Am I not right in stating that the vote now is on the amendment?

Chairman RUSSO—That is correct. The question is now on the amendment. All those in favor say Aye and those opposed No. It is not a vote.

Coun. TAYLOR—I doubt the vote and ask for a roll call.

Coun. CAREY—Are we voting for the order as amended, or just on the amendment?

Chairman RUSSO—We are voting whether or not the order should be amended. The question is on the amendment. The clerk will call the roll.

Coun. COFFEY—I don't think we are quite clear yet. Aren't we voting on reconsideration of the amendment?

Chairman RUSSO—Reconsideration was carried. The question comes now on the amendment. The clerk will call the roll on the passage of the amendment.

Coun. D. F. SULLIVAN—I thought that Councilor Fish asked for reconsideration.

Chairman RUSSO—He withdrew. The gentleman is too late. The question is on adoption of the amendment. The clerk will call the roll.

Coun. D. F. SULLIVAN—I beg your pardon, Councilor Fish moved for reconsideration. I am doubting the vote now and ask for a roll call. There is no other business transacted in between that and my motion.

Chairman RUSSO—The Chair will allow the gentleman to doubt the vote and the question now is on reconsideration of the amendment.

Coun. TAYLOR—I rise to a point of order.

Chairman RUSSO—State your point of order.

Coun. TAYLOR—I understand, Mr. President, that Councilor Fish withdrew his request for a roll call, and the next business was on the question of adoption of the amendment, so that now before us is the question of the amendment, and any reconsideration of the prior motion should have been made before.

Chairman RUSSO—The Chair will state that Councilor Sullivan's doubt is in perfect order. The question now is on reconsideration of the amendment and a roll call is asked for.

Coun. CHASE—Mr. Chairman, I doubt the presence of a quorum.

Chairman RUSSO—The Chair will ask the councilors to rise and be counted.

Coun. D. F. SULLIVAN—I rise to a point of order.

Chairman RUSSO—State your point of order.

Coun. D. F. SULLIVAN—Can a question be acted upon without a quorum?

Chairman RUSSO—There is a quorum present, so the gentleman is out of order.

Coun. CHASE—What is the vote on?

Chairman RUSSO—Reconsideration of the motion to amend.

Reconsideration was lost, yeas 1, nays 11:

Yeas—Coun. Fish—1.

Nays—Coun. Carey, Chase, Coffey, Dwyer, Hanley, Kelly, Kinsella, Russo, Scannell, D. F. Sullivan, Taylor—11.

Chairman RUSSO—The motion to reconsider is lost, and the amendment is carried. The question is now on the passage of the order as amended.

The order as amended was passed. (The amendment eliminates the latter part of the order—"and thus eliminates for all time political, racial and religious discrimination against the people of Boston.")

REMOVAL OF FOUNDATIONS OF RAZED BUILDINGS.

Coun. CAREY offered the following:

Ordered, That the Building Commissioner be requested, through his Honor the Mayor, to immediately arrange for the removal of the foundation and the filling in of the cellar of any building which has been razed in the City of Boston, in order that hazardous conditions as a result of such razing will be eliminated.

Coun. CAREY—Mr. President, it is hard to understand why hazardous conditions are allowed to remain and exist when buildings are razed. In my district at the present time there are several buildings that have been torn down, but a part of the foundations has been allowed to stand, and the cellars have not been filled in. Such conditions attract young children, who go there to play and, of course, endanger their lives. I don't know why a contractor is not forced to do a thorough job in such cases, in removing buildings. When a job is left in this condition, of course it is a menace to children and to the public. Therefore, I ask for passage of the order and suspension of the rule, and I hope the Mayor and the Building Commissioner will agree that what is proposed in this order should be carried out, seeing to it that when a building is razed the foundation also is razed and the cellar is filled in, so that the present hazardous conditions will be eliminated.

The order was passed under suspension of the rule.

Adjourned, on motion of Coun. DWYER, at 3.45 p. m., to meet on Monday, December 6, 1943, at 2 p. m.

CITY OF BOSTON.

Proceedings of City Council.

Monday, December 6, 1943.

Regular meeting of the City Council in the Council Chamber, City Hall, at 2 p. m., President HANNON in the chair. Absent, Coun. Coffey, Fish, Foster, Goode, Langan, Linehan, Lyons.

The meeting was opened with the salute to the Flag.

JURORS DRAWN.

Jurors were drawn, under the law, Coun. KINSELLA presiding at the jury box in the absence of the Mayor, as follows:

Twenty-two grand jurors, Superior Criminal Court, to appear January 3, 1944:

Giuseppe DiFilippo, Ward 1; William J. Murphy, Ward 2; Carl H. Schmidt, Ward 2; Carmine A. Lepore, Ward 3; John Trabucco, Ward 3; Rocco Volpe, Ward 3; Charles A. MacPhee, Ward 4; Edward Arnold Sullivan, Ward 4; Dennis V. Linehan, Ward 7; Harry Miller, Ward 11; Julius Berman, Ward 12; Chester W. French, Ward 15; Fred J. Wallace, Ward 15; Patrick J. Barry, Ward 16; Benjamin Krasoff, Ward 17; Lawrence D. Butler, Ward 18; Edward V. Donovan, Ward 18; Harry J. Lown, Ward 18; John J. Shea, Ward 20; Samuel Kaufman, Ward 21; William N. Jacobus, Ward 22; Harold C. L. Olson, Ward 22.

Sixty-two traverse jurors, Superior Criminal Court, to appear January 3, 1944:

William A. Green, Ward 1; Gardner H. Nickerson, Ward 1; John M. O'Connell, Ward 1; Ernest Guarino, Ward 2; Eli Alpert, Ward 3; Harry Blonder, Ward 3; Frank Guepka, Ward 3; John W. Farren, Ward 5; Frederick M. A. Moody, Ward 5; Edwin P. Arnold, Ward 6; Michele Fogge, Ward 6; William J. Smith, Ward 6; Edward D. Veno, Ward 6; Michael Keane, Ward 7; John A. McStowe, Ward 7; Cleon G. Tilton, Ward 7; Bernard F. Burke, Ward 9; Henry Cornelissen, Ward 10; Ralph Halstead Mettler, Ward 10; Joseph F. Gaffney, Ward 11; George C. Keegan, Ward 11; Joseph A. MacKay, Ward 11; Frank F. Russo, Ward 11; Alfred Morgan, Ward 12; Abraham Nathanson, Ward 12; Charles F. Scott, Ward 12; Charles Wagonis, Ward 12; Joseph A. Bessette, Ward 13; William J. Logue, Ward 13; John J. McDonough, Ward 13; French L. Bailey, Ward 14; David N. Cohen, Ward 14; Simon Goldberg, Ward 14; Noah Greenbaum, Ward 14; Nathan Hurwitz, Ward 14; Arthur James, Ward 14; Arthur B. Mellor, Ward 14; John W. Meredith, Ward 14; Joseph Shedusky, Ward 14; John J. O'Donoghue, Ward 15; Albert G. Cavanna, Ward 16; John J. Garvey, Ward 16; James Joseph O'Keefe, Ward 16; Nathan Blume, Ward 17; Nathan Chapper, Ward 17; Ralph Frasca, Ward 18; Charles A. Peterson, Ward 18; Leo Earno, Ward 18; Joseph Banks, Ward 19; Leo P. Glennon, Ward 19; John J. McElroy, Ward 19; Walter E. Miller, Ward 19; James W. S. Blades, Ward 20; Leo A. Donlon, Ward 20; Bernard C. Dwyer, Ward 20; Charles Marginot, Ward 20; William J. McAuliffe, Ward 20; Bernard P. O'Shea, Ward 20; Ralph G. Warren, Ward 20; William A. Allen, Ward 21; George W. Brigham, Ward 21; Richard J. Chambers, Ward 21.

One hundred twenty-eight traverse jurors, Superior Civil Court, January Sitting, to appear January 3, 1944:

Charles J. Acres, Ward 1; Louis Coviello, Ward 1; Alfred Cuneo, Ward 1; Florindo E. DelBianco, Ward 1; James E. Flynn, Ward 1; Peter Lombardi, Ward 1; Armand Marino, Ward 1; Anthony Morella, Ward 1; Samuel Rinella, Ward 1; Raymond A. Sampson, Ward 1; John R. Viera, Ward 1; Daniel L. Mahoney, Ward 2; Eugene F. McCarty, Ward 2; Patrick J. McGonagle, Ward 2; Frank J. Mitchell, Ward 2; Leonard A. Cataldini, Ward 3; Joseph Catalone, Ward 3; John B. Dileone, Ward

3; George Doherty, Ward 3; Nicholas Guarriello, Ward 3; William John Irvine, Ward 3; Louis Leverone, Ward 3; Dennis J. Mahoney, Ward 3; Daniel Mirra, Ward 3; Gunnar H. Aberg, Ward 4; Joseph E. Bresnahan, Ward 4; Edmund I. Burke, Ward 4; Robert A. Hohler, Ward 4; Ralph B. Cannell, Ward 5; William F. Clark, Ward 5; Fred W. Condon, Ward 5; Raymond L. Myrer, Ward 5; Harry Orkin, Ward 5; William H. Rice, Jr., Ward 5; Wilfred E. Smith, Ward 5; Anthony Martos, Ward 6; John J. Myers, Ward 6; James B. Roche, Ward 6; James W. Whelpley, Ward 6; Albert G. White, Ward 6; Charles P. Courtney, Ward 7; Joseph G. Petchell, Ward 7; Frank F. Reil, Ward 7; James A. Greer, Ward 8; Donald Ross, Ward 8; Thomas A. Simmons, Ward 8; Arthur B. Banda, Ward 9; Wilson Sewall, Ward 9; Edmund Kilrow, Ward 10; Wallace McLanely, Ward 10; David A. Nash, Ward 10; Dennis Shea, Ward 10; John P. Sullivan, Ward 10; John J. Hayes, Ward 11; Matthew Augusta, Ward 12; Hyman F. Barisch, Ward 12; Irving U. Bloom, Ward 12; John A. Bratton, Ward 12; Benjamin Dohrein, Ward 12; George E. Fairbanks, Ward 12; James H. Fairclough, Ward 12; Benjamin Grocer, Ward 12; Claud H. Langill, Ward 12; Max Lichtenstein, Ward 12; Harry Meilman, Ward 12; Harris Rosenberg, Ward 12; Irving H. Young, Ward 12; John Callahan, Ward 13; Jeremiah V. Murphy, Ward 13; Harry I. Berkowitz, Ward 14; Julius Brown, Ward 14; Nathan Fisher, Ward 14; Maurice Lewis, Ward 14; Louis Risman, Ward 14; Samuel M. Marcovitz, Ward 14; Benjamin W. Rackmill, Ward 14; Benjamin Weinbaum, Ward 14; Irving Z. Weinberg, Ward 14; Thomas C. Burke, Ward 15; Thomas S. Doherty, Ward 15; John Schaller, Ward 15; Ernest W. Woodward, Ward 15; Arthur J. Collins, Ward 16; Arthur S. Crosby, Ward 16; Daniel Cullinane, Ward 16; George B. Duncan, Ward 16; Harry F. McKenna, Ward 16; James H. Moineaux, Ward 16; Gordon H. Sim, Ward 16; Matthew J. Thoemmel, Ward 16; Thomas F. Young, Jr., Ward 16; Alfred Ernest Cottuli, Ward 17; Harry Marks, Ward 17; Isaac A. Bissell, Ward 18; William A. Chisholm, Ward 18; Michael Dombrowaki, Ward 18; Harry L. Gilbert, Ward 18; Edward N. Goodwin, Ward 18; Arthur M. Gusow, Ward 18; Joseph F. Hammel, Ward 18; John Costa, Ward 19; James A. Doherty, Ward 19; Joseph E. Logue, Ward 19; Robert J. O'Leary, Ward 19; Douglas L. Richardson, Ward 19; A. John Capone, Ward 20; Bernard J. Harrington, Ward 20; John F. Kennedy, Ward 20; James F. Kingwell, Ward 20; William J. Kovar, Ward 20; Earl D. Lovejoy, Ward 20; Bernhard F. K. May, Ward 20; Ward R. McNamara, Ward 20; Harold A. Small, Ward 20; Richard T. Wieher, Ward 20; Frederick B. Anthony, Ward 21; Fred A. Berman, Ward 21; Edgar R. Deabre, Ward 21; Jacob Greenberg, Ward 21; Dominick Iacqua, Jr., Ward 21; William F. Keane, Ward 21; John C. McDonald, Ward 21; Walter J. McEvilly, Ward 21; Israel Altshuler, Ward 22; Thomas P. Browne, Ward 22; Edmund Dunkerley, Ward 22; Thomas J. Griffin, Ward 22; Maurice J. Kiley, Ward 22.

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 first day of May, 1943, without power to serve civil process and to serve without bond; Louis F. Rowan, 8 Glenvale terrace, Ward 19, *vice* Willard O'Brien, resigned.

Weighter of Goods: Chester Allison MacCullagh, 17 Stearns road, Brookline, Mass.

Severally laid over a week under the law.

REPAIRING OF FENCE, MERIDIAN STREET BRIDGE.

The following was received:

City of Boston,
Office of the Mayor, December 6, 1943.
To the City Council.

Gentlemen,—I transmit herewith communication from the Commissioner of Public Works regarding your order of November 29, 1943, concerning the repairing of the wooden fence on Meridian street, from May street to the bridge in East Boston.

Respectfully,
MAURICE J. TOBIN, Mayor.

City of Boston,
Public Works Department,
December 3, 1943.

Arthur C. Carey,
Chief Clerk, Mayor's Office.

Dear Mr. Carey,—This is in reference to the following order that was passed in the City Council on November 29, 1943:

"Ordered, That the Public Works Commissioner he requested, through his Honor the Mayor, to have the wooden fence on Meridian street, from May street to the bridge, repaired."

Steps will be taken to have department forces comply with the provisions of the above-referenced order by effecting all necessary repairs to the wooden fence, and I trust that the work will be done to the satisfaction of the residents of the district.

Respectfully yours,
GEORGE G. HYLAND,
Commissioner of Public Works.

Placed on file.

GIFT OF LAND FROM HENRY F. ROSS.

The following was received:

City of Boston,
Office of the Mayor, December 6, 1943.
To the City Council.

Gentlemen,—I transmit herewith a deed from Mr. Henry F. Ross, President of the Mercantile Wharf Corporation of Boston, who has offered to give to the city a parcel of land containing 173,000 square feet, adjoining Franklin Park.

I recommend the passage of the accompanying order accepting the gift and placing the land in the care, custody and control of the Park Department.

I wish to take this opportunity, as Mayor of Boston, to express my thanks to Mr. Ross and to commend him for his generosity.

Respectfully,
MAURICE J. TOBIN, Mayor.

City of Boston,
Park Department, December 2, 1943.
Hon. Maurice J. Tobin,
Mayor of Boston.

Dear Mr. Mayor,—I inclose herewith a deed from Henry F. Ross of a certain parcel of property described therein and situated on Forest Hills street, adjacent to Franklin Park in the Jamaica Plain district.

I also inclose herewith a blueprint showing the location of the property.

In addition to the above inclosures, please find an original and four carbon copies of an order which may, if it meets with your approval, be transmitted to the Honorable City Council whereby the gift of Mr. Ross may be accepted.

This original and carbon copies were prepared by John J. Tohin, Assistant Corporation Counsel.

Mr. Ross is very anxious that every consideration be given to this matter at the next meeting of the City Council to be held on Monday next.

Very respectfully yours,
WILLIAM P. LONG, Chairman.

Whereas, Henry F. Ross of Boston, Massachusetts, desires to grant as a gift to the City of Boston a certain parcel of land, with the buildings thereon, situated on Forest Hills street, adjacent to Franklin Park in the Jamaica Plain district, and containing about 173,059 square feet and more fully described in a deed and plan accompanying this order; now, therefore, it is hereby

Ordered, That the gift by deed of Henry F. Ross to the City of Boston of the said parcel of land, with the buildings thereon, situated on Forest Hills street, Jamaica Plain, containing about 173,059 square feet and more fully described in said deed, he, and the same hereby is, accepted; and it is hereby further

Ordered, That the said parcel of land, together with the buildings thereon, he, and the same hereby is, placed in the care, custody and control of the Park Department for public park purposes.

Referred to Executive Committee.

ADDITIONAL APPROPRIATION FOR BOSTON COMMON MEMORIAL.

The following was received:

City of Boston,
Office of the Mayor, December 6, 1943.
To the City Council.

Gentlemen,—On June 21, 1943, your Honorable Body passed an order appropriating \$5,000 to be

expended for the erection on Boston Common of a temporary memorial in commemoration of all residents of the city who have or will have made the supreme sacrifice while in the service of their country during the present World War. It now appears that the cost of the memorial selected by the special committee appointed for this purpose, plus the expense of preparing a base for the memorial to rest on, plus the necessary grading and landscaping, the erection of a flag pole, together with a nominal allowance for taking care of additional names, will involve a total expenditure of approximately \$6,000. I submit, herewith, an appropriation order providing the additional sum required and respectfully recommend its adoption by your Honorable Body.

Respectfully,
MAURICE J. TOBIN, Mayor.

Ordered, That an additional sum of \$1,000 be, and hereby is, appropriated, to be expended by the Park Department, for the erection on Boston Common of a temporary memorial in commemoration of all residents of the City of Boston who have or will have made the supreme sacrifice while in the service of their country during the present World War, said sum to be charged to the Contingent Fund.

Referred to Committee on Appropriations.

MILITARY SUBSTITUTES IN FIRE DEPARTMENT.

The following was received:

City of Boston,
Office of the Mayor, December 6, 1943.
To the City Council.

Gentlemen,—I inclose herewith a copy of chapter 431 of the Acts of 1943, which places military substitutes in the Fire Department on the same basis as other members of the fire force in the matter of payment for expense or damages sustained while acting as such member.

This act requires acceptance by the Mayor and City Council, and I recommend the passage of the accompanying order.

Respectfully,
MAURICE J. TOBIN, Mayor.

[Chap. 431.]

An Act to Permit Cities and Towns to Indemnify Military Substitutes Serving in Their Fire Forces or Fire Departments.

Be it enacted, etc., as follows:

Section 1. Members of the "fire force", as the term is used in chapter three hundred and twenty-four of the acts of nineteen hundred and thirty-three, and "fireman" or "member of the fire department" as used in section one hundred of chapter forty-one of the General Laws, shall include military substitutes serving in said forces or departments by appointment, transfer or promotion under authority of section two of chapter seven hundred and eight of the acts of nineteen hundred and forty-one. Cities, including Boston, and towns may indemnify such a member of the fire force, fireman or member of the fire department, his widow or next of kin, as the case may be, in the manner described in said chapter three hundred and twenty-four and said section one hundred of said chapter forty-one, irrespective of whether the expense or damage sustained by such member of the fire force, fireman or member of the fire department in the actual performance of his duty occurred prior to or on or after the effective date of this act.

Sec. 2. This act shall become operative in any city upon its acceptance by the mayor and city council, and in any town upon its acceptance by the town, and shall continue to be operative in such city or town until the termination of the present states of war between the United States and certain foreign countries and for six months thereafter.

[Approved June 4, 1943.]

Ordered, That chapter 431 of the Acts of 1943, entitled "An Act to Permit Cities and Towns to Indemnify Military Substitutes Serving in Their Fire Forces or Fire Departments," be, and hereby is, accepted.

Referred to Executive Committee.

TRANSFER FROM PARKMAN FUND.

The following was received:

City of Boston,
Office of the Mayor, December 6, 1943.
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 \$11,073.75 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.

You will note that the income from the Parkman Fund is transferred as it accrues from time to time, as the gross income is deducted from Item A-1, Permanent Employees, when making up budget estimates.

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 1, 1943.
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 \$11,073.75, which is the final balance for the year 1943 and 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..... \$11,073 75

When making up the budget estimates for the year 1943, 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 1943, 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 \$11,073.75 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..... \$11,073 75

Referred to Committee on Parkman Fund.

TRANSFER TO PUBLIC WORKS DEPARTMENT, SANITARY DIVISION.

The following was received:

City of Boston,
Office of the Mayor, December 6, 1943.
To the City Council.

Gentlemen,—The inclosed request for transfer of \$30,000, together with the accompanying order, is forwarded for consideration and adoption by your Honorable Body.

War conditions have resulted in increased costs greater than was anticipated, with consequent development of a deficit in the appropriation for Removal of Ashes and Garbage.

Emergency action is desirable to enable liquidation of the amount immediately necessary and available.

Respectfully,
MAURICE J. TOBIN, Mayor.

Ordered, That under authority of section 3B of chapter 604 of the Acts of 1941 the City Auditor be, and hereby is, authorized to transfer:

From the appropriation for Police Department, A, Personal Service, \$30,000, to the appropriation for Public Works Department, Sanitary Division, B, Contractual Services, \$30,000.
Referred to Executive Committee.

DEPARTMENTAL TRANSFERS.

The following was received:

City of Boston,
Office of the Mayor, December 6, 1943.
To the City Council.

Gentlemen,—The inclosed requests for transfer of appropriations, together with the accompanying orders, are forwarded for consideration and adoption by your Honorable Body.

As these items are necessary to maintain existing pay rolls, prompt action is desirable.

Respectfully,
MAURICE J. TOBIN, Mayor.

Ordered, That under authority of section 3B of chapter 604 of the Acts of 1941 the City Auditor be, and hereby is, authorized to transfer:

From the appropriation for Law Department, A, Personal Service, \$2,600, to the appropriation for Assessing Department, A, Personal Service, \$2,600.

Ordered, That under authority of section 3B of chapter 604 of the Acts of 1941 the City Auditor be, and hereby is, authorized to transfer:

From the appropriation for Hospital Department, D, Supplies, \$12,000, to the appropriation for Hospital Department, A, Personal Service, \$12,000.

Ordered, That under authority of section 3B of chapter 604 of the Acts of 1941 the City Auditor be, and hereby is, authorized to transfer:

From the appropriation for Municipal Court, Roxbury District, A, Personal Service, \$600, to the appropriation for Municipal Court, Brighton District, A, Personal Service, \$600.

Ordered, That under authority of section 3B of chapter 604 of the Acts of 1941 the City Auditor be, and hereby is, authorized to transfer:

From the appropriation for Fire Department, A, Personal Service, \$3,600, to the appropriation for Fire Department, Wire Division, A, Personal Service, \$3,600.

Ordered, That under authority of section 3B of chapter 604 of the Acts of 1941 the City Auditor be, and hereby is, authorized to transfer:

From the appropriation for Municipal Court, West Roxbury District, B, Contractual Services, \$500, to the appropriation for Municipal Court, West Roxbury District, A, Personal Service, \$500.
Referred to Executive Committee.

PETITIONS REFERRED.

The following petitions were received and referred to the committees named, viz:

Claims.

Irvin W. Arntz, to be reimbursed as result of accident which occurred while in performance of duty.

Thomas G. Brown, for compensation for injuries caused by an alleged defect at 906 Beacon street.

Rose Connors, for compensation for injuries and damage to clothing caused by an alleged defect in St. James avenue.

Emily Dempsey, for compensation for collapse of water boiler at 464 East Seventh street, South Boston.

Sylvia Diamond, for compensation for injuries caused by an alleged defect at 1089 Blue Hill avenue.

John J. Farrell, for refund on permits granted by Street Commissioners.

Martin J. Giovenelli, to be reimbursed as result of accident which occurred while in performance of duty.

Samuel Holstine, for compensation for damage to car by city car.

Hanna McDonald, for compensation for injuries caused by an alleged defect in Walnut avenue.

Robert O. Pineo, to be reimbursed as result of accident which occurred while in performance of duty.

James W. Reardon, for compensation for damage to car by city truck.

John Schofield, for compensation for injuries caused by patrol wagon.

William Sommerville, to be reimbursed as result of accident which occurred while in performance of duty.

Essie P. Wilkins, for compensation for injuries caused by an alleged defect at 45 Kenneth street.

Committee on Licenses.

Petition of H. P. Hood and Sons for permit to widen openings on sidewalk at 50 New England avenue, Ward 17.

APPOINTMENT OF JOHN J. CONNORS.

Notice was received of the appointment by the City Collector of John J. Connors as Acting Assistant City Collector.

Placed on file.

RESIGNATION OF LEO D. SULLIVAN.

Notice was received from the Mayor of the resignation of Leo D. Sullivan, 24 Graybitch terrace, Newton, who formerly served as a trustee of the Statistics Department and whose name the Mayor has submitted for reappointment, who was unable to accept the appointment because of his service in the army.

Placed on file.

NOTICE OF INTEREST IN CONTRACT.

Notice was received from Mary W. Cauley, Director of Household Science and Arts, that she was author of "The Science and Art of Home-making," which was authorized as a text book for Grade VII, at the meeting of the School Committee on June 26, 1935.

Placed on file.

CERTIFICATION OF ELECTION RETURNS.

The following was received:

City of Boston,

Election Department, November 29, 1943.

Wilfred J. Doyle, Esq.,
City Clerk, Boston.

Dear Sir,—We certify that at the City Election held in the City of Boston on November 2, 1943, for the choice of one member of the City Council from each ward for the term of two years, the following were elected from the wards set forth against their names:

- Ward 1. James S. Coffey, 451 Meridian street.
- Ward 2. Michael Leo Kinsella, 7 Belmont street.
- Ward 3. Joseph Russo, 42A Green street.
- Ward 4. Perlie Dyar Chase, 136 Huntington avenue.
- Ward 5. James C. Bayley, Jr., 75 Marlborough street.
- Ward 6. Joseph M. Scannell, 530 East Fourth street.
- Ward 7. John E. Kerrigan, 213 West Eighth street.
- Ward 8. William F. Hurley, 74 Forest street.
- Ward 9. Daniel F. Sullivan, 9 Highland street.
- Ward 10. William A. Carey, 139 St. Alphonsus street.
- Ward 11. Matthew F. Hanley, 308 Amory street.
- Ward 12. Charles I. Taylor, 186 Ruthven street.
- Ward 13. Thomas J. Hannon, Jr., 15 Hartford street.
- Ward 14. Isadore H. Y. Muchnick, 43 Hewins street.*
- Ward 15. John B. Kelly, 64 Homes avenue.
- Ward 16. Phillip Austin Fish, 60 Beaumont street.
- Ward 17. William Joseph Keenan, 29 Pleasant Hill avenue.
- Ward 18. Michael Paul Feeny, 999 River street.
- Ward 19. Thomas L. McCormack, 30 Orchard street.
- Ward 20. Thomas G. J. Shannon, 231 Willow street.
- Ward 21. William F. Dwyer, 9 Braemore road.
- Ward 22. Maurice H. Sullivan, 76 Antwerp street.

We further certify that for the choice of three members of the School Committee for the term of four years the following were duly elected to said office:

Clement A. Norton, 33 Myopia road.
Joseph C. White, 12 Ruskin street.
Daniel J. McDevitt, 238 South Huntington avenue.

Respectfully,

WILLIAM A. MOTLEY, JR.,
FREDERIC E. DOWLING,
FRANCIS B. MCKINNEY,
EVERETT R. PRUTT,
Board of Election Commissioners.

* Now living at 9 Powellton road.

City of Boston,

Election Department, November 29, 1943.

Wilfred J. Doyle, Esq.,
City Clerk, Boston.

Dear Sir,—We certify that at the City Election held in the City of Boston on November 2, 1943, the vote on the Question (in two parts) was as follows:

Part 1. "Shall the city vote that the office of City Auditor be placed within the classified civil service?"

Yes.....	60,139
No.....	12,409
Blanks.....	28,096

Part 2. "If it is voted to place the office of City Auditor within the classified civil service, shall the city vote to provide for the continuance in said office of Charles J. Fox, the present incumbent thereof, after passing a qualifying examination?"

Yes.....	52,624
No.....	13,832
Blanks.....	34,188

Respectfully yours,

WILLIAM A. MOTLEY, JR.,
FREDERIC E. DOWLING,
FRANCIS B. MCKINNEY,
EVERETT R. PRUTT,
Board of Election Commissioners.

Severally placed on file.

Coun. KELLY in the chair.

TAKING OF LAND FOR CEMETERY.

Coun. KINSELLA offered the following:

Ordered, That the Cemetery Division of the Park Department be instructed, through his Honor the Mayor, to prepare to take over, upon completion of demolition work, the land located at numbers 91, 91A, 93, 95 and 97 Elm street, Charlestown, as additions to the cemetery located on Bunker Hill street, at Elm street, in Charlestown.

Passed under suspension of the rule.

INCREASED SALARIES FOR POLICEMEN AND FIREMEN.

Coun. CAREY offered the following:

Ordered, That his Honor the Mayor be requested to confer with the Police and Fire Commissioners with a view to including in their budgets for the coming year a sum sufficient to provide increases in pay for members of these departments.

Coun. CAREY—Mr. President, about a year ago there were increases of \$200 granted to policemen and firemen in the City of Boston. At that time I did not think, nor do I think at the present time, that that increase was large enough. I have taken the time to look into the situation in some of the other large cities of the country in this matter of pay to members of the police and fire departments. I think we can say that the morale of the Police and Fire Departments is largely based upon the pay that is allowed men in those departments. I read in some of the newspapers last week that the new Police Commissioner, in answering a request made of him at the time when he took office, said that he would increase the pay of the policemen of the city. I might say that I have for several weeks past been collecting comparative information as to the pay of our policemen and firemen and the pay in other large cities throughout the country. Most of those

large cities have a minimum sum, and also a maximum sum, larger than that allowed to the policemen and firemen of the City of Boston. The city of Chicago, for example, starts its policemen and firemen at \$2,000 a year, with a maximum of \$2,500. The city of Cleveland has a minimum approximately the same as the minimum in Boston, with a maximum pay of \$2,500. The cities of Pittsburgh, St. Louis, Oakland, California, Los Angeles, California, Washington and many other large cities in the country, have higher minimums and maximums. I am not influenced in introducing this order by any statements we have recently seen from the Police Commissioner when he took office in regard to proposing to increase pay of the men in his department, because, as I say, for several weeks past I have been looking into the matter of the policemen and firemen of the country and, as I said in my opening, I did not feel when \$200 extra was allowed to policemen and firemen last year that that was a sufficient rate. Incidentally, having a hearing upon and furnishing justification for this order, some of us heard the remarks made before the Committee on Appropriations a short time ago by a responsible officer in the Fire Department, relative to a sizable transfer taken from one of the schedules of the Fire Department which it was proposed to transfer to another department. He explained the money that was left over in that schedule of the Fire Department by the inability of the department to fill the vacancies that had occurred in the department on the basis of the starting pay of members of the department. There is much to be said for this proposed increase entirely apart from what the Police Commissioner stated, referring to the desirability of increasing the pay of men in the department—the same argument applying to the Fire Department. I have already referred to the greater pay generally enjoyed by members of both these departments in the larger cities of the country. I have already referred to the attitude of a responsible man in the Fire Department on this matter. The Police Commissioner himself stated that he had always believed in paying the policemen well and that it was his desire to pay them a higher salary than they receive at the present time. It might be said by some that this proposition comes a little bit late, having in mind the preparation of the budget for the coming year. But I do not believe that. There can be no question in anybody's mind about the desirability of increased pay for these men. I have already referred to the larger pay received by the men in other cities. It is certainly not too late to now include in the next budget an amount which will increase the pay of the men in the Police and Fire Departments; and, therefore, I move a suspension of the rule for the passage of this order, so that there may be in the budgets as reported an increase of at least \$200 or \$300 for the policemen and firemen of the City of Boston.

The order was passed under suspension of the rule.

RECESS.

On motion of Coun. CHASE the Council took a recess at 2.55 p. m., subject to the call of the Chair. The members reassembled and were called to order by Chairman KELLY at 3.55 p. m.

EXECUTIVE COMMITTEE REPORTS.

Coun. TAYLOR, for the Executive Committee submitted the following:

1. Report on petition of Margaret M. Hogan (referred April 26) to be paid annuity on account of death of her husband, Henry F. Hogan, late member of Police Department—recommending passage of accompanying order, viz.:

Ordered, That under the provisions of chapter 366 of the Acts of 1943, an annuity of sixteen hundred dollars be allowed and paid to Margaret M. Hogan, widow of Henry F. Hogan, a member of the Police Department, who died on March 10,

1943, on account of injuries received in the performance of his duty; said annuity being made up of allowances as follows:

For the widow, Margaret M. Hogan, 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: Virginia M. Hogan, born May 29, 1929; Margaret M. Hogan, born December 15, 1931; Paul J. Hogan, born February 16, 1937.—

the payments to date from March 10, 1943, and to be charged to the appropriation for Police Department, Pensions and Annuities.

Report accepted; said order passed.

2. Report on message of Mayor and order (referred today) accepting gift of land on Forest Hills street from Henry F. Ross, same to be used for park purposes—that same ought to pass.

Report accepted; said order passed.

3. Report on message of Mayor and orders (referred today) for transfers between departmental appropriations—that same ought to pass.

Report accepted; said orders passed, years 14, 15, 16.

4. Report on message of Mayor and order (referred today) authorizing transfer of \$30,000 from appropriation for Police Department to appropriation for Public Works Department, Sanitary Division, Contractual Services—recommending reference to the Committee on Public Safety.

Report accepted; said reference ordered.

LEAVES OF ABSENCE AND OVERTIME FOR CITY EMPLOYEES.

Coun. HANNON offered the following:

Ordered, That his Honor the Mayor be requested to appoint a committee to consist of the City Auditor, Budget Commissioner, three city employees and two appointees of the President of the City Council, and to instruct said committee to adopt rules and regulations governing leaves of absence and overtime of city employees and to present the revised rules and regulations by February 1.

Coun. HANNON—Mr. Chairman, in presenting this order I will simply say that I think it is about time that something should be done to revise and coordinate the rules and regulations governing leaves of absence and overtime of city employees in the city departments, and I believe that we should have such revised and coordinated rules and regulations presented to us by such a committee as I have suggested in the order by February 1. I know that we had a commission appointed at the State House which drew up similar regulations, resulting in great improvement in the state, and it is certainly time that something was done to improve labor conditions in these respects in the City of Boston, so that certain practices will be adopted in certain departments and not in others. For example, employees in one department are allowed to leave the Hall at fifteen minutes before twelve o'clock on Saturday, while in other departments they are not. This lack of coordination, of course, results in a good deal of inconvenience and misunderstanding. Then, also, we have these cases where the poor laborer who is out for a short time is docked, while the bosses may be out all day and still get their money. There are also the cases where, when the laborer or subordinate is out sick, he is deprived of his pay, while the "upper crust" or executives are given the full amount coming to them. I don't know just how long this sort of thing has been going on, but I do feel that it is about time that these rules and regulations were revised and that some proper rules and regulations were adopted, applicable to all departments and all city employees. Therefore, I move a suspension of the rule and the passage of the order.

The order was passed under suspension of the rule.

Adjourned, on motion of Coun. DWYER, at 4 p. m., to meet on Monday, December 13, 1943, at 2 p. m.

CITY OF BOSTON.

Proceedings of City Council.

Monday, December 13, 1943.

Regular meeting of the City Council in the Council Chamber, City Hall, at 2 p. m., President HANNON in the chair. Absent, Coun. Foster, Goode, Langan, Linehan, Lyons.

APPOINTMENTS BY THE MAYOR.

Subject to confirmation by the Council, the Mayor submitted the following appointments, viz.:

Weighers of Goods: Miss Muriel Berenson, 22 Holborn street, Roxbury, Mass.; Samuel W. Brier, 41 Hilton street, Boston, Mass.

Severally laid over a week under the law.

TRANSFERS WITHIN DEPARTMENTAL APPROPRIATIONS.

The following was received:

City of Boston,
Office of the Mayor, December 13, 1943.
To the City Council.

Gentlemen,—The enclosed requests for transfer of appropriations, together with the accompanying orders, are forwarded for consideration and adoption by your Honorable Body.

Heretofore transfers were effected by the auditor, with the Mayor's approval, after November 15. A change in the law makes it necessary to forward transfers to the Council for approval. In the closing period of the year it becomes necessary to make many transfers to balance off accounts.

As these items are necessary to maintain existing pay rolls for reasons stated by the heads of departments on transfers requested, prompt action is necessary.

Respectfully,
MAURICE J. TOBIN, Mayor.

Ordered, That under authority of section 3B of chapter 604 of the Acts of 1941 the City Auditor be, and hereby is, authorized to transfer:

From the appropriation for Election Department, C, Equipment, \$3,750, to the appropriation for Election Department, A, Personal Service, \$3,750.

Ordered, That under authority of section 3B of chapter 604 of the Acts of 1941 the City Auditor be, and hereby is, authorized to transfer:

From the appropriation for Hospital Department, Sanatorium Division, D, Supplies, \$8,500, to the appropriation for Hospital Department, Sanatorium Division, A, Personal Service, \$8,500.

Ordered, That under authority of section 3B of chapter 604 of the Acts of 1941 the City Auditor be, and hereby is, authorized to transfer:

From the appropriation for Institutions Department, Long Island Hospital, A, Personal Service, \$700, to the appropriation for Institutions Department, Child Welfare Division, A, Personal Service, \$700.

Ordered, That under authority of section 3B of chapter 604 of the Acts of 1941 the City Auditor be, and hereby is, authorized to transfer:

From the appropriation for Institutions Department, Long Island Hospital, A, Personal Service, \$1,540, to the appropriation for Institutions Department, Central Office, A, Personal Service, \$1,515; D, Supplies, \$25.

Ordered, That under authority of section 3B of chapter 604 of the Acts of 1941 the City Auditor be, and hereby is, authorized to transfer:

From the appropriation for Municipal Court, South Boston District, F, Special Items, \$350, to the appropriation for Municipal Court, South Boston District, A, Personal Service, \$350.

Referred to Executive Committee.

APPROPRIATION FOR STEAMER
"MICHAEL J. PERKINS."

The following was received:

City of Boston,
Office of the Mayor, December 13, 1943.
To the City Council.

Gentlemen,—The inclosed request for transfer of appropriation is made necessary by the requirement of the United States Government Inspection Service for emergency repairs to the steamer "Michael J. Perkins."

I therefore forward the same for consideration and adoption by your Honorable Body.

Respectfully,
MAURICE J. TOBIN, Mayor.

Ordered, That under authority of section 3B of chapter 604 of the Acts of 1941 the City Auditor be, and hereby is, authorized to transfer:

From the appropriation for Penal Institutions Department, House of Correction, C, Equipment, \$2,500, to the appropriation for Penal Institutions Department, Steamer "Michael J. Perkins," B, Contractual Service, \$2,500.

Referred to Executive Committee.

REIMBURSEMENTS FOR LEGAL
EXPENSES.

The following was received:

City of Boston,
Office of the Mayor, December 13, 1943.
To the City Council.

Gentlemen,—The following requests for reimbursement for legal expenses have been made:

1. Building Commissioner James H. Mooney has requested that he be reimbursed for legal expenses incurred by him, in the amount of \$3,006.70, in his defense, resulting in his acquittal, of charges of willful neglect of his official duties as such commissioner, as contained in an indictment dated December 31, 1942, in the proceeding known as *Commonwealth v. James H. Mooney*.

This case went to trial before a Suffolk County jury on November 9, 1943. After presentation of all of the evidence of the Commonwealth, the presiding justice ordered that a verdict of not guilty be returned, on the ground that no evidence had been introduced which would warrant the jury in finding Commissioner Mooney guilty of those charges.

2. Theodore Eldracher, Building Inspector, has requested that he be reimbursed for legal expenses incurred by him, in the amount of \$3,500 in his defense, resulting in his acquittal, of charges of willful neglect, omission and refusal to perform his duties as such officer, as contained in an indictment dated December 31, 1942, in the proceeding known as *Commonwealth v. Theodore Eldracher*, and of charges of conspiring with others to do certain acts in violation of the Boston Building Law, as contained in an indictment dated May 19, 1943, in the proceeding known as *Commonwealth v. Theodore Eldracher et al.*

In the first indictment against Mr. Eldracher, the Suffolk Superior Court, after hearing, sustained the plea in abatement and allowed the motion to quash said indictment which respectively had been filed by the defendant. The second indictment against Mr. Eldracher went to trial before a Suffolk County Jury on June 15, 1943. Following a mistrial which took place on June 24, 1943, a further trial upon the merits was had before a jury commencing on July 1, 1943, at which all of the evidence of the Commonwealth was presented. On July 23, 1943, the jury returned a verdict of not guilty of the charges contained in said indictment.

It is a fact of general knowledge that Mr. Mooney and Mr. Eldracher have served the City of Boston well and truly, the former as its Building Commissioner for the last several years, the latter as a Building Inspector for a period of many years.

receiving \$2,700 were increased to \$2,900. Now, Mr. President, there are, according to my informants, in the Police Department sixty to sixty-five police lieutenants. There are approximately thirty police captains. As matters stand at the present time, the police captains receive \$4,000 a year as a base salary, plus \$200 emergency allotment, which allotment has never been made to the police lieutenants, in that the \$200 granted them was made permanent on the base, increasing, as I said, the base from \$2,700 to \$2,900; yet they didn't, in addition, receive the emergency addition of the \$200. In the old days with the salary range of \$2,700 for police lieutenants and \$4,000 for captains, the difference was \$1,300 a year. As it stands at the moment, the captains receiving \$4,000 a year as a base salary and the \$200 plus as emergency allotment, a total of \$4,200, are still \$1,300 in the total over and above the police lieutenants. Now, it appears to me, Mr. President, there is altogether too much of a span between the two grades. We have something like 1,900 to 2,100 police officers who can be called privates,—if not more. The urge to become a police lieutenant from the rank of sergeant is not as great as it might be. The possibilities, aside from the urge to become a police captain from the rank of lieutenant, are definitely less. Now, I think that, in justice to the sixty to sixty-five men who, in point of age and service probably approximate the age and service of the present captains, there should be no more than a \$500 span. In other words, police lieutenants ought to be increased to about \$3,500, allowing the captains to remain at their \$4,000 base plus the \$200 emergency allotment. There is no spur to a man to become a police lieutenant from the rank of sergeant, because the higher he goes the opportunities for advancement are less. It can readily be seen, Mr. President, that with the \$1,300 as by between police lieutenants and police captains, and with only about thirty captains all of the one age, except in a few rare instances, it is hardly likely that the police lieutenant can have an even chance of bettering the situation or an even chance of becoming a captain and thereby coming in the higher salary brackets. So I believe, Mr. President, as I said awhile ago, the span should be no more than \$500 a year between the two grades; and I ask suspension of the rules and passage of the order.

The order was passed under suspension of the rule.

NAMING OF PLOT FOR JOHN J. WELCH.

Coun. KINSELLA offered the following:

Ordered, That the Board of Park Commissioners be instructed, through his Honor the Mayor, to accept the designation "John J. Welch," for the plot of land located in City square, Charlestown, and to erect suitable name-plates or sign-posts bearing such designation.

Coun. KINSELLA—Just a word on the origin of the request. I have here on the Veterans of Foreign Wars' letterhead a letter from John J. Rea, chairman of the committee relative to sponsoring the naming as a memorial the circle in City square, Charlestown, to be known as John J. Welch Circle. I believe everyone is familiar with its location. It is a triangular plot of land in front of the police station in City square, Charlestown, that has never borne a name, and does not today. If the suggestion is adopted it is to honor one who paid the supreme sacrifice and died in action in France on September 12, 1919.

The order was passed under suspension of the rule.

REPORT OF COMMITTEE ON PARKMAN FUND.

Coun. CHASE, for the Committee on Parkman Fund, submitted the following:

Report on message of Mayor and order (referred December 6) for transfer of \$11,073.75 from income of Parkman Fund to be expended under direction of Park Commissioners for Maintenance and Improvement of Common and Parks in Existence on January 12, 1887—that same ought to pass.

Report accepted; said order passed, yeas 14, nays 0.

REPORT OF COMMITTEE ON APPROPRIATIONS.

Coun. DWYER, for the Committee on Appropriations, submitted the following:

Report on message of Mayor and order (referred November 8) for transfer of \$845 from appropriation for Municipal Court, Dorchester District, to appropriation for Municipal Court, Charlestown District—that same ought to pass.

Report on message of Mayor and order (referred October 25) for transfer of \$200 from appropriation for Municipal Court, West Roxbury District, Contractual Services, to appropriation for same court, Personal Service—that same ought to pass.

Report on message of Mayor and orders (referred November 22) for following transfers: \$22.12 from appropriation for Suffolk County Court House, Custodian, Personal Service, to appropriation for Boston Juvenile Court, Contractual Services and Equipment; from appropriation for Collecting Department, Supplies, \$1,400, to appropriation for City Council, Contractual Services, \$1,200, Equipment, \$200—that same ought to pass.

Report on message of Mayor and order (referred November 22) for appropriation of \$10,000, to be expended under direction of the Mayor, for printing, advertising and other expenses involved in 1943 "clean-up" campaign—that same ought to pass.

Report accepted; said orders severally passed, yeas 15, nays 0.

PAYMENT TO HONORABLY DISCHARGED VETERANS.

Coun. KELLY offered the following:

Whereas, To date more than 600,000 men and women in the service of our country have been honorably discharged by our government and more service men and women will continue to be honorably discharged every day until the successful termination of the war; and

Whereas, Many of those honorably discharged veterans are having difficulty in being re-employed in civilian life and in certain instances being discriminated against in their desire to obtain employment; and

Whereas, Many of those honorably discharged service men who have risked their lives to protect American people now find themselves in dire need of money and penitents in some instances; and

Whereas, Financial care of our honorably discharged veterans (even though long delayed) should tend to boost the morale of our boys in service in all parts of the world and show them we appreciate their services and want them to return; and

Whereas, Congress has and is continuing to appropriate many billions of dollars of the American taxpayers' money in its effort to win the war; be it

Resolved, That the Boston City Council, composed of elected officials, representing Americans of all races, creeds and political parties, memorialize Congress to promptly appropriate sufficient money to pay a substantial sum of money to our honorably discharged veterans before Christmas; and be it further

Resolved, That a copy of this resolution be forwarded immediately to each and every member of Congress in Washington.

Coun. KELLY—Mr. President, the resolution in itself is self-explanatory. I realize the time is getting short. It is a week from Saturday. I realize this is a resolution that every councilor, regardless of political party, is very vitally interested in. I am going to ask, if it is possible, Mr. President, that it be passed under suspension of the rule.

Coun. COFFEY—Mr. President, I want to congratulate the councilor from Dorchester upon introducing this order. I also want to congratulate the entire membership for not only going along with this order, but for going along with the order that I introduced here November 22, and not one newspaper saw fit to print anything about it at the time. There were at least eight councilors who got up and made a speech in favor of the order that I introduced at that time. It was in regard to asking the Governor to appoint a committee to take care of the wounded and disabled discharged veterans, to open up an office, in his office or in the State House, for the purpose of seeking employment for these discharged veterans. As I say, eight councilors

spoke favorably on the order, the order was passed, and not one newspaper, although they had been screeching murder that the discharged veterans had not been taken care of, saw fit to print a thing about the order in any of the daily newspapers. And, to my amazement, I picked up a newspaper yesterday telling that the Governor had appointed a committee to help rehabilitate these wounded and discharged veterans. I introduced the order three weeks ago today. The day before that, the *Boston Daily Advertiser* mentioned that the order was going to be introduced the following day, and the following day the head of the American Legion in Massachusetts appeared at the State House and made a cry that the veterans were not being taken care of. I think that he realized the fact that the piece happened to appear in the paper the day before and he, being the head of the Legion, had better wake up and do something for these discharged veterans. Otherwise, I don't think anything would have been said about it. Today I picked up a Boston paper and a headline says: "Legion Cries for Vets' Aid Now." As I say, I want to congratulate the members of the Boston City Council for going along and taking the floor here on November 22, and airing their views and telling way the veterans should be taken care of immediately. And nearly every paper in the United States today is hollering to do something for the veterans. Everybody seems to want to do something for the veterans now. But this Body has been criticized from time to time, while outside bodies, such as the Legislature—and for all the kicking I have done in this Body, I would not swap the Body for any part of the Legislature, especially the one that has sat the last two years, and I wouldn't swap its action for what is taking place in Congress the last two weeks. Every Congressman is minded that he is coming up for re-election, and they are commencing to clamor for the veterans. They realize now—as has been said by our colleague, John B. Kelly—that an average of 8,000 veterans are being discharged every week, and by next September, when they are up for re-election, there will be a large number of discharged and wounded veterans back in the United States who will have a vote. And may I also mention the fact that Polack Bill Cunningham of the *Boston Herald*, who at one time saw fit to write an article in the paper—it was a few weeks ago, but I have had a little sickness and have been away or I would have gone after him before—this same Bill Cunningham, who quit the *Boston Post* and went to work for the *Boston Herald*, saw fit to attack one of the members of this Body here a couple of years ago regarding the white elephant stadium. It would have been a fine thing if the members of the Boston City Council had seen fit to ask for that stadium! We would have had a white elephant on our hands today! But Bill Cunningham, for some reason, wanted that stadium,—and he even went as far as to say that the councilor from Ward 7, Councilor Bobby Linehan, was interested in getting a contractor to build that stadium, and that was his only reason for opposing that stadium. He thus went out of his way to attack one of the best fellows that not only served in the Boston City Council but also served in the State Legislature, and I don't think there is anybody here but will agree with me that Bobby Linehan is one of the most law-abiding and one of the most God-fearing men that has had the good fortune to be elected to public office. I don't think Bill Cunningham could stand in the same class with Bobby Linehan, and I don't think it is fair for Bill Cunningham to print a piece in the *Boston Herald*, just because he has the power to print any damned thing he wants to, taking a shot at the Boston City Council and making the statement that we didn't know what was going on. And I can assure him that we know what is going on. I recall what Bill Cunningham said against dog tracks in Massachusetts, and a few weeks later he was praising dog tracks, and I question his honesty in doing an about-face in the space of three weeks. As far as I am concerned, Bill Cunningham can print anything he wants in the paper about me, but I can say he can go to hell and print it. It doesn't mean anything to me or the people in my ward, the people I represent. But when he comes out and attacks the entire membership of the Boston City Council and says that we know no more about what is going on in city affairs than the Marx Brothers know about drama,—I say that

Bill Cunningham, who goes out and tells dirty stories at some stag affair, can hang his head in shame. He can answer me. What I say will never appear in the newspaper, but it will never stop me from answering him, and I will answer him anywhere, in the street or anywhere else. I am sorry that the Boston papers that are now all clamoring that the veterans be given some aid didn't see fit to carry one line to say what the Boston City Council did on November 22, which was to ask that the veterans be taken care of now and immediately, and that was long before Congress or anybody in the United States, or the head of any veterans' organization, took the stand that the veterans should be taken care of immediately. I want to thank the eight members who spoke on the order that day, and the entire membership of the Boston City Council for passing the order unanimously; and I want to congratulate them for being, in my opinion, the first Body in the United States to come out openly and ask that the veterans be given aid now when they need it, and that the veterans be hospitalized and be given jobs, and not given any charity.

COUN. HANLEY—Mr. President, about three months ago our distinguished colleague and friend from Roxbury, Councilor Daniel F. Sullivan, and myself introduced an order in the Boston City Council asking that an adjunct be set up by the Governor and his Honor the Mayor to the Municipal Employment office. Since that time thousands of young men have been discharged from our armed forces with a medical certificate. Councilor James S. Coffey, from East Boston, World War veteran of World War No. I, introduced an order a few weeks ago, of which he spoke eloquently a few minutes ago, and it was amended by the distinguished councilor from Ward 12, Charles I. Taylor. Since that time many words have been spoken and many words have been printed about the plight of the service men. I cannot speak with as much eloquence as the two distinguished colleagues from Ward I and Ward 12, because I was not in the war, but I have read history and I know human nature, and I know that human nature will not change. The same boys who returned from World War I have now given their sons and their daughters to World War II. Those fathers were stigmatized twenty-seven years ago, and their children today are being stigmatized by medical certificates. In other words, these men, the Forgotten Battalion, as one newspaper has termed them, are being mustered out of the armed forces and never given an opportunity to utilize their talents in the manner in which their Creator had intended. They are given the ultimatum that they are required only for the prosecution of the war and not required or needed for the prosecution of a peaceful life. That stigma is attached to these young men who were never given the opportunity, because their government has seen fit to allow industry to dictate economy. They were never given the opportunity of utilizing their talents for working as their natural rights, but they were given the opportunity of offering up their lives in order that this country of ours might live until the end of time. We have spent approximately, since Pearl Harbor, 128 billions of dollars. One hundred and twenty-eight billions of dollars have been spent for the prosecution of World War II,—4½ times more than World War I. Prior to Pearl Harbor and up to and including the present time, for national defense and for the prosecution of this war, we have spent 140 billions of dollars. And yet the present administration has proven adequately by action, which speaks more eloquently than words, that they will not do anything for the World War I veteran or the World War II veteran. When the World War I veterans asked for the bonus, which was approximately two billions of dollars, they were driven off the flats of Anacosta,—and now, when these sons of those fathers are asking for the opportunity to be rehabilitated to peaceful life, they are cast upon the scrap heap of forgotten men, the Forgotten Battalion. The Boston City Council can hold its head high among the legislative bodies of our country. They have argued among themselves and between themselves, but they at least bring into this ballowed chamber the pulsation of the soul of America, and no matter what scribe or radio commentator throws his jibes or his targets at us, we can still hold our heads high. We have talked and we have argued, long before anyone else ever took up the cudgels for the American boy, and we will argue and continue to defend them, even though we will be considered

wrong, and the Marx Brothers of the City of Boston. Our veterans of this war, according to Councilor John B. Kelly, are 600,000 that have been discharged. Six hundred thousand men that are not required for the prosecution of a peaceful life,—six hundred thousand men. That is a small fraction of the casualties that we will see in the future coming from World War II. Money is a medium of exchange. It should never be utilized and it never should be tolerated as a medium of control. We can find billions of dollars for the prosecution of the war. We can, and we will, and we must, find billions of dollars for the prosecution of a peaceful life. And Congress has that right, Congress should accept that right. She should furnish by legislation money and hospitalization and rehabilitation to those men who have never been given the opportunity of living under the Stars and Stripes in what the words "American freedom" mean. And I can congratulate my distinguished friends, Councilor Daniel F. Sullivan and Councilor James S. Coffey, Councilor Charles I. Taylor and Councilor John B. Kelly, and all my colleagues, for having the courage and the intestinal fortitude and the intelligence to speak when silence would be considered cowardly.

Coun. KINSELLA—Mr. President, I should like to add my congratulations to Councilor Kelly and to all those before him who went to some pains and effort to bring some of the facts, known and unknown, before that segment of the American public that lives in Boston. I also wonder, Mr. President, if there is any other form of treatment that we could have envisioned for those young fellows than the treatment they are getting from the type of administration we have in Washington. Councilor Coffey a few minutes ago spoke about the fear of certain Congressmen of having to contend with some of these forgotten men, many of them children required to do a man's job and who in the process have been deprived of their young manhood. I have met several of them who have returned, in their early twenties, Mr. President, and from the year or year and a half of service in the steaming, insect-infected jungles, they are old men. They are no longer just twenty-two-year-old boys. They are old beyond their time in the interests of what God only knows, because no one of them yet, any more than we at home, understands what America is fighting for. We don't know what to expect in the post-war period. Now, from my observation, I would say as a personal opinion that probably could not be successfully challenged, the only program instituted by the Federal Government that has worked with any degree of smoothness and celerity is the selective service program. But nothing of importance has been done to benefit the men in the service, when in there or against the day of their return, and nothing to benefit the people left behind when the chief support of the family was taken. I have told these facts repeatedly, and there are people in my district who had to go on old age assistance in order to make available to the United States Government some boy who might easily have been deferred and could keep them off the relief rolls, the charity rolls. It isn't so long back, and I don't intend to start any general discussion, when I told you that girls in our own department stores in Boston were fired in order to give refugees work. That is a part of our Americanism as we are told to practise it today. Now, in 1917, I recall on one occasion that Congressman Gallivan of South Boston and former Mayor Fitzgerald were present at some place in New Jersey. We will assume that it was Hohoken,—and if I went through the morgues of the newspapers, I could probably resurrect the statement to which I make reference. When the boys were leaving for France, someone said to them, "A grateful Democracy will show its appreciation to you on your return." And twenty-seven years later nothing in the form of appreciation has been shown those men who, in their turn, came along and supplied the young men in 1941, 1942 and 1943, and God knows, how much beyond that. There is no need of throwing sand in their eyes,—the government does not intend to do anything for them. They may give them a few paltry dollars today and call everything square until a matter of eight or ten years have elapsed, as in the last war, before they get around to the serious business of rehabilitation and payment of a bonus. I have told you in this chamber within recent months of a young man in my district who put in the ten or twelve months that the government required of him in the armed services, and when

he was discharged, by reason of ulcers of the stomach, which were undoubtedly aggravated by his service for the country, he went back to the company for which he had worked for eighteen years, and they told him they couldn't take him because the insurance regulations would not allow it. What protection did he have? And for what was that boy willing to die? What did he have to come back to? I know another young man discharged last summer, suffering from malaria, who went up to 9 Beacon street to make application for some kind of work, and before he could tell his story the clerk said, "What are you doing in here? You look young enough to be in the army." Just a short while ago one of the most prominent social leaders of Boston came into City Hall, pleading that the Stage Door Canteen he allowed to continue, in spite of the objections of the Building Commissioner that the building was unsafe and in a hazardous condition, and I couldn't help but think that but just so long as those boys are willing to stand as a barrier between the class that has, of which that lady was a representative, and slavery, they would be welcome, and when the war is over and those heroes go back into clothes that necessarily will be hand-me-downs, because none will come out with money, the social leaders who represent the "haves" will have nothing to do with them. Isn't it about time we called a spade a spade? Where else is their cause going to be advanced but in here, although we can do nothing about it in here? Why should a Congressman have to wait for a pending election before he shows any gratitude for the boys who are returning old men and to the boys who died as boys and won't ever return? Now, those boys don't want charity. I doubt seriously that any of them wants a bonus of any description at this moment in preference to a job. What is the matter with our laws that they cannot be as lenient for these boys as they are for business? Eighteen months ago the slogan was "You can't do business as usual," but in writing the laws they damned well protected the business interests by making it impossible for those boys to go back to their old jobs because they incurred in some cases a minor physical disability, but serious enough to handicap them as soldiers or sailors. Until those laws are changed, we are going to have multitudes walking the streets with nothing to show from the government they preserved.

The resolution was passed under suspension of the rule.

APPROPRIATION FOR SOCIAL LAW LIBRARY.

President HANNON 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.
Passed under suspension of the rule.

CONFIRMATION OF EXECUTIVE APPOINTMENTS.

President HANNON called up, under unfinished business, Nos. 1 and 2 on the calendar, viz.:

1. Action on appointment submitted by the Mayor December 6, 1943, of Louis F. Rowan to be a Constable without authority to serve civil process and to serve without bond.
2. Action on appointment submitted by the Mayor December 6, 1943, of Chester A. MacCullagh to be a Weigher of Goods.

The question came on confirmation. Committee, Coun. Fish and Scannell. Whole number of ballots 13, yeas 13, nays 0, and the appointments were confirmed.

SETTLEMENT OF FISH STRIKE.

Coun. MUCHNICK offered the following:
Resolved, That the Boston City Council calls upon all parties concerned in the negotiations in the present fish strike to exert every effort to the end that the differences between the parties may be compromised immediately so as to insure an

adequate supply of fish for Boston and vicinity and to enable the City of Boston to retain its position as a leading fishing port and market.

Coun. MUCHNICK—Mr. President, on November 20 the current Boston fish strike began, and to date it has not been settled one way or the other. I do not know whether the resolution I introduce should be addressed to the labor management, the W. P. A. or the O. P. A., or which group should be specifically mentioned. I do know, however, that as a result of the strike approximately three-quarters of a million pounds of fish daily, that would normally come into Boston, is not coming in. As a result of this lack, I understand that the armed forces in the area have less than ten days' supply on hand, and that there will be practically no civilian consumption of fish by the end of the week. Also, approximately a thousand shore workers connected with the industry are now out of employment or will face lack of employment within a week, and those connected with the industry will be forced out of it and will have to seek other employment. The result, naturally, will be a severe blow at those who have been dependent upon the industry for a livelihood and also to those who have depended more or less upon fish as a part of their food supply. It is really a threat to the whole industry at this time. Boston has taken first or second place in the fish industry in the country, but in the last two weeks it has had to depend upon Canada, Maine, and some of the southern ports. If this sort of thing keeps up for any length of time, not only will we have a diminishing and finally non-existent fish supply, but we will lose one of our best sources of industry. I know, therefore, that the members of the Council are deeply concerned in the matter, and will wish to do what they can to bring about a settlement of the present strike. Therefore, I now move the passage of the resolution.

Coun. SCANNELL—Mr. President, while not knowing much about the different elements that enter into the fish strike now going on, I do know that it is a matter of concern to my district, which is the home of the fish pier, and also the place of residence of many of the fishermen. While I understand that the labor unions, the O. P. A. and others are involved, and while I may not understand some of the details that enter into it, I realize, as we all must, that the men who go to the Grand Banks risk their lives because of submarine activity, in addition to the actual perils of the sea, and that the whole business is now tied up to such an extent that it is a threat to the community. I understand also that if the O. P. A. will agree to give the men a few more dollars the fish strike can be settled.

Coun. HANLEY—Mr. President, my esteemed colleague, Councilor Muchnick, is to be congratulated upon bringing this matter before the City Council. The fish strike, with its attendant evils, is one of the cancer growths resulting from operation of the O. P. A. in this matter. Boston has always been known throughout the country as the largest fishing port of the nation, and that supremacy is at present jeopardized by men bereft of reason, taking advantage of the power given to them under a war directive. As a result, the fishing industry of Boston and of New England, which has been producing an income here of millions of dollars, aiding largely in the payment of our taxes, employing thousands of our citizens and supplying our population within the corporate limits of Boston and the surrounding territory with food, has its existence actually threatened, to say nothing of the corresponding important loss of income to many of our people. No doubt the O. P. A. may have been encouraged in this action by statements which have been made by some of our public men in regard to the large incomes that are being received by the fishermen. Recently, for instance, Honorable John F. Fitzgerald said that the fishermen were receiving a larger remuneration than men in any other industry. It all goes back to four or five months ago, when the matter was under discussion, and since that time our fish supply has been depleted and our population that depends on fish for Friday has largely had to go without. Conditions, because of the agitation and the strike, are becoming worse, and nothing apparently is being done to expedite a settlement of the trouble which is now striking at the very heart of the fishing industry. The claim of large wages for these men has been very largely exaggerated, and their situation has been greatly

misunderstood. As Councilor Scannell has said, these men go down to the Grand Banks, into submarine-infested waters, to get their fish. They are given what seems without consideration to be a large amount of money. They are out for about three weeks, we will say, and get \$200 or \$300, but that amount is spread over the three weeks and, considering the nature of the business, the men are not overpaid. They work for twenty-four hours a day while they are on the fishing grounds, run all the risk of the ordinary perils of the sea, besides the danger from submarines, and their lives are not insured. They pay top prices for their paraphernalia and their necessary supplies, and then what they bring back has a ceiling price on it. No one has raised a voice on behalf of the fishermen. Representatives of the industry have raised their voice and tried to stem the tide, but so far with no result. As a consequence, the young men engaged in the industry are now going down to the South Station and the North Station and standing in line and being hired for 65 cents an hour. They are going into other lines connected with war work, and the fishing industry is going to suffer accordingly. I know that they are going into other activities, because I have talked with some of them. With a very slight increase in their wages, I understand that the whole situation can be quickly ironed out, but, if the thing is allowed to drag on as it is today, many of these men may never go back into the fishing industry of the City of Boston, to the great loss of the city in this industrial activity and of the income to be derived from the business. It seems to me that this is an industry that we cannot get along without, and that something should be done immediately to end the strike.

The resolution was passed under suspension of the rule.

SPECIAL LEGISLATIVE SESSION TO AMEND ELECTION LAWS.

Coun. MUCHNICK and TAYLOR offered the following:

Resolved, That the Boston City Council urge his Excellency the Governor to call a special session of the Legislature so that the election laws may be amended to enable all service men both in this country and abroad to vote in the coming National and State elections; and be it further

Resolved, That a copy of this resolution be forwarded to his Excellency, Governor Leverett Saltonstall.

The resolve was declared referred to the Committee on Legislative Affairs.

Coun. MUCHNICK—Mr. President, prior to the reference to the Committee on Legislative Matters I would like to be heard.

President HANNON—Councilor Muchnick.

Coun. MUCHNICK—Mr. President, this resolution has been introduced jointly, by my colleague Councilor Taylor and myself, with the hope and thought that the proposed special session of the Legislature will be called as quickly as possible, so that the necessary machinery can be set in motion to enable the men at the front to cast their ballots. Therefore, I would ask that it be not sent to the Committee on Legislative Matters but that it be passed under suspension of the rule, because of the importance of the proposed legislation and the short time within which we have to act. I think we all feel that, so far as the Legislature is concerned, whether the Republican, the Democratic party or the New Deal members, the vote of the service men should not be made a football. So I hope and believe that the Council will agree with me as to the desirability of the passage of this resolution offered by Councilor Taylor and myself. We feel that it should be passed immediately and go to the Governor for immediate action, for the benefit of all concerned.

Coun. TAYLOR—Mr. President, I think quick action of Congress in giving to the men in the armed forces the opportunity and right to vote in the next election should be taken, and that if Congress takes such action it will merit the congratulations of the people of the country. I have also listened very intently to those who get on this floor and suggest that Congress be asked to give a bonus to the boys and girls who are giving their all to the services of the country. That is a commendable proposition, and I have no doubt that Congress will act favorably upon it. But, while we have spoken vigorously to the effect that the veterans should have something material to enable them to go forward in their civilian life,

and should receive welfare and other material assistance, so that they may maintain their independence, we should also consider the fact that these men are now giving of their all across seas for the purpose of preserving democracy, and we must consider that, while they are fighting and giving their very lives so that the people of this country may have an opportunity to preserve democracy and to have their right to vote as free Americans continued, we should not forget that those who are fighting for the principles of democracy and for our right to vote should not have their own rights cut off. Certainly, through a block of northern Republicans and good old southern Democrats who are united for the purpose of taking away from those boys who have been sent to fight for them their right to vote, that right should not be abridged. That block intends to inject politics into the matter. They intend to say that this is an administration bill, feeling that those who are fighting across the sea will naturally vote for the candidate of the administration. Personally, I don't care whom they vote for. They should vote as they wish. That is one of the things they are fighting for, placing their lives and limbs in jeopardy. They certainly have the same right that we have, to vote for whomever they please, and those who would use any means to destroy the exercise of that right, to advance their own selfish interests, should be definitely stopped in their efforts to take away from these boys the right for which they are fighting on our behalf. There is a certain element who would like to control the war and what follows it. Certain capitalists want to get back into their game, regardless of the rights of our people and the rights of these boys. We all know what happened following the first World War, how the boys were treated. We all know about the W. P. A., which had to be originated on behalf of men and women who did not wish to resort to charity, but who simply wanted to have jobs, and to have a chance to carry on as they had been carrying on before the war. It is not now a question of W. P. A. Thank God, the present wish is to do something really important for the common people. But the northern Republicans don't want that to happen. They are afraid that after this war is over there may be certain legislation in the interest of those who have not amassed a great deal of wealth. They call it Socialism, or try to tack some other name to it that smells bad to the ordinary person. But the so-called Socialism that they fear does not mean taking away the rights of democracy. They are afraid, however, that it will interfere with their old practices against the interests of the common man, and they try to give it a bad name. I cannot for the life of me understand why the Democrats of the South are opposed to something which is in the interest of the everyday man. But some of those in the good old South have not forgotten their discrimination against the negroes since the Civil War. They are still against granting the rights that should be enjoyed by the negroes. They don't want to give the colored people the rights to which they are entitled under the Constitution. Very few of them have the right to vote in elections down South and those southerners animated by that feeling have exerted every effort, through political measures, that will abridge the right of the negroes to vote. They are afraid that if the boys in service across the seas are given the right to vote it might displace some of the bigots now sitting in Congress. That they are animated by such a feeling is very clear and apparent from the action they are now taking. And many of the northern Republicans fear the menace that might result to some of their property interests if, as a result of the vote of the service men, action should be taken which would result in rehabilitation and the giving of jobs to the soldiers when they come back from the front. I feel, therefore, that we should vigorously denounce the action of those members of Congress who would take action which would destroy the very privileges for which the boys over there are fighting. I feel, that it is extremely important at this time that machinery of the state should be set up which will enable the votes of the boys in the service to be registered and counted. Let them enjoy their constitutional privileges, the privileges of democracy for which they are now fighting for and which they are safeguarding for all of us.

Coun. COFFEY—Mr. President, I don't know; I suppose we have to go along with the order. It is a very good order, but it is going to be a waste of time, in my opinion. As a matter of fact in this

state, in my opinion, there are more Democratic boys on the other side than there are Republican boys. I only make that statement in view of the fact that we happen, in the Democratic party, to have more children than the Republican party, and it is only natural that there are more boys across on the other side that would vote the Democratic ticket than there are Republican boys. But I don't think that would have much bearing on the Governor. I think he is opposed to special sessions, as he has proved time and time again. When I was in the Legislature, back in 1939, there was no session in 1940. That is the year biennial sessions went into effect. We at that time tried very strongly to have a special session, and of course the Governor opposed it. I see where a couple of Boston representatives have asked for a special session in order that machinery be set up on Beacon Hill to give a soldiers' bonus. We got \$100 when we came back from the last war, and I think they are trying to give them something in the vicinity of \$300 bonus. I doubt if they get very far with it, because, in my opinion, the Governor is opposed to special sessions, and I am willing to make a bet that no special session will be called for any rhyme or reason. I can say this, that a bus permit was granted by the Department of Public Utilities, from the Revere line to the Lynn line, over the objections of the Mayor of Lynn, and when the Mayor of Lynn and the delegation took it up with the Governor and told the Governor that the Department of Public Utilities granted this permit under the Governor's War Emergency Act, they thought they were going beyond their powers, and the Governor, I notice from a statement in the press, said he would never interfere with any department or department head who saw fit to take advantage of the Governor's war emergency powers. Now, I was wondering if the Department of Public Utilities can use the Governor's powers of the War Emergency Act and grant a permit for a bus line which in my opinion is not too important. I don't know why the Governor, with the powers he now has, cannot grant permission for these boys overseas to receive absentee ballots and vote in the next election. I think he has the power to do it, and I think it should be done, in view of the fact of just the one example that I have stated here, that one of his departments took advantage of the fact that he has certain powers under the War Emergency Act and granted a permit for buses running from Revere to Lynn, which might cause a strike, and, in the event it does, there are going to be a lot of people receiving service in those cities and towns that will be out of luck in transportation to their town or the City of Boston. I think he has the power. I may be mistaken, but in view of the fact that the Department of Public Utilities can take advantage of the powers that the Governor has under the War Emergency Act and grant this permit, I think the Governor, in his turn—and I say it is very important—can act in this matter. It isn't necessary, I think,—I may be wrong,—to call a special session of the Legislature. I think he has the power himself. I am going to call upon the Governor. He will never read about it in the papers, but he might get a copy of the minutes of the meeting, and in his War Emergency powers he may find out he has the right to grant these boys the privilege of voting. If he has, I hope he will have the State Secretary get in touch with all the local draft boards and then get in touch with the army and navy officials, and find out what boys are overseas and send them absentee ballots so they can vote in the next election.

The resolution was passed under suspension of the rule.

LIGHT ON BREED STREET.

Coun. COFFEY offered the following:
Ordered, That his Honor the Mayor request the Public Works Commissioner to immediately place a light on Breed street at Leyden street.

Coun. COFFEY—This is a poorly-lighted section of East Boston. There never has been a light there and now, with the blackout, it is very dangerous and several people have fallen and received injuries. I think at the present time there are three suits pending against the city. It will be cheaper for the city in the long run to put a light there, and of course it would be a Godsend for people who have to use this section of East Boston, because you can't see your hand in front of you when you take a turn at this place.

The order was passed under suspension of the rule.

RECESS.

On motion of Coun. FISH the Council voted to take a recess at 3.37 p. m., subject to the call of the Chair. The members reassembled and were called to order by President HANNON at 4.20 p. m.

EXECUTIVE COMMITTEE REPORTS.

Coun. TAYLOR, for the Executive Committee, submitted the following:

Report on message of Mayor and orders (referred today) for transfers within departmental appropriations—that same ought to pass.

Report on message of Mayor and order (referred today) for transfer of \$2,500 from appropriation for Penal Institutions Department, House of Correction, Equipment, to Penal Institutions Department, Steamer "Michael J. Perkins," Contractual Services—that same ought to pass.

Reports accepted; said orders passed, yeas 12, nays 0.

CONGRESSMAN McCORMACK URGED TO INFLUENCE SOUTHERN DEMOCRATS.

Coun. CHASE offered the following:

Whereas, There is considerable discussion and comment on the efforts of Southern Democrats in

Congress to deprive certain minorities of their Constitutional privileges; and

Whereas, Congressman John W. McCormack, House Majority Leader, is of Boston and is the recognized leader of the party of which an overwhelming majority of the southerners are members; and

Whereas, The Boston City Council is of the opinion that the Southern Representatives in Congress would not have voted for Congressman McCormack but for the fact that they believed in him as a Democrat; therefore be it

Resolved, That the Boston City Council, in regular meeting assembled, respectfully urges House Majority Leader McCormack to use his influence and prestige in openly urging the Southern Democrats to follow the principles of that great American and Emancipator, a Northern Republican, the late President of the United States, Abraham Lincoln; and be it further

Resolved, That a copy of this resolution be sent to Congressman John McCormack, House Majority Leader.

Referred to the Committee on Rules.

Adjourned, on motion of Coun. CHASE, at 4.30 p. m., to meet on Monday, December 20, 1943, at 2 p. m.

CITY OF BOSTON.

Proceedings of City Council.

Monday, December 20, 1943.

Regular meeting of the City Council in the Council Chamber, City Hall, at 2 p. m., President HANNON in the chair. Absent, Coun. Foster, Goode, Langan, Linehan, Lyons.

The meeting was opened with the salute to the Flag.

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 first day of May, 1943, without power to serve civil process and to serve without bond: Andrew J. Whalen, 9 Sedgwick street, Ward 19, *vice* Edward Donovan, resigned.

Constable of the City of Boston, for the term of one year, beginning with the first day of May, 1943, without power to serve civil process and to serve without bond: William J. Campbell, 20 Nottingham street, Ward 14, *vice* Francis Shea, resigned.

Severally laid over a week under the law.

REMOVAL OF SHIELDS ON STREET LIGHTS.

The following was received:

City of Boston,

Office of the Mayor, December 20, 1943.

To the City Council.

Gentlemen,—I transmit herewith communication from the Commissioner of Public Works, regarding your order of November 15, 1943, concerning a conference with the officials of the First Service Command relative to removing the shields on all street lights in the city.

Respectfully,

MAURICE J. TOBIN, Mayor.

City of Boston,
Public Works Department,
December 14, 1943.

Arthur C. Carey,

Chief Clerk, Mayor's Office.

Dear Mr. Carey,—This is in reference to the following order that was passed in the City Council under date of November 15:

"Ordered, That the Public Works Commissioner be requested, through his Honor the Mayor, to confer with the officials of the First Service Command relative to removing the shields on all street lights in the city in view of the fact that there is a relaxation of the dimout regulations."

The work of removing the black paint from the globes of the gas lights is now in progress and I estimate that it will be completed within one week.

We are precluded from removing all shields from the electric street lights, due to the provisions of the Federal order that was issued at the time that the dimout requirements were lifted. This order specified, in substance, that no dimout shields could be removed unless they could be replaced within twenty-four hours after the restoration of dimout requirements, in the event that at any time in the future the Army ordered the dimout to be restored.

There are in excess of 14,000 electric lights in the city and it would be impossible to comply with the provisions of such a regulation if all of the shields were removed. The Edison Company is, however, making arrangements to remove all of the inside shields and substitute outside hoods for them. These outside hoods comply with the dimout requirements, so that there will be no necessity of changing them in the event that the dimout is ordered restored.

Aside from this point, they produce far more light on the street surface than did the inside

shields, and approach normal street lighting conditions to as great an extent as is possible under the existing Federal regulations.

Respectfully yours,

GEORGE G. HYLAND,

Commissioner of Public Works.

Placed on file.

TRANSFERS OF APPROPRIATIONS.

The following was received:

City of Boston,

Office of the Mayor, December 20, 1943.
To the City Council.

Gentlemen,—The inclosed requests for transfer of appropriations, together with the accompanying orders, are necessary to balance accounts for the year. Prompt consideration and adoption by your Honorable Body is requested.

Respectfully,

MAURICE J. TOBIN, Mayor.

Ordered, That under authority of section 3B of chapter 604 of the Acts of 1941 the City Auditor be, and hereby is, authorized to transfer:

From the appropriation for Institutions Department, Long Island Hospital, A, Personal Service, \$375, to the appropriation for Institutions Department, Steamer "Stephen J. O'Meara," A, Personal Service, \$375.

Ordered, That under authority of section 3B of chapter 604 of the Acts of 1941 the City Auditor be, and hereby is, authorized to transfer:

From the appropriation for Public Buildings Department, Market Division, B, Contractual Services, \$200; D, Supplies, \$100, to the appropriation for Public Buildings Department, Market Division, A, Personal Service, \$300.

Ordered, That under authority of section 3B of chapter 604 of the Acts of 1941 the City Auditor be, and hereby is, authorized to transfer:

From the appropriation for Public Works Department, Lighting Service, A, Personal Service, \$1,600; B, Contractual Services, \$1,250, to the appropriation for Public Works Department, Paving Service, E, Materials, \$2,850.

Ordered, That under authority of section 3B of chapter 604 of the Acts of 1941 the City Auditor be, and hereby is, authorized to transfer:

From the appropriation for Street Laying-Out Department, B, Contractual Services, \$300, to the appropriation for Street Laying-Out Department, A, Personal Service, \$300.

Ordered, That under authority of section 3B of chapter 604 of the Acts of 1941 the City Auditor be, and hereby is, authorized to transfer:

From the appropriation for Penal Institutions Department, House of Correction, D, Supplies, \$175, to the appropriation for Penal Institutions Department, House of Correction, A, Personal Service, \$175.

Ordered, That under authority of section 3B of chapter 604 of the Acts of 1941 the City Auditor be, and hereby is, authorized to transfer:

From the appropriation for Public Works Department, Granite Avenue Bridge, B, Contractual Services, \$1,450, to the appropriation for Special Appropriation, Bridges, Repairs, Etc., \$1,450.

Ordered, That under authority of section 3B of chapter 604 of the Acts of 1941 the City Auditor be, and hereby is, authorized to transfer:

From the appropriation for Collecting Department, A, Personal Service, \$1,000, to the appropriation for Weights and Measures Department, A, Personal Service, \$1,000.

Referred to Executive Committee.

Coun. D. F. SULLIVAN in the chair.

PETITIONS REFERRED.

The following petitions were received and referred to the committees named, viz.:

Claims.

Dennis A. Donovan, for compensation for damage to property at 28 Norton street, Dorchester, caused by backing up of sewage.

James A. Farley, for compensation for damage to property at 64 Wellmere road, caused by water seeping into cellar.

Anthony Kazmierczyk, for compensation for damage to property at 943 Hyde Park avenue, caused by water seeping into cellar.

Executive.

Petition of Alice S. Lawler to be paid annuity on account of death of brother, John F. Lawler, late member of Fire Department.

APPOINTMENT OF FREDERICK DEANE.

Notice was received from the Secretary of State of appointment by the Governor of Frederick Deane as member of Finance Commission for term expiring July 28, 1946.

Placed on file.

APPOINTMENT OF THOMAS F. SULLIVAN.

Notice was received from the Secretary of State of appointment by the Governor of Colonel Thomas F. Sullivan as Police Commissioner for term ending January 31, 1951.

Placed on file.

RESIGNATION FROM TRANSIT DEPARTMENT.

Notice was received from his Honor the Mayor of acceptance of resignation of Thomas F. Sullivan as chairman and member of Transit Department for City of Boston.

Placed on file.

APPOINTMENT BY THE MAYOR.

Notice was received of the appointment by the Mayor of Merton P. Ellis, 77 Sumner street, Boston, to be member of Board of Appeal for term ending 1946, *vice* F. Warren Clark, deceased.

Placed on file.

MINORS' LICENSES.

Petitions for minors' licenses were received from two newsboys and two bootblacks. Licenses granted under usual conditions.

ON CHRISTMAS EVE.

Coun. KINSELLA offered the following:

Resolved, That, whereas, Christianity, the greatest moral force in the world for good, is going through the most trying period in its entire existence; and

Whereas, Only through a return to the principles of Christianity can a just and lasting peace among nations be achieved; and

Whereas, There are some elements that have striven to stifle even an outward display of any symbol of Christianity; and

Whereas, Our enemy, the Axis Powers, is fighting as much for the annihilation of Christian beliefs and principles as for the acquisition of political and military ascendancy; therefore be it

Resolved, That the City Council of the City of Boston be, and hereby is, recorded in favor of a display, in at least one window of each home, of some appropriate symbol of Christianity on Christmas Eve, December 24, between the hours of 6 p. m. and 12 midnight.

The resolution was declared referred to the Committee on Rules.

Coun. KINSELLA—I rise on that resolve just referred to the Committee on Rules. Because of the appropriateness of the resolution, I was going to ask suspension of the rule.

The resolve was passed under suspension of the rule.

SCHOOL PROGRAM TO ELIMINATE RACIAL DISCRIMINATION.

Coun. TAYLOR and MUCHNICK offered the following:

Resolved, That the Boston City Council request the members of the Boston School Committee to

register their approval to a plan already submitted to them for the purpose of arranging an educational program in the schools of Boston to eliminate racial discrimination; and be it further

Resolved, That a copy of this resolution be forwarded to them at once.

Coun. TAYLOR—The Boston School Committee is holding a public hearing today at five o'clock in its chambers for the purpose of receiving information pertinent to a plan, or a plan submitted to them, for the purpose of arranging an educational program in the schools of Boston to eliminate racial discrimination in our fair city. There is no question but that something of this type must be done, not only in the City of Boston, but throughout the entire country. The clergymen of all faiths are doing their utmost for the purpose of eliminating this discrimination. They are preaching it from their pulpits. They are forming organizations to beat down any racial discrimination, and they are in the main doing nobly. But the most important thing is to teach the children, while at an early age, that racial discrimination is wrong. There lies the crux of the whole situation. If a child is taught during his early life that discrimination brings nothing but distress and chaos to the land in which we live, I am sure that whatever the child learns in his early boyhood will remain with him until the day he passes on. There has been submitted a plan to the members of the Boston School Committee for this purpose. It is a noble plan, and it should be carried out by the Boston School Committee. I ask that the Council pass this order under suspension of the rule, and I also wish to state that at five o'clock today there is a hearing taking place at the School Committee, and those that would like to register their approval of such a plan, I have requested to appear there, because there is a crying need for this, and unless some sort of educational program is submitted to the children of our city I am afraid we will encounter the same thing we have encountered throughout the world during the past decade. I ask for suspension of the rule and passage of the resolution.

Coun. HANLEY—Mr. Chairman, I believe that Councilor Taylor is motivated by American ideals and principles in asking suspension of the rule and passage of the order, but I am not familiar with the policy or the plan, and I would be only too happy if the councilor from Ward 12 could enlighten us in Executive Committee relative to the policy or the plan as it is at the present time before the Boston School Committee for their consideration. We are all in favor of American principles and policies, and that is what education is built upon. I don't believe any of us, and I am speaking for myself, are familiar with the policy that is at the present time pending before the Boston School Committee and, further, Mr. Chairman, I would ask the councilor from Ward 12 to please enlighten us in this chamber, or in executive session, for those who cannot attend.

Coun. TAYLOR—In answer to my colleague from Ward 11, I might say that there is no definite plan that is being set up for this purpose. That is merely a request, as I am informed, that some plan be set up by the Boston School Committee to educate the children against racial discrimination. That is something that every clergyman is fighting for. Monsignor Haberlin recently made the statement in which he abhorred any racial discrimination. His Holiness the Pope on many occasions has denounced it. The Protestant ministers throughout the land have denounced it, and the Jewish rabbis are certainly against it, and those connected with our colored race are opposed to it. I know that my brother from Ward 11 is certainly not opposed to any such plan, and there can be nothing extreme about it in any way. It is merely an educational program to teach the children that racial discrimination is something that is bad.

Coun. CAREY—May I ask that the resolution be read? I was called to the telephone and was not present.

Chairman D. F. SULLIVAN—The clerk will read the order.

(The order was read.)

Coun. CAREY—I am wondering if this is an indictment against the school teachers of the City of Boston, or what gives rise to such a resolution. I went to school when I was a youngster and was always taught to always love thy neighbor. I wonder if this is more far-reaching than we expect. If this is an indictment against the school teachers of Boston, I would like to know a little more about it.

Coun. TAYLOR—I am really shocked and surprised, Mr. Chairman. I really never expected any opposition to a resolution of this type. Certainly there is no indictment against the Boston School Committee or the Boston schools. There are many things that come into the schools from year to year. We are improving, I hope, and when conditions throughout the world are such that so much discrimination is being practiced, so much propaganda is being spread by those forces that would tend to destroy democracy, let alone those of the minority races, and when we can teach youngsters in their very inception that racial discrimination is the cause of all this evil, that racial discrimination has caused most of the wars of our world, how in the world can anybody stand on their feet and object to any program of education for the purpose of teaching our youngsters that discrimination against those in the minority is bad? It is beyond my understanding. I cannot picture for one moment how any decent, good, law-abiding American can tolerate discrimination. How in the world can anybody question or object to any program that would tend toward elimination of discrimination? You can do more in the coming generations by teaching those youngsters who are at an age where they don't know what right is from wrong, and if you tell them and teach them what right from wrong is, then you are doing what the mothers and fathers attempt to do for their children when they try to teach them that stealing is wrong, and committing various crimes is wrong. Why shouldn't we have a program in our schools? The children listen to their teachers more than to their fathers and mothers. Why not? It is being carried out in other cities of the country, and there is no reason why it should not be carried out in the City of Boston. For God's sake, let us not put a stigma on the fair name of our city.

Coun. KINSELLA—Mr. Chairman, it seems to me that for some months past this question of discrimination has been a sore. It appears today that the question is brought out into public view more than ever before. I am a member of a minority race, and if I don't know what discrimination is, at least my ancestors did, and I am not ready, as a member of the Boston City Council, to cast a vote that is predicated on the belief that discrimination does exist in Boston. The high-mindedness and the excellent intentions of the members of the School Committee who are willing to listen to any plan that will abate such a nuisance as discrimination cannot be questioned, and I am offering no objection except for the purpose of trying to bring out here a little more publicly this moot question of discrimination. I cannot see where it exists. The fact of the matter is that the minorities in this city have not been discriminated against, but have been discriminated for. I put nine years in the parochial Catholic school, and from the day I entered the kindergarten until the day I walked out with my diploma, nine years later, never by word or sign, by implication or by innuendo, was I taught anything but a belief in the highest Christian principles, one of the cornerstones of the Catholic religion, the love of your neighbor, and to love him not as he loves you, but as you love yourself. For over 2,000 years the Catholic Church has progressed by a strict adherence to and cleavage to that principle, and there is no change today in the basic truth that love of fellowman is the only thing that will make for world peace and happiness. If I cast my vote for the passage of this order, then the truth of my position is taken away from me, and I am revealed in the light of day as one who admits that the condition exists; and I am not ready to admit it. I must see more proof; get more proof. I must see proof that discrimination exists, and I might ask a very pointed question at this point, "Who are the instigators of the plan, and what group do they represent?" And, lest I be misunderstood, any plan that that group has that will make our relations with each other more happy will receive the support of my vote and the support of my voice, but I am not going to vote on the existence of a condition that, in my opinion, has been artificially created. When I vote yes I am ready to say to the people of Boston that I voted that way because I feel they are guilty of discrimination, and I don't believe any such thing.

Coun. CAREY—Mr. Chairman, I am very sorry that I was the cause of working up the councillor from Ward 12 to the pitch that he

displayed. I should judge from the tone of the resolution, as well as from the tone of his remarks, that he is of the opinion that there is being taught in the schools of the city today ideas that might give to race hatred, and I ask here and now that if that is going on in the schools of the City of Boston, then let us hear about it here and now. But, as the preceding councillor has so well said, I have got to be shown that the minds of the children of the schools of this city are being perverted before I will vote for any such resolution. We have one of the finest school systems here in Boston that can be found in the entire country, with one of the finest set of school teachers, and you have got to prove to me that there is something wrong before I will go down the line.

Coun. HANLEY—Mr. Chairman, I was taught in school material and spiritual values. For twelve years I was taught and educated under the parochial school system,—first, by nuns who dedicated their lives to the propagation of their holy faith, and also to teach the value to those under their charge of the material and spiritual value of their body and soul. For four years I studied under the guidance of the Jesuits, and their motto is "for the Honor and Glory of God. For God and Country." Now, education simply means to draw a man up from his humble surroundings so that his brain and soul may be able to enjoy the things that his Creator gave him. The distinguishing mark between a brute animal and a man is his immortal soul, and one of the attributes of the immortal soul is understanding and free will. Now, the philosophy of the Communist is to control the minds of children, and to inculcate into their frame of mind any philosophy of racial and religious discrimination, so that when those children grow up into adults they will then be able to promulgate the doctrines that were inculcated when they were children. And that system has been in vogue in the south, south of the Rio Grande, in Mexico. Now, the United States of America has become great because it never discriminated against the minority, either because of their religion or their racial descendency. Race and nationality is merely an accident of birth, it is not controlled by a parent or by the offspring. Your religion is that which you are born to, or born in, or which you accept by your own free will and volition, by conversion. Now, the policy of the school system in Boston and the United States of America has been for one thing, and one thing only, to learn about your country so that you may be proud of being an American. Americanism does not mean a Catholic or a Protestant or a Jew, or a non-believer. Americanism does not mean an Irishman, a German, a racial Jew, or a Swede, or any other nationality. It simply means this, that you have been born under the Stars and Stripes or that you have come here of your own volition and that when you salute your flag you salute what it represents, not what it is made out of. Now, in our parochial schools, and in our public schools, I have never heard of any thought injected into the fertile minds of children on racial discrimination or religious discrimination. At the present time we know of it by our newspapers, that discrimination is rampant. Whether it is true or not, I, as a public official do not know. But I know this, and I know it well, that education is the primary function of the family. They merely delegate that authority to the teachers of our schools as a supplementary. It does, in its own way, eradicate the function of the family, and if the children are delegated to the teacher to teach it, then there should be rules and regulations to govern that teacher. Our laws are placed upon our Federal and State statute books to protect all minorities, regardless of their race or religion. The first amendment of the Constitution, commonly known as the Bill of Rights, protects all religion and all races and all creeds and all colors. I believe, with the distinguished councillor from Ward 2 and the distinguished councillor from Ward 10, that this may be a stigma attached to the teachers of our schools, that they have been, intentionally or otherwise, inculcating into the minds of their charges racial or religious discrimination. And I believe, Mr. Chairman, through you, that if the councillor from Ward 12, whom I admire, would merely tell us of an instance or instances where any of those inculcations have been given to the children, then I shall be only too happy to vote for him or for his order, and to defend him.

Coun. HANNON—Mr. Chairman, I, like many other members, would like to know just what this purported plan is going to do, how it is going to

act, how it is to be worked out, and what its purpose in its entirety is, and in order that I and the other members here may have time to study this plan I move, Mr. Chairman, that this order be laid on the table.

Coun. TAYLOR—Mr. Chairman,—

Chairman D. F. SULLIVAN—No debate is in order.

Coun. TAYLOR—I rise to a point of order.

Chairman D. F. SULLIVAN—State your point.

Coun. TAYLOR—I wonder if the councilor will withdraw his motion for one moment until I have a chance to speak.

Chairman D. F. SULLIVAN—Does the councilor wish to withdraw his motion?

Coun. HANNON—No.

The motion to lay the order on the table was declared carried.

Coun. TAYLOR—I doubt the vote and ask for a roll call.

Chairman D. F. SULLIVAN—The vote was "Yes" as to laying it on the table.

Coun. CHASE—I wish to speak on the order.

Chairman D. F. SULLIVAN—Out of order.

Coun. FISH—Not being present when the order was read, I wonder if it could be read again.

Chairman D. F. SULLIVAN—The clerk will read the order.

Coun. COFFEY—May I ask, through you, that the gentleman who made the motion withdraw the motion until all debate is ended?

Chairman D. F. SULLIVAN—He was asked if he wished to withdraw the motion, and he said "No."

The roll was called, and the order was laid on the table, yeas 7, nays 6:

Yeas—Coun. Carey, Dwyer, Hanley, Hannon, Kelly, Kinsella, D. F. Sullivan—7.

Nays—Coun. Chase, Coffey, Hurley, Russo, M. H. Sullivan, Taylor—6.

Coun. TAYLOR—I would like unanimous consent to make a statement.

Coun. COFFEY—I object. I ask for reconsideration. That is the only reason I made the objection, so we all can talk on this matter.

Chairman D. F. SULLIVAN—The only motion in order now is to take from the table. The councilor asks that this be taken from the table.

The Chair being in doubt, a roll call was taken, yeas 9, nays 4, and the order was taken from the table:

Yeas—Coun. Chase, Coffey, Hanley, Hurley, Kelly, Russo, D. F. Sullivan, M. H. Sullivan, Taylor—9.

Nays—Coun. Carey, Dwyer, Hannon, Kinsella—4.

Coun. TAYLOR—Mr. Chairman. I don't know whether my intelligence is being insulted or whether the intelligence of every person in this country is being insulted, when the councilor from Ward 2 makes the statement he doesn't know anything of racial discrimination. I wonder where he has been living during the last two years? I wonder if he believes that there is any racial discrimination in Germany; he hasn't seen that, either. Oh, I love inconsistencies, Mr. Chairman, and any remark that I may make I want it to stand on the record. I won't go down and surreptitiously have it taken off the record afterwards without the knowledge of the members of the Council, because I happened to make some statement that I didn't like.

Chairman D. F. SULLIVAN—The Chair will warn the councilor from Ward 12 we will not stand for any personal reference to any particular councilor.

Coun. TAYLOR—I am talking about myself. It was only recently, a few weeks ago, that the councilor from Ward 2 spoke about discrimination right over in Charlestown, how the people in Charlestown, of a certain race, were discriminated against, and I will pull that page out of the record and show it to him. And there were also statements made about discrimination in the past, about the burning down of numeraries, and those statements can be shown. Does he think the world has changed now? Has it become a Utopia? Is there no discrimination at all? Why, the inconsistency of the whole thing makes me laugh. What did I ask for here? Nothing more than an educational program in the schools asking the teachers to teach the children against racial discrimination. Oh, it wasn't so long ago I remember on the very floor of this Body here when the members got up, almost unanimously, and indorsed a bill that was up in the State House compelling the children of the schools to

salute the Flag. There was nothing wrong in it. I am in favor of it. But are we indicting the schools against their patriotism because we indorse such action? Do we indict the teachers? Do we indict the School Committee because we ask them to do something with the children so that perhaps patriotism may be further instilled into their minds? There have been no conditions artificially created, councilor. You are just fortunate that you are living in a city where you are not being discriminated against. If you were living in another part of the country you might be the first one to get up on the floor and shriek for this because, remember, discrimination and destruction of one particular race leads to discrimination and destruction of another race and other races, and that is what has happened across the sea. Why, even his Holiness the Pope is now a prisoner, you would say, of the German people, of Hitler. No discrimination? Don't make me laugh. Maybe you haven't felt it personally, but some of us have. No discrimination when you apply for jobs? They don't ask you what your religion is because they are attempting to find out what church you go to just for the sake of finding out that particular fact unless they had a reason behind it, because there is discrimination, and you know it just as well as I do. How can the councilor from Ward 10 say I am indicting the schools? What has that to do with any indictment of the schools? Who is blaming the School Committee or the school teachers? We are not asking them to change any method or any procedure now in existence. We are only asking them to do something about it. Teach the boys and girls at a time when you can inculcate into their minds something that will stick so that when they grow up they will know it is wrong. It won't abolish it entirely, but it will abolish it to a great extent. I am not asking anybody to change their religion. I am not asking the School Committee to teach them any religion. Under our Constitution we have a right to worship whomever we please, and we have to respect the other fellow's right to worship whomever he pleases. We are not attempting to change that. If education is wrong, then I am wrong. Many years ago Horace Mann, who was the first one to bring public education in the public schools, was a martyr. They fought him tooth and nail. He was an anarchist or a communist they might call him if there had been any such term in those days. I want to commend his Honor the Mayor for the program that he started and in which he has offered prizes to the children in public and parochial schools on essays that they may write regarding discrimination. The Mayor has started along in the right direction. Other cities and towns have done the same thing. What harm can there be? The church teaches—it is not it. It is not the church that teaches that discrimination. The church teaches that discrimination should not be existent. Are they wrong? Unfortunately there are a lot of people that do not go to church or do not go there regularly—even the youngsters. They may not be of one particular faith but of many faiths. Consequently they do not learn what they really should learn. If it is right for the church to teach it, what is wrong in having the schools teach it? I hope this Body doesn't put itself on record as being opposed to something that is good, because wrong inferences may be drawn. If a man opposes an educational program for the purpose of stamping out the curse of the world discrimination, because you don't happen to belong to a race which is being discriminated against, people may draw the wrong inference from it. There is nothing wrong in it. The chances are it is right. Why should we in the City Council say it is wrong?

Coun. KINSELLA—Mr. Chairman, I don't care how far the Boston City Council goes on this, but I know what I am going to say. At the outset the gentleman from Ward 12 made some reference to surreptitious removal of records, all bearing on this problem from the *City Record*. If I were to die the next instant, I tell you, I don't know what the gentleman is talking about. If he made the statement as a deliberate lie, that makes him one thing. If he is misinformed, we will take it as a misstatement. But I do ask that he enlighten me on something that came to my attention only today, some surreptitious removal of something I have said, and I have consistently opposed striking from the record anything that was said, and every

member of this Body knows it. With tears in his eyes, and looking directly at me, he said I referred to discrimination in Charlestown a few weeks ago—racial discrimination, councilor. Not at all. I was talking for Bostonians, Jew and Gentile, rich and poor, so long as they were Bostonians, Mr. Councilor, not Jew or Gentile,—Bostonians, as contrasted with people who came in here because we had a war on and took the roofs from the heads of the people who best deserved them. Check your record, and challenge me on the accuracy of my statement, Mr. Councilor. And then, with another tear in his eye, he said, "It is for no minor reason they ask you your religion when you apply for a job," and every Federal agency in Boston is honeycombed, Mr. Councilor, with members of your race, and you can't deny it.

Coun. TAYLOR—Stick to the subject. Who has accused the Federal Government—

Coun. KINSELLA—I am sticking to the subject, to discrimination. I said in my remarks a few minutes ago that instead of being discriminated against, a certain racial minority was discriminated for, I repeat, instead of being discriminated against, the path has been made easy for them. Now, Mr. Chairman, there should be no offence taken at anything I said in the opening remarks when this debate first came into consideration. All I said was that as an integral part of this Body, I would not cast my vote in recognition of a condition that I am not ready to say exists. And, for the benefit of the other fourteen or fifteen members of this Body, including the sponsor, let me say that a vote for this resolve or order is a vote admitting the existence of a condition that, if you ask me, has been very favorable to the class the gentleman represents, and I have the highest regard for them. Otherwise, Mr. Councilor, I would not pay the slightest attention to those residents in my district of your race who have come to me and whose position, Mr. Councilor, has been materially benefited because of that. With all the criticism I heard of the Navy Yard, there is more than one of your race working in the yard, from your part of Boston, because I got him there. knowing in advance who he was, and because I try my best to like people, and there are times when I have failed miserably. If you have the proof, you might easily come with me, Mr. Councilor, and let them support my statement or your accusation. I don't believe it, but show me that it exists, and I will be on your side, right behind you. But you will never get me to agree, because of a few words written on a paper and an arbitrary opinion, that the condition does exist. It does not.

Coun. HURLEY—Mr. Chairman, I make the motion at this time that the wording of that resolution be changed so that the word "eliminate" be stricken out and the word "combat" be inserted.

Chairman D. F. SULLIVAN—Is that all that the councilor wishes to strike out?

Coun. HURLEY—That is all.

Chairman D. F. SULLIVAN—Councilor Hurley moves the order be amended by striking out the word "eliminate" and inserting the word "combat."

Coun. HANLEY—I believe that the councilor should look up in the dictionary, and he will find that they are practically similar. It does not change the wording of the resolution. The idea is there, that racial discrimination is taught or inculcated. The councilor from Ward 8 may be familiar with the meaning of those two words. We are debating, and until such time as the original resolution is undebatable, I believe it should be left in its original form. Allegations have been made here today by inference and innuendo, and I believe some of the councilors should be given the opportunity of speaking on the original resolution and not the amended form. The word "combat" means to fight against. To "eliminate" means to exterminate. I don't believe there is enough difference in the meanings of the two words to change the original form. No one wants to close debate on this particular resolution. That is why I voted to have it taken off the table, so that the councilor from Ward 12 could at least get up once more and answer as a rebuttal any charges or allegations made by inference or innuendo, or direct accusation, or indirect accusation, and I am in favor of the original form and that any member may speak on it, and, for the time being, am in favor of allowing Councilor Hurley, from Ward 8, to place his amendment aside temporarily.

Coun. M. H. SULLIVAN—Mr. Chairman, I was only a lad when I happened to be listening to the radio one summer afternoon in 1928. A Democratic convention was being held, and the name of Alfred B. Smith was being placed before the convention for the office of presidency of the United States. The man that was placing the name for nomination happened to be a man who has received some degree of political and national prominence, by name, Franklin D. Roosevelt. I am a Democrat, but I differ frankly from the President of the United States on many of his policies, but I have long remembered the words poured forth from that mouth on that day, when he presented the nomination of Alfred E. Smith to the delegates to be chief executive of the nation. He concluded his speech with words to this effect: "May God have mercy upon the craven creatures who would vote against a man, or hold anything against a man, because he believes in God and because of the way he does believe in God." I don't concede there is bigotry in Boston at the present time against any race, creed or color. I do concede there have been brawls involving a number of different races. We have had fires from the stirring up of such conflagration, of such activities, but I do believe that this order is totally not out of place in this place, and I believe it because of this, because there is at the present time rampant in certain sections of the nation, whether or not in Boston, bigotry against certain creed or creeds, bigotry against certain race or races, bigotry against certain color or colors. And I feel that this does not alone apply to Boston, in so far as the order here this afternoon is concerned. If such prevails in Boston, then most certainly we need such activity in Boston schools, but I do not concede it does exist in Boston. It is possible it might come into the Hub of the Universe, and so, in order to forestall the possibility, if not already here, I feel such activity should be started in the Boston schools. I don't think it hurts anybody, and it will maintain the repute of Boston for maintaining the things for which they fought here in '76 and down through the generations before us. I believe this order is not out of place, that it is good, that it is American, that it is Christian, and that it is worth while.

Coun. CAREY—I would like to ask that the order be read again as originally submitted. I would ask that the members of the Council pay particular attention to the latter part of the resolution.

(The clerk read the order again.)

Coun. CAREY—Mr. Chairman, as I said earlier, that order in itself directly implies that racial discrimination is being taught in the schools of Boston today. There is absolutely no question about it.

Coun. TAYLOR—Mr. Chairman, I rise to a point of information. I would like to ask the councilor to yield. I would like to ask him a question.

Chairman D. F. SULLIVAN—Do you yield, councilor?

Coun. CAREY—I yield.

Coun. TAYLOR—If there is anything in that order that would make you believe there is anything that would tend to impress upon you that there is racial discrimination in the schools, I would certainly want to change it, and I would ask that you amend the order in any way you see fit that would take that impression away from you.

Coun. CAREY—In answer to the councilor from Ward 12, I would say I do not personally believe there is any way in which that order or resolution might now be amended. It is going to completely confirm the idea left in the minds of every member of this chamber and every guest in the gallery that the councilor, when he introduced the resolution, was convinced in his own mind there was racial discrimination being inculcated into the minds of the children of the City of Boston, and I might say that the inference might well be drawn from the resolution. Once more we are having attracted to Boston, to the fair name of this city, very wrong and dangerous impressions. There always was and there always will be discrimination. I have seen it since I was a youngster. I see it today; and I don't say that that necessarily is Jewish discrimination. There has been Irish discrimination; there has been discrimination against the colored person; there has been discrimination against a man because he was a Catholic or whatever he might

be. You are always going to have it. You will never change human nature, and all the resolutions that might be adopted by this or any other Council are never going to change the situation. I want to say that, as a member of the City Council, I am very sorry to sit here and have to see the day come when a resolution of this nature has got to be adopted or indorsed in a Boston City Council. It is definitely a severe indictment against every teacher in the Boston schools and against the School Committee of the City of Boston, and against the City of Boston as a whole.

Coun. RUSSO—Mr. Chairman, the reason why I voted for the reconsideration was because I would have liked to have had a chance to speak, the same as I would like to give my fellowman a chance to express himself. I have heard some fine arguments pro and con. I am one of the parties of the minority race, so called. To my mind, it is an older race, and not a newer race, because when I stop to think what I was taught in school, I know that Christopher Columbus was the discoverer of America. Still, I hate the word "discrimination." I fear the word "discrimination." And the word "discrimination" seems to be used very frequently in the last year or two. If you tell me that there has been favoritism, then I agree with you, because I believe, ever since the birth of Christ, that we are going to celebrate again Saturday, there has been favoritism in the world and you will always find favoritism, regardless of your race, your color, or your creed. Never once in my short period of years of education, was I ever taught in school or in my home to discriminate against any individual because of color, race or creed. I have a perfect right perhaps to speak as I do. As I have said many, many times in this Council Chamber, and as my good friend and colleague, Councilor Hanley, has brought forth, we had no control as far as birth is concerned. We had no control as far as our race is concerned. Then, let us all be thankful to be what we are. And, above all, let us all be thankful to be in a land which treats its fellowmen with equal rights. I believe that we are all human, regardless of our race, color or creed. I started on a point, and I set myself next to my fellowman. I don't look to see what color he is. I don't look to see what church or religion he has, but I see that he is a fellowman and a human being, the same as I. And you will always find favoritism. If we haven't been able to change it in 400 years, over 400 years since America has been discovered, I don't believe we will be able to change it in the next 400 years. Why, we have examples—and I believe that I brought the charges right here on this Council floor some time ago—when a boy applied for a certain position that he was qualified for. Before he made the application out, he was not asked what his name was, but he was asked as to his qualifications, and, after he had given his qualifications, he was given an application. And he was told that they were looking for a man of that type. But after the application had been filled out and presented he was notified that they could not use him. He was told, "Is that your name?" He said, "Yes." So they wondered a little bit, but they refused the individual. Could I say that would be discrimination. I would call it favoritism. I hate even the meaning of discrimination. So long as there are human beings we will always have favoritism. So I say that in the schools of Boston we should be taught not to favor any color, race or creed, but to look at the individual as he presents himself. But there is more than that. I believe the fault lies right in our homes. It is in our homes where the child is being taught day in and day out by the expression of its parents or by its surroundings, and how are you going to combat that? I am not ready to know at the present time. The only words I can say are, if we live up to whatever religion we have been taught, if we live up to that commandment of God himself, "Love thy neighbor as you love thyself," until such time, regardless of what the City Council of the City of Boston may try to do, I don't believe that we will be able to change.

Coun. HANNON—Mr. President, a short time ago I filed a motion to lay this matter on the table. It was not for the purpose of closing the debate, because I believe in free and unlimited debate. But I filed it primarily, Mr. Chairman, because I don't think we know what we are talking about. This resolution here asks us to

go in favor of recommending the adoption of some program, and nobody here knows what that plan is. And I think the only fair procedure, both as regards the sponsor and the proponents and the opponents of this matter is to hold the matter in abeyance until we can see what the plan is. If discrimination does exist, each and every one of us is opposed to it. But I feel every man here wants to know first that this discrimination does exist, in what form it exists, and if we are going to remedy it. I for one, as an intelligent being, would like to know what this remedy consists of? There is some plan. I don't think anybody here knows what the plan is, and, until I see the plan, I think it would be wise, if it would be smart, it would be human even, simply acting like human beings, if we refer this somewhere until somebody brings forth a plan and, as not merely councilors, but as American citizens, we can read it over and know what we are voting for.

Coun. HANLEY—Mr. Chairman, our distinguished colleague, Tom Hannon, was out of the room when I made my first introductory remarks before we engaged in the debate, and I asked through the Chair that the councilor from Ward 12 if he knew what the plan was, would divulge the contents of that plan to us in the Executive Chamber. According to the wording of this order, there was a plan submitted to the Boston School Committee for their adoption through their understanding and learning. I know my colleagues are cognizant of the fact that when you debate religion, race or politics, you sometimes digress from the track and you engage in personalities, and you hurt rather than remedy. That is why I asked—and I believe if you look over the record you will find those were my opening remarks—if there is racial discrimination in our schools or in private industry within the corporate limits of Boston, it should be eliminated for all time. But you can never eliminate the effect without first eliminating the cause. The causes may be based on facts and they may be based upon fancy, but a plan, according to the councilor from Ward 12, has been submitted to the Boston School Committee, a plan to eliminate and exterminate racial discrimination. Therefore, it must be built upon allegations. Whether they are true or false, we don't know, and that is why I am not voting for it, and I am sure the councilor from Ward 12 is well qualified to divulge any plan that is before the Boston School Committee at the present time, and eliminate debate.

Coun. TAYLOR—In view of the many remarks made on the floor today, I am convinced that perhaps many members of the Body are taking the wrong impression and, as a result, I would like to make a motion to strike out my original resolution and substitute instead the following resolution:

Resolved, That the Boston City Council request the members of the Boston School Committee to initiate a program of education in the Boston schools that would teach the children the distressing results of racial discrimination.

We will have the clerk read the first order before we act on it.

(The first order was read by the clerk.)

Chairman D. F. SULLIVAN—The question now comes on the acceptance of the substitute order for the original order. It was voted that the original order be accepted instead of the substitute order. The question then came on the suspension of the rules and passage of the order.

Coun. CAREY—Mr. Chairman, I still wonder if we have got to take it from that, that there is some special necessity for a course like that. I personally feel that this matter might be laid on the table and we be given a chance to confer with members of the School Committee or some members of the school teaching system of the city. How do we know but what they are at the present time instructing children to avoid anything that might cause racial discrimination. I move that we lay that on the table.

The motion was not passed.

Chairman D. F. SULLIVAN—The question now is on suspension of the rule.

Coun. CHASE—Mr. Chairman, rather than be silent on this matter, I feel that the true circumstances of conditions in Boston and throughout the United States warrant me in saying a few words, that there is discrimination not only in the city but throughout the United States. Discrimination will probably always exist. It is not only discrimination against the Jews or against the Irish or Chinese or any other nationality, but there is a deep-seated prejudice and discrimina-

tion towards the Negro. Of all the minority parties in the United States, I think the Negro is the most discriminated against. And I say that as one who was educated in the public schools of Boston and who has had the opportunity of mingling in quite closely with the various racial members. I have seen scores of young Negro boys just as bright and just as ambitious as the white boys, and I have seen these young Negro boys obtain high marks, in many cases surpassing the white boys' marks, and yet when they get out into commercial life they are discriminated against. Nobody wants them; no bank will hire them. Did you ever see any Negro tellers? How many positions of importance do Negroes hold throughout the United States? And you will find them in the decided minority. It isn't the Jew that is being discriminated against in this country; it is every race that is being discriminated against, particularly the Negro race. Naturally we should do something about it. All of the minorities possess the same likes and dislikes and human desires that we in the majority possess. And, as a Christian, and one who believes in the teachings of Christ, I feel it was his intent that discrimination should be abolished, and it is something in which teaching in our public school systems and in colleges would probably be most effective. Refusing that is naturally discrimination. I took the floor, Mr. Chairman, after listening to the arguments on both sides, merely to express myself as I honestly feel in this matter. And I am convinced, sir, that there is discrimination. And I say to you, sir, and to the members of your Council through you that we all know that there is discrimination. Maybe it is a natural prejudice. Maybe it is preference for one of a certain race, for one of a certain race to prefer one of his race to be his employee. Maybe it is something it is going to be difficult to eradicate, but, nevertheless, it does exist, and if we believe in the Constitution of the United States, and if we believe in the Christian faith, then, sir, it is up to us to advocate the taking of every possible measure to eliminate discrimination. I don't think, Mr. Chairman, that the discrimination towards the Jew is one-tenth as bad as the discrimination towards the Negro. You will find throughout the United States that the most poverty stricken minority is the Negro race. They are in that condition, sir, simply because of a deep prejudice toward them. Nobody wants to hire them and give them employment with good pay. So, sir, rather than hold my seat and remain in silence, I wish to express to you and to the members of your Council my honest thought in this matter, and I feel we can at least urge the School Committee to adopt some plan whereby discrimination can be taught to be abolished in this country.

Coun. HURLEY—I want to commend the councilor from Ward 4 for changing the angle of this order from religion to race, but I think his remarks were founded on fact. I think there is a certain sporting writer in Boston that brought up racial discrimination,—a fellow by the name of Dave Eaton. He brought out that there wasn't a Negro player in any of the leagues connected with organized baseball. And it wasn't a question of their being excellent baseball players, it was a question of their color. And not alone in baseball and sports, as the councilor well brought out, but in business life men who are probably far superior in qualifications to the white men have been held down because of their color. And this order here, if it is voted upon and passed by the Council, this resolution, and if this resolution is followed out in the schools, I think it would be one of the greatest things for the happiness of all of the people in Boston, that we educate our children at the right time and instill into their minds that we are all born and created by the same God, and that the same God will face them after their life on this earth is over, and He won't judge us because we are white or yellow or black. I certainly hope, Mr. Chairman, that this order is passed.

Chairman D. F. SULLIVAN—Councilor Taylor moves for suspension of the rule and passage of the order. Whereas there are two different motions, the Chair will now put the question on suspension of the rules. The clerk will call the roll. The suspension of the rule requires a two thirds vote of those present and voting.

Coun. SCANNELL—What order?

Chairman D. F. SULLIVAN—The motion asking for suspension of the rules.

Coun. SCANNELL—What order?

Chairman D. F. SULLIVAN—The substitute order.

(The clerk read the order.)

Coun. CAREY—May I ask, docs this close the debate on this very order here that there is a motion made to suspend the rule?

Chairman D. F. SULLIVAN—There are two different motions.

Coun. HANLEY—I rise to a point of information.

Chairman D. F. SULLIVAN—State your point.

Coun. HANLEY—In the event that it passes by roll call, does it mean the adopted resolution of Councilor Taylor is also passed unanimously or on suspension of the rules?

Chairman D. F. SULLIVAN—The first motion is on the suspension of the rules. Under our rules the order must have two readings, unless the motion is made by an individual councilor asking suspension of the rules and passage of the order at this meeting.

Coun. SCANNELL—I rise to a point of information.

Chairman D. F. SULLIVAN—State your point.

Coun. SCANNELL—Can we vote on this first order and then vote on the second resolution?

Chairman D. F. SULLIVAN—The second resolution is the only matter now before the Council.

Coun. SCANNELL—What happened to the first?

Chairman D. F. SULLIVAN—We have a substitute put in by the original sponsor of the original order. What we are acting on is the substitute order.

Coun. SCANNELL—Does that first resolution go down as a matter of record?

Chairman D. F. SULLIVAN—It is already in the record.

Coun. COFFEY—In view of the fact that the roll call has not started, isn't this resolution still open to debate?

Chairman D. F. SULLIVAN—On suspension of the rules only.

Coun. COFFEY—The debate is on suspension of the rules?

Chairman D. F. SULLIVAN—That is right.

Coun. CAREY—Does this automatically mean that this substitute order is passed?

Chairman D. F. SULLIVAN—No, just asking the first motion for suspension of the rules, and then we come to the passage of the substitute order if suspension of the rules prevails.

The question came on suspension of the rules, and the rules were suspended, year 13, nays 1:

Yeas—Coun. Carey, Chase, Coffey, Dwyer, Fish, Hurley, Hanley, Kelly, Kinsella, Russo, Scannell, M. H. Sullivan, Taylor—13.

Nays—Coun. D. F. Sullivan—1.

Chairman D. F. SULLIVAN—The question now comes on the passage of the substitute order.

Coun. SCANNELL—Mr. Chairman, I rise to ask that all remarks pertaining to this order be stricken from the record and the passage of the resolution.

Coun. KINSELLA—Mr. Chairman—

Chairman D. F. SULLIVAN—For what purpose do you rise?

Coun. KINSELLA—I want to speak on the motion to strike from the record. Mr. Chairman, President Hannon a few moments ago used a phrase that is very applicable right at this precise moment. He advises us, out of the fullness of his years, to act like grown people, intelligent people, holding elective public office. Apparently we have been given an opportunity to act that way now. This question of striking from the record is one that has invaded this Council from time to time in the last twenty-three months that I have been here, and I have never once, to my honest knowledge, voted to take out of the record anything that was said. I don't know why we get up here and make statements and then cry baby to keep them from the public.

Coun. TAYLOR—I rise to a point of order.

Chairman D. F. SULLIVAN—State your point.

Coun. TAYLOR—There is a resolution before the floor, and I don't know why Councilor Scannell's motion takes precedence over the one before it.

Chairman D. F. SULLIVAN—It is only incidental, councilor, pertaining to this order, and of course if Councilor Scannell's motion does prevail, then all remarks, whether before or after, now will be stricken from the record.

Coun. TAYLOR—Shouldn't that come up after the order is passed?

Chairman D. F. SULLIVAN—Not necessarily; it can be acted on at any time.

Coun. TAYLOR—I would like to be informed of that. I don't know of anything in the rules.

Chairman D. F. SULLIVAN—The Chair will state it is a matter of parliamentary procedure which is invested in the Chair.

Coun. KINSELLA—I don't want to become contentious about a motion of any member of the Body, but it appears to me that the councilor from South Boston, who hasn't taken part in the debate, feels it is charity to throw over some of the harsh things said here today. But there wasn't anything presented that I am aware of or that I refuse to remember, and I won't ever ask the privilege of standing up here and engaging the time and attention of the Council in making statements, either harsh or rational, and then asking that they be stricken from the record for fear of dire consequences on another occasion. And I am not motivated in my objection to the motion because of the insinuation concerning the surreptitious removal of any remarks of mine. I never have said anything that won't stand the clear light of day, and anything I said here today is mild by comparison to anything I could have said and that I am still minded to say. But I want to try this subject decently and with understanding and with profit to all. Why do we come in here for \$2,200 a year unless the public knows what we have said? We pride ourselves on our courage and intestinal fortitude, but if we are to take refuge in the old parliamentary trick, calling a neighbor every name in the calendar, and asking to have it stricken from the record, we are not men, we are mice. Perhaps we are mice anyway. If a statement or a motion is made, or an opinion is offered, in all justice to the public that we represent, in the ward or in the city, that statement should be made and recorded for all time. If that was our best considered opinion at the time we made it, it should be recorded for all time. And I honestly urge upon this Body the necessity for rejecting the councilor's motion.

Chairman D. F. SULLIVAN—The question comes on the motion of Councilor Scannell to strike all remarks from the record.

Coun. SCANNELL—Mr. Chairman, I asked that some of these remarks be stricken from the record, such as "perhaps we are mice anyway," because talk like this, that you hear right from this Body, stirs a gentleman from New York into calling the people in Boston Boston bums. These are the remarks that start these so-called anti-Semitic arguments.

Coun. HANLEY—Mr. Chairman, I am opposed to the amendment of this distinguished councilor from South Boston, Joseph Scannell, because I believe that each and every one of us knows full well the weight of the spoken word. We are distinguished from private citizens by coming before people and asking them to elect us to public office. Our life then becomes not only ours, but our constituents', and our words and deeds should be recorded in the public record and placed in the archives of the city to the end of time. That is a distinguishing mark between a private citizen and a public official. There have been many remarks made here today, some justly and some unjustly. Some have been by inference and innuendo, and taking the political paper of a man from Charlestown, which happened to be based on fancy, and leveled at my friend and the distinguished councilor from Ward 2, and brought upon the floor of the Council and thrown in his face. I know Councilor Kinsella from a personal vein and in public life, and I admire him for his affability and his loquaciousness and his honesty and his decency, and I don't like to see any individual become the target by the pen or the spoken word, by inference or otherwise. And I rise to defend a man that needs no defending. His public record is open for scrutinization. This debate has been very lengthy and we have been throwing our bullets at everything and anything other than the target. We are debating upon a plan that I believe twenty-one of the councilors know nothing about, including myself. The councilor from Ward 14 states twenty. The distinguished councilor from Ward 4, Back Bay, has brought out about the negro. Yesterday I had the honor of representing his Honor the Mayor and the distinguished councilor from Ward 9 in dedicating the U. S. O. on Ruggles street, Roxbury, and I spoke before that gathering in the same manner that I speak here on every Monday. The only race in this country that did not come here of their

own volition was the negro. Every other race came here on their own volition because they were denied the right of liberty and the pursuit of happiness. And the negro, the black man, was the only one who was driven here and utilized under the bondage of servitude. Discrimination—that word has been used since the beginning of time, and it will be used until the consummation of time. There was no thought of or idea of anti-Semitism until that filthy mouth of the air-ways called this town or this city the city of bums. A reporter from P. M. was the beginning, when he barged into a press conference of Governor Saltonstall, and was ejected, both verbally and physically. Anti-Semitism—the word "anti" means to be hateful and to be against, to loathe and to despise. Semitism—it is a repetition on my part—is a shortened form for Shem, one of the sons of Noah. Adolph Hitler, as I have said on many occasions, is merely a man. There are thousands of Adolph Hitlers in this country, private and political, who have adopted his principles and his philosophy, but the way to eliminate Hitler is not to kill him, but rather to eradicate the causes which created Hitlerism, and he came into power through Great Britain. And like Frankenstein of old, he rose from obscurity and tried to destroy his creator. Communism came into the same being. It feeds on misery, sorrow and suffering, and there is only one nation in the world today that protects minorities, and that is the government of the United States. To speak on these things is repetition to many of you distinguished gentlemen. I hate and despise anyone who discriminates against a man because of his race or his religion. I, like the distinguished councilor from Ward 12, am the son of immigrants, but both of us have been given the opportunity of practicing our religion and upholding our race when and if the opportunity presents itself. And both of us have been given the opportunity of representing our people in public life. The distinguished councilor from Ward 12 may go high in politics. He has all the qualifications that are required. Bringing the order in today, the councilor did it unintentionally, but the wording of that order, I believe, throws a dart at the school system of our city, that they have no program of love for your fellow man. I believe they are all qualified to teach, or they are qualified according to the curricula of the schools what to teach, and there has never been, to my knowledge, any discrimination. We are talking on something, we are amplifying something, that may grow like a prairie fire. The way to put out a fire is to stop it at the beginning, and not allow it to envelop a city, state or town. And, in conclusion, the City of Boston elected twenty-two councilors to this Honorable Body, each and every one of you educated to the philosophy of Americanism, but New York City elected in the last election six of our Communists to the New York City Council. And yet we are called the city of bums.

Coun. CAREY—Having spoken on the order earlier today, on both the original and substitute orders, I want to say for the record that there is nothing that I have said here today that I need to fear. As I said in the very beginning, the introduction of the original order was a severe indictment against the entire school system of the City of Boston. The substitute order has not clarified the situation at all. It is nice to be a good fellow, as they say, and to go along with some of these orders and resolutions that are introduced here from time to time but, as has been said before on the floor of this Council, we are grown men. We were elected because we were supposed to have had intelligence at the time we were elected. We are here to honestly, conscientiously and intelligently represent the 800,000-odd people of the City of Boston, and I certainly feel when orders or resolutions come on the floor of this Council, that those orders should not be treated from the standpoint as to whether or not you are going to be a good fellow. For God's sake, speak your mind. Don't be afraid. There is nothing wrong with the Boston school system.

Chairman D. F. SULLIVAN—The question is on the striking from the record of the remarks pertaining to this order.

The question came on Coun. Scannell's motion, and it was defeated. The question then came on the passage of the substitute order, and the order was declared rejected.

Coun. MUCHNICK doubted the vote and asked for a roll call. The roll was called, and the order was not passed, yeas 7, nays 8.

Yeas—Coun. Chase, Hannon, Hurley, Muchnick, Scannell, M. H. Sullivan, Taylor—7.

Nays—Coun. Carey, Coffey, Fish, Hanley, Kelly, Kinsella, Russo, D. F. Sullivan—8.

Coun. TAYLOR—I would like to make a motion for reconsideration on the resolution to the Boston School Committee.

Chairman D. F. SULLIVAN—Councillor Taylor moves reconsideration of the previous vote.

Coun. TAYLOR—I would like to speak on the reconsideration. When I first put in my resolution, Mr. Chairman, most of the members opposing it advanced as a reason for it principally that it would be an indictment of the Boston school system. Because of the fact they did not know what plan was going to be offered, I purposely substituted my resolution which eliminated any inference that could be drawn in that respect, but notwithstanding that fact, notwithstanding the fact there were glowing speeches made in favor of any resolution against discrimination, still it was defeated. I ask reconsideration.

Coun. MUCHNICK—It seems to me that everything that has been stated, and stated so well, by Councillor Taylor, needs no addition to it, but I would like to add for the record particularly that there was no slight intended at the School Committee or at the school system in this city. If any plan can be started that may tend to improve relations among all the people of this city, that should in no way be interpreted as a slur on the School Committee or on anybody else. If anybody has a desire to be helpful and submits a plan that may or may not be helpful, I can see no reason why anybody here should quarrel with it. The suggestion contained in the order, whether the original order or the substitute order, is no more a slap at the School Committee or the City of Boston than the Tobin essay contest can be inferred to be a slap at the School Committee, merely because a man named Tobin thought of it before the School Committee did. It seems reconsideration should prevail here for the benefit of the School Committee and the school system of the city at large.

Coun. CAREY—I ask the gentleman from Ward 14 if in his mind there is anything wrong in the relations now existing between the people of Boston.

Coun. MUCHNICK—The purpose of the resolution is to have the School Committee and the school system do all it can to improve relations.

Coun. CAREY—Is there anything wrong now existing between the relations of the people of the City of Boston?

Coun. MUCHNICK—I think the question can best be answered by putting to the councillor from Ward 10 the question: "Is he kidding?"

Coun. CAREY—I want to inform the councillor that I don't kid.

Chairman D. F. SULLIVAN—Councillor Taylor moves reconsideration.

Coun. RUSSO—If reconsideration prevails, are we still in order then to make a motion to lay it on the table?

Chairman D. F. SULLIVAN—Yes.

Coun. CHASE—Mr. Chairman, apparently there is some dissension in our ranks based on the thought that some of the councillors feel that the Boston School Committee or the Boston school system is not doing a good job as far as race relationships are concerned. I don't think Mr. Chairman, that the order in any way reflects on the Boston School Committee or the Boston school system. I for one am of the opinion that school teachers in our public school system are doing a darned good job. But I do think, Mr. Chairman, in view of the fact this issue was raised on the floor and has become a public issue, that we, the elected officials representing the great City of Boston, should recognize facts as they actually exist. I defy anyone here, or anyone else, to say that discrimination does not exist. It has always existed, and it has been one of our fundamental principles, not only in our Constitution, but in our Christian religion, to recognize thy neighbor as you would recognize thyself. Now, Mr. Chairman, in view of the fact that we all realize that discrimination does exist, not any more now than it did ten or fifteen years ago, but in view of the fact that it does exist, isn't it our duty as true American's when the issue is made public on the floor of the Boston City Council, to go on record as being against discrimination and to go on record as urging the proper authorities to attempt at least to abolish it. And how can you abolish such a thing, sir, in any better way than by teaching the young? I can reiterate, sir, that in my

opinion not one member of the Boston City Council has any fault whatever to find with the Boston public school system or its teachers. I for one feel that it is our public school system which is acting as a great melting pot in amalgamating the various races and making them into fine American citizens. But I think that at least we could suggest to the School Committee by order or resolution that in our opinion some system or some plan could be taught to the school children of Boston against racial discrimination. And if it would make the members of the Council who feel the School Committee or the school system is being unduly attacked,—if it would make them feel better, I shall introduce an order or a motion if this present motion to reconsider is passed,—I shall introduce a motion to amend the present order so that it will read that some plan be adopted to eradicate racial or religious discrimination by the teachings in our school system. And, furthermore, I would leave with the order a further amendment with words of praise for the Boston school system and its teachers in the job they are already doing in teaching our young scholars how to be good American citizens.

Coun. KELLY—Not having spoken, I move the previous question.

The question came on the motion for the previous question, and the Chair, being in doubt, asked for a roll call.

Coun. TAYLOR—I rise to a point of order. I would like to know what we are voting on.

Chairman D. F. SULLIVAN—The previous question.

Coun. KELLY—I thought the previous question was whether reconsideration prevailed.

Chairman D. F. SULLIVAN—Councillor Kelly moves the previous question. All those in favor. It is a vote, and so ordered.

Coun. COFFEY—I doubt the vote and ask for a roll call.

Chairman D. F. SULLIVAN—The question now is on what you are going to vote on. The main question will be put before the Body without further debate.

Coun. FISH—I rise to a point of order. How can we vote on the main question when it hasn't been reconsidered?

Chairman D. F. SULLIVAN—It is not reconsideration. That is what Councillor Kelly's motion is coming to, and the clerk will call the roll on the previous question, which is not reconsideration.

Coun. KELLY—Mr. President, what are we voting for?

Chairman D. F. SULLIVAN—Councillor Taylor moved for reconsideration. You moved for the previous question. I took a vote and your motion prevailed. Then it was doubted by Councillor Coffey, and we are now going to have a roll call on your motion. The clerk will call the roll. The question is on whether to close debate. Shall we stop debate by the previous question?

The roll was called, yeas 9, nays 7:

Yeas—Coun. Carey, Chase, Hurley, Kelly, Muchnick, Russo, Scannell, D. F. Sullivan, M. H. Sullivan—9.

Nays—Coun. Coffey, Dwyer, Fish, Hanley, Hannon, Kinsella, Taylor—7.

Chairman D. F. SULLIVAN—Nine in the affirmative and eight in the negative, and the motion is carried. Now the question is on reconsideration by Councillor Taylor, and the clerk will call the roll.

Coun. COFFEY—Am I in order in asking reconsideration on the previous question?

Chairman D. F. SULLIVAN—There is no such motion.

Coun. COFFEY—I move the order now be tabled.

Chairman D. F. SULLIVAN—This motion is out of order.

Coun. COFFEY—I move that we now adjourn.

Chairman D. F. SULLIVAN—Councillor Coffey moves that we now adjourn. That motion is not debatable.

The roll was called, and the motion was defeated, yeas 4, nays 11:

Yeas—Coun. Coffey, Fish, Hanley, Kinsella—4.

Nays—Coun. Carey, Chase, Hannon, Hurley, Kelly, Muchnick, Russo, Scannell, D. F. Sullivan, M. H. Sullivan, Taylor—11.

Chairman D. F. SULLIVAN—Now on the motion for reconsideration.

Coun. COFFEY—I rise to a point of information. What other motion takes precedence over this roll call?

Chairman D. F. SULLIVAN—To lay on the table. We cannot apply that motion until we reach the original order. The clerk will call the roll on reconsideration.

The roll was called, yeas 12, nays 4:

Yeas—Coun. Chase, Coffey, Fish, Hanley, Hannon, Hurley, Kelly, Muchnick, Russo, Scannell, M. H. Sullivan, Taylor—12.

Nays—Coun. Carey, Dwyer, Kinsella, D. F. Sullivan—4.

Chairman D. F. SULLIVAN—The order is reconsidered. The question is now on the passage of the order.

Coun. RUSSO—I move now that the matter be laid on the table.

The motion was declared not carried. Coun. RUSSO doubted the vote and asked for a roll call. The roll was called, yeas 11, nays 5:

Yeas—Coun. Carey, Coffey, Fish, Hanley, Hannon, Kelly, Kinsella, Russo, Scannell, D. F. Sullivan—11.

Nays—Coun. Chase, Hurley, Muchnick, M. H. Sullivan, Taylor—5.

The order was declared laid on the table.

CONFIRMATION OF EXECUTIVE APPOINTMENTS.

Chairman SULLIVAN called up, under unfinished business, No. 1 on the calendar, viz.:

1. Action on appointments submitted by the Mayor December 13, 1943, of Muriel Berenson and Samuel W. Brier to be Weighers of Goods. The question came on confirmation. Committee, Coun. Muchnick and Carey. Whole number of ballots 14; yeas 14, and the appointments were confirmed.

SOLDIERS' RELIEF.

Coun. RUSSO, 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.

TRAFFIC CONDITIONS AT HAYMARKET SQUARE.

Coun. RUSSO offered the following:

Ordered, That the Traffic Commissioner be requested, through his Honor the Mayor, to make a survey and report of the traffic conditions at Haymarket square, with the view of formulating plans for the elimination of hazard to pedestrian traffic.

Passed under suspension of the rule.

TRAFFIC SIGNAL LIGHTS, WARD 3.

Coun. RUSSO offered the following:

Ordered, That the Traffic Commissioner be requested, through his Honor the Mayor, to install traffic signal lights at the intersection at Commercial and Fleet streets, Ward 3.

Coun. RUSSO—Mr. Chairman, speaking on my first order, I believe every councilor here has had an opportunity of going into the Haymarket square section of the City of Boston, which has really a very hazardous intersection there. I believe some ways and means should be devised by the Traffic Commission in order to see if we can eliminate the hazards that exist there. There are about six or seven intersections, and I have primarily in mind also that there is a bus terminal at Haymarket square, where thousands of people are unloading and loading into buses. And when they are loading or unloading, the people have to cross that intersection, which is a very dangerous one to pass. I do hope the commissioners do something to try to devise ways and means, and if they believe that traffic lights should be installed, I hope they will do that.

Speaking on my second order, ever since the wrecking of the Elevated structure on Commercial street and Atlantic avenue, right at this particular intersection, I am given to understand by the Police Department there have been many accidents since that time. And if you can visualize that ever since the structure was taken down it has made a

thoroughfare, and a very wide one, and there are four rows of automobiles going back and forth, so it is very hard for these individuals that get off at the ferry there to cross that street, and I do hope the Traffic Commissioners will see fit to install traffic lights immediately.

The order was passed under suspension of the rule.

USE OF SOLARIUM BY DISABLED SERVICEMEN.

Coun. SCANNELL offered the following:

Ordered, That the Park Commissioner be requested, through his Honor the Mayor, to allow all disabled servicemen to use the L street solarium in South Boston without charge.

Passed under suspension of the rule.

REPORT OF COMMITTEE ON BUILDING CODE.

Coun. MUCHNICK for the Committee on Building Code, submitted the following:

Report on message of Mayor (referred November 22) submitting Parts 26 to 31 of revised building code and further recommendations for Parts 3, 4, 7 and 22, also "War Provision" amendment—that same ought to pass.

Coun. MUCHNICK—Prior to the vote on this particular committee report, it is my feeling both personally and as chairman of the committee, for the committee, that the gratitude of this Council should be extended and expressed publicly to the members of the commission on the Building Code that worked so faithfully and so tirelessly to help get this code together. And in passing this committee report, I move that a vote of thanks be added to and extended to this commission for the work which they have done.

The question came on the acceptance of the report and the passage of the ordinances amending the building code. The report was accepted, and the ordinances were passed.

IMMEDIATE EFFECT OF BUILDING CODE ORDINANCES.

Coun. MUCHNICK offered the following:

Ordered, That the two ordinances this day adopted by the City Council amending chapter 479 of the Acts of 1938, known as the Building Code for the City of Boston, shall take effect upon their passage and shall be published by the action of the City Council in passing them.

Passed under suspension of the rule.

REPORT OF COMMITTEE ON APPROPRIATIONS.

Coun. DWYER, for the Committee on Appropriations, submitted the following:

Report on message of Mayor and order (referred November 8) authorizing transfer of \$800 from appropriation for Penal Institutions Department, House of Correction, Personal Service, to Penal Institutions Department, Office Expenses, Personal Service—that same ought to pass.

Report accepted; said order passed, yeas 15, nays 0.

REPORT OF COMMITTEE ON RULES.

Coun. CAREY, for the Committee on Rules, submitted the following:

Report on resolutions in favor of national lottery (referred November 8)—recommending that same ought to pass.

The question came on the acceptance of the report and the passage of the resolutions. The resolutions were declared passed.

Coun. CAREY doubted the vote.

Chairman D. F. SULLIVAN—Does the councilor wish to doubt the vote and ask for a roll call?

Coun. CAREY—First I want to speak on it.

Chairman D. F. SULLIVAN—Do you doubt the vote?

Coun. CAREY—I doubt the vote.

Coun. TAYLOR—I rise to a point of order.

Chairman D. F. SULLIVAN—For what purpose does the gentleman rise?

Coun. TAYLOR—Do I understand what is before the Body now is the question of doubting the vote?

Chairman D. F. SULLIVAN—That is right.

Coun. TAYLOR—Do I understand that the councilor can speak on doubting the vote?

Chairman D. F. SULLIVAN—I understand so.

Coun. TAYLOR—Ought we to have a roll call?

Coun. CAREY—It is my belief we act on the report of the committee.

Chairman D. F. SULLIVAN—Councilor Carey moves for reconsideration. Reconsideration was carried.

Coun. HURLEY—I wish that the Chair would listen to the ayes and nays. No one said aye, and there were two or three nays. I don't think you are fair.

Chairman D. F. SULLIVAN—You have one vote, and you were the only one that said yes. I have a vote, too, here, and you will not interpret the rulings of the Chair.

Coun. KELLY—I rise to a point of order.

Chairman D. F. SULLIVAN—State your point.

Coun. KELLY—I thought we were just voting on doubting the vote.

Chairman D. F. SULLIVAN—I was in error. I admit it when the Chair is in error. Councilor Carey asked reconsideration of the original vote, and it was passed, and I am now allowing Councilor Carey to speak on the motion.

Coun. KELLY—I doubt the vote of reconsideration of the vote and ask for a roll call.

Coun. RUSSO—I rise to a point of information.

Chairman D. F. SULLIVAN—Councilor Kelly doubts the vote and asks for a roll call.

Coun. KELLY—I rise to a point of information. Am I right in stating that the Chair made a mistake in regard to the report of the Committee on Rules? Instead of accepting first the report of the Committee on Rules, he combined the committee's report and the adoption of the order.

Chairman D. F. SULLIVAN—Councilor, that is the way all reports of committees come out on these particular types of orders on acceptance of the committee's report, which was it ought to pass, and also on the passage of the order. I combined the vote on it, which passed, and Councilor Carey wanted to speak on the order and was not on the floor when I took the vote.

Coun. RUSSO—You are reversing your decision, Mr. Chairman.

Chairman D. F. SULLIVAN—Don't be misinformed. The Chair is not reversing its decision. Councilor Carey doubted the vote and asked for reconsideration, and reconsideration prevailed, and now before us is the order. Councilor Kelly now has doubted the vote and asks for a roll call on reconsideration. The clerk will call the roll.

Coun. HURLEY—Am I voting yes if I doubt reconsideration prevailed?

Chairman D. F. SULLIVAN—If you are voting yes, it is reconsideration.

Coun. HURLEY—Or that I doubt reconsideration? Is that what we are voting on now, Councilor Kelly's motion?

Chairman D. F. SULLIVAN—Yes.

Coun. HURLEY—Meaning that if I vote yes, I am voting against the motion of Councilor Carey?

Chairman D. F. SULLIVAN—A vote "yes" means to bring the matter before the Body.

The roll was called, and reconsideration prevailed, yeas 11, nays 1:

Yeas—Coun. Carey, Chase, Coffey, Hanley, Hannon, Hurley, Kelly, Kinsella, Muchnick, D. F. Sullivan, M. H. Sullivan—11.

Nays—Coun. Taylor—1.

Chairman D. F. SULLIVAN—The question now is on the passage of the resolution.

Coun. CAREY—Mr. Chairman, as the hour is getting late, I will be very brief. I simply want to say for the record that I am not in accord with the purposes of this resolution. The purpose, as the members of the Council know, or I believe they know, is to raise funds, that the Secretary of the Treasury be authorized to raise by new taxes an additional \$10,500,000,000 for the purpose of prosecution of the war, principally. I think it is a sad day in the life of this nation when we have to act on the matter of permitting a lottery in order to raise funds to pay taxes. One might say that the State of Louisiana in a state lottery paid practically all the taxes of government. One might say that Mexico, through a national lottery, raises funds through which it conducts its government. But I say if the day is coming when this country, with its intelligence, as we know it in this country, and its initiative, has to raise money to pay bills by a national lottery, we had better fold up, regardless of the fact that many churches, many fraternal organizations, many colleges have profited financially or provided money through games of chance. I don't know as I want it put down against my record that I have voted to sanction a Federal lottery, because churches have voted, in whole or in part, for such raising of funds. I therefore feel, if the measure is up for vote, I will be forced to vote against it.

Coun. KELLY—I have listened with great interest to the gentleman from Ward 10. It is a matter of public record that our main street here in Boston, Washington street, was repaved through funds secured through a lottery. It is also a matter of public record that Faneuil Hall was rebuilt after the big fire with funds from a lottery. It is also a matter of record that colleges, such as Harvard, Yale, Williams, and many other large colleges, have all profited by lotteries. And, Mr. Chairman, we read a great ideal today about a huge lottery being run and number pools and games of chance. I can recall some years ago, I think back in 1933, when the repeal of prohibition ruined bootleggers and tax dodgers who had been making millions of dollars. A national lottery, to my way of thinking, would do away with all of the large racketeers throughout this City of Boston and throughout the Commonwealth of Massachusetts, and also throughout the nation. As late as November, 1940, Mr. Chairman, the people went to the polls, thirty out of the forty senatorial districts of Massachusetts, and instructed their state senators to cast a vote up in the State House in favor of state-wide lotteries. I feel this would be an honorable way of raising money. Secretary of the Treasury Morgenthau recently went before a Senate Finance Committee and said that another \$10,500,000,000 would have to be raised by American taxpayers. I feel that if we do not come to a national lottery, there is no doubt in my mind we are coming to one thing, and that is a sales tax throughout the entire United States. I don't want to speak too long about this matter, as we have heard a lot about the order in the last month. I am going to ask the councilor to go along under suspension of the rule and passage of the order.

Coun. TAYLOR—It seems rather inconsistent that a man like Bob Bottomly can have laws passed so we can have legalized dog and horse racing so that many more millions can be added into his pocket, and others like him, probably, and take a portion of that money and give it to those who are on the old age assistance rolls. The City of Boston has been looking for a long time for revenue to supplement that which it now receives on the property tax. We must obtain some form of revenue. We cannot get it out of a sales tax because that is an unsympathetic tax, as far as the people are concerned. There is no reason why we should legalize one form of gambling and say that another is illegal, when people will gamble anyway. Let us make the state and city rich if there is going to be any gambling, instead of filling the pockets of these racketeers that do nothing to promulgate the welfare of the people.

Coun. KINSELLA—Strangely enough, I find myself in agreement with my recent opponent.

Coun. TAYLOR—You are coming to your senses.

Coun. KINSELLA—Hardly. Mr. Chairman, in 1940, as Councilor Kelly said, the representatives and senators were instructed by an overwhelming vote in some cities, eight or nine to one, to vote for any local machinery that would set up a state lottery. But, after extensive hearings, the committee's report was submitted to the House, and on that day, as I well remember every clergyman in Boston was present in the lobby of the Legislature, threatening dire consequences to anybody who voted to accept any such gambling system. And, as a result of the committee's report,—although I am unaware now at the moment whether it was favorable or unfavorable— if favorable, it was not accepted; if unfavorable, it was supported. In any event, Massachusetts has no state lottery. Now I have never believed that any individual should or ought to profit from any such system as we see going on here. And I am just as insistent today as always. I have said in this Body, in your presence and in the presence of other bodies, if any means were instituted to do away with this legalized gambling, I would be for it, but only by due process of law and only by the manner by which they came into existence, the vote of the people, and no other way. Mr. Chairman, we are squandering money right and left in the prosecution of this war, and I use the word "squandering" bearing in mind Lend-Lease proclivities where we have a lot of other nations, and that is what sky-rocketed and pyramided costs of today. If there is any money available to the city, the state, or the nation, by all means the City of Boston should not take a moral view of it, but only a hard-headed, materialistic view of it. We have to live and function and we have got to pay our bills, the city, state and nation, in exactly the same way we must pay them in our own homes. If there is money around, let us divert it from the private coffers into the public treasury, and let all profit from it. Why set up gambling tycoons under the protection of the law? Why should there be hypocrisy about it? We know it exists and will never be completely eradicated, and while it exists let us recognize the evil, let us recognize what people want to do with their own money, what they feel they should do, and get some revenue for our various governments.

Coun. MUCHNICK—I fail to see the logic in the last two or three speeches which have been made here. Merely because people, or some people, will do some things that are illegal, merely because certain persons profit from illegal or immoral acts, is no reason why we in Boston should throw up our hands and say to the world at large, "In view of the fact that we can't control some of this illegality and immorality, we will go along with it and legalize it." There are plenty of people in this City of Boston who admit to doing robbery. Merely because the police are not always successful in apprehending the criminals does not mean we go along and legalize burglary, robbery, prostitution or any other form of immorality. If there is plenty of money around, and if it is being gotten illegally by certain members of gambling pools or by the horses, or any other form of gambling, rather than legalize such forms, it seems we should spend our time, effort and money to eradicate the sources of those evils. If we must raise money, if the purpose of the raising of money is to prosecute a war which we must win in order to remain free men, it seems to me rather stupid to offer to the people of this city or this country the inducement that they may win a big prize if they put their money up on some roulette wheel or some lottery. It seems to me the people of this city and country are smart enough to realize what their money is going for, whether Lend-Lease or anything else; and that in the front of the picture this country stands to gain everything and to lose nothing by the expenditure of these billions. And we should not offer any lollypops or any candy in an attempt to convince the people to part with funds which are being spent to save their lives and their freedom.

Coun. KELLY—Mr. Chairman, the reason I introduced this resolution on November 8 was that I realize that Congress must raise by new taxes the sum of \$10,500,000,000. I realize we are in a gambling stage. We all love gambling, and I realize the ones that profit by gambling throughout Boston and Massachusetts and throughout the entire nation are the racketeers. And I further realize that if a national lottery can be run by the Federal, State and City De-

partments that there won't be any racketeers sitting in on it, that the Government itself will get the money, and that this money will be used, instead of putting a sales tax on the individual who cannot afford it. It is not compulsory for anybody to buy these lottery tickets, if the Government sees fit to raise this money by this means. Everybody is in a gambling stage, and you and I all know there are more people that attended the horse and dog races in the year 1943 than in any year in the past five or six years gone by. And I really feel deep down in my heart that this is the real solution for it. I will say it from any public platform throughout the entire width and breadth of the Commonwealth. The voting in November, 1940, showed 803,000 to 300,000 people instructed their thirty representatives to go and vote in favor of a state-wide lottery. Nobody can tell me those people didn't know what they were voting upon when they went into the booth. Nobody can tell me when a candidate is up for election that thousands of people who mark a cross don't know what they are voting for. The American people are intelligent and understand, and they understand what a "yes" vote means and what a "no" vote means. How is it, Mr. Chairman, that thirty out of the senatorial representatives—803,000 to 300,000—isn't that the sentiment itself of how the people of the Commonwealth feel in this measure? I think that speaks for itself.

Coun. CHASE—As a member of the Committee on Rules, I voted against this resolution, and I did so because I feel it is not within the province of the Boston City Council to be telling Congress how to raise the necessary billions to carry on this war. Furthermore, I note with interest the eleventh paragraph of the resolution, which reads as follows: "Whereas many billions of dollars in new revenue could be raised by a strictly voluntary tax such as a national lottery with War Bonds as prizes."

Having that in mind, I would like to call your attention to the fact that of the 136,000,000 people in the United States, if 50,000,000 people play the national lottery, they would have to make an expenditure of \$20 each in order to get a gross of one billion dollars. Now, I submit to you, Mr. Chairman, that you know as well as I do in our districts there are many poor people whose incomes are very, very low, and they would like naturally to take a chance on winning something, to win a big stake. They would like that so much that they would deprive themselves and their families of necessary bread and necessary clothes for their children in order to take that chance. We only have 136,000,000 people in the country. How many could play this game, and who would furnish the millions to feed or play it? You would find the overwhelming majority would come from those very poor people who could not afford to pay, and because of that reason, Mr. Chairman, Cardinal O'Connell, through the former Mayor of Boston, Mayor Mansfield, opposed the state lottery proposition in the State House last year. And because of that very reason a Council of Protestant churches has opposed it, because they realize that the poor would be affected by this. I know, Mr. Chairman, that members of the City Council would not care to go on record as advocating something which is going to injure the poor. And if Congress were to adopt a proposition like this, you and I know that people with incomes of \$20 and \$25, with large families to support, would be taking a chance. How many billions would they raise if it would take 50,000,000 people at \$20 apiece to raise a billion? Who would it come from, Mr. Chairman? I trust that the members of our City Council will recognize the merit of the contention of his Eminence Cardinal O'Connell and other leaders in our state who give ample reason for not conducting a national or state lottery. I trust that we will abide by that good, common sense reason.

Coun. KELLY—I am sorry for one minute, Mr. Chairman, that any member of the Council would get up on the floor of this Council and try to make this resolution a religious issue. That is one thing I have drawn the line at in my six years in the Boston City Council. I have never mentioned religion on the floor of this Council or in any political contest I have ever engaged in. Here is the resolution:

"Resolved, If Congress, after careful investigation and deliberation, decides it is absolutely necessary to raise additional billions of dollars by imposing additional taxes on the American public, it is the opinion of the Boston City Council that said Congress seriously consider the establishment

of a national lottery with War Bonds as prizes with lottery tickets being distributed throughout the United States mail and other established and existing Federal, State, County, City and Town agencies as a means of obtaining new revenue and help prevent inflation; and be it further

Resolved, That a copy of this resolution, when adopted, be forwarded to each member of Congress and to the Secretary of the United States Treasury.

And that is what every member of the Council is asked to cast a vote on today.

Coun. KINSELLA—The councilor from Ward 14 was very righteous in condemning a few speeches made before he took the floor and said that because a condition cannot be controlled, we should not legalize it. The councilor is a lawyer and derives a good deal of his living from the pursuit of his profession. He is a familiar figure in the district courts and in Suffolk Superior Court. The gentleman is intelligent enough to know the best people of the community accepted repeal of prohibition because they could not regulate it. They were poisoning each other by the thousands and decided as long as a man intended to drink, he ought to be taxed for it. I wonder if the councilor with his moral scruples has ever appeared before the Licensing Board in defense of a man who holds a license, and if he has, and excuses it on the ground it is on account of the business, I would say his business comes before his moral scruples. If I want to gamble, nobody is going to stop me.

Coun. MUCHNICK—Mr. Chairman, I would like to say I have never appeared before the Licensing Board on a liquor license application or a complaint.

Coun. KINSELLA—Nevertheless, the gentleman still derives his living from evil doers.

Coun. MUCHNICK—I object to the last remark.

Coun. KINSELLA—I will strike it from the record. If I insist upon picking a number, turning a card, or throwing a pair of dice, I am ready to take the consequence upon apprehension, but that does not in any way remove my right to gamble if I so please. Organized gambling has been going on for a good many years, as witness your recent headline of \$90,000,000 rings in Boston and New York, where they do the job up brown. There are generally half a billion dollar rings, and who profits? Only a few individuals who have to corrupt everybody along the line to operate. Let us be frank about it. Let us tear the veil of hypocrisy and show people when the condition exists. Let us put a certain degree of respectability on it, and it can be done, and the lawyers can tell you how to do it. All they did with the prohibition law was to remove the word "not." At one time, for thirteen years, the order of the day was "Thou shalt not manufacture, sell or give away spirituous liquors," and then, because enough people didn't like that condition, they struck out the word "not" and you had repeal. That is thoroughly respectable for people. It is not immoral; it is immoral. The immoral condition can be ignored. You are not compelled by law upon acceptance of the act to gamble if you don't wish to. If you don't like the dives, stay out of them.

Coun. COFFEY—I can see that the boys are anxious to go home, and everything is peaceful in my home, and I am in no hurry to get there. I am still a little bit hurt because of the action taken previously. I don't think anybody in here can say honestly that I can't take it, because I think I took more abuse than anybody else in the Council Chamber and went out smiling, and I never carried a fight outside. I didn't like the action taken on the previous question. From now on, should any one of those nine who voted for the previous question want to step out, I will say I will always be one of the fellows who wants to keep a debate open, although I wasn't interested in any way whatsoever on that order that was before us six or seven weeks ago. This order came before the Council about five or six weeks ago. When this order was brought in here, I made the statement I was in favor of this order for three reasons. One of the reasons was that it would bring much needed revenue to the Federal Government; the second reason was, to a certain extent, it would stop graft and corruption; and the third, and most important, was that it would make the bookies go to work. I don't know how in hell the bookies can get a C grade and nine out of ten can be 4-F. They can be seen with police sergeants, lieutenants and captains, not before we had—I mean not only before we had—the new

Police Commissioner, but also since we had the new Police Commissioner. Now, one of the gentlemen of the Council here made a statement we ought to try to correct some things that now exist. How are we going to correct them? It can be done, and I don't need any lawyer to tell me how, because since I first entered politics I was successful because I fought both the bookies and the police. That was my main issue, and that is how I became a successful politician. And I am going to continue as long as I hold public office, and as long as I don't. One way to get rid of bookies is to go out and make an honest arrest of a bookie and bring him into court and make him show either his draft board or his social security card. Don't let him take a rap. And I make reference to the Police Department. Bring them in under their right name and then have the captain from each division go before the judge of the court and tell the judge that this man has no other means of livelihood other than his books on the dogs and horses, and is also a writer of numbers, and have the captain recommend that the judge fine that man anywhere from \$200 to \$500. And they can do it. Now, if they bring in enough of them, you can bet that these so-called chisellers or bookers won't go into court and pay their fine. And once these number pool writers and other saps find out that the booker isn't going to pay their fine and they are going to have to work that fine out in jail, anywhere from six months to two years, they are going to stop writing numbers and booking horses, because you can break the bookers in a week if you want to. I am telling the new Police Commissioner he can break the number pool racket and the newspaper pool. I wonder if the Police Commissioner has the guts to go after the newspaper pool, and I wonder if the newspaper has the guts to print the statement I just made. I want the Police Commissioner to go after the newspaper pool. Those that operate it work for the newspapers in Boston, and if any Police Commissioner ever goes after them, they are crucified in the newspapers, made unpopular, condemned, ridiculed and criticized. And there is only one answer to it. To hell with my political future. I am satisfied I have thrown it away. I have had ten years of politics, and I have said everything I want to say in those ten years. And I say now here for everybody, and the newspapers can carry that—to hell with the newspapers and to hell with my political future. I am satisfied with that, and when this is over I hope there will be another W. P. A., because I am probably one of those who will have to go on it. But I am satisfied. I will put in my eight hours a day and bring up my family the same as I have. But I challenge the new Police Commissioner to go after the newspaper pool, go after the bookies, both horses and dogs, and those who book numbers, and find out why they are operating, who is allowing them to operate, and what connections they have got, whether political or otherwise. Print this stuff in the newspapers if you dare, and I say you don't dare bring it out in the newspapers because you would be condemned. I don't say the editors or the editorial writers or the sports writers, but I do say it is damned funny that that newspaper pool exists, and nearly every newspaper in Boston is tied up in it, and nearly everybody that operates a truck delivering papers sells tickets for \$5 a smash. Let the newspapers print that if they have the courage. Another thing that I would like to ask the commissioner is, regarding the patrolmen and sergeants, and I don't condemn them all, because I was one of those that advocated an increase in salary for them. Give them a little more wage, and they won't have to go in the back door for graft. Bring them a little wage and they can bring their children up the way they want, and they won't have to take anything from these yellow-bellied bookies throughout the city. You know people that get big hits and never get paid and have been threatened if they go and squeal. And if they go to the police, the police try to make them compromise and take a small amount of the hit that they get. They don't get the full amount because the bookie won't pay it to them. I know of several instances, and I think everybody within hearing of my voice knows the same thing. A year ago last April on the floor of this Council I named Sagansky on the \$90,000,000 lottery he was operating. A year ago last April—that is in the minutes; you can get it. And he was caught nine months after.

I named Paddy Coleman, and I name him again. But I will kick the hell out of every bookie that ever butts into a fight I am in, whether on this floor or outside the door or on top of an automobile, or anywhere else. I will kick their heads off as long as I am here. They have got after me, but never were successful. They hired a fellow from New York when I was going to name one—the brother of a police officer who came to my assistance stopped him. He got such a licking the bookies are kicking in a week's pay to his wife and children so he won't tell who the bookies are that hired him, and the police sergeant who hired him to do away with Coffey because he was bringing things out in the open. And when I went up in the Legislature in 1929 and 1930 I brought out facts there that the fellows there during prohibition would go out and raid a still and get 25 gallons and bring 5 gallons back as evidence and sell the rest to some other bootlegger. That is common knowledge. I dare say now that if Bushnell goes into the courts of Massachusetts, and especially in Boston, and gets the record of every man who has ever been arrested for operating a nigger pool or a horse pool, he will find out that 75 per cent of them are in there taking the rap under assumed names. I know that to be a fact. I know one case in my town, where a man has been arrested fourteen times, and found guilty every time, paid a fine every time under an assumed name, and now has a pretty good government job and no record. That is common knowledge, and I think you fellows know it the same as I do. That is why I am in favor of this lottery. Get rid of these bookies. And warn the new Police Commissioner to get after some of these captains who are going, in taverns after hours and going to fine night clubs with bookies. You can go down to lieutenants and sergeants. I saw the most disgraceful thing happen in my town that I ever saw happen in my life. One of the big nigger pool writers over there lost control of his car. He was drunk and crashed into a police motorcycle. And the officer jumped off the motorcycle, and as we stood there we thought he was going to pull the driver out. No, he didn't. Once he got a look at him and saw he was a big bookie of the town, he just walked by, got on his bike and drove down to the police station, and I suppose he made a report that he was hit by some hit-and-run-driver, or something else, but he never brought the man to court. That is the control that bookies have over the police. Not only now—I am not condemning the Police Commissioner as is. I am going to in the event he does not clean up Boston. Boston needs cleaning up now, just as it did when Tinnity was Commissioner. I never said a word against Tinnity when he was being persecuted or under removal charges, but I did kick his head off previous to that, and I would today. I am one of those fellows that cannot be changed, thank God. I don't know what to continue to talk about to keep you fellows here, but as I said before, I don't like the deal I got. I have nine names of fellows that voted the previous question. I thought it was kind of rotten. I always like to have everybody have their say. I think it is time we had a national lottery. I think it will drive these bookies out of every place where they now operate, and that includes about every place that there is,—defense jobs, Navy Yard, South Boston pier, the fish pier, no matter where you mention, the bookies are in. And, as I made a statement previously, you can look it up on the record, in one of my own yards, in East Boston, every employee is scrutinized very carefully before he is allowed in. He has to show his badge number and they look at his picture and at his face and look back at the picture, and the only fellows that can get in and out of that yard without being serutinized are the bookies that go in and take the pay from the lowest paid laborer. I think this order ought to pass. Bill Cunningham left the *Post* to go to the *Herald*. He left the Democrats and is now writing for the Republican party. He had a statement in the *Boston Post* before he quit that syndicate that the dog track was controlled. That is a matter of record. And any time the top-heavy favorite, was running second or third, and some rank outsider was leading the man that controlled Swiftie, either he had bet on the second or third dog, he might figure it would be better for the track if he favored the dog that would come in, and he would deliberately slow down Swiftie. That, in turn, would slow down the first dog and knock him off

stride, and by the time he speeded up, the favorite would come in and win the race. That is Bill Cunningham's story. Of course, you know the other writer that crucified the horse and dog tracks for about three weeks. You would have thought that horse and dog tracks were being run by churches. Nobody else could have run them like this man writes. He murdered them. Of course, they were corrupt. Anybody that asks a fellow to go down there and leave his money—imagine taking money from their children and going down to the horses and dogs. And then all of a sudden he does an about-face and we find that the horse and dog track operators are the most charitable people in the United States, all they have done for humanity, all they have done for old age pensions, all they have done for government. They have turned over millions of dollars. Baseball couldn't compare with them. It was a kick in the head for baseball. I suppose it hasn't kicked in so it will continue to be a kick in the head for baseball. Anyhow, let us get back to the lottery again. I think the lottery ought to go through, and I think that everybody here should be in favor of it. Of course, my colleague here from Ward 4 is opposed to it, and also to beano. Of course, he doesn't understand beano like I do. If he did, he wouldn't have opposed it. And the councilor from Ward 14 is opposed. But, as Councilor Kinsella said, he finds himself on the same side of the fence as Councilor Taylor and I do, too. There is something else. One of the Hyde Park papers—do you recall their putting in several statements about—in fact, they gave him a couple of editorials—about things I had said up here about the Police Commissioner, and remarks about bookies, and so forth. I notice in the last raid they got a couple of bookies in that district. So I was very much pleased to know that some of these bookies I had named here a year ago last April—I notice they got some of those bookies out there that I named. And that also made me very happy. Well, as Councilor Chase seems to do this (*indicating*) several times, and then something comes to him and he continues his talk, if anybody else wants the floor I will be glad to yield so I can take the floor again. In the event they should want it, I suppose we could go on to say the bookies are still operating even though we have a new Police Commissioner, and I don't suppose he can clean things up in a month. But, as I said before, I would like to see him make a start. He has called in his police captains and given them instructions, and mostly along the line that Police Commissioner Tinnity has talked on. Take juvenile delinquency. My argument has always been, take care of the bookies. Make them go to work. Drive them out of business, and don't let anybody tell you you can't, because you can bring them into court. If they get a fine of \$200 to \$500, let the bookers pay it for them. And if you bring in enough bookies and give them fines of anywhere from \$200 to \$500, you can bet that the bookers will not pay their fines. Go ahead and move the previous question. That is one thing I have never done since I have been in here, tell another fellow what to do. I was only in here a month when I had one of the wise guys come and tell me about a certain thing. I said, "I will introduce the order." He said, "Fine." I said, "I will include your name with mine." He said, "Oh, no." He wanted me to take a shot at the Mayor, but he wanted to be in the background while I was taking a shot. So there was no order introduced, and I was never bothered by him for the next year. Getting back to—this may be a repetition, but it keeps me on my feet. If every bookie is brought in and given a \$200 to \$500 fine, all you need to get is ten in each ward in the city each week, and once the booker knows that he has to pay \$2,000 to \$5,000 in fines he is going to fold up his bank roll and get out of the vicinity. The bookie is going to jail, no doubt, and work it out until his fine is paid. And once you do that to ten or a dozen bookies, you won't get any backers to work for. That is the way bookies could be wiped out in a week if the police wanted to do it.

Chairman D. F. SULLIVAN—The question is on the acceptance of the committee's report.

The report was accepted, and the question came on the passage of the resolution, and the resolution was adopted, yeas 9, nays 3.

Yeas—Coun. Coffey, Fish, Hanley, Hannon, Hurley, Kelly, Kinsella, Scannell, D. F. Sullivan—9.

Nays—Coun. Carey, Chase, Muchnick—3.

ADVANCED PAYMENT OF CITY EMPLOYEES.

Coun. HANNON offered the following:

Ordered, That the City Treasurer be directed by his Honor the Mayor to advance the pay day of city employees so that all employees who would ordinarily be paid on Monday and Tuesday of the week following Christmas, be paid on the Friday before Christmas.

Passed under suspension of the rule.

SCROLL OF SYMPATHY TO NEXT OF KIN OF WAR DEAD.

Coun. HANNON offered the following:

Ordered, That the City of Boston officially recognize and honor those citizens of Boston who made the supreme sacrifice while in the armed service of our country during the present great conflict, by presenting to their next of kin, a scroll, suitably inscribed and fit for framing, which shall contain resolutions of sympathy adopted by the City Council and approved by the Mayor.

Coun. HANNON—Mr. Chairman, I am going to be very brief because of the hour, and this resolution I feel is self-explanatory. Many of us, in fact all of us, acknowledge with pride the sacrifices being made by those members of the armed service who came from the City of Boston. But always during the period of strife we make promises and tell what we are going to do to honor those who are wounded or killed in the great struggle. We did that in the last war, but many times, as soon as the war is over, we are apt to forget the sacrifices made by those who have joined the armed forces. So this resolution is merely to ask the city as a public service to make official recognition of those members of the armed forces from the City of Boston who made the supreme sacrifice during this war. Various societies throughout this city have occasions when they present scrolls with words or insignia of one kind or another to the next of kin of some one who has been killed in service. The city has officially not taken any public notice of these, save for the memorial on Boston Common on which are inscribed the names of those who have gone to the Great Beyond. Boston should go ahead of other communities and do something for these boys and these women called upon to make the supreme sacrifice, and for a trifling sum we could present a scroll or a memorial of some type which can be framed and which will express forever to the next of kin the sympathy and thought of the Boston City Council and the Mayor in behalf of those who are dying really that we might live. I move suspension of the rule and passage of the order.

The order was passed under suspension of the rule.

Coun. COFFEY—I move that the order introduced by Councilor Taylor pertaining to the School Committee be taken from the table.

The Chair being in doubt as to the vote, ordered a roll call, and the motion was defeated, yeas 6, nays 6:

Yeas—Coun. Carey, Coffey, Fish, Hanley, Hannon, Kinsella—6.

Nays—Coun. Chase, Hurley, Kelly, Muchnick, Russo, D. F. Sullivan—6.

REPORT OF COMMITTEE ON LICENSES.

Coun. COFFEY, for the Committee on Licenses, submitted the following:

Report on petition of United Farmers Cooperative Creamery Association, Inc., (referred November 8) for driveway opening at Carter street—that same ought to pass.

Report accepted; permit granted under usual conditions.

MEETING OF COMMITTEE ON CLAIMS.

Coun. FISH—Mr. President, I ask unanimous consent to make a statement.

Chairman D. F. SULLIVAN—If there is no objection, the councilor may proceed.

Coun. FISH—Mr. President, as chairman of the Committee on Claims, I have called a meeting for Wednesday at 1.30. Only those on the committee have received a notice, but I thought I would like to notify the other members of the Council. It will possibly be the last meeting of that committee this week, and there was one very important claim to come up. The Law Department has allowed a settlement of \$1,200 on a death case. I am not going to express now, until I have a full hearing, how I feel, but \$1,200 after lawyers' fees seems quite inadequate. The lawyers' fees are to be deducted from that \$1,200, leaving a balance, after other expenses, of a very, very small amount, and for that reason I would like to have as many of the members of the Council who can be present at 1.30 on Wednesday before that committee.

Coun. COFFEY—I wonder if Councilor Fish's order couldn't be brought out on the floor today and heard in executive session while we have a quorum?

Coun. FISH—I would be most happy if it is parliamentary procedure, if in that way we can get it on the floor. If it is brought out on the floor, I want to send for the Assistant Corporation Counsel, Mr. Kalus, who is quoted by the attorney for the family of the child who was killed as saying that the city strikes a hard bargain. That is why I would like to have the members, as many as can be, at that meeting. Personally, I don't want to be a party to Mr. Kalus' striking a hard bargain on a death case.

Chairman D. F. SULLIVAN—The Chair declares a short recess for the purpose of going into executive session.

Coun. COFFEY—In regard to a recess, can I object to taking a recess at this time?

Chairman D. F. SULLIVAN—You may.

Coun. COFFEY—I object to taking a recess.

Coun. DWYER—I move that we now adjourn.

The roll was called, and adjournment was refused, yeas 2, nays 10:

Yeas—Coun. Dwyer, Kinsella—2.

Nays—Coun. Carey, Chase, Coffey, Fish, Hanley, Hannon, Hurley, Kelly, Russo, D. F. Sullivan—10.

Coun. HANNON—Following along the thought expressed by Councilor Fish, I would now like to move that all committees hold a meeting during this week and clean up all the matters for the end of the year, so that at the next meeting on Monday, if possible, we might be able to clear the docket of every committee.

Coun. COFFEY—I make the motion now that the orders referred to the Executive Committee be withdrawn and brought back here so we can act on them here. Talking on my motion, I hear that the Law Department has gone. They don't work the hours that we do, nor get the salary we do. So I move that those orders now be returned to the chamber.

Chairman D. F. SULLIVAN—Councilor Coffey makes the motion to recall the matters that have been referred to Executive Committee.

Coun. HURLEY—I rise to a point of information. What are those orders?

Chairman D. F. SULLIVAN—Seven transfer orders.

Coun. COFFEY—That is all there is, seven transfer orders all in one.

Chairman D. F. SULLIVAN—Councilor Coffey moves we recall the several transfers that were referred originally to the Executive Committee.

Coun. MUCHNICK—Is there anything else pending before the Executive Committee other than those seven transfer orders?

Chairman D. F. SULLIVAN—Nothing else referred today. The motion comes on recalling from the Executive Committee.

The Chair, being in doubt, ordered the roll to be called.

Coun. DWYER—I rise to a point of information. How many objections does it take to stop recalling it?

Chairman D. F. SULLIVAN—Just a majority vote.

The roll was called, and the transfer orders were recalled from the Executive Committee, yeas 10, nays 3:

Yeas—Coun. Carey, Chase, Coffey, Fish, Hanley, Hannon, Hurley, Kelly, Russo, Taylor—10.

Nays—Coun. Dwyer, Muchnick, D. F. Sullivan—3.

Chairman D. F. SULLIVAN—The orders have been recalled from the Executive Committee. What is your pleasure?

Coun. HANNON—I move that the orders be approved as submitted.

Coun. DWYER—I don't believe that the councilor has a knowledge of what those orders are at the present time. I, for one, would like to know what they are.

Chairman D. F. SULLIVAN—Would you like to have the clerk read them?

Coun. DWYER—Yes.

(The clerk read the transfer orders as submitted in the message of the Mayor.)

Chairman D. F. SULLIVAN—The question now comes on the passage of the orders as moved by Councilor Hannon. The clerk will call the roll.

The roll was called, yeas 11, nays 1:

Yeas—Coun. Carey, Chase, Coffey, Fish, Hanley, Hannon, Hurley, Muchnick, Russo, D. F. Sullivan, Taylor—11.

Nays—Coun. Dwyer—1.

Chairman D. F. SULLIVAN—Twelve votes being required, the orders are not passed.

Coun. TAYLOR—I make a motion to reconsider, and I make a motion to lay over to the next meeting.

Chairman D. F. SULLIVAN—Councilor Taylor moves to reconsider and to lay on the table the several orders, assigning to the next meeting.

Coun. TAYLOR—Just take the first motion to reconsider.

Chairman D. F. SULLIVAN—Take the first motion, reconsideration of the previous vote.

Reconsideration prevailed.

Chairman D. F. SULLIVAN—Reconsideration has prevailed. Councilor Taylor moves that they now be laid over for one week.

The motion to lay over for one week was carried.

Coun. MUCHNICK—I move that we now adjourn.

Coun. TAYLOR—I would like to amend that motion. I move when we adjourn, we adjourn to the last Friday of this month, at 11 a. m. After conferring with the Chair, Councilor Taylor withdrew his motion.

The Council adjourned at 6.20 p. m., to meet on Monday, December 27, 1943, at 2 p. m.

CITY OF BOSTON.

Proceedings of City Council.

Monday, December 27, 1943.

Regular meeting of the City Council in the Council Chamber, City Hall, at 2 p. m., President HANNON in the chair. Absent, Coun. Foster, Goode, Langan, Linehan, Lyons, M. H. Sullivan.

The meeting was opened with the salute to the Flag.

TRANSFERS WITHIN DEPARTMENTAL APPROPRIATIONS.

The following was received:

City of Boston,

Office of the Mayor, December 27, 1943.

To the City Council.

Gentlemen,—The inclosed requests for transfer of appropriations, together with the accompanying orders, are necessary to balance accounts for the year. As some pay rolls are affected in the final week of the year it is requested that these transfers be given immediate consideration and adoption by your Honorable Body.

Respectfully,
MAURICE J. TOBIN, Mayor.

Ordered, That under authority of section 3B of chapter 604 of the Acts of 1941 the City Auditor be, and hereby is, authorized to transfer:

From the appropriation for Boston Retirement Board, B, Contractual Services, \$40.18; Boston Port Authority, C, Incidentals, \$10.80, to the appropriation for Boston Retirement Board, A, Personal Service, \$50.98.

Ordered, That under authority of section 3B of chapter 604 of the Acts of 1941 the City Auditor be, and hereby is, authorized to transfer:

From the appropriation for Public Works Department, Ferry Service, A, Personal Service, \$1,500; Sanitary Service, A, Personal Service, \$1,100; Sewer Service, A, Personal Service, \$2,120, to the appropriation for Public Works Department, A, Personal Service, \$4,300; F, Special Items, \$420.

Referred to Executive Committee.

PETITIONS REFERRED.

The following petitions were received and referred to the committees named, viz.:

Claims.

Katherine M. Donovan, for compensation for damage to property at 855 East Fifth street, caused by falling tree.

Secelia H. Moysten, to be reimbursed for money due her for work done at City Hospital.

Helena R. Wessling, for compensation for injuries caused by an alleged defect at 1882 Centre street, West Roxbury.

Carmela Torrisi, for compensation for damage to car by city car.

REPORT OF COMMITTEE ON APPROPRIATIONS.

Coun. DWYER, for the Committee on Appropriations, submitted the following:

Report on message of Mayor and order (referred December 6) for transfer of \$1,000 from Contingent Fund to be expended by Park Department for erection on Boston Common of temporary memorial in honor of war dead—that same ought to pass.

The report was accepted, and the order was passed, yeas 12, nays 0.

REPORT OF COMMITTEE ON ORDINANCES.

Coun. FISH, for the Committee on Ordinances, submitted report on ordinance (referred September 13) concerning salaries of officers of City Council—recommending that same be laid on the table.

The question came on the acceptance of the report. The report was accepted, and the question came on laying the ordinance on the table.

Coun. FISH—It is only for the purpose of putting it before the Council in general that I reported this hack. The committee met and I decided to lay it on the table, but since it has been there about two months and this being the last meeting, in my effort to clear up everything before the committee, I thought I would report this in here now and recommend that it go to the Executive Committee.

The matter was referred to the Executive Committee.

RECESS.

On motion of Coun. CHASE the members voted at 3 p. m. to take a recess subject to the call of the Chair. The members reassembled and were called to order by President HANNON at 3:40 p. m.

EXECUTIVE COMMITTEE REPORTS.

Coun. TAYLOR, for the Executive Committee, submitted the following:

1. Report on message of Mayor and orders (referred today) within departmental appropriations—that same ought to pass.

The report was accepted and the question came on the passage of the orders. The orders were passed, yeas 14, nays 0.

2. Report on message of Mayor and orders (referred December 13) for transfers to pay expense of Building Commissioner and Building Inspector in defense of trials—that same ought to pass.

The report was accepted and the question came on the passage of the orders. The orders were passed, yeas 14, nays 1:

Yeas—Coun. Carey, Coffey, Dwyer, Fish, Hanley, Hannon, Hurley, Kelly, Kinsella, Muchnick, Scannell, D. F. Sullivan, Taylor, Wickes—14.
Nays—Coun. Chase—1.

Coun. RUSSO—I move reconsideration.

President HANNON—Councilor Russo moves reconsideration of the order just adopted by which the transfer of funds to be used in the defense of the Building Commissioner and the Building Inspector. The question is on reconsideration.

Coun. RUSSO—Mr. President, as I stated in the executive meeting and in previous meetings, I sympathize very deeply with Commissioner Mooney and with the inspector in the Building Department. But, as the evidence has been brought forth by the Corporation Counsel that the city would not have been under any expense whatsoever if they had been found guilty, I believe that we are setting a precedent by paying funds for legal fees for an indictment of some of our heads of departments or some one that may be working for the City of Boston. It has been brought out by the Corporation Counsel that the city may or may not pay these fees, and the only reason why I sustain my vote is because I haven't a clear mind of what may happen tomorrow, because what will stop the Attorney-General of the Commonwealth from going on further in bringing in indictments against any one of our commissioners or any one employee of the City of Boston, and then they, in turn, going out and hiring their own personal attorneys and being successful. They may be found not guilty, and then in turn the City of Boston, through the approval of the Mayor and the City Council, must go ahead approving these expenses because there has been a precedent established. I say, therefore, why is it not proper for the State Legislature to bring in an enactment of law whereby, where an indictment is being prosecuted by the Attorney-General of the Commonwealth, and the person in question is found not guilty by our courts, why shouldn't this Commonwealth of Massachusetts be the one to reimburse these individuals for an indictment by the Attorney-General which was found by our courts to have no hearing? Therefore, I have the question in my mind that if the Council approves this appropriation, or transfer, or whatever it may be, what will happen if the officials of the Police Department or these police officers that are under

indictment now should be successful in getting a "Not guilty" verdict. Then, there is another question, whether or not the City Council and the Mayor ought to approve their legal expenses. It has been brought forth that in so far as the Pickwick Club was concerned, a precedent has been established away back when the Building Commissioner at that time was indicted and then exonerated by a "Not guilty" finding, and the City Council at that time appropriated money for legal fees to reimburse the individual in question. I say I don't know whether or not it can become a racket, that an Attorney-General of this Commonwealth may see fit to indict individuals of the City of Boston, and then, when they are found not guilty, we in turn have to reimburse the individuals, whoever they may be, for their legal fees. That is the only thing I had in my mind which is not clear at the present time, and hence we vote, let us consider what may happen in the future. And we also have to hear in mind that, regardless of these individuals that may be indicted, regardless of the findings, whether guilty or not guilty, the city has not the burden on its shoulders of paying any of the money. I am very happy that the Building Commissioner and the other gentleman in question have been successful, and, believe me, I say that from the bottom of my heart. But I cannot see why the City Council, by use of the taxpayers' money, must commit itself by paying funds belonging to every one of us in the City of Boston to pay for their legal fees. I would be only too happy to reimburse a certain amount of money personally to these individuals, but I don't see, however, that the City of Boston can go on record as paying for their legal fees.

Coun. HURLEY—Speaking on reconsideration, Mr. President, I hope that I got the councilor from Ward 3 wrong when he made the statement that he wishes that the Legislature would reimburse the City of Boston for money expended as a result of indictments by the Attorney-General, and hopes that the Legislature will pass laws that will bring that about. I hope the councilor from Ward 3 doesn't wish every man that Mr. Bushnell named or does indict would spend their time in jail waiting the act of the next Legislature. Mr. Mooney, in my opinion, is one of the finest, cleanest, wholesomest men connected with the present administration. He is a man who is very careful in his decisions, protecting the taxpayers of Boston, and I think it is only just that these men, acting in their official capacities as Building Inspector and Building Commissioner, who see their duty and perform their duty, as decided by one man being found not guilty by a jury and one being found not guilty by a judge directing a jury to find him not guilty. I think it is only fair and just that they be reimbursed for their legal expenses. I hope that reconsideration does not prevail, and that this order is passed today. We should be very grateful that we live in a city that has an official such as Mr. Mooney.

Coun. RUSSO—Mr. President, I believe I stated at the outset that in so far as the character of Mr. Mooney is concerned, I believe he is the highest type of man. I believe that these men conducted themselves, as far as my knowledge goes, in a fitting manner for the positions that they hold. I did state that the State Legislature ought to enact a law whereby they should reimburse these individuals. Then I say this, why not, then, first see what the State Legislature will do in a case of this kind before we pay out any money? Then if they turn them down we can take other action afterwards.

Coun. KELLY—Mr. President, I am against reconsideration. I will have to agree with Councilor Russo that I don't think it is a problem for the city rather than for the state. Of course, I realize the Legislature will not meet until 1945, so I am wondering in the meantime what these two gentlemen are going to do. I still agree it is not a problem for the city, and that the state should reimburse these two gentlemen. I am going along with it because the Legislature does not meet until 1945, and I believe at that time legislation should be introduced so if we have any more of those cases they should be reimbursed by the state.

Coun. COFFEY—I don't see, in view of the fact that in the past we have paid bills for the Police Commissioner, how we can very well refuse to pay this bill for Mr. Mooney and Mr. Eldracher. They were both found not guilty. It is only natural they would get the best attorneys that they could get. That is principally why Mr.

Mooney didn't have to go to trial, while the judge ordered a directed verdict of "Not guilty." As far as the Legislature is concerned, if some member of the Legislature in 1945 wants to introduce some bill asking the state to reimburse the city they can do so. In the meantime I don't see why Mr. Mooney and Mr. Eldracher should pay these sums. I just want to cite one instance of the Great and General Court. When I was a member in 1930 we had a bill before a committee asking that a certain man who just got out of State Prison be reimbursed to the tune of \$5,000. It seems he was found guilty of breaking and entering in the nighttime with a gun and was sent to State Prison for five years. He was there two years and a half when he lost his wife through ill health brought about by his being incarcerated, and he also lost his baby. His furniture was taken back by the company to whom he owed a bill. After being in two and a half years he walked into an exact double of himself. They got talking and got friendly. It seems this other man asked him what he was sent up for, and when he was told he said, "Why, I am the man who made that break." The first man asked him if he would be willing to go before the Parole Board and give them a written statement? He said, "Yes, I can't get much more than I have already got." And he did go before the Parole Board and as a result the Governor gave that man a pardon, and all that man asked for was reimbursement of \$5,000 that he lost while incarcerated the two and a half years. He didn't ask for any suffering he had gone through, or any suffering in the loss of his wife and child, and I saw that cold-blooded Legislature turn that bill down and kill it, and by an overwhelming margin. And I, a member of the committee—I was very much interested in the case at the time,—went to the Governor and pleaded with the Governor to do something with regard to this bill, and the Governor would not act. He said that we would be establishing a precedent and in the future other cases would come before us and we would be spending out great sums of money. I think the time to reimburse Mr. Eldracher is here and now, and then let some member of the Legislature introduce a bill in 1945 asking the state in turn to reimburse the City of Boston for the moneys we are now going to pay for Mr. Mooney and Mr. Eldracher.

Coun. TAYLOR—Mr. President, I hadn't intended to say anything on these orders because I thought in Executive Committee we were all convinced by what the Corporation Counsel stated that it really was our not only legal but moral duty to reimburse these gentlemen. It is a very easy matter to indict, because when a prosecuting officer brings the witnesses before a Grand Jury only one side of the case is introduced to the Grand Jury, and the defendants have no opportunity to express themselves or have anyone express themselves in their behalf in defense of the case. So, as a matter of fact, the percentage of No Bills handed down by the Grand Jury is almost infinitesimal. Consequently, any person can be indicted no matter what his reputation may be, no matter what position he may hold, by just the statement of perhaps some irresponsible individual. In this case, we all know that Commissioner Mooney, in taking the job of Building Commissioner, has assumed a job with a great many responsibilities, because the law is very exacting in so far as his duties are concerned, and he is liable for criminal procedure and criminal charges on any mistake in carrying out these laws. I have always found the commissioner to be a very, very careful man in handing down decisions that in any way relate to or affect the safety of the public, but of course in great disasters of this kind, when the people are clamoring for something to be done so that the responsibility may be placed upon somebody's shoulders, those who are in charge of the prosecution, in answering the appeals of the public, naturally take up those who have the greatest responsibility and present them to the Grand Jury so that the people might be appeased. But this doesn't make them guilty. It was a great disaster where many, many lives were lost. I feel it because I lost my own brother in that fire, but I am the last one in the world to attribute any act of negligence to Jim Mooney, because I know him and know his character and know the zealous way in which he carries on the duties of his position. We can only reimburse those employees of the City of Boston who, as the Corporation Counsel has so ably stated, while carrying out the

duties of their employment are charged with a crime and are successful before either a judge or a jury in the answering of that charge. Commissioner Mooney was freed by a judge who ordered a directed verdict, which means, in small words, that the evidence which the government had submitted in its best light was insufficient to constitute a crime, so that the case didn't even get to the jury. Those charges made against Commissioner Mooney didn't even constitute a crime. It is hard for me to believe how any of us can say that a man who, 365 days in the year, is carrying out the duties of his office faithfully, when charged with a crime because of circumstances for which he is not responsible and over which he had no control, must pay money not only to defend himself to keep him from going to jail, but must also answer to charges which may affect his reputation. How we as wise men can say that while that man was carrying out the duties of his office he must pay for legal expenses so he may be freed of a crime or charge that didn't even constitute a crime, I cannot see.

Coun. CHASE—Mr. President, I wasn't prepared to speak on this nor had I any intention of speaking on this matter until the gentleman from the North End gave his reasons for asking for reconsideration, and until the gentleman from Roxbury spoke. I voted against transferring this money simply because I thought, Mr. President, that until this entire case of the Commonwealth is disposed of one way or another I would not be justified in voting appropriations for legal counsel for city employees. I may make myself a little more clear, Mr. President. If I remember correctly, there are a number of public officials who have been indicted, and there are a number of public officials whose cases are now pending. With that in mind, I feel that it is quite possible that future circumstances may reflect on my vote if I were to vote to appropriate this money. The question was asked by the Corporation Counsel whether or not it was possible for the Attorney-General to further indict or reindict the Building Commissioner and his assistant, and the Corporation Counsel answered in the affirmative. He did, however, say not for the same crime, because that would be placing the person under double jeopardy. Now, Mr. President, you and I both know that the public is clamoring for justice in this matter. Over 400 lives were lost in this terrible disaster, and there has been considerable talk in the press about who was to blame. This matter is not entirely ended as yet. The courts of justice have not passed finally on this matter, and because of that, Mr. President, I feel that I would not be justified in casting my vote in the affirmative. Until the courts have finally disposed of all the pending cases I am not prepared to vote in the affirmative. And even then I doubt very much if I would vote in the affirmative. This was one of the most terrible disasters that has ever occurred in the history of the nation. Obviously, disasters of this kind do not just happen. Frankly, I feel some one was to blame. I don't know who was to blame. I don't say the Building Commissioner was to blame, but some one was to blame and, in view of that feeling, I voted in the negative.

Coun. MUCHNICK—Mr. President, I think we can all agree that the Coconut Grove disaster was a horrible disaster. I think we can all agree that somebody was to blame, but the courts of this Commonwealth have stated very clearly that neither Commissioner Mooney nor Inspector Eldracher, in the carrying out of their official duties, were in any way connected with this disaster. The courts have so ruled. These men are officials of the City of Boston who, in my opinion, particularly because of the public clamor, were brought into the picture in an attempt to satisfy the public that indictments were being obtained against people, and it seems to me no public official of this city, or any city, should be subjected to that treatment and he left, to use the vernacular, holding the bag. It seems to me, based on the precedents cited by the Corporation Counsel and other very valid arguments presented by him in executive session, that these payments should be made and made at once.

Coun. KINSELLA—Mr. President, Councilor Chase has stated that some one definitely was to blame for this disaster. We all know some one was to blame, and in justice to the living as well as to the dead, there isn't much doubt that many who died contributed to their own death, just as in Canada where 105 people died under similar conditions. But, Mr. President, in the matter of

payment of this bill, it seems to my non-legal mind that Mr. Mooney was on trial as an agent of the city, and when the directed verdict was returned in his favor, the city was absolved in the person of James Mooney. Therefore, the burden of payment for legal counsel should not fall upon Mr. Mooney or Mr. Eldracher, nor in the future upon Lieutenant Linney. The facts of the horror of the disaster a little over a year ago will probably be always fresh in the minds of those who lived locally at the time. After the fact of the horror is once established and the question of the proper placing of guilt then occupies the minds of the authorities, we should take the view that the authorities, without any negative things having been brought to hear upon them, absolved Commissioner Mooney and Inspector Eldracher. Therefore, the burden of the cost of their defense devolves upon the people they represented in their official capacities. That may not be a good legal basis, but I believe it is good common sense. In executive session we had at our disposal for as long as we wanted it the expert legal knowledge of the Corporation Counsel of this great city. He spared us no time at all and answered willingly every question put to him, some needlessly and some probably of great pertinence to the case. And I think, having had the gentleman down here, we might have arrived at the decision that showed fourteen of us for and one against and one not voting. And I believe in this particular matter the ends of real, simple justice will have been served when this Body finally accepts its responsibility for the payment of that bill. Therefore, I hope reconsideration does not prevail.

Coun. HANLEY—The reason that I am voting for reimbursement to Commissioner Mooney and Inspector Eldracher is because I believe that the City of Boston, by the terrible holocaust of the Coconut Grove, was not only indicted, but stigmatized, and the entire personnel of the City of Boston was indicted until such time as those men were properly exonerated by our courts. He did not ask the Corporation Counsel or his assistant to defend him. He sought legal talent that was properly qualified to present his case. And I believe, as the members of the Boston City Council, we should accord our view with the justices of the court and reimburse these two individuals, and at least mitigate the terrible stigma that has been attached to our personnel in the holocaust of the Coconut Grove.

Coun. CAREY—Mr. President, I voted originally that these two men be reimbursed for these legal fees. I still feel they should be reimbursed. I shall, however, vote for reconsideration, and, if reconsideration should prevail, then vote that the matter be laid on the table because, as I said back here, it occurred to me after all these fees seem somewhat excessive. I might be wrong about that, but fees of \$3,000 and \$3,500, in my mind, do appear excessive, and perhaps something might be done or some suggestion made about those fees. I think the city should be spared all expense possible. I do think the city and the Council is morally obligated to see these fees are reimbursed.

The motion to reconsider was lost.

3. Report on message of Mayor and order (referred December 6) that chapter 431 of Acts of 1943, being an act to permit cities and towns to indemnify military substitutes serving in their fire forces or fire departments, be accepted—that same ought to pass.

The report was accepted and the order was passed.

4. Report on message of Mayor and order (referred May 10) for sale of unused film by Hospital Department—that same ought to pass.

The report was accepted and the order was passed.

5. Report on ordinance (referred today) concerning salaries of officers of the City Council—recommending passage of ordinance in following new draft:

An Ordinance Concerning the Salaries of Officers Connected with the City Council.

Be it ordained by the City Council, as follows:

Section five of chapter three of the Revised Ordinances of 1925, as most recently amended by chapter four of the Ordinances of 1942, is hereby further amended in the clause establishing the salaries of the officers connected with the city council, by striking out after first assistant city messenger the words "thirty-four hundred dollars" and inserting in place thereof "thirty-six hundred dollars"; by striking out after second assistant

city messenger the words "twenty-four hundred dollars" and inserting in place thereof "twenty-six hundred dollars", by striking out after document man the words "twenty-nine hundred dollars" and inserting in place thereof "thirty-one hundred dollars", by striking out after assistant clerk of committees the words "four thousand dollars" and inserting in place thereof "forty-two hundred dollars", by striking out after two stenographer-clerks the words "twenty-four hundred dollars" and inserting in place thereof "twenty-six hundred dollars", and by striking out after two stenographer-clerks the words "twenty-one hundred dollars" and inserting in place thereof "twenty-three hundred dollars."

The report was accepted and the question came on the adoption of the ordinance. The ordinance was adopted.

TRANSFERS IN DEPARTMENT APPROPRIATIONS.

President HANNON called up, under unfinished business, No. 2 on the calendar, viz.:

2. Action on orders authorizing transfers in department appropriations as follows:

\$375 from Long Island Hospital to Steamer "Stephen J. O'Meara," Personal Service.

\$300 from Market Division, B and D, to Market Division, Personal Service.

\$2,850 from Lighting Service to Paving Service, E.

\$300 from Street Laying-Out Department, B, to A, Personal Service.

\$175 from House of Correction, D, to A, Personal Service.

\$1,450 from Granite Avenue Bridge to Bridges, Repairs.

\$1,000 from Collecting Department to Weights and Measures Department, Personal Service.

The question came on the passage of the orders.

Coun. D. F. SULLIVAN—Mr. President, are we voting now on the passage of these appropriations or transfers?

President HANNON—No. 2 on the calendar. The roll was called and the orders were passed, yeas 14, nays—Coun. Chase—1.

CONFIRMATION OF EXECUTIVE APPOINTMENTS.

On motion of Coun. D. F. SULLIVAN, the Council took up, under unfinished business, No. 1 on the calendar, viz.:

1. Action on appointments submitted by the Mayor December 20, 1943, of William J. Campbell and Andrew J. Whalen, to be Constables without authority to serve civil process and to serve without bonds.

The question came on confirmation of the appointments. Committee, Coun. Hanley and Taylor; yeas 15, nays 0, and the appointments were confirmed.

THE NEXT MEETING.

Coun. COFFEY—Mr. President.

President HANNON—For what purpose does the gentleman rise?

Coun. COFFEY—I rise to make a motion, Mr. President, in view of the fact we have a hill here from the Legislature regarding a Board of Recreation for the City of Boston. I move that when we adjourn it be to meet Friday, at eleven o'clock.

The motion that when the Council adjourn it be to meet on Friday, December 31, 1943, at 11 a. m., was carried.

SYMPATHY TO FAMILY OF GERARD GIFUN.

Coun. COFFEY offered the following:

Resolved, That the members of the Boston City Council in meeting assembled hereby extend their sincere sympathy and condolence to the family of Gerard Gifun, former attaché of the Boston City Council, who passed away last week, and express their commendation for his faithful and efficient service rendered.

The resolution was adopted by a unanimous rising vote.

LEGISLATION PERMITTING REFUND OF LEGAL EXPENSES IN CERTAIN CASES.

Coun. RUSSO offered the following:

Ordered, That the Corporation Counsel be requested, through his Honor the Mayor, to draw up legislation which will be presented to the next session of the Legislature whereby cities and towns in the Commonwealth will be reimbursed for moneys spent as a result of unfounded indictments by the Attorney-General's office of the Commonwealth in Massachusetts, in such cases as Commonwealth vs James Mooney and Eldrachter of the Building Department of the City of Boston.

The orders was passed under suspension of the rule.

PATROLLING OF BODIES OF WATER.

Coun. SCANNELL offered the following:

Ordered, That the Boston Police Commissioner, the Metropolitan District Commission and the Director of Public Safety be requested, through his Honor the Mayor, to provide men for the purpose of patrolling all bodies of water in the city in order that the lives of children might be safeguarded.

Coun. SCANNELL—Just a word on this order.

As the members of this Body and the people of this city know, there have been children drowned in bodies of water surrounding our city and in our city. Now, there is no better time to start something on this. We might as well start now, because the children of this city are going out on what is called "tiddlewinks." I happened to be through the Dorchester section of this city and the South Boston section of the city just yesterday, and there must have been thirty children in both sections, out in Reserved Channel, where the water is very deep. Now, there is no need of talking about this after something has happened and some of our children of the city are drowned. Let us do something about it before some of these kids in the city go down. Just last year there were three children in South Boston drowned and it took three months to find them, and I hope we have a little more thought on this matter. Let us see if the Public Safety Commissioner and the Metropolitan District Commission can get patrols on these beaches and see that the lives of the children are safeguarded.

The order was passed under suspension of the rule.

BOARD OF RECREATION.

Coun. CHASE—I move that the order establishing a Recreation Board be recalled from the Committee on Parks and Playgrounds. Mr. President, I make this motion as the committee has entertained this order for several weeks. Last week they had a public hearing and many prominent citizens of Boston appeared in favor. I don't recall any opposition to it. I personally am very much in favor of the bill. I think it would have a tendency to considerably advance the recreation of the children in Boston and I hope, Mr. President, the Council sees fit today to recall it from the committee and act favorably on it.

Coun. HURLEY—Mr. President.

President HANNON—For the benefit of the members of the Body, the Chair is unable to determine as yet whether or not this matter has been in committee for thirty days, and in order to clear that up the Chair will ask the chairman of the committee, Councilor Sullivan.

Coun. D. F. SULLIVAN—Mr. Chairman, it has been in committee over thirty days.

President HANNON—Just for the sake of proper procedure, because it has been in committee over thirty days it is subject to recall by this Body, and the Chair will therefore entertain the motion of Councilor Chase.

Coun. D. F. SULLIVAN—I hope this motion does not carry because we were just furnished this afternoon with the stenographic report of all those who spoke in favor of this at the meeting last Tuesday, and it wouldn't be fair to submit a report at this time. There are also some members of the Council who would like to know a little more about this bill and, due to the large number of newspaper clippings I have received—I haven't had time as yet to read them—I hope the motion of Councilor Chase does not prevail.

President HANNON—The question is on recalling from the Committee on Parks and Playgrounds the matter relative to establishment of a Board of Recreation.

Coun. COFFEY—I hope this matter is recalled. I am a member of the committee, and I would like to have it out on the floor. Today I received five pieces of mail, two from the *Boston Post*, one from the *Boston Herald*, and another from the *Boston Globe*, and another from the *Boston Traveler*. Maybe my interpretation is wrong, but to me they seem to be a threat, and I don't take threats from anybody. I thought the general public knew that by now. When a councilor receives five pieces of mail—and I have the envelopes here of all five—and doesn't receive a return address on any of the five, he usually takes the mail and immediately throws it in the wastebasket. That is the place where it belongs. I know if I send a letter to anybody, whether a letter of condemnation or commendation, I sign my name. I don't like to receive threats. My mind is still open on this matter very much, but it seems to me as though the men who introduced this bill in the Legislature and had it enacted,—of course, it being permissive legislation,—it seems as though they themselves should get together. I was told only before the meeting started today that one of the gentlemen, Henry Shattuck, a former member of our Body, who was partly instrumental in drawing up this bill, was at one time opposed to Mr. Mullen being appointed to this position. And I was told that after some persuasion on the part of others interested in the matter he had written a letter to the Mayor stating he had withdrawn that opposition and he is not opposed to Mr. Mullen receiving this position. One thing I would like to know, and I think everybody here would like to know, is why the City Council has always been left out of these matters. As far as I can determine, the Mayor can appoint four members, the School Committee two, and the Park Commissioner, by virtue of the office he holds, is to be the seventh member. I probably am a little selfish when I say that the members of the Boston City Council should have been allowed to appoint at least one or maybe two members of that committee. I would like to know who the six members besides the Park Commissioner are going to be. I would like to know if they are going to be Boston men. The same as everybody else here I have thrown in order after order asking for playgrounds and recreational centers in our district. We never got much action. We did get one small playground since I have been a member of this Body. I didn't like the location, and told the Mayor the location was a bad one, and at the time I went to Mr. Shattuck and asked Mr. Shattuck if he wouldn't look at a location on Morris street, East Boston. I told him there was a junk shop there that could be bought for a reasonable sum of money and could be torn down and, with the school ground of the Sacred Heart Church, we would have a playground for a large number of children in a very congested area. Mr. Shattuck said he did go over and look the place over, but he didn't think much of it. I think that would be one of the best locations for a playground of any section in the entire city. I should, I suppose, bring out that we haven't any playgrounds to speak of in my town. We had one at Wood Island Park and the soldiers came in. We couldn't do much about it. They were going to take it by eminent domain and the only way we could get it back if the Government took it by eminent domain would be by an act of Congress. As it stands now, Wood Island Park will be given back to us within six months after the war ends. There are other things I would like to know. I am not so interested in who is going to be appointed, but it doesn't seem fair or right to have a group of men file a bill in the Legislature and send it down to the Boston City Council for our approval, and after we give our approval we have nothing to do with the matter whatsoever other than the fact that in the near future we will have to appropriate funds. In just glancing briefly through this report of the committee, I find that the committee's only powers are to recommend. They have no other authority whatsoever, other than to recommend. I am told by several people I have talked to that they are going to try to coordinate the School Department and the Park Department. I couldn't attend the meeting with both my boy

and my father and also my best friend in the hospital. I intended to make the meeting, but things came about so I just introduced a resolution. My best friend was very ill and passed away the same night, so I stayed by his bedside all that day. In one sense, as the chairman has told me and he has well brought out when I talked to him on several occasions on this matter, it would be a good bill, something that would help the children of the City of Boston. But again it comes down to the point where somebody is going to get a job and, as I stated before, those that drew up the bill, they themselves cannot get together on deciding who is the man that is going to get this job. Bill Mullen has been mentioned, and again I hear that Bill Mullen feels he is not going to get the job. And then Henry Shattuck comes out and is very much opposed to Bill Mullen getting the job. Now, after pressure by some other group, he writes a letter to the Mayor, I am told, and he withdraws his objection, and he doesn't care who receives the job. Now, in my opinion, whereas the Mayor is going to appoint four and the School Committee two, there is no doubt in my mind that the Mayor can appoint four men and decide who is to get that job long before we know who the Mayor is going to appoint. I would like to ask today that the names he submitted to us before we pass on this order. I think that we, as members of the Boston City Council, should know whether they are going to be six Boston members along with the Park Commissioner, or whether four Brookline and two Newton members. I would like to know who they are and if they are civic-minded, and if they are looking out for the welfare of the children of Boston or whether it is just another job that is to be created for somebody. I would like to see the School Department and the Park Department get together. I know it is well brought out in the records here that there are playgrounds that have school supervision and others that have park supervision. We know up in the State House that an act was created a short time ago giving supervision over the sheriff's office, and that is something I don't think is necessary. Maybe this is not necessary. Maybe these two groups could get together and work out something without this committee. The only thing I ask when we leave here today to meet Friday is that this bill be given an opportunity to be heard this year, because if we don't act on it today or Friday then, the way the act is written, we cannot act on it until 1945. So I would like to have the other members here come up and express their views on it. It is a very important order, and I would like to know more about it, especially from some of those who were fortunate enough to attend the committee meeting.

Coun. D. F. SULLIVAN—I would like to announce that the committee will bring in a report at Friday's meeting.

Coun. CAREY—I am against taking matters out of the committee for the reason, in this particular instance, I don't think the committee was negligent in its action relative to this act not to accept before the end of this year. Personally I am not in favor of the Recreation Board for the City of Boston. I see absolutely no necessity for it. I am winding up my sixth year here in the City Council and, as other men who served with me during that time, I have on more than one occasion insisted that money be provided in a Park Department budget of the City of Boston to be used for the purchase of equipment that might be used in our playgrounds for recreational purposes. As I have said on more than one occasion, the playgrounds in the City of Boston are a disgrace to the City of Boston. I attended the meeting here last Tuesday for a while, and I was greatly interested in what Mr. Shattuck and in what Mr. Joseph Lee had to say. I respect both those gentlemen. As a matter of fact, I have a great deal of respect for most of the men who are behind this movement. In this particular instance, I find I must disagree with them. Mr. Shattuck and others who attended the meeting, spoke about the playground named for the father of Mayor Tobin. It has done great work in the locality in which it is situated. But he went on to say that the reason that the playground has done that great work is because there has been equipment provided there for the use of the youngsters, swings, teeter boards, bean bags, and other equipment, that naturally has attracted children to that particular place there. Go around the City of Boston and take a look at our playgrounds.

No equipment. Nothing but dirt and dust surfaces, and still children are expected to go there and spend the day. Give the children something to play with and they will find their way to those playgrounds and stay there. And I am one that on more than one occasion on this floor has said that if we spend our money in our playgrounds and provide a means of recreation for these youngsters, the members of this Board and others would not have to go to courthouses and ask leniency in favor of these kids and these youngsters who, had they spent their time on these playgrounds, would not have found themselves in the toils of the law. What can you expect when you don't provide proper equipment in these playgrounds? You are not going to find youngsters making use of them. They have to work out their energy, and unfortunately in working off that energy they do so in a way that means trouble to them. I don't see how this Recreation Board is going to get any more money from the Mayor or the Council than some one individual who might well be given this job. The name of Mr. Mullen has been mentioned here. I don't know whether the bill contains a proviso that some of the members be named by the City Council or not. That does not mean a thing to me. In voting against the bill I am having nothing like that in mind. I am having solely in mind the fact that we have well qualified individuals. We have seen that ably demonstrated by Mr. Mullen, who can provide a program that is going to attract these youngsters to these playgrounds and other places of health and recreation. Mr. Lee mentioned there has been some trouble because if anything was to be done they had to go to four or five departments. Wouldn't that have to be done just the same should a recreation board be set up in the city? I can't for the life of me see the sense of this bill. We have had altogether too many boards in the past functioning that after all don't accomplish anything more than one individual can accomplish if he has sole responsibility to go ahead with the program. There should be some provision made with the Park Department. I like to think about a man like Mr. Mullen in charge of recreation. I have the utmost confidence in his ability, but in order to do anything, no matter who it might be, he has to have some money to work with, and because of the program of economy that has been the system of this city in the years I have been in the City Council there has been a constant refusal to permit any money in the park and playground departments except for the purposes of salaries and upkeep, but in that upkeep you don't find this and that. The place itself is there, but that is all. You don't find trees. Mr. Shattuck mentioned here—I don't intend to find any fault with Mr. Shattuck, I respect him—but he mentioned the very things we have in mind here, if we can get appropriation of the necessary money. Of course, we need trees, but who is going to give us those for nothing? It is up to the taxpayers to provide them. There is absolutely nothing to induce the youngsters to go there and play. And some recreation should be provided for the mothers. There would be more there if there were shade trees for the mothers to sit under while the youngsters play. We need money to provide the equipment that is vitally necessary in these playgrounds. Give the present Park Department sufficient money. Give Mr. Mullen a job. If he proves not capable, we can talk about a recreation board, but the most important thing is the money. Give it to them. We will find we will have a recreational system made available here in the city that we will be proud of.

Coun. TAYLOR—I rise to a point of information.

President HANNON—State your point of information.

Coun. TAYLOR—Do I understand the committee is going to report Friday morning?

President HANNON—The Chair is so informed.

Coun. RUSSO—Mr. President, as a rule I am always against the calling of anything from a committee because I would like to give that committee an opportunity to study the order that is before it. It just so happens in this particular case that the committee has had the order for over thirty days and, having in mind that this is our last regular meeting, and having also in mind through my experience in the last four years that any special meeting that has been called has not had a sufficient number for a quorum whereby the meeting could be held, I personally feel, and I think all the councilors feel the same as I do, and all the people in the City of Boston feel the same, that we have not sufficient recreational

centers in the city. In the past four years I know that I, and most all of the councilors, have asked for more play areas, and if there is any section of the City of Boston that needs play areas more than my section I would like to know where it is. You take a walk in my district and find out the people that are living in such a congested area, find out how many playgrounds we have, and you will say to yourself, "How under God's name do they get along?" It has always been my opinion that money could best be spent for two things. One is for education and the other is for recreation. Those are the two fundamentals that our very lives are based upon, and we have to consider the lives of those individuals who are going to carry on after we are gone. We have to try to make the best of it and give them the best so that they can grow up physically and mentally upright and in good health. We have found in the past, Mr. President, many complaints in so far as our Park Department is concerned, and I make no reflection in so far as the chairman of the Park Department is concerned. As I stated in the committee meeting, that was due to the fact that the department of our parks and playgrounds had too much to do, and therefore they couldn't give the proper attention to just one specified item such as recreation. I heartily agree with the order because it might be for the best interests of the people of the City of Boston, and primarily to the children of our city, to have the adoption of this bureau or this board, where all complaints can be made, instead of going around in circles. If the Commissioner of Parks gives you an argument, then you have to see the Street Commissioner, then the Building Commissioner, and then some one else, and you are going around in circles until you feel disgusted with yourself bringing arguments day in and day out before this Body. I am only wondering if it wouldn't be a good suggestion on our part to put this board in operation and find out what they can do. I believe they may be able to do more than what we have been receiving in the past. I am not interested in who is going to get the job or who isn't going to get the job. But I am very much interested to see that the individual that may be appointed as the so-called superintendent of the board will be an individual that knows recreation, that understands the kiddies of the City of Boston, that knows what they want, that knows what it takes to build them up to be physically and mentally sound. That is what I am interested in, and so far as having the majority of the board, the bill specifically states that four members of the board are going to be appointed by his Honor the Mayor. One is ex officio the chairman of the Park Department, which makes five, and two are going to be appointed by the School Committee. Therefore, I am not worried in so far as there being individuals on the board that may not live in the confines of the City of Boston, because then I shall put the blame squarely upon those individuals if they haven't properly carried out the wish of the City Council or the people of the City of Boston. It is the people of the City of Boston that are going to pay the expenses. Therefore, I have never felt that those individuals should all be residents of the City of Boston.

Coun. WICKES—Mr. President, heretofore, as a member of the Parks and Playgrounds Committee, it hasn't seemed very important, but since I have been associated with recreation for about eighteen years, it strikes me now we have an opportunity to do something for recreation. In my many years of experience with recreation it has been very confusing, because if we wanted to use a schoolyard we would have to see the School Committee. If we wanted to use a playground, we had to see the Park Commissioner. There was always confusion as to when we could use the facilities and where. So it seems to me at this present time since we haven't really gotten anywhere with recreation without a board, why not give the board the opportunity to see what it could do for the citizens of Boston, the men and women as well as the children? Now, speaking in behalf of the Park Department,—I perhaps haven't had any more experience than you fellows—but I know, however, I have had a great deal. I know they have done a most splendid job. I don't think there is any one unit in any large city of the country that would come up to the Boston Park Department. But, nevertheless, with as much as they can do, they are hindered. They can't always go as far as they would like, because they are always, as it were, inter-

fering with another department. Therefore, since the Park Department has done such a wonderful job, not being like a few of my very fine colleagues here, I couldn't say I would not be interested as to who might get the position. I am keenly interested in who might get that job. As far as I am concerned there is only one in the City of Boston that I know of. I have known him since a child. You all know the work that Bill Mullen has done, and I feel quite confident if we have this Board of Recreation that the board would realize the capabilities and qualities of Bill Mullen, the present director for the Park Department, and would not go astray. We would then, I am sure, have the most successful recreational unit in the country. I hope our very good Chairman of the Park and Recreation Committee will call this meeting of the committee because next Friday will be my last meeting in the Council, and if this is carried over for another year I won't have a voice in it. I would like very, very much to attend that meeting. I hope if the other four members of that committee can find it possible they will call that meeting at approximately five o'clock in the late afternoon so I can attend. Being in the Navy, I will not be able to attend unless they do. I hope that my remarks have had some bearing, and I sincerely hope it will be put to the entire Body to pass on, and if that doesn't take place today I hope to have the pleasure of attending that meeting.

Coun. DWYER—Mr. President, as a member of the Committee on Parks and Playgrounds, I attended the public hearing held in the chamber here last week, and I hope, Mr. President, that this matter will not be taken away today from the Committee on Parks and Playgrounds; that, rather, the chairman of that committee, if the majority of members wish it, hold another hearing and finally bring in their report at the next meeting. Mr. President, at that meeting held last week here there were a great many fine people in favor of this bill, or in favor of having this bill accepted by the City Council and his Honor the Mayor but, Mr. President, the general public knew absolutely nothing about this bill. I, for one, have yet to have one person in my district ask me to vote in favor of this bill. Like my colleague from East Boston, I, too, received in the last day or two six or seven letters, and when I opened them there would be a clipping from an editorial from some of the Boston papers. There was no name signed to them. There was no name signed to the envelope, and no return address of who sent them. Now, I was deeply impressed with several people who appeared here opposed to this legislation. Mr. Shattuck, who favored it, admitted when I questioned him that the School Committee was four to one against it at the State House. Mr. McKinney, athletic director of schools of Boston, said the schools felt there was no legislation necessary on this matter. There were three members of the Park Department, and they had no comment in favor of this bill when called upon by the committee. So if we are to have another meeting before the year is up, whereby the Council can receive more information during the next few days and have another committee meeting in the meantime, I see no reason why this should be taken away from this committee today, and that the Committee on Parks and Playgrounds have another meeting and report back.

Coun. KELLY—Mr. President, I am ready to vote on the bill when it comes out on the floor of the Boston City Council. Unfortunately I was not able to attend the committee meeting last Tuesday. I have studied the report, and in speaking to two of the members they said they would like a little more time to go over it more thoroughly, but I think it is the duty of everyone in the City of Boston to see that every member of the board is a resident of the City of Boston. And again, I don't think we should go outside of the city to appoint a superintendent. I feel sure there are enough qualified men who have been residents of the City of Boston to serve on this board, and I believe it is every member's business to do everything in his power to see that all the members of the board, including the superintendent, are residents of the City of Boston and know recreation. I trust that nothing will happen in members being appointed to this board such as happened over in the City Hospital, when we were told there wasn't one woman in the City of Boston qualified to be superintendent of nurses of the City Hospital. I am not going to vote to recall the bill from the committee because I spoke to some of the com-

mittee members and they said they would like a little more time to go over the details. If the bill came out on the floor today I would be ready to vote on the bill. I hope that the superintendent of the board and all members of the board will be residents of the City of Boston.

Coun. KINSELLA—Mr. President, my interest in this thing, the acceptance of it, is concerned with two items. One is the continuance of Mr. Mullen as superintendent of the division of recreation, and the other is the residence in Boston of the directors. I attended the meeting last Tuesday. I have before me Councilor Coffey's copy of the minutes of that meeting. I devoted myself almost exclusively to an effort to extract from Mr. Shattuck some suggestion that possibly non-Bostonians would find a place on the board, and at one point where I asked him: "What is the danger of the directors having a residence remote from Boston?" he said, "I should think the danger would be very slight." That is quite an admission, coming from Mr. Shattuck. If we are going to have home rule in this matter, we will never get it by remote control. It is time we stood up and demanded some gilt-edge guarantee that the members would come from Boston and that the man to do the actual leg work would be a man from Boston. Who is it in Boston that needs supervised public recreation? It is the poor children. They are the ones who need supervised recreation if we ever have supervised recreation. They don't have country day schools and nurseries maintained out of private funds. We ought to think twice before we turn them over to the doubtful mercies of a class of whom they are not a part. I myself would not want to go into a playground as a little boy and find that I was smiling out of turn or enjoying myself in a fashion not prescribed in the rules. I have passed by some of these places where there is supervised recreation, and some of the teachers are incapable of getting along with the children.

Coun. MUCHNICK—I rise to a point of order.

President HANNON—State the point of order.

Coun. MUCHNICK—It seems to me that the councilor is not talking on the motion, whether we take this from the Committee on Parks and Playgrounds.

President HANNON—I hope he is leading up to it.

Coun. KINSELLA—Mr. President, I am going to suggest two qualifications. One is that the directorship be guaranteed to us, since we play a prominent part in the acceptance or rejection, that the directorship come from Boston and not from those of shaky and vague residence. The other is that the man who has served the city so well in his position in the Park Department be continued. Other than that I have no interest. I will vote for any amount of money to permit the new set-up to function properly.

Coun. HANLEY—Mr. President, at the beginning of the year, with your wisdom and your intelligence, you delegated certain committees, and you named certain men to function on those committees and, through their learning and intelligence, they called certain meetings during the year for the purpose of finding out certain facts that we, as twenty-two members, cannot obtain, and in due course they return back from the committee room an acceptance or rejection of the plan. The distinguished councilor from Ward 9, accepting the chairmanship of Parks and Playgrounds, due to the fact that Councilor James Goode is in Trinidad, called a public hearing and he interrogated at length the other members, men of high repute and learning, who understand well the functions of this bill. A stenographic report was taken and submitted this afternoon to the members of that committee. We, as individual members of the twenty-two districts of Boston, can accept or reject their recommendation, but we can at least speak and talk on the merits of the bill. I only hope that the councilor from Ward 4 will withdraw his motion and await the decision of that committee on Friday. At that time I shall take the floor either for or against the contents of the bill.

Coun. CHASE—I regret—I would like to comply with the hope of the distinguished gentleman from Roxbury, but inasmuch as this matter has been pending now for several months before the Committee on Parks and Playgrounds, and since Friday is the day before New Year's, I feel there is a possibility that the Council may not have a quorum present. There is no guarantee that a quorum will show up. After all, it is the day before a great national holiday. Mr. President,

the gentleman who is in the Navy has expressed a desire to vote on this matter. He will be unable to show up in the Council Chamber on Friday, I believe, until five o'clock.

Coun. WICKES—Mr. Councilor, I can be here approximately at five o'clock if they call the meeting of the Parks and Playgrounds Committee, and I will be here Friday at the meeting.

Coun. CHASE—I feel, in view of all the uncertainties surrounding this, and since we have a quorum present here today, that the committee has enough knowledge now as to the merits of this bill. I have made up my mind. I am prepared to vote in favor of the bill, and I trust and hope that the members of the Council will call on the Committee on Parks and Playgrounds for an order to give action on it today.

Coun. D. F. SULLIVAN—Mr. President, with all due respect to the members of the Parks and Playgrounds Committee, and to the gentleman from Ward 4, this order was referred, roughly, ten weeks ago, councilor. The committee within two weeks after receiving this order held a committee meeting. The vote at that time that was taken was that it ought not to pass. I, as chairman of that committee, held it up and we called another hearing last week, and now several of the members are getting really interested in the bill because of the pressure groups. I believe every member of the Body here has received newspaper clippings. Some may have had time to read them; some may not. I know I for one haven't had time, and I haven't had time to read the stenographic report taken last Tuesday, and I think, out of fairness, when I stated I would submit a report next Friday, that the gentleman from Ward 4 should withdraw his motion. I submitted "Ought not to pass." There is no doubt in my mind that the bill would have been defeated at that time. I held it and survived it up to the present time, and I hope, out of consideration for the committee, that this motion will not prevail.

President HANNON—The Chair will state for the benefit of the members that twelve affirmative votes are necessary in order to recall a matter from the committee.

Coun. HANLEY—Is that rule two-thirds of the members present and voting?

President HANNON—The Chair will read the rule, Rule 13, the last paragraph:

"Any matter referred to a committee may be recalled by a majority vote of all the members of the council, if such matter is not reported upon within one month from the date of reference."

Coun. RUSSO—I have heard so much here today and, as far as receiving clippings from pressure groups, I, in my four years on the City Council, don't believe any clippings or any pressure groups have had any bearing in making up my mind either for or against. It makes no difference to me who opposes or who is in favor. I always try to exercise my own mind to the best of my ability, and I don't care what groups see me or what literature I am receiving because I always depend, as I stated before, on my own mind. I would be very glad to take heed of the request of the chairman of that committee. The only thing in my mind that I am fearful of is that this is the last regular meeting, and I am fearful that Friday we will not have a quorum present to decide the question one way or the other. If it is not decided this week we will be looked upon by the eyes of the people of the City of Boston as not in favor of it, because it was not brought up before, and we could not be given a chance to vote on it one way or another. If I thought that the members present here today would be present Friday absolutely, then I would be very glad to heed that request, but I am very fearful we will not have a quorum.

President HANNON—The question is on recalling from the committee. All those in favor stand and he counted. Less than the required number of twelve having arisen, the motion does not prevail.

ATTENDANCE AT NEXT MEETING.

President HANNON—The Chair is going to ask, out of fairness to the members here and to matters remaining in committees, that each member take it upon himself personally to be present. We want to clean up everything, and I think we owe it to ourselves to be present here next Friday at eleven o'clock.

The Council voted, on motion of Coun. HURLEY, to adjourn at 5.30 p. m., to meet on Friday, December 31, 1943, at 11 a. m.

CITY OF BOSTON.

Proceedings of City Council.

Friday, December 31, 1943.

Final meeting of the City Council in the Council Chamber at 11 a. m., President HANNON in the chair. Absent, Coun. Foster, Goode, Langan, Linehan, Lyons, M. H. Sullivan.

The meeting was opened with the salute to the Flag.

REPORT OF COMMITTEE ON CLAIMS.

Coun. FISH, for the Committee on Claims, submitted the following:

1. Report on petition of Matthew E. Farrell (referred November 29) 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 two hundred dollars (\$200) be allowed and paid to Matthew E. Farrell 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.

2. Report on disposition of claims for year 1943:

The Committee on Claims respectfully submits the following report showing the disposition of claims during the municipal year 1943:

Claims pending January 1, 1943.....	882	
Claims received during 1943.....	402	
	—	1,284
Claims disapproved during 1943.....	275	
Claims approved during 1943.....	119	
Reimbursements (claims against city employees—not suits).....	46	
Reimbursements (claims against city employees—suits).....	27	
	—	467
		817

Amount paid on approved claims....	\$11,745 00
Amount paid on reimbursements (not suits).....	3,123 38
Amount paid on reimbursements (suits).....	9,308 63

Total amount paid out on claims during 1943..... \$24,177 01

Claims pending January 1, 1944..... 817

For the Committee,
 PHILIP AUGUSTIN FISH,
 Chairman.

The report was accepted and placed on file.

PETITIONS REFERRED.

The following petitions were received and referred to the committees named, viz.:

Claims.

V. Russell Beck, for compensation for damage to car by fire apparatus.

A. W. Chesterton Company, for compensation for damage to property at 54 and 56 India street, caused by broken water main.

Globe Shirt Company, for compensation for damage to property at 139 Summer street, caused by break in hydrant.

Kenneth H. Holt, for compensation for damage to car by city truck.

Anna Puccia, for compensation for damage to property at 152 Salem street, caused by defective water main.

J. B. Tuttle, for compensation for injuries caused by an alleged defect in North Beacon street.

Margaret C. Weber, for compensation for loss of articles while patient at City Hospital.

INSPECTION OF PRISONS.

Coun. KINSELLA, for the Committee on Inspection of Prisons, submitted the following:

In accordance with the provisions of chapter 126 of the General Laws, the Committee on Inspection of Prisons submits herewith its annual report.

The customary semi-annual inspections of the Suffolk County Jail and the House of Correction at Deer Island were made by your committee and conditions in both institutions were found very satisfactory.

Several minor improvements are necessary in the Jail and House of Correction, hut due to the difficulty in obtaining essential materials at this time, it has been decided to postpone this work until after the war.

The report was accepted.

THANKS FROM BROOKLINE.

The following was received:

Town of Brookline,
 Selectmen's Office, Town Hall,
 Brookline, December 29, 1943.

Boston City Council,
 City Hall, Boston.

Gentlemen,—On behalf of the Board of Selectmen of Brookline, may I express to the members of the City Council our sincere appreciation for your cooperation in effecting the construction of the shelter at Cleveland Circle.

It is hut an expression of the close cooperation which we helieve should exist between all municipalities that are working for the comfort and convenience of the citizens.

It is sincerely hoped that at some future date this Board will be in a position to reciprocate.

Very truly yours,
 WILLIAM J. HICKEY, JR.,
 Chairman.

Placed on file.

REPORT OF COMMITTEE ON PUBLIC SAFETY.

Coun. KELLY, for the Committee on Public Safety, submitted the following:

Report on message of Mayor and order (referred from Executive Committee December 6) for transfer of \$30,000 from appropriation for Police Department, Personal Service, to appropriation for Public Works Department, Sanitary Division, Contractual Services—that same ought to pass.

The report was accepted and the question came on the passage of the order.

Coun. KELLY—I am not the chairman of the committee, Mr. President. I am vice chairman, hut I was the gentleman who was acting as chairman of the committee during these hearings. I don't want to hold anything against any other contractor in the City of Boston, but as I see facts, it has been a challenge between Coleman Brothers and the councilor from Ward 15, and I want to inform Coleman Brothers that I am accepting the challenge. We will go to hat next Monday. The collections of ashes and garbage have been putrid. There hasn't been a collection in the Ward 15 section of Dorchester this week. I realize it is all right for the contractor to come in and say that the trouble is with manpower. Manpower be damned! Their contract has risen from some \$14,000 a month to some \$27,000 a month, and the wages of the men have not gone up 100 per cent. So I am accepting the challenge, and it will be Coleman Brothers against the councilor from Ward 15. I will be in the Council for the next two years, and we will go to hat.

The question came on the passage of the order, and the order was passed, yeas 13, nays 0.

REPORT OF COMMITTEE ON APPROPRIATIONS.

Coun. COFFEY, for the Committee on Appropriations, submitted the following:

Report on message of Mayor and order (referred November 8) for transfer of \$40,000 from appropriation for Institutions Department, Long Island Hospital, to appropriation for Public Welfare Department, Central Office, Special Items—that same ought to pass.

Report accepted; said order passed, yeas 13, nays 0.

BOARD OF RECREATION.

Coun. WICKES—I move suspension of the rules to bring in the recreation bill from the Committee on Parks and Playgrounds before the entire Body at the present time.

President HANNON—Councillor Wickes moves suspension of Rule 35. Is that correct, councillor?

Coun. WICKES—Yes.

President HANNON—Rule 35 states: "The foregoing rules shall not be altered, amended, suspended or repealed at any time, except by the votes of two-thirds of the members of the city council present and voting thereon."

The question is on the suspension of the rule. The clerk will call the roll.

The roll was called, yeas 8, nays 5:

Yeas—Coun. Chase, Hanley, Kelly, Muchnick, Russo, D. F. Sullivan, Taylor, Wickes—8.

Nays—Coun. Carey, Coffey, Dwyer, Fish, Hurley—5.

President HANNON—There being eight votes in the affirmative and five in the negative, less than the necessary two-thirds, the motion is not carried.

Coun. WICKES—I move reconsideration.

Coun. COFFEY—Talking on reconsideration, I have gone over this bill as thoroughly as is within my power and within my reason, and I cannot see any need for it. It is a pressure group that got together and thought they were going to force something over on the city. To begin with, we didn't need the Recreation Board. We have too many boards operating in the city today, as Councillor Carey well stated on the floor of this Council Monday. What we need is equipment and money to be spent either by the Park Department or the School Department. If we have the equipment and the so-called play areas, the children will find the way there themselves. I stopped the other day to look at a playground out in Medford. It is quite a big playground. In one section there is a baseball field; in another section there is a football field; over in another corner is a handball court. After you get out several hundred yards, there is a wire inclosure, a fence, that runs an entire city block, and that place is set off for children. There are seesaws, swings, sand piles, and so forth, and there is just one girl attending there, and she stands at the one entrance. There is only one entrance in this play area for the smaller children. That is all that is in that big playground, that one girl, and all she is in there for is to see that the children don't cross the street and get injured. I don't like the set-up in this thing. "The board shall have power to adopt rules of procedure and prescribe regulations for the conduct of all business by employees within its jurisdiction." "The board shall appoint a superintendent of recreation who shall devote his whole time to such duties as are imposed upon him by this act. The board may also appoint such assistants and other employees as it may deem necessary to accomplish the purposes of this act." In other words, the board can appoint employees in this department. We don't know who the board members are going to be. We haven't been told that up to today. We haven't been told as yet. As the arguments that were used on the floor Monday by several of the councillors, they may not be registered voters of the City of Boston. That is one of the reasons that some of the members thought they would be against this bill. "The board may acquire and utilize recreational supplies and equipment and other supplies and equipment necessary for the conduct of its work." If this act is passed and accepted by the Council and the board is created, they have to come back to the Council for some funds. The only thing they can do, in my opinion, is to put equipment in these play areas, and naturally the equipment will entice the children to go to these play areas.

As one councillor stated, he went into Roxbury Court and asked a child what he was doing in court. The child said he got in a little trouble and found himself there that day. The councillor said, "Why don't you utilize the one playground in the neighborhood?" And the boy, being wise, said, "Are you kidding?" And he was right. There is nothing in the playground for the children to have the feeling they should go there and that they should get any recreation if they did. There are about twenty spots on the hill in my district where I would like to have play areas. There need be nothing fancy. All we need is a bulldozer to make the ground soft, give us a pile of sand, a few seesaws, a couple of slides, and fence it in, and the children will find their way in and won't even need an instructor. If we are going to supply the funds, let us supply them and take care of these things ourselves. It isn't the first time any councillor has taken the floor here in the years I have been here and asked that money be appropriated for equipment for these different play areas, and I think at the last meeting we had the councillors all agreed that we put in an order for an appropriation and see if we could get the Mayor to approve of it, to put equipment in every play area in the entire city, put grass in the different playgrounds, like Fenway Park. I recall when it never had a blade of grass. No grass was growing out there. Every piece of grass out there has been taken from some section and implanted there, embedded there, and now they have grass in Fenway Park. We can do that in every area in this city. All we need is equipment. We are the councillors, and we can get together. We have been hollering long enough asking the Mayor for a decent appropriation. And then let Bill Mullen or Joe McKenney, or whoever may be, let them get together, and there is no need of this board. I, for one, am against it, and I don't think it has a chance of passing. If the thing doesn't work out in 1944, then we can resurrect it and bring it back in before some time next year and create the board for 1945. But I don't see any necessity for this board at the present time. I don't think they could do any more for the Park Department or the School Department than if the Park Department or the School Department had to supply the funds.

Coun. D. F. SULLIVAN—Mr. President, as chairman of the Parks and Playgrounds Committee, I stated that I would have a report brought back here today. And, of course, the committee's wishes were at the last meeting that the order be laid on the table. Of course, I hope that the suspension of the rules prevails, that reconsideration prevails, and then suspension of the rules, so we may take it from the committee. Ordinarily I would not vote that way, but due to the importance of the bill and the fact that we have given it, consideration, everybody has had an opportunity to speak pro and con for it at the several meetings, I am very much in favor of the bill myself. I am in favor of it first because I think it is a step in the right direction for recreation here in the City of Boston. If it wasn't, there would be no need in the past four years, in my term of office, of all the members including myself, putting in order after order, asking for further recreational facilities for our districts. This board here, if it passes today, will in no way affect any present city employee. It will not affect the School Department, the Recreation Department or the Park Department recreation program. This board is set up for the purpose of making a study and presenting plans to the various departments that recreation comes under. They are to make a study of other cities throughout the country and from time to time, when they see fit and see it is necessary to make a recommendation to the Park Department or the School Committee, they may do so, and there is nothing hindering in this law that compels the School Department or the Park Department to accept the board's recommendation. They can either accept it or reject it. This board here would make a survey of our entire city, trying to bring our departments closer together so there will be general cooperation between all the departments. Further, it will also try to create good will amongst the general public, and also amongst the various boys' clubs throughout the city and the settlement houses; and the main purpose is to try to have over the period of the day longer supervised recreation, instead of our present short-time supervised recreation. Today you may have in

one corner teachers from the School Department; in another corner you may have employees of the Park Department. There are two different groups there, and there is only a period of, say, five hours' supervision over these children. Whereas this board, finding those things out, may make a recommendation to the Park Department and the School Department to get together and, instead of only five hours of supervised recreation, spread it over a period of ten hours, and, instead of two separate groups, have the children all under one supervision and over a longer period of time during the day. I say we haven't the proper supervision over the playgrounds and play spaces in the City of Boston. And also I am opposed to what was placed in my ward at an expenditure of \$40,000 by the White Fund, that white elephant on Roxbury and King streets in my district. \$40,000 for what? They could have taken that \$40,000 and spread it over five or six lots for play areas for the children, instead of expending \$40,000 in one particular spot, and in a spot that isn't used. They didn't even think enough of the councilor of that district to consult him. And that is where they make a lot of mistakes, in not consulting the councilor in the respective areas in which they wish the project or play area to go. As to this project on Roxbury street, I think if it was brought to their attention they could prevail upon the White Fund not to expend such a sum of money and in that particular spot, because in that particular spot there is only an average of forty or fifty a day that use it, because it is so situated that mothers won't allow the children to cross Eliot square or Roxbury Crossing, and it only takes in a small area. The purpose of this is to take in as large an area as possible. The children in that area have only a few minutes walk to go to Vernon street, where there is a play area of similar nature. There is no question in my mind that the recreation of Boston will be up to other large cities and towns throughout the country with this board functioning. If we pass this bill and do not wait until next year, this board can have a year's start. There is no question or doubt that we need play areas throughout the entire city, which will involve large sums of money. If this bill is passed today and this board here goes to work, they can draw up these plans, post-war plans, so there will be jobs for the boys when they come home. We can't have enough of these projects in the city, because there are going to be more boys coming home than we can really take care of. And, I have faith in the city and in the Mayor that he will appoint residents of the City of Boston. The bill also states that all employees will be under civil service regulation and appointed from the civil service list. And I hope, Mr. Chariman, reconsideration will prevail so that we may pass this order today.

Coun. HANLEY—Mr. President, at the last meeting I stood in this hallowed chamber and lifted my voice in defense of the committee. Today I am asking that reconsideration prevail and that the bill be taken out of the committee on Parks and Playgrounds. Sufficient time has been given to the committee for introduction and understanding of this bill, which stipulates that a body of seven men be appointed, the Park Commissioner to serve ex officio, and his Honor the Mayor to appoint four men, and the School Committee to appoint two men. Its purpose is to centralize recreational activities within the corporate limits of Boston for the purpose of mitigating juvenile delinquency and give play areas to the children of Boston, so that some day they may grow up to be strong and robust young men and women. At the present time in Boston I believe there are seventy parks and playgrounds, and the sand dunes of the Sahara could be properly placed in the playgrounds in my ward. The dust nuisance in my ward is so great it is hazardous to the health of my constituents and also to those pieces of real estate surrounding that property. I am speaking in behalf of my ward. I don't know, and I don't care, what the other twenty-one councilors' districts have. I believe by centralizing recreational activities and depositing them within the recreational program we can at least mitigate juvenile delinquency. We can bring in a program wherein the money is expended for the purpose of helping youth. About a year ago I had the opportunity of presenting in this Council an easement for a piece of property on Stony Brook conduit, Jamaica Plain, and you, my distinguished colleagues, passed it unanimously and gave

approximately fifty feet for the use of my ward. It helped tremendously and brought various activities into that section that were not there before. In bringing this from the committee it gives each and every one of us an opportunity to vote on the merits of the bill. By placing it on the table it does not allow each and every member of the Body to speak for or against it and vote accordingly. I don't believe that this should be placed on the table for any one or two years. Let us have the courage and the temerity of our convictions and speak for or against it and vote accordingly. Let us have that courage once and for all, and let us terminate our business for 1943 in a courageous manner. I hope, Mr. President, that consideration does prevail.

Coun. WICKES—Mr. President and gentlemen, I have enjoyed with keen interest the remarks of my colleagues this morning regarding this bill. I am very sorry that the committee and our chairman of that committee on Parks and Playgrounds found it was not important to call that meeting Wednesday at five o'clock as I requested, as I am sure that myself and other members would have been there at five o'clock if they perhaps did not have more important business. However, at that time our very good chairman said if I wished to be recorded last Wednesday, that recording would take effect right then and there as though I had attended the meeting on Wednesday. However, I wished at that time to be recorded in favor of the bill, as I do at the present time. Having been interested in recreation for eighteen years, and knowing the councilors here for the past four years as very good friends of mine, I do know and speak on good authority. They have not been associated with recreation for eighteen years. Now, I have been. Every leisure moment of mine has been spent in recreation with boys and girls in numbers up to five hundred and six hundred at a time, as well as providing recreation outdoors and indoors for the adults. And in all my years of experience working in the School Department and working with the Boston Park Department—and I have had a lot of it—with Bill Mullen, who is a superman in doing the job of recreation for the city, I have found it many times very difficult to perform our recreation work harmoniously and with ease, because of the many confusions always taking place. Invariably if I wished to get costumes from the Park Department, Bill Mullen might have four or five, and I would want twelve. The School Department would have six, seven or eight. I would have to wait sometimes two weeks to get in touch with the School Department, and then get a reply, and I, in turn, would have to wait for a reply from the Park Department. That all took time, as I said sometimes weeks. In the meantime, in the month of July, in the hot weather, I would have to wait two weeks sometimes to get six or seven costumes for the people of the district for recreational activity. That is only just one case. Now, you can take all the various agencies throughout the city. If we had this bill passed by the Council and actively working, we would have all these city departments, as well as private agencies outside, working, cooperating, and coordinating all in unison, so no one department would have to wait at any time to get any facilities which would benefit the people of Boston in recreation. I am sure if you fellows here had had my years of experience and disappointments—to the point sometimes of almost having to get something for the boys and girls—in recreation you would never stand up today and lay this bill on the table for a whole year. That means, gentlemen, that the boys and girls of Boston will have to wait a whole year. That, in my opinion, is criminal. I know every councilor here has the interest of his district at heart, but sometimes there is a little misunderstanding and lack of knowledge of the actual recreation itself. Now if you fellows would only please consider this in a practical way and bring this from the committee today and pass it so that we won't have to wait for a whole year, I don't think we will have any worry regarding who will be superintendent, whether they be a Bostonian or otherwise. I am sure they will be Bostonians. I am sure the Board of Recreation would always consult each other and consult the superintendent and be in harmony, and that our boys and girls would benefit 100 per cent. I sincerely hope you fellows today will give this the greatest consideration and bring this bill back, pass it today and have it operating January 1, 1944.

Coun. KELLY—Mr. President, last week I voted not to take the bill away from the com-

mittee because I have always been against taking any orders away from committees. I believe the committee should make a full report to the Council, and we were sure last week we were going to have a report from the committee this week, though, of course, we all know the bill can stand a lot of brushing up. However, I am going to vote in favor of reconsideration because I believe that anything that will help our recreational system in the City of Boston should at least be given a trial. Out in Ward 15, Dorchester, which I have had the pleasure of representing for the past six years and will have the pleasure of representing for the next two years, we have only one playground. We could stand a lot more in Ward 15, especially as the streets are strewn with rubbish and things that Coleman Brothers should be picking up and are not, and our health conditions are terrific. If we had the play areas cleaned up they would be healthful for the children of Ward 15 as well as for the children of the City of Boston. There is another thing. I trust that all members of the board will be residents of the City of Boston, including the director. Some of the councilors may feel that residents outside of the City of Boston should be eligible to the board. Personally, I do not. We are paying the bills, the taxpayers of the City of Boston, and I feel qualified to say that there are plenty of people in the City of Boston who are qualified to be members of this board, who understand recreation. There is also some one gentleman in Boston who is truly eligible to be director, and that is why I am willing to go along and give this bill an opportunity in the City of Boston. Our playgrounds, naturally, in the City of Boston are in a deplorable condition. I know whereof I speak. You only have to look at any playground, and what is there to entice the children today? We haven't anything. As I said before, I hope every member of the board will be a resident of the City of Boston and will be one that understands recreation, and that is why I am going along in favoring reconsideration of this bill.

Coun. CAREY—Mr. President, any remarks I make here today that might appear to be personal are certainly not intended by me to be of that nature, but this hullabaloo that is so suddenly being made of the recreational situation here in Boston provokes within me a feeling that justifies a scathing denunciation of certain officials in this city, as well as some of those who are the prime movers behind the comedy that is now being enacted in an attempt to set up a recreation board here in Boston. We need a great deal more recreation for both young and old, but we don't need a recreation board to tell us that. We here in the City Council have had ample opportunity to make our own observations, and we know that more and better recreation has been denied only because sufficient money has never been provided for it. We are asked here today to vote for and thereby approve chapter 451 of the Acts of 1943, otherwise known as an act establishing a Board of Recreation in the City of Boston and setting forth its powers and duties. Mr. Henry L. Shattuck, a former member of this Body and at present a member of the State Legislature, is, I understand, one of those who wrote this act. It was my pleasure to serve in this Body with Mr. Shattuck. I have great respect for him, and when he and I were colleagues here we found ourselves in the minority on more than one occasion on matters that came before the City Council. I have, however, also taken issue with him in the past, as, in fact, I find myself forced to do today. But, after all, I believe Mr. Shattuck will feel I am entitled to my own opinion. I would like to vote for it because I feel he is vitally interested in this legislation. He was a member of the City Council eight years, but the records don't reveal a single instance but one, when he espoused the cause of better recreation facilities or asked an appropriation at any time. That was when the Tobin Playground was developed in the South End in the last year of his regime in the Council. I have here, however, on more than one occasion pleaded the cause of better playground facilities, feeling that in many instances if steps were taken in the right direction that youngsters brought to the bar of justice would never have seen the inside of a court room. I respect Joseph Lee and like him, but I don't recall any instance where he appeared before the City Council to use efforts before the Mayor to obtain an appropriation of funds to develop and equip these playgrounds. We have employed in our Park Department men who are,

by their demonstrated ability, well qualified to carry on a creditable program of recreation, but the funds and wherewithal to work with have yearly been denied to them. Let us give them the money and cooperation first, and if they don't continue to impress us, then the time will have arrived when we might discuss the setting up of a recreation board. But let us first be fair and give Mr. William Mullen, who is now the director of recreation in the Park Department, the complete control that he should have. I have studied this recreation board act very thoroughly. I believe that I am capable of making some intelligent observations on it. It will create nothing but conflict, duplication and disunity. The authors of this act must think that we, the members of the present City Council, are dumbbells and ignoramuses, to expect that we should accept it. Don't they have respect for us? Don't they credit us with the development of mind and ability to search these matters out and arrive at an intelligent conclusion? Before the members of this Council vote to set up this board, it is your solemn obligation to study it carefully. That has not been done. There is pressure being brought upon us to act altogether too hastily in this matter. You owe a consideration to the voters who sent you here and to the taxpayers who must pay the bills. This board is authorized to appoint a superintendent of recreation and such assistants and other employees as it may deem necessary. We already have a director of recreation in the Park Department, with assistants and other employees. And they don't need any board to tell them what to do. They already know the recreational needs, but they haven't had the proper tools to work with. Why burden the taxpayers with additional, unnecessary personnel? Once this recreation board is authorized and established, it will never be done away with, and every councilor in the Body will rue the day he voted for it. Each and every one of us knows what these administrative boards mean, and knows how they consistently disregard the requests of the City Council. I have sat back here in the past and listened to one member sincerely berate the Overseers of Public Welfare regarding a \$20 burial allowance for poor people. The demand has been made on more than one occasion that these Overseers appear before the City Council, but they never came here. Another member has demanded that the City Hospital Trustees appoint a Boston resident as superintendent of nurses, but these trustees turned a deaf ear. Various orders passed by the Council have demanded that the Hospital Trustees appear before this Body, but they never came here. Another councilor has asked at different times, a proper request, a meritorious one, that the Elevated Trustees do this or that relative to returning deficits or reducing Boston's share of the deficit, but the Elevated Trustees have ignored the Council in that request. Other demands have been made from time to time asking these trustees to come down here. Did you ever see them down here? The trustees of the Boston Public Library went to Chicago to hire a library director. Without any doubt a capable director could have been hired in Boston. I point these instances out to you in the hope that you might be given a reminder and a warning now as to the attitude taken by these so-called boards when requests are made. You don't believe that the attitude of a recreation board will be any different, do you? I have the recreation needs of the children and adults of our city at heart, and I know that you have, too, just as much as have those who would have us accept this act. We have qualified talent already available in the employ of the Park Department who, with sufficient funds and better laid-out playgrounds, can provide excellent recreation in these playgrounds. The School Department is already doing an excellent job in the school yards and school buildings. There was a meeting of the Playground Committee here within the past ten days, and several appeared here who were in favor of the setting up of this board. There wasn't a single one that appeared here that didn't have a personal interest in this matter. They don't care whether there is better recreation. They are on the pay roll of somebody who is pushing the cause also. The members of this Council through their years of experience here have had a better opportunity to observe recreation conditions in this city, and they have gained experience second to none. We have constantly in this City of Boston, particularly while I have been a member of the City Council,

had complaints coming to us of what they call multiplicity of boards, and yet some of those who have been most vehement in their denunciation of this multiplicity, because they want it, ask that we further multiply the number of boards operating in the city. One councillor this morning has mentioned the action of the White Fund Trustees in laying out a play space in his area, and admitted that he, the councillor in the district, was not consulted by the White Fund Trustees. I am inclined to agree with him. I pass that particular play space there every day of the week. I see youngsters hopping across the intersection that faces that play space, and I have seen numerous near accidents there. If the trustees of the White Fund talked with the councillor in the district, I am sure a better place would have been laid out, because if something is not done at that particular play space there is going to be more than one child killed there, coming up on the top of the wall at the close of that play space. Another councillor has admitted that he has been in the recreation movement for eighteen years. Well, I suppose most of us have been also in one form or another. I know I have spent the greater part of my life trying to help the youngsters to do this and that. He admits that many of the ideas he wanted to put forth were not possible, and he admits also that the present director of the Park Department was most cooperative. But he couldn't do all he wanted to do because he didn't have the money to work with. There is no harm in letting this matter lie on the table. It wouldn't be the first time in the City Council that a state legislative matter was left lying on the table by the succeeding body. The pressure put on this Council is most unfair. Members have been sent down here by their respective districts to use courage and intelligence. What is the necessity for acting so hastily on this matter? We haven't been fair with the powers that have been given the right or the responsibility to further a recreational program in this city. They have the ability, but they haven't had the money. Let us be fair with them before we further burden the taxpayers of this city. I certainly hope the matter will stay as it is at the present time, and there is no harm in letting it stay on the table, to be taken up at some later date.

Coun. MUCHNICK—Mr. President, there are a few facts which I believe we must all face. I think we can all agree that we have juvenile delinquency, that that is a fact, and that such delinquency is on the increase rather than on the decrease, that such delinquency can best be stopped, if it can be stopped, at its source, by the proper use of playgrounds and other recreational facilities. I think we can accept as a fact that, regardless of what the reason has been in the past, recreation has not been at its best in this city. I don't know if there is any blame to be attached to anyone for this, and, if there is any such blame, upon whom to place such blame. Recreation and the facilities for it can be improved in this city. By similar experiments with recreation boards in other cities in this country, recreational facilities have been improved, with consequent benefits to the children of those other cities. We in Boston have everything to gain and nothing to lose by the establishment of a board such as is contemplated by this act. We owe it not only to the children of the city, but also to their parents, not to wait for another year, so as to allow juvenile delinquency to gain a possible increase, but to act now so that, beginning January 1, we can take some formative steps to fight juvenile delinquency and possibly eliminate the greater portion of it. And I sincerely hope that reconsideration prevails, and that this bill is accepted by the Council today.

Coun. RUSSO—Mr. President, of course what I may have to say here today might be a repetition of what I stated last Monday. I really got out of a sick bed last week, that is, Monday, in order to be here to exercise my conscience, my mind and my voice in regard to this matter, and I am here again for the same purpose. First of all, I wish to clear up some misunderstanding, or perhaps something not intended for any individual. I believe it is my duty as the representative of the people of my ward that when a particular individual may be in question, and I have some knowledge of his character, the least I can do is to stand up and speak in his behalf. The man in question is ex-committeeman Joseph Lee. To my personal knowledge I have been perhaps many times on the opposite side from

this gentleman. Nevertheless, I cannot let go by any attacks that might be made upon him by innuendo that the individual has never appeared before his Honor the Mayor for any improvement or any appropriation of money for recreational purposes. Whether that is true or not I don't care, but I do know this—

Coun. CAREY—Mr. President, a point of information. I would like to ask the gentleman a question.

Coun. RUSSO—I yield.

Coun. CAREY—Are you to infer that I have made any attack on Mr. Lee or anybody else here?

Coun. RUSSO—You have mentioned his name, and therefore I think it is my duty to answer.

Coun. CAREY—I simply said that I have no recollection of Mr. Joseph Lee ever having appeared before the City Council promising he would intercede with the Mayor. I hope the councillor will correct his remarks.

Coun. RUSSO—I believe when I get through I will have led up to the purpose in question, and I will try to make it very brief in so far as my opinion is concerned in this matter. Nevertheless, as I started to say, Mr. Lee, to my knowledge, has always been an individual who has always had the young children of our district and of the city at heart, and he has put forth many good ideas so far as recreation is concerned. Now, coming back to the particular order in question. It has been said through inference or innuendo that individuals that may have favored this particular order might have had some pressure groups or pressure brought upon them. I believe that in the four years that I have been one of the councillors of this Body of twenty-two I never had, and I never will, regardless of what pressure may be brought upon me, to make up my mind on account of pressure being brought. I have always taken into consideration the individuals interested in it. I have always taken into consideration the individuals opposing it. And I have never made up my mind just because of who the individuals were. I have always tried to make up my mind according to my own conscience and mind. If I believe myself that I am acting in the right way, I would govern myself accordingly and I would vote accordingly. So it isn't because of any pressure that might be brought upon me that I am voting for this particular bill. It is because I am satisfied within myself that for four years I have been getting up here day in and day out trying to get some improvement in the district, trying to get something for those children, in order to see that they are brought up morally, physically and mentally upright. There is no question in my mind that in every one of the twenty-two sections of the wards of the City of Boston, many improvements in recreation are needed. If the present way of doing business has failed, let us try something new. Let us face the facts. Who appoints these boards? Under whose advice are they there? Let us be men and not hide behind any cloaks. Let us find out, and if things aren't done in the right way then let us have courage enough when an appropriation comes in, to cut it out. That is the only weapon,—deprive them of the money, and then you may get results. If this department of playgrounds hasn't had the money sufficient to carry out its functioning in the past, then I say that perhaps that board may be able to get the money by merely stating what I have said. I have no grievances whatsoever with the Mayor at the present time, or with any Mayor that may be forthcoming, and so far as I am concerned, I speak my own mind and speak it according to the dictates of my own conscience. Let us face the facts. The facts are there. I know for four years it has been very hard, even at the present time, to get some water thrown around in one of our—well, I hate the word—dumps. But that is what we have in some of our sections. We haven't been able to get any money to see that those things are leveled off. Buildings have been razed and they have been left as dumping places. Those things could be utilized. I believe I have been on this floor many times speaking on that matter. Therefore, I say let us try this thing here. After all, his Honor the Mayor has the authority to appoint four individuals, and I have a feeling of confidence in him, although we may differ at times. And the Commissioner of Parks is a member ex officio, making five under his control. And there are two to be appointed by the School Board. What else do

you want? If there is any kicking to be done, we will want to know where to do it, and let us it do.

Coun. KINSELLA—Mr. President, I can't very well vote for acceptance of this act. I live in a district of 27,000 people. We have four or five Protestant churches and three Catholic churches. I have always held myself within easy access to anybody who wanted to come to my house, or anybody who wanted to swing me for or against anything, and anybody who has any control over activities in my town, and nobody has bothered to come to me. I presume I flatter myself when I make the presumption they are leaving it up to my own good taste and good judgment. I am beholden to the people of Charlestown for whatever I have or will have, and I feel it is my obligation to give utterance to their will as I understand it, and I don't understand that they want the board of recreation. I am available to anyone, and had they wanted it then I would hold myself in readiness to interpret that wish by the manner in which I voted on this order. As for pressure, there has been none brought upon me. I received clippings in the mail, and they have a right to circularize me as well as anybody else on controversial matters that come before this Body. I don't deny the right because if I did I would have to deny myself the right. Now, in the matter of juvenile delinquency, not too long ago, in the worst years this country ever went through, we had a group of boys and girls, too, who were supposed to have presented for us who are older a very knotty problem. And then the war came along, and the same girls and boys who were a problem then for us are a problem today for the country's enemies. They make darned good pilots, those kids,—fresh and brash ten years ago. They make fine nurses. Those are the children that were the problem ten or twelve years ago. If we are going to talk about delinquency, let us put it where it belongs. Let us not blame the juveniles for everything. If they could take a pattern by a decent adult parent, I am sure there would be no injection of the phrase "juvenile delinquency." As to recreation, recreation to me has always been something that you take where you find it and when you find it, so long as you exercise a decent regard for the rights of others. I broke windows when I was a kid, and there is no one here that had better say he did not. Now we have the problem of juvenile delinquency. This thing is supposed to solve it by the simple expedient of putting it into practice, beyond going down to what is the nearest thing we have yet, of regulated, regimented control. Street lights are broken. Ash barrels are tipped over. Common pins are stuck in doorbell buzzers to bring somebody down after insistent ringing. We did those tricks, and the boys accused of being problem children today are the kids who will be the backbone of the nation in a very few years. Some will go wrong no matter what you do for them. And, as I started to say last Monday when I was so rudely interrupted, I question the value of regimented recreation. I have seen it thirty years ago when schoolyards in my district were opened on Saturday mornings for the purpose of letting school children of public schools take part in bean bag and squash ball games, and the like of that. And, as young as I was at that time, it impressed me very unfavorably when I saw a teacher go over and grab a boy or girl and give him or her a vigorous shake and push them out of the yard until they knew how to behave themselves. I didn't see any misbehavior. That is the condition that will be brought out, and I can imagine any member of this Council as it will be constituted after Monday having to go to that board and get some kid reinstated in the good graces and allowed further use of the playground facilities because he was a little too boisterous. Kids want boisterous recreation. They don't want to be shown how to toss a bean bag when they should be tossing a medicine ball. They don't want to hit a squash ball when they could be kicking a rugby. We went through it. We had our black days, and those kids are just as good as we are today, and they, I hope, in the natural course of events will be better when they are our age. The New Deal gave us all the regimentation that I can stomach.

Coun. CHASE—Mr. President, I regret exceedingly that the Committee on Parks and Playgrounds saw fit to lay this matter on the table, because I feel in doing so they have taken

a step backward in the recreation facilities of our city. It is a case, Mr. President, of delaying this matter for a full year and preventing the children of Boston from having the proper playground facilities and the proper recreation that they are duly entitled to and which I know every mother and father in our city wants them to have. There has been some talk about the possibility of non-residents of Boston being appointed to this commission. Well, I can't conceive of the Park Commissioner being a non-resident. And I can't conceive of the School Committee, who are elected by the public of Boston, appointing one or two non-residents. And I don't believe his Honor the Mayor, or any Mayor, would appoint a non-resident. I feel sure that his Honor the Mayor, coming from the Mission Hill area, having come from the streets of Boston, so to speak, a poor boy, who understands the problems that the average city boy or girl has, would endeavor to appoint four men who would understand the recreational problem as we city dwellers know it. This bill would centralize all of the playground facilities to be centralized and coordinated, and you would find that if we adopted it there would be a decided improvement in our playground system. I regret very much that there has been talk about the promoters of this bill being selfishly interested in some ulterior motive. I was present at the time this bill was presented to the Committee on Parks and Playgrounds and I heard the various witnesses, and I say to you, in my opinion, each and every witness that appeared in favor of this bill did so because he or she honestly felt it would be for the benefit of the children of Boston for the City Council to adopt it. I am sure Mr. Henry Shattuck had no ulterior motive. Joseph Lee had no ulterior motive. All the other witnesses had no ulterior motive. I believe they are sincerely interested in providing better recreational facilities for our city. I know, Mr. President, that centralized boards of recreation have been created in other cities of the United States, and they have been proven to be a great success. And I see no reason why Boston, the birthplace of Joe Lee, who was the father of the playground movement, the facilities of the playgrounds of America, should not follow in the wake of other cities that are providing better facilities for their children. I don't know what pressure has been brought upon the members of the Council. I have heard that there has been pressure brought, but no pressure has been brought on me because I never allow pressure to be brought on me. I represent the public in Boston, particularly the people in my district, and as a duly elected public official I am ready to talk to anyone who presents a plan to me bettering the interests of the citizens of Boston, and I am willing to heed and read all editorials in the newspapers of Boston when they advocate something to better the interests of the children of Boston. And I don't consider that pressure, Mr. President, when I listen to the advice or counsel of those who are endeavoring to do something for the interests of our city. I think it is my duty to take into consideration the advice and counsel of those citizens who are honestly endeavoring to do something. I sincerely hope that the members of the Council will reconsider this matter in order to prevent the children of Boston from being denied better recreational facilities in order to prevent the children of Boston from being denied for a whole year better recreation facilities. I have no doubt that the incoming Council will accept this matter, but it will not be put into operation for a full year unless accepted today, and I trust that the members of the Body will see fit to reconsider the matter and adopt the act.

Coun. D. F. SULLIVAN—Mr. President, I say to the members of the Body here, put your ego in your back pocket and pass this bill. Some seem to be burned up because this bill came down to us from the Legislature. Why haven't some one of us in this Body in the last four years thought of putting a bill such as this into this Body that a board might be set up? We have the power here. The Mayor could establish another department. Why didn't somebody in this Body here think of it and put it into consideration? Not one bill of this nature has been proposed in this Body in my four years here. It was back in March, 1941, when I asked that the budget of the Park Department be held up so the Mayor could increase a particular item so

our parks and playgrounds could be improved, and that was for A-1, Personnel, to put on instructors, and not one came to my defense, and the vote at that time was 21 to 1. You want to be fair and honest to yourselves. We owe it to the children of the city. Don't think because the people of your district did not contact you people that they do not want it. You are sent here to represent the people and think for the people. If you think the people of your district do not want it, all well and good. If you think they do, then vote for it, but don't let any personal issues enter into this matter here, because we are going to hold it back for another year, acting along with one suggestion relative to appropriating \$1,000,000 for the Park Department for recreation. Of course I will go along with it. Everyone will. But you save money, no matter how much you give the Park Department. If they can get the School and the Park Departments to cooperate and coordinate their facilities, in the long run the board will save more than what the other expenses will be. Some are under the impression that the employees of the School and Park Departments will come under this board. They will not. Don't be confused. I have called three meetings on this bill and notified every member of this Body so they could go over it and know it intelligently. I had the bill mailed out last week to members so they could know it intelligently, so they would act here upon it today. I believe that if we pass this bill and give the Park Department more money, with the help of this board, as it was brought out, that this board will help us to get this money, and then they can make a survey. When was the last time a survey of our recreational facilities in Boston was made? None, to my knowledge. You have recreation in the Park Department and the School Department and, as I understand, the School Committee has a larger budget for recreation than the Park Department. I was of the opinion that the Park Department has the larger appropriation. We owe it to the children here in the city to pass this bill here today so we can establish a recreation board, so they in turn can go out and make a study of the entire country. There is nothing in this order here that compels any department to accept their recommendation. They can accept or reject, and all employees will come under the civil service rules and regulations, other than those that certain areas be turned over to the School Committee, which will come off the school teachers' list. I hope reconsideration prevails, and that this matter will be taken from the committee.

Coun. CAREY—I would simply like to add a few words to what I have already said. There certainly has been a determined effort by members of this Body to have more money appropriated for recreation, and I, for one, have said it was a disgrace to the city that at least a million dollars wasn't provided years back to provide proper recreation facilities. Now, there is one thing that should be considered, and that is this. We have a chairman of the Park Department and a director of recreation in that department, but that director of recreation has not had cooperation or money to go along with a proper program, and that is why I say we don't need a board of recreation to advise him and tell him what to do. He has demonstrated his ability. Give him responsibility or control, and give him money, and I am sure he will do a good job.

Coun. COFFEY—I just want to add a few things. I am always skeptical of what the Legislature has sent down, especially as to creating jobs in Boston. There is nothing to stop them in the event that we accept this act in the year 1945, when they meet—there is nothing to stop them from saying, "Let us take that act in now and amend it so these members of the board shall receive a salary." Then they can set a salary anywhere they see fit and we would have nothing to say because that would not be permissive legislation. There is nothing we could do, and the members on this board could receive a nice salary that they are not entitled to, because the board is not necessary. Now, like everybody else, I would like to make a statement on something said at one of the hearings that came from the lips of one of the sponsors of the bill. He was asked a question by one member of the committee and he answered, "We finally built a fleet of boats in old cellars and turned out a fleet of twenty boats finally, and I can say, having done that and taken in about seven hundred boys in the summer, boys and girls,

and teaching them how to sail, and they having gone through with the Governor and getting a new boathouse there, it was then turned over to a private social agency. I could tell you things that would make your hair stand on end, but I won't go into that." And he goes on to say, "But I know if there had been a department with men like Mr. Mullen, or men I could mention in the Park Department or the School Department, or if the Metropolitan District Commission had a Park and Recreation Department and could have taken over that program, some of the things would not have happened." Now, I have wondered just what he meant. That is a pretty serious statement to make before a committee, very serious. He is the gentleman that formed and organized this group of boys and girls and finally got some authorization, whether legislative or otherwise I don't know, but he got some authorization to build a boathouse along Charles river bank, and after he sponsored it and saw everything was carried out to the satisfaction of himself and the boys and girls in that neighborhood, he makes the statement that the powers were taken from him and turned over to a social agency and says, "I could tell you things that would make your hair stand on end." Well, I don't think anybody working in the Park Department could tell you things that would make your hair stand on end. I know one of the members of the Park Department has even gone to the trouble of making tennis courts himself and having the canvas made to make the tennis nets just for the satisfaction and the enjoyment of the children and the grown-ups in that neighborhood. How do we know we are not getting into the same thing? The same men are sponsoring this thing that sponsored the thing on Charles river bank. How do we know who is to be appointed to that committee? Mr. President, I am asking you now, and I will ask you every Monday, that the press refrain from talking while a member is on his feet, and also that the press refrain from walking around the room and going to other councilors, telling them what and how to do, and anything else. Any time now they are talking, I am going to ask that they be ruled out of order, and if they do it a second or third time, I will ask that they be removed from the Council room. Too often have I stood on my feet here and seen other councilors stand on their feet and have members of the press say that they doubt a quorum, or do this or do that. I think they have a hell of a nerve. I think it would be better if they had one man covering all the newspapers or none at all. We would be better off, I know, for what we get out of it. I told you a week ago, and I still mean it, that I don't care what they say or do. The people in my district know me for what I am, and I am never going to change. Getting back to this matter here, I don't see the necessity for it. I think the purpose of the bill was defeated when the gentleman came in here before the committee and said he could tell you things that would make your hair stand on end. Those things don't take place in my district. Nobody in my district has approached me or told me they wanted it. But I know what they want, as the supervisors and instructors have told me. Give us the equipment. We will get the boys into the recreation places. Give us something to work with. That is all we need, and we can do it, and no committee of seven members can come in my ward and tell me what we need there. I was brought up in that ward. I coached baseball on half a dozen teams for twenty-odd years, and I think I know what the children want, and no committee from the Back Bay or Brookline is going to get into my ward and tell the children how or where they are going to play or may be do things that make their hair stand on end. All we need is equipment. We will get the children in there and take care of them.

Coun. CHASE—He was correct when he said the Legislature could make amendments to this bill. As a matter of fact, the Legislature making the supreme laws of Massachusetts, could abolish the City Council. As a matter of fact, the Legislature, the supreme law-making body, could consolidate all departments in Boston and could amend the City Charter in any manner if they wished. Mr. President, I wish to call your attention to the fact that this bill went through the Massachusetts House of Representatives and the Senate. We had some forty-odd Democratic Boston members of the Legislature. Not to my

knowledge, has any Democratic member of the Legislature objected to this bill in going through its final form.

Coun. COFFEY—I would like to ask the councilor a question.

Coun. CHASE—I yield.

Coun. COFFEY—How many members of the Legislature from Boston are on the city pay roll?

Coun. CHASE—I don't think that has any bearing. Having in mind that the state legislators from Boston saw fit to approve this bill in a form putting it up to the acceptance of the City Council, I say to you, sir, that the Legislature has endeavored to be fair with the municipal office holders of Boston, and I don't think, sir, that at any time in the future the Massachusetts Legislature will endeavor to abuse their authority by denying the City Council or the citizens of Boston the rights they are now enjoying, because we have in the Massachusetts Legislature a powerful group of men from Boston, namely, the forty-odd members of the Boston district, and they are Democratic members. And I know, sir, that they form a very powerful block in the Legislature, and that they would voice their objections to any abuse of our municipal authority. I regret very much that it has been necessary to debate so long on this problem. I honestly feel that we members of the Boston City Council should accept this act. We should accept it because it will benefit primarily the people of Boston. Other large cities have commissions that are operating very successfully, and they are away ahead of the City of Boston in their recreation facilities. And I understand the reason they are is because of the fact they have a centralized recreation board. I trust the members of the Body will see fit to reconsider this bill.

Coun. KINSELLA—I have the utmost respect for Mr. Chase, both as a person and a personage in his district, but I want to call attention to the half truths that were uttered about the attitude of the Legislature in passing these orders, these bills. The Chair has been a member of the Legislature, and the Chair knows as well as I do that it is probably the easiest place in the world to get a vote for or against any matter of any importance. The Chair knows that, if the rest of the Body does not. The Chair knows that every one of those hearings up there are backed either by proponents or opponents, and they all have only one technique. They grab you in the corridor. They brush an imaginary speck off your coat. They ask after the state of your health, and then put it on you for some bill the committee is hearing. And the Chair knows that the Chair, as a person in that Legislature, has seldom, if ever, done any more than anyone else in the group. You go to the Document Room and get a copy of the bill and find out what time it is. And then, to be a good fellow, you would say, "Is that what the bill does? Sure, I will vote for it." Everyone does it. I have never hothered to run up to the fourth floor and attempt to get a copy of the bill. I have never questioned the good faith or honest motives of the people, and to say there are forty-odd Democrats in either the House or the Senate, or both, who willingly or wittingly give their support to this bill, rendering that as a result of careful opinion and as a result of careful analysis, is really only telling a half truth. The Chair knows it is done that way. Councilor Coffey knows it is done that way. Councilor Chase knows it. I know it, and the good people in the balcony here today, who are for or against this bill, as they are for or against anything in the Legislature, know it. However, the Legislature does not know what they are fighting for half the time. You vote for me on this, and I will vote for you on that. It is on the trade basis. Now, to come back to the Boston angle, which is more properly ours at this moment. In glancing at this a little more carefully, all through the phraseology they don't guarantee anybody anything in Boston. It could easily have said here that the board could be composed of the names of a number of men and the manner of their assignment, who are bona fide residents of so many years. They could have said that the incumbent of the office of director of recreation on the effective date of this act "shall be . . ." They could have said here that except for certain cases, without attempting to read them to you, the school teachers "shall be"; but they say "may be." If this is going to be another social agency legislation, let us kill it unanimously. Aren't we sick of social agencies? They have kept us in hot water, say for six years and myself for three. And I say on

my solemn word, as I hope to see daylight tomorrow, if anybody here can convince me we need this bill in Boston I am voting for it. Still, in the meantime, I hold myself amenable to any suggestions from whatever quarter. I cannot see it. I don't see how anybody else that has any true Boston spirit about him can further put power into hands not guaranteed as the hands of bona fide Bostonians.

Coun. FISH—Very, very briefly, I was going to refer to the Legislature, as to why they should be brought into this discussion, but Councilor Kinsella has covered the subject very thoroughly. He could add one other amendment, that in the event that this legislation should be brought before the Legislature for any further amendment, the amendments should also come before the City Council. That does not appear in the bill. One of the witnesses before the committee mentioned that he thought \$35,000 would cover the expenses of this committee. This morning I have heard that we have delinquency in Boston. We have to look at the facts. We have delinquency. I wonder if \$35,000 for this board is going to be the cure-all for delinquency. I wonder if the parents are doing anything, the parents, the churches. And I wonder how much this \$35,000 would amount to. Personally I don't think it would amount to a damn. As one councilor has stated, the committee or the board as a whole, or certain ones designated, would travel throughout the country to other cities and see what they do in recreation. Well, I wonder if the people of the City of Boston feel right at this time, with heavy taxation, that they want to appropriate \$35,000 to send this board around wining and dining. I wonder if they would like that personally. I don't think they would. That is one reason of the many that I am going to oppose the acceptance of this legislative act. In general I oppose it because no Boston residents are assured that they will make up the personnel of the board or any other position on it. Well, I may say this. There has been one thought overlooked, and if the rumor I have heard is true, then one particular man is to be appointed to that board. That will be the first thing that can be done for the children of Boston. And until I know he is not to be appointed, and I know the other members who will be appointed, I certainly will not favor this.

Coun. CAREY—I rise again to try to impress upon the members of the Council we certainly have centralized recreation in the city here now. We have given authority to do a proper job, as Councilor Fish has brought out, and I tried to impress on you. God knows where this gang is going to spend foolish money, and until we give this present set-up appropriate money and proper cooperation, let us kill this for at least another year until we have had ample and proper time to go more thoroughly into it.

Coun. COFFEY—Just a word on the remarks of Councilor Chase regarding the group in the Legislature. I wonder why they have never done anything about lowering the Boston insurance rates. If they are a powerful group, certainly they could get the automobile owners some reduction. Everybody knows we pay four to five times as much as the smaller towns and hamlets throughout the Commonwealth. They sent this down as permissive legislation. I wonder if it is because six men to be placed here are not to receive salaries. If you recall, the employment bureau didn't come down by permissive legislation. Those were salaried positions, and I am wondering why they as salaried positions came down without permissive legislation, which needed the consent of the Mayor and the Boston City Council, and this comes down as permissive legislation. The development of the Boston airport, which I was told would be a fine thing for the City of Boston, and a great thing for the state, but God help the people of East Boston—that didn't come down as permissive legislation. And Mr. McDonald was allowed to go before that very exclusive Committee on Ways and Means, even though he owes the city something like \$300,000 in back taxes for years and has never paid a cent, although he received a check for \$397,000 for some parcel of land in East Boston,—that very exclusive committee, along with past Corporation Counsel Hopkins, who was very much in favor of that legislation, whether or not for McDonald's sake. And McDonald still has land over there. I could never forgive the Legislature for appropriating jobs for the city that we have to appropriate funds for. They send us jobs that are created in de-

partments here over which we have no control, and we in turn have to appropriate the salaries, and they know we will because we don't want to see anybody go without their salary. As far as the Legislature is concerned, that powerful Boston group, they will never be powerful, in my opinion, unless they do something about the Boston insurance rate.

President HANNON—All those in favor of reconsideration. The Chair is in doubt, and the clerk will call the roll.

The roll was called, yeas 10, nays 6:

Yeas—Coun. Chase, Hanley, Hannon, Kelly, Muchnick, Russo, Scannell, D. F. Sullivan, Taylor, Wickes—10.

Nays—Coun. Carey, Coffey, Dwyer, Fish, Hurley, Kinsella—6.

President HANNON—The question now recurs on the suspension of the rules. The Chair wishes to announce because this is a matter pertaining to suspension of rules the Chair has refrained from voting, and will not vote unless his vote is essential.

The roll was called, with the following result:

Yeas—Coun. Chase, Hanley, Kelly, Muchnick, Russo, Scannell, D. F. Sullivan, Taylor, Wickes—9.

Nays—Coun. Carey, Coffey, Dwyer, Fish, Hurley, Kinsella—6.

A two-thirds vote being necessary for passage, the motion was lost.

President HANNON—The Chair is in receipt of a communication from Lieutenant Linehan, U. S. Navy, which the clerk will read.

LETTER FROM COUNCILOR LINEHAN.

December 28, 1943.

Thomas J. Hannon, Esq., President of the City Council, City Hall, Boston, Mass.

Dear Mr. President,—In concluding my four years as a member of the Boston City Council, I cannot let this opportunity pass without expressing my sincere gratitude and appreciation to the people of Ward 7 for their courtesy, kindness and consideration in electing me, first, as their State Representative and, later, as their City Councilor. I can only express the hope that my acts as a public official during the past seven years reflect my appreciation for the opportunity, which they have so graciously given me, to serve.

Although my services as City Councilor were interrupted by my enlistment in the armed forces of our country, I am anxiously looking forward to the time when our successful conclusion of this terrible World War will bring all of us together once again so that we may resume our fight for peacetime progress and at which time it might be possible for me to again aspire to serve the people of the district to whom I owe so much over the years.

To my colleagues, as well as the attachés, I desire to extend my heartfelt thanks for their splendid cooperation and assistance during my membership in the City Council, and particularly during the short time that I served actively as President of the Body. To you, Mr. President, and to all my fellow members, I extend my sincere wishes for a very happy and prosperous New Year, and to those members who are leaving the Council with me go my very best wishes for future success.

I wish to thank each and every one for giving me the encouragement and assistance that one needs so much when he is far away from those he loves.

In conclusion, I wish for my predecessor in office, who is now my successor, good luck and happiness as City Councilor from Ward 7.

Sincerely yours,
THOMAS E. LINEHAN.

Placed on file.

REFERENCE OF UNFINISHED BUSINESS.

President HANNON offered the following:

Ordered, That any orders or petitions in the hands of the committees of this Council which the City Clerk shall decide are properly matters of unfinished business he referred to the next City Council.

Passed under suspension of the rule.

PAYMENT OF CADET NURSES CORPS.

Coun. RUSSO offered the following:

Ordered, That the trustees of the Boston City Hospital be requested, through his Honor the Mayor, to immediately pay the United States Cadet Nurses Corps now engaged at the Boston City Hospital as trainees.

Coun. RUSSO—I have been informed that for the past five or six months we have at the Boston City Hospital approximately one hundred young girls who are under the United States Cadet Nurses group. Naturally we ought to be really proud to have young girls of this type willing to take up the profession of nursing at this time when it is most needed. Here we have a pamphlet that perhaps in some way entices these individuals into becoming United States Cadet Nurses: (*Reading*) "Full training which meets the requirements for graduation in an accredited nursing school, complete tuition and fees will be paid. Official cadet uniforms optional outdoor wear summer and winter. School uniform, room and board. A regular monthly allowance of \$15 during the first nine months. \$20 a month for the next fifteen to twenty-one months. At least \$30 a month for the remaining months until graduation." Mr. President, there are two things that can happen—either these young girls get so disgusted that they may leave this training after having undertaken it, or there will be a serious situation in so far as the hospital is concerned, and in so far as our war efforts are concerned. I don't see any reason why many young girls that have been taken into the United States Cadet Nurses Corps by various hospitals have received payments thus far, and these girls at the Boston City Hospital have not been given anything,—not even for Christmas. I say there is something radically wrong, and we ought to realize that if there ever was a time that nurses were needed now is the time.

Coun. COFFEY—I rise to a point of order.

President HANNON—State your point of order.

Coun. COFFEY—One of the press is out of his seat and moving around the Council, and I ask that he be seated.

President HANNON—The reporter will kindly take his seat.

Coun. COFFEY—I would like to know what the gentleman from the Boston *Post* had to say. I don't think he should open his mouth here while we are in session, and I am going to see that he doesn't. I rose to a point of order, which was within my rights. He had no right to open his mouth. I would like to know what the President is going to do about it.

President HANNON—The President has seated the gentleman.

Coun. COFFEY—That wasn't the gentleman I had reference to. I want to know what he said and what right he had to say it before this Body while we are in session.

President HANNON—The Chair will rule that the gentlemen of the press who, of course, are here as mere observers may take notes. Likewise, the Chair is not conversant with the extent of his powers regarding the press.

Coun. COFFEY—I ask a ruling if they have a right to speak while the session is on, and a right to roam from one chair to another while the session is in progress.

President HANNON—The Chair will answer that technically the gentlemen have no right to leave their seats, but the Chair is not able to control their movements, and sometimes the Chair wishes he had the power to not only control the press but the members of this august Body, who interrupt this session. In that I will excuse the member from East Boston, who sits in his seat and does pay attention. But the only power that the President has is the power of the police, and the President does not want to be discourteous enough to invoke that power too often. However, I am certain, with these remarks the press will observe from now on its proper place in the Council.

Coun. RUSSO—The hour is getting late and we are all getting hungry. I just want to leave this thought with you, Mr. President, by asking for suspension of the rule and passage of the order, because I believe if something is not done immediately the City Hospital, we are afraid, is going to suffer. And I know how hard it is to get nurses at the Boston City Hospital. Each and every one of us is aware of that fact. We have there approximately one hundred girls who have

given up their time and are doing good work, even though trainees. Even though trainees, they are given work to do. There is something wrong somewhere. If other hospitals have these United States Cadet trainees that have been paid, why aren't the trainees in the Boston City Hospital paid? Therefore, I move for suspension of the rule and adoption of the order.

The order was passed under suspension of the rule.

THANKS TO POSTAL WORKERS.

Coun. FISH and WICKES offered the following: Resolved, That the Boston City Council, in meeting assembled, extend their thanks and appreciation to the postal workers under the competent supervision of Postmaster Patrick Connelly for their efficiency in handling Christmas mail which resulted in all mail being delivered on time.

Passed under suspension of the rule.

APPROPRIATION FOR PLAYGROUND EQUIPMENT.

Coun. COFFEY, FISH, HURLEY, DWYER, CAREY and KINSELLA offered the following:

Ordered, That his Honor the Mayor be requested to submit to the City Council an appropriation order in the sum of five hundred thousand dollars to be expended under the direction of the Park Commission for playground equipment.

The order was passed under suspension of the rule.

Coun. CHASE—I move that when we adjourn we meet again at four o'clock for a regular session. The motion was lost.

THANKS TO PRESIDENT HANNON.

Coun. WICKES offered the following:

Resolved, That the thanks and appreciation of the members of this City Council be extended to its President, Thomas J. Hannon, Jr., who has discharged the duties of his office with courtesy, dignity and impartiality.

Coun. WICKES—Mr. President, on behalf of the Council for the year 1943, for your honesty, your kindness, your efficiency and diplomacy in handling your difficult task as President of this Body, the Boston City Council, it gives me great pleasure to hand you this token of this Body (*handing gavel to President Hannon amid applause*).

The resolution was adopted by a unanimous rising vote.

STATEMENT BY COUNCILOR WICKES.

Coun. WICKES—I ask unanimous consent to make a statement.

President HANNON—Is there any objection? The Chair hears none.

Coun. WICKES—Mr. President and distinguished colleagues, it is with no little regret that I relinquish the position of honor which I have shared with you for the past four years as a member of this Honorable Body. If it were not for the fact that I am wearing the uniform of the United States Navy and that for this reason the constituents of Ward 17, as in many other parts of Boston, feel that it is difficult for a man to serve his country as a member of the armed forces and locally in this chamber, I should not, undoubtedly I believe, be addressing these parting remarks to you today. However, the wisdom of such a splendid and intelligent people as are the people of Ward 17, who have so signally honored me by choosing me to represent them, indicates, by the present expiration of my term of office, a matter of judgment on their part to which I readily defer without the slightest trace of rancor. As they and you, I am sure, know, I have served them honestly and to the best of my ability both individually and collectively. Fortunately, I can say this without fear of contradiction owing to the fact that every opinion I have expressed here and every matter upon which I have voted is recorded for public observation. While realizing my obligations to the citizens of Ward 17, I have always kept in mind

the fact that we are all members of a larger community and with this thought in mind, I have always considered how my vote would affect the residents of Boston generally. In so doing, I discovered that it was quite possible to represent the interests of everyone concerned. Although, politically, my status will soon be that of the private citizen, I am both happy and proud that I may still be able to continue to serve the people of my community and of our country as a member in the ranks of the United States Navy. As a citizen of the Dorebester community, my active interest in the affairs of its people will continue undiminished. My home shall continue to be open, as it has been for twelve years prior to my induction into public office and for the four years which I have served my district, to all those who feel that my family, my friends, or I, can be of service to them. I wish to take this opportunity to thank his Honor, Mayor Maurice J. Tobin, for the kind courtesy and attention which he has given my requests for the residents of Ward 17. Also, I express my gratitude to the department heads whom I have found to be both cooperative and efficient. Among those to whom I am deeply indebted for having helped me in establishing a record of efficiency in Ward 17 are, one of the best informed men in the history of our city government—Mr. Wilfred Doyle, our City Clerk; also his thoroughly capable assistant—Major John B. Hynes; and his very competent military substitute—Walter Malloy; our competent and cooperative Clerk of Committees—Roy Green; our worthy and loyal former City Messenger—Ned Leary; our deceased friend, the Assistant City Messenger—Bill Walsb, whose duties were performed with sincerity and skill; our recently appointed City Messenger—Bill O'Donnell; our brilliant, patient, and apparently tireless stenographer—Ned Hamden, and all of the Council attachés. The telephone operators, especially Miss Katherine McMannus and Miss Lillian Hines, are deserving of many thanks from me for the polite courtesy which they have extended in putting through thousands of telephone calls to citizens of Ward 17. Our friends, the police officers assigned to duty in the Council Chamber, are to be congratulated for their splendid handling of situations which have arisen from time to time and which required a tactful application of duty and diplomacy. I extend my grateful thanks to all of the City Hall representatives of the press for the accurate manner in which they have presented to the public the proceedings of our Honorable Body and which, in my opinion, has been the greatest factor in enlightening the public regarding the services which we have rendered. I am particularly grateful to "Jim" Colbert of the *Boston Post*, to Frank Reilly of the *Boston American* and to "Eddie" Druan of the *Boston Herald*, to John Donovan of the *Globe* and Baldwin Garretson of the *Christian Science Monitor*, for reporting the various orders which I have originated and sponsored with the object in view of helping Ward 17 and Boston as a whole. I especially desire on this occasion to publicly thank the editors of the *Hearst Boston* newspapers for their generous and friendly editorial comments on my character and efforts as a public servant. The best I can wish my successor—and I sincerely wish it for his benefit, and especially for the benefit of the fine, splendid people of Ward 17—is that he may enjoy the same friendly cooperation of this Honorable Body of gentlemen that I have enjoyed for the past four years, so that the people of our ward may continue to be the beneficiaries of that type of service which they expect and which they should receive. To you, my brother councilors, every loyal impulse compels me to say that I have enjoyed working with you in our city's service. Whenever it is possible, if you feel that I can be of service to you, I shall be glad to prove a sincere and practical friendship for each and every one of you. In order that no one may be omitted as a recipient of my gratitude, I wish to thank the many employees of City Hall, too numerous to mention, who have cooperated with me in helping me fulfill my duties as a City Councilor and have thereby benefited my constituents. In conclusion, I sincerely express my deepest and most heartfelt thanks to the voters of Ward 17 for the honor and privilege they have twice bestowed upon me in choosing me as their City Councilor. Without the confidence with which they publicly entrusted me, and in which, thank God, I can honestly say I have never failed them, I should not have been the recipient of so much

good friendship as I have enjoyed here in the past four years, neither should I have gained the wealth of experience which I now possess. May all of the people of Ward 17, Dorchester, and Boston and all of you gentlemen assembled here and your families, all of our members whose terms of office expire this year and their families, all of the councilors-elect and their families and those of our brother members who are now serving our country—Naval Lieutenants "Bobby" Linehan and "Jimmy" Langan, Major "Jimmy" Goode, Private Frank Foster and Seaman "Teddy" Lyons—enjoy a New Year which may see the end of this catastrophe we call World War II and a return of all those whom we love and who are now fighting for the principles of Democracy as exemplified in such public gatherings and assemblies as our own Boston City Council. May all of our brothers, sisters, relatives and friends who are now serving with the armed forces be returned speedily to our hearts and homes so that 1944 may be the most happy and prosperous New Year we have ever experienced.

THANKS OF PRESIDENT HANNON.

President HANNON—This, as we all know, is the last meeting of the 1943 session of the Boston City Council and, as your presiding officer during that period of time, it now becomes my happy duty to thank each and every one of you for your splendid and gracious cooperation. I have had during the course of my political career many honors and have received many gifts, but I have received no honor and no gift which could surpass the presidency of the City Council or which could surpass this splendid gavel or token of leadership which you have given me. Being President of this Body is an honor of which I cannot fully express my deep appreciation. It came to me, as you all know, sooner than I had anticipated, or sooner than

perhaps the majority of us here had anticipated. Regardless of that, I have tried to conduct myself at all times in keeping with the confidence you gentlemen reposed in me. If at times we did differ, I know, and each and every one of you by his own knowledge knows, it was an honest difference, and if perchance I did err, I take this last opportunity to apologize and thank you sincerely for your forgiveness. As regards this gavel, I shall always treasure it. I shall keep it in my home, and it will always be to me not a mark of the presidency here, not a mark of the presiding officer, but rather a mark of friendship. I wish each and every one of you might enjoy the pleasures and might endure the trials of presiding up here throughout a year. I say that sincerely and say it honestly because, as we all know, you cannot decide a question both ways. Decisions must be spontaneous, and decisions must be made according to your own honest convictions and knowledge. Now we have gone through the year and if you gentlemen, even after the year of turmoil and strife and the many sometimes long battles we have had, still think enough of me to present me with this gavel, you can believe me sincerely when I say I deeply appreciate it. I would like to thank everybody individually, particularly the City Clerk and the Assistant City Clerk, the Clerk of Committees, and the secretary to the Council, the various stenographers, the City Messenger and his subordinates, the police officers attached here, the newspaper reporters, the telephone operators and all with whom I have come in contact. Everybody has been most gracious. You have made it a very fine year for me. The best I can say to you, regardless of what you give me, is that there is only one thing I cherish, that which we all cherish—your friendship. I wish each and every one of you a happy and prosperous New Year.

Adjourned, on motion of Coun. DWYER, at 1.45 p. m., *sine die*.



