

F
73
.44
Q75

AN
ADDRESS
COMMEMORATIVE OF THE
ORGANIZATION OF CITY GOVERNMENT
IN BOSTON, MAY 1, 1822.
DELIVERED AT THE REQUEST OF THE CITY COUNCIL,
ON SEPTEMBER 17, 1897,
BY
JOSIAH QUINCY,
MAYOR OF THE CITY.



BOSTON:
MUNICIPAL PRINTING OFFICE.
1897.





Class F 73

Book 44

.Q 75



Josiah Quincy.

AN
ADDRESS

COMMEMORATIVE OF THE
ORGANIZATION OF CITY GOVERNMENT

IN BOSTON, MAY 1, 1822.

DELIVERED AT THE REQUEST OF THE CITY COUNCIL,
ON SEPTEMBER 17, 1897,

BY

JOSIAH QUINCY,

MAYOR OF THE CITY.



BOSTON:
MUNICIPAL PRINTING OFFICE.
1897.

IN COMMON COUNCIL, April 8, 1897.

Mr. SANDS of Ward 12 offered an order—That a joint special committee, to consist of the President and five members of the Common Council, and the Chairman and such as the Board of Aldermen may join, be appointed to confer with His Honor the Mayor in regard to a proper observance of May 1, 1897, said date being the seventy-fifth anniversary of the organization of the City Government, under charter granted Feb. 23, 1822, and adopted March 4, 1822.

Passed. Sent up for concurrence. In Board of Aldermen, April 12, 1897, Concurred.

Aldermen Dyar, W. F. Donovan and Lott were appointed on said committee.

IN COMMON COUNCIL, April 15, 1897.

The President announced the appointment of members on the part of the Council, on the committee on seventy-fifth anniversary of Organization of Boston City Government, viz. : Messrs. Conry of Ward 2, Sands of Ward 12, Mahoney of Ward 4, Briggs of Ward 11, Connolly of Ward 17, and Jones of Ward 21.

IN COMMON COUNCIL, June 24, 1897.

Mr. SANDS of Ward 12 submitted the following :—

The joint special committee on the observance of the seventy-fifth anniversary of the Boston City Government submit the following report of their action to date. Memorial exercises will be held in the Council Chamber, Sept. 17, 1897, before the members of the government and invited guests, the address to be delivered by His Honor the Mayor. An historical volume, embodying this address and collateral facts concerning our municipality is to be issued, and to prepare and publish this document, the committee ask for an extension of time, and the passage of the accompanying order :

Ordered, That the Clerk of Committees, under the direction of the Committee on Printing, prepare and publish 2,500 copies of a memorial to commemorate the seventy-fifth anniversary of the Boston City Government, and that \$1,000 be appropriated and charged to City Council Incidental Expenses.

Report accepted, order passed. Sent up for concurrence. In Board of Aldermen, June 30, 1897, Concurred. Approved by the Mayor, July 2, 1897.

INTRODUCTION.

In accordance with the foregoing votes a meeting was held in the Common-Council Chamber on Friday, Sept. 17, 1897, at four o'clock.

Of the former mayors present were, the Hon. Frederic W. Lincoln, the senior, who served the city in 1858, 1859, 1860, 1863, 1864, 1865, 1866, seven years in all; the Hon. Samuel A. Green, 1882, who was the presiding officer of the day; the Hon. Thomas N. Hart, 1889 and 1890, who entered the chamber with Mayor Quincy, and was accompanied by Alderman William F. Donovan of the committee of arrangements, and Alderman David F. Barry, all of whom had seats on the President's platform.

In their immediate front, for whom seats were reserved, were the following:—

Former Chairmen of the Board of Aldermen, Benjamin James, 1869; Homer Rogers, 1889, and Alpheus Sanford, 1894-95. Former Aldermen John M. Clark, who comes next to former Alderman James in point of seniority; Benjamin F. Anthony, 1882-83; Asa H. Caton, 1880; George L. Thorndike, 1880; Charles M. Bronwich, 1886-87; Thomas H. Devlin, 1883; Charles W. Smith, 1887-88-89-90; Sidney Cushing, 1890; Clarence W. Hallstram, 1893-94; Nathaniel J. Rust, 1891-92; William Pope, 1875-76.

President of the Common Council, Joseph A. Conry, 1895-96. Former Presidents Joseph Story, 1855 and 1856; William G. Harris, 1869; Matthias Rich, 1871; M. F. Dickinson, Jr., 1872; Edward J. Jenkins, 1885-86, and Christopher F. O'Brien, 1894-95.

Former Councilmen Patrick E. Riddle, 1885, 1893-94-95-96; M. W. Norris, 1888-89-90-91-92-94-95; M. T. Callahan, 1892-93-94-95-96, and Daniel D. Rourke, 1893-94.

INTRODUCTION BY HON. SAMUEL A. GREEN.

The formal proceedings were commenced by Hon. Samuel A. Green, ex-Mayor of the city, who had been selected to preside, and who introduced the orator of the day, Hon. Josiah Quincy, in the following words:—

ADDRESS
BY
EX-MAYOR SAMUEL A. GREEN.

It is an interesting occasion that brings us together this afternoon. Three quarters of a century have come and gone since the town of Boston laid aside its limited powers and privileges, and took on the larger duties and obligations which were granted by a city charter. In accordance with a custom long established in our community, it seems eminently fit that an event, so fraught with great and beneficial results, should be marked in some way out of the common course and made conspicuous by a formal recognition. For such a celebration, what day in the whole year is so proper, as the anniversary of the passage of the order by the Court of Assistants, on September 17, two hundred and sixty-seven years ago, that Tri-mountaine should be called Boston. By a happy coincidence the day is also the anniversary of another memorable event of more recent times which should not to be overlooked on this occasion. On September 17, one hundred and ten years ago, the Constitution of the United States was adopted and signed in convention, thus adding other traditions and associations to the date which is considered the birthday of our beloved city.

Among all civilized communities mankind delights in anniversaries, and rejoices in found periods of recorded time; and the fact crops out in political as well as ecclesiastical history. This feeling is prompted by a delicate sentiment of our nature, which goes back so far that the mind cannot follow it. The commemoration of to-day is in harmony with these views, and is suggested by an instinct as broad as human nature itself.

r/

It is my pleasant duty this afternoon to introduce the speaker of the day; and I take the opportunity now to congratulate the citizens of Boston on having a public servant so able to describe the organic changes that have taken place in the municipal government during these seventy-five years, and so competent to trace the evolution of events as they have gradually unfolded themselves. I also felicitate the citizens of Boston on having a Mayor who from two distinguished ancestors has inherited the traditions of the office, and who is so familiar with the story of its political development. I doubt if ever it has fallen to the lot of any other municipality in the land, within a period of three-quarters of a century, to have the mayoral office filled by three lineal descendants of one family, and each of them bearing the same name.

It may seem needless to introduce a gentleman so well-known as the speaker who will address us this afternoon, but as matter of mere form I will present to the audience His Honor Mayor Quincy.

ADDRESS

BY

JOSIAH QUINCY, MAYOR.

Mr. Chairman and Gentlemen of the City Council :

It has been thought appropriate that the city of Boston should observe in some simple manner the completion of the first three-quarters of a century of its corporate existence. The first city government was inaugurated on May 1, 1822 ; as the present exercises could not be arranged for that date, they were postponed until to-day, the two hundred and sixty-seventh anniversary of the original establishment of the town of Boston. It was felt that the occurrence of this seventy-fifth anniversary, coming so near the close of the nineteenth century, and at a time of transition in municipal affairs, when our city is just entering, in many respects, upon a new period in its development, might well serve as an occasion for taking a brief survey of the past, for endeavoring to realize more fully just what the constitution of our government is at present, and for considering some of the lines upon which farther improvements are to be sought.

The year 1897 has been, or will be during its remaining months, marked by events which may well serve to make it a conspicuous milestone on the pathway of our municipal progress.

CHANGES IN CITY GOVERNMENT.

Perhaps first of all, — particularly as one of the moving causes for the holding of these exercises, — should be mentioned the passage by the Legislature of the act for the consolidation into one chamber of the Board of Aldermen and the Common Council, which is to be submitted for the

acceptance of the voters at the coming state election. If they ratify the work of the General Court, the two branches established by the charter of 1822 will, at the close of an existence of three-quarters of a century, disappear as separate bodies from our city government.

GREAT PUBLIC WORKS.

In the line of great public works, the present year has seen the opening for travel of the first section of the subway, the greatest piece of engineering work ever undertaken by our city within its own limits, and only to be compared in magnitude with our water works; the beginning of the construction of the new Southern Union Station, the largest single enterprise ever undertaken by a private corporation within this city, destined to be one of the finest railroad passenger terminals in the whole world; the abolition of all railroad grade-crossings of the Providence main-line, within the city, and the beginning of the abolition of those between Charlestown and Cambridge, and Charlestown and Somerville, — improvements which have baffled the efforts of the ablest engineers for forty years; the combination of our great surface railway system with the projected elevated railway system, thus assuring the completion of the latter; and the opening of work upon the new Columbia Road, uniting the Marine Park with Franklin Park, which will practically finish our park system by completing the chain of Parkways, over nine miles in length, connecting the Public Garden with Castle Island.

The present year has seen the partial construction of the new bridge to Charlestown, and the beginning of plans for the new bridge to Cambridge to replace the two main bridge-connections of the city, which date back to the last century. It has seen legislative provision for the building of a tunnel to East Boston; the construction of the first section of the pneumatic system for the transportation of mail matter

and light packages, and the laying of the first section of pipe-line for the use of salt water in the extinguishment of fire. The end of the year will see the acquisition by the Metropolitan Water Commission, acting under authority of the Commonwealth, of all of the great water supply system of the city, and probably the introduction of the water of the Nashua river. This year will also see the inauguration and partial completion of a public undertaking of great importance, namely, the laying out of a widened thoroughfare for teaming through the business district, extending from Charlestown street to Atlantic avenue, upon which the last Legislature authorized the city to expend half a million dollars. The abolition of the grade crossing of the Old Colony railroad and Dorchester avenue has also been finally provided for this year, by legislation securing the relocation of the tracks for a distance of over half a mile; and in connection with this plan our Park Commission has already acquired the stretch of marsh and shore adjacent to this railroad on the Old Harbor, thereby bringing nearly the whole of two and one-half miles of important water front under public ownership. The widening of Charlestown street, to serve as an approach to the new bridge to Charlestown, at an estimated expense of half a million dollars, must also be included in the list of important public undertakings of the year.

PROGRESS IN WORKS FOR PUBLIC HEALTH.

In other lines of municipal activity, which signalize the present year, may be mentioned the inauguration of a comprehensive policy of providing local playgrounds, the city having acquired this year and last year, and partially improved, seven different parcels of land for this purpose; the opening of our first public in-door gymnasium, acquired by gift, and now conducted by the city under express authority of the Legislature; the passage of an act revolutionizing the financial basis upon which our sewerage and drainage works are constructed and operated, and the

opening of our first municipal bath-house for all-the-year-around use, probably the best appointed and most costly building yet erected for the purpose by any American city.

PRINTING AND ELECTRIC PLANTS.

The present year has also seen the establishment of a municipal printing plant, the first to be put in operation by any city in this country; and the installation by the city of its first isolated electric lighting plant, at a cost of fifty thousand dollars.

HARBOR IMPROVEMENTS AND FORTIFICATIONS.

To turn to activities of the federal government affecting Boston, this year has seen, or will see during its remaining months, the completion of important harbor fortifications, for the first time affording reasonable protection to the city against modern ships of war, and the beginning of the important work (for which provision has now been made by Congress) of deepening the channel of our harbor to provide properly for modern shipping. In connection with the harbor, the passage of important State legislation inaugurating to some extent the policy of public ownership of the unimproved water front, and providing for the construction of a modern dock upon the land of the Commonwealth at South Boston calls for particular mention.

HUMANITARIAN CHANGES IN PUBLIC INSTITUTIONS.

In respect to the internal organization of our city government, the separation of the Institutions Department into five new departments, placing Boston in advance of all other American cities in the scientific organization and specialization of penal, charitable and reformatory work, is the most notable event of the year. The creation of a department of Municipal Statistics, the first to be established in this

country, again places our city in the lead in the inauguration of a new branch of service, which has proved of great value abroad and will doubtless become of equal utility here.

OPENING OF A NEW MUNICIPAL PERIOD.

Certainly the aggregation of these results amply justifies the statement that this year 1897 may well serve to mark the close of one period and the beginning of another in the municipal history of Boston. They indicate very clearly that this city, having now exceeded the half-million mark in population, may truthfully be said to have entered upon its metropolitan era. We have turned our backs at last upon the three-quarters of a century which lie behind us, and are looking forward to the great municipal career which the next quarter of a century should have in store for us. Beginning in 1822 as a small provincial city, surrounded by towns of comparatively little population, the Boston of to-day finds herself occupying no mean rank among the great cities of the world, and encircled by a chain of twenty-eight cities and towns which bring the total inhabitants of the city and immediate suburbs nearly to the million mark. Indications can be seen on every hand that our city has entered upon a new era of municipal development, of extension and improvement of municipal service, and is preparing herself for the new and added responsibilities which the twentieth century will bring to a great urban community.

ATTEMPTS AT INCORPORATION.

Like other old towns, Boston had never been specially incorporated by act of the General Court: it was merely recognized as a self-constituted local body politic. As early as the seventeenth century efforts had been made to secure an act of incorporation, but these had come to nothing. There were no less than four reports made by committees of the town in

favor of the adoption of a city charter prior to that report of 1821 which resulted in securing it. These four attempts were made in the years 1784, 1792, 1804 and 1815.

The committee of 1784, which included Samuel Adams and James Sullivan, submitted two plans. It is a somewhat curious coincidence that the first plan proposed by this committee provided for a city government, acting for some purposes as a single chamber, consisting of thirty-eight members, the exact number provided for by the act of the present year, while the second plan proposed a single body elected one-third at large and two-thirds by wards, the same basis of election now proposed. Both of these plans were overwhelmingly rejected. The committee of 1792 included John Quincy Adams, Charles Bulfinch, James Sullivan and other well known men. They proposed a Town Council of twenty-seven members, the nine Selectmen to be chosen at large, and the remaining eighteen members to be elected in the nine wards which it was proposed to establish. This plan also was rejected after full consideration. In 1804 the town took the interesting step of ordering what was called a constitutional convention, the members of which were chosen by wards, that system of voting having been introduced in 1799. Under the plan proposed by this body the town meeting was retained, but shorn of its powers; it was also recommended in the report "that suitable measures be taken to render the town of Boston a county," vesting the executive powers of the Court of Quarter-Sessions in the proposed Town Council. In 1815 another large and influential committee proposed a somewhat complicated modification of the plan of 1804. The report of 1815, in spite of the complications of the proposed scheme of government, came much nearer success than any preceding efforts, only failing of adoption by a vote of 951 opposed as against 920 in favor; an indication that the town was at last nearly ready to seek incorporation as a city.

CITY CHARTER ADOPTED.

In view of the fact that the Constitution of Massachusetts as it then stood made no express provision for the incorporation of cities, the constitutional convention of 1820 thought it proper to submit to the people of the state what is now the Second Amendment, providing that the General Court could incorporate as cities towns containing upward of 12,000 inhabitants. This amendment was adopted by a small majority, and shortly afterward the town appointed a final committee, which included John Phillips, then President of the Senate and afterwards first Mayor of the city; Josiah Quincy, then Speaker of the House of Representatives and afterwards the second Mayor; Lemuel Shaw, later Chief Justice of the Commonwealth, and Daniel Webster. This committee submitted its report on Dec. 31, 1821, which, after it had been debated three days, and amended in several important respects, was submitted to popular vote on Jan. 7, 1822. Upon the question whether Boston should be a separate county, which was submitted separately, the vote was almost unanimous in the affirmative, while the plan for changing the town into a city was adopted by a vote of 2,805 yeas to 2,006 nays. This was promptly followed by the passage by the General Court of the act of incorporation, approved by the Governor on Feb. 23, 1822; and on March 4 the act was accepted by the town by a vote of 2,797 yeas to 1,881 nays.

When the town government ended one hundred and twelve officers were chosen annually in town meeting, in addition to those appointed by the Selectmen; and moreover each ward elected one member of the Board of Health, two Assessors of Taxes, and a ward clerk. Under the new city charter the voters of the whole city were to choose only one Mayor and eight Aldermen-at-large, while the voters of each of the twelve wards were also to choose four Councilmen, one

member of the School Committee, one Overseer of the Poor, not less than three Firewards, and the Ward Officers. All other necessary officers were to be chosen by the City Council or by the Mayor and Aldermen. The finances of the city and county were united under a single Treasurer. The ordinances were no longer subject to the disapproval of the county court, though the General Court reserved the right to annul any which did not meet with its approval.

The original act of incorporation, being chapter 110 of the Acts of the year 1821, entitled "An Act Establishing the City of Boston," although revised by chapter 448 of the Acts of 1854, entitled "An Act to Revise the Charter of the City of Boston," and modified in many respects by other legislation since that date, still stands unrepealed upon the statute book.

REASONS FOR INCORPORATION.

In deciding to adopt a city form of government, to replace that of the town which had lasted for nearly two centuries, the people of Boston had two important objects in view. In the first place, they felt that the time had come when the growth of the town, containing in 1820 over 43,000 inhabitants, made the change from direct government to representative government a practical necessity. Pure democracy had been outgrown and representative democracy had to take its place. Under the town the people themselves constituted the government; the Selectmen were not a government in any proper sense. They were a committee appointed by the town for certain purposes, rather than officers of independent powers during a certain term of office, and until 1776 they acted as a committee and not as a board. They were subject at any time to instructions from the town meeting, and thus were agents, not governing officials. But the voters of the town had become too numerous longer to exercise directly the powers of municipal government. At

the town meeting held on Jan. 6, 1822, to act upon the report of the committee which had been appointed to draft the charter, over 4,800 votes were cast. As early as 1799 it had been found necessary to establish ward elections for certain purposes. In 1813 a sort of town council had been instituted by vesting the choice of the City Treasurer and Collectors of Taxes in a body of thirty-three members, consisting of the nine Selectmen, the members of the Board of Health and the twelve Overseers of the Poor; and this body also acted as a committee on finance.

OBJECTION TO COUNTY COURT CONTROL.

But there was another potent reason, not generally as well understood, which was also largely instrumental in bringing about the change in the form of government. Suffolk County had been established in 1643, and had been given a county court, which had jurisdiction over some matters closely connected with the town of Boston, and which was for certain purposes an executive body superior to the Selectmen. Suffolk embraced at that time a large territory outside of Boston, including Roxbury, Dorchester, the whole of what is now Norfolk County and a good part of Worcester County. The County Court met but four times a year, from which it derived the name of the Court of Quarter-Sessions. Besides the authority previously exercised, the General Court provided in 1692, the first year of the Provincial Government, that all orders and by-laws of towns should be approved by the justices in Quarter Sessions before they should become operative. This law remained in force until 1822, and the last edition of "The By-Laws and Orders of the Town of Boston," issued in 1818, carried on its title-page the statement that they were "Duly Approved by the Court of Quarter Sessions."

The people of Boston early became restive under this arrangement, and fully appreciated the advantages which would

accrue to them if the town could be made a county by itself, relieved of the supervision and direction of justices appointed by the Governor for a large county, of which Boston territorially only formed a very small part. As early as 1650, seven years after the establishment of Suffolk County, the town petitioned the General Court to be made into a separate county, a petition repeated in 1677, but both times without result. In 1708 the selectmen complained to the town that one great reason why the orders and by-laws of the town were not better executed was "the want of a proper head or town officer or officers empowered for that purpose, the law having put the execution of town orders into the hands of the justices only, who are not town but county officers." They proposed as a remedy that a charter of incorporation should be drawn up, but when this had been prepared it was rejected by the town meeting. In 1793 Norfolk County was established and Suffolk County was reduced to Boston and Chelsea. The county was thus reduced territorially nearly to the limits of the town; but this by no means removed the objections to the exercise of executive powers by the county justices. They exercised, beside the veto power over town by-laws, the powers of granting liquor licenses, of assessing county taxes, of discontinuing highways, of locating distilleries, potteries and slaughter-houses, and of appointing certain local officers.

Down to 1807 the Court of Quarter-Sessions consisted of all the justices of the peace of the county, many of whom were laymen. In that year the court was made to consist of a Chief Justice and four associates. A Municipal Court had been established in 1800, particularly for the punishment of violations of town by-laws. Besides the Court of Quarter-Sessions and the Municipal Court there was a Court of Common Pleas, which was called the Town Court. The result was that the administration of justice was complicated and defective; the final committee report,

which resulted in the adoption of the city charter, presented Dec. 10, 1821, declared that "the present mode of administering justice in the first stages is attended with many and growing abuses; and though they have already attained to a very considerable extent, they must, unless prevented by an entire change in the system, produce eventually the most mischievous and immoral consequences." It was felt that a reorganization of the local courts could only be secured in connection with a change in the form of municipal government; and it was therefore partly for the object of securing a better administration of justice, and of obtaining relief from the exercise of executive and supervisory powers by the Court of Quarter-Sessions, that the city charter was adopted. The benefits to Boston of practically being a county by itself, and of having the county and city governments administered by the same authorities, have been very decided.

CHARTER OF 1822.

Under the charter of 1822, while it was declared that the Mayor should be "taken and deemed to be the chief executive officer" of the municipal corporation, and that it should be his duty "to be vigilant and active at all times in causing the laws for the government of the city to be enforced," in reality he was given practically no executive powers except in common with the Board of Aldermen. The executive and legislative powers were absolutely commingled, except that the lower branch of the City Council was not supposed to have — although this was not strictly true in fact — any executive functions; the Board of Aldermen had a double character, being, in one aspect, one branch of a two-chambered council in which the legislative power was lodged, and, in another aspect, an executive body.

The enumerated powers of the Mayor under the original charter (and he had no others except in the capacity of a

ninth member of the Board of Aldermen) were merely to preside, if present, at the meetings of the Mayor and Aldermen; to summon meetings of the City Council, or of either branch; and to communicate information and to recommend measures from time to time to the City Council. Where appointments were directed to be made by the Mayor and Aldermen, the Mayor had, to be sure, the exclusive power of nomination; but he had no power of making an appointment, either temporarily or permanently, independent of the board, and he had no power whatever of removal.

The charter declared in its first section that "the administration of all the fiscal, prudential and municipal concerns of said city, with the conduct and government thereof," should be vested in a Mayor, a Board of Aldermen and a Common Council. The Mayor and Aldermen were given "the administration of police, together with the executive powers of the said corporation generally, together also with all the powers heretofore vested in the Selectmen of the town of Boston, either by the general laws of this Commonwealth, by particular laws relative to the powers and duties of said Selectmen, or by usages, votes or by-laws of said town." They were also given the power of granting licenses to inn-holders and victuallers, as well as for theatrical exhibitions and public shows, and were further charged with the duty of making up the lists of voters.

In the City Council, acting by concurrent vote of the two branches, were vested "all other powers now by law vested in the town of Boston, or in the inhabitants thereof as a municipal corporation." The City Council was also expressly given the power "to make all such needful and salutary by-laws as towns by the laws of this Commonwealth have power to make and establish," "to lay and assess taxes for all purposes for which towns are by law required or authorized to assess and grant money," "to provide for

the assessment and collection of such taxes, and to make appropriations of all public moneys and provide for the disbursement thereof, and take suitable measures to ensure a just and prompt account thereof." It was further authorized either to elect assessors or to provide for the appointment or election of the same in some other manner, and to provide "for the appointment or election of all necessary officers for the good government of the city not otherwise provided for, to prescribe their duties and fix their compensation." The City Council was further given "the care and superintendence of the public buildings, and the care, custody and management of all the property of the city, with power to lease or sell the same (except the Common and Faneuil Hall), with power also to purchase property, real and personal, in the name and for the use of the city." All the powers of the Board of Health, which had been established in 1799, were also, most unfortunately, vested in the City Council, "to be carried into execution by the appointment of Health Commissioners, or in some other proper manner." It was also expressly provided that the City Treasurer and City Clerk should be elected annually by the two branches of the City Council in joint convention.

DIVISION OF POWERS.

To sum up, most of the legislative powers were exercised by the two branches of the City Council concurrently, but some by the Board of Mayor and Aldermen alone; most of the executive powers were exercised by the Mayor and Aldermen alone, but some were shared with the Common Council. In a general way, the Mayor was the successor of the Chairman of the Board of Selectmen; the Mayor and Aldermen together were the successors of the Selectmen, the number of Aldermen being retained at eight, which with the Mayor made nine, the number of the Selectmen under the town; and the City Council was the successor of the town meeting,

though its powers in respect to the control of the executive officers were much more limited. Although it was provided in the charter that "all boards and officers acting under the authority of the said corporation, and entrusted with the expenditure of public money, shall be accountable therefor to the City Council, in such manner as they may direct," there does not seem to have been any manner in which that body could hold to any effective responsibility either the officers elected by the people, or those chosen by the Mayor and Aldermen.

There were certain exceptions to the vesting of all the powers of the municipality in the Mayor and Aldermen and in the City Council. The election of one Overseer of the Poor from each ward, which had been established under the town, was continued, and the Board of Overseers was to exercise the same powers which it had enjoyed under the town. A School Committee was also constituted, to consist of one person elected by the voters in each of the twelve wards, joined to the Mayor and Aldermen, making a body of twenty-one, who were to have "the care and superintendence of the public schools." The election of not less than three Firewards in each ward was also continued, who were to constitute the Board of Firewards and to have the powers formerly exercised by the firewards of the town.

Under the Constitution of the Commonwealth, as it then stood, a majority vote was required for the election of all state officers, successive ballotings being held, if necessary, until some candidate secured such majority. This rule was applied by the first charter to the choice of the Mayor, Aldermen and Common Councilmen.

The charter also provided, as a sort of shadow of the town meeting, that "general meetings of the citizens qualified to vote in city affairs may, from time to time, be held to consult upon the common good, to give instructions to their representatives, and to take all lawful measures to obtain a

redress of any grievances;” and it required that such meetings should be duly warned by the Mayor and Aldermen upon the requisition of fifty qualified voters of the city. The instructions, however, were not binding, and no practical good came of this attempt to maintain pure democracy in combination with representative institutions.

It is worthy of note that from Colony times the citizens of Boston have held their local elections on a different date from that of the State election, and have therefore enjoyed almost from the beginning the advantages, now so generally recognized by municipal reformers, of separating, to some extent at least, local politics from those of the state or nation.

Under the first charter the municipal election was held on the second Monday of April, and the municipal year began on the first day of May. By an act passed in 1824 the date of the municipal election was changed to the second Monday of December (subsequently again changed to the Tuesday next following the second Monday), and the municipal year was made to begin on the first Monday of January.

SCHEME OF GOVERNMENT.

The attempt to adhere as closely as possible to the form of government in a town resulted in confusion, dissipation of proper executive powers, and division of responsibility; errors which were not remedied until nearly two-thirds of a century later, by the passage of the charter amendment act of 1885. The Mayor was the chief executive only in name; he was the figurehead of the corporation, but otherwise was practically nothing but one member of the Board of Aldermen. What power he had was chiefly derived from the position which the charter gave him as presiding officer of the Board, and the right of appointing committees attaching, under

parliamentary practice, to that office. If he succeeded — as some Mayors of the city did in an eminent degree — in directing municipal affairs, in any real sense, it was by force of his individual character or abilities, not by virtue of any authority inherent in his office. His election by the people as the nominal head of the corporation gave him a certain prestige and influence, which he might be able to convert into actual, if not legal, power. Thus the second Mayor of the city was, within the first three years of his term, placed at the head of several important committees having the expenditure of money.

It is curious to note how carefully the framers of the charter of 1822 seem to have closed their eyes to the lessons which they might have drawn from the organization of the state and national governments. They adhered as closely as possible to the town as their political model, and endeavored to make the change from town habits of government as slight as possible. Under the constitution of the United States a government of limited powers had been successfully established, under which the three recognized branches of government, namely, the executive, legislative and judicial, were carefully separated and distinguished, each being given its appropriate authority and independence within its proper sphere. The constitution of the Commonwealth had wisely and explicitly declared in the Bill of Rights that the legislative department of the state government should never exercise executive or judicial power, that the executive department should never exercise legislative or judicial power, and that the judicial department should never exercise legislative or executive power, “to the end that it may be a government of laws and not of men.” The evils which had resulted from vesting executive powers in the judiciary, to be exercised by injunction or otherwise, furnished one strong incentive for adopting the city form of government; the people of the town and the members of

the Legislature are alike entitled to the credit of making an absolute separation in the incorporation of the new city between the judiciary and the legislative and executive. But when it came to providing for the exercise of the executive and legislative powers, following the false analogy of the pure democracy of the town government, rather than the model of the representative governments of the United States and of the Commonwealth, these powers were hopelessly confused and mingled together. It was nearly two-thirds of a century before the Legislature returned, in defining the organization of the government of Boston, to the sound political principle declared in the constitution of the state in 1780, and finally gave to our people the benefit of a separation between the executive and legislative powers and authorities in their municipal government.

REVISED CHARTER OF 1854.

It was nearly a third of a century before the first comprehensive revision of the city charter of 1822 was effected, although between that date and 1854 some thirteen amendatory acts had been passed. Mayor Bigelow, in retiring from office in 1852, after three years of service, had clearly pointed out the defects of the charter in respect to the exercise of the executive powers of the corporation and the duties of the Mayor. He urged that these duties should be purely of an executive character, and that the Mayor should be relieved of membership in the Board of Aldermen and the School Committee. At the Mayoralty election of 1853 three political parties had candidates in the field, and, under the majority requirement, it took three trials to secure an election. This doubtless led the General Court to establish, by Chapter 39 of the Acts of 1854, the rule that only a plurality vote should be required to elect at all town, city and county elections. A revised charter was drawn up under the direction of the city government of 1854, and was passed by the

Legislature subject to approval by the people, which approval it received at the State election of that year.

Whether the result was intended or not by the framers of this charter, the movement which had started in a desire to give the Mayor more executive power, ended in depriving him of a large part of the little he already had, and in still further reducing him to a figurehead. In order to make him more purely an executive officer, he was deprived of his vote in the Board of Aldermen, in which body the executive power was chiefly lodged, though he was left the somewhat empty privilege of presiding over its deliberations. The board was to choose, however, a permanent chairman, to preside in the absence of the Mayor, and to succeed to the office of Mayor in case of a vacancy. The act practically confirmed and increased the powers of the Aldermen. The term "Mayor and Aldermen" meant the Aldermen, as it was provided that "where anything is or may be required or authorized by any law or ordinance to be done by the Mayor and Aldermen, the Aldermen shall first act thereon." The Mayor obtained, to be sure, the right to remove officers nominated by him for confirmation by the Board of Aldermen; but as nearly all the important officers of the city were to be chosen by the City Council, entirely independently of the Mayor, this was of comparatively little account. In order that he might be more free to attend to the duties of chief executive of the city, which the charter nominally vested in him, the Mayor was relieved of the burden of membership in the Board of Aldermen, but if he attempted to find out what powers went with the high-sounding title of "chief executive," he soon discovered that, except for the influence which his position might give him, he had, outside of the veto power, much less authority than an Alderman, if, indeed, he had as much as a Common Councilman. He could preside over the Board, but he could not directly answer even grossly personal attacks upon himself—and such were sometimes made.

The charter of 1854 did, indeed, for the first time, give to the Mayor a limited power of veto over all votes of the Board of Aldermen, all votes which required to be passed by concurrent vote of the two branches of the City Council, and all votes of the Common Council involving the expenditure of money. This power, though a negative one, has certainly proved of much practical importance; and thus, while the positive influence of the Mayor as a factor in legislation was reduced by taking away his vote in the Board of Aldermen, his power to prevent legislative action was very greatly increased by giving him the veto. Until 1885, however, he had to reject appropriation bills in gross, though he might favor all the items but one or two. The power of approving only good items has proved to be of immense benefit.

JOINT COMMITTEES.

The charter of 1854 is also notable for the express recognition which it gave to joint committees, and to the practice of administration by committees. The Common Council had made strenuous endeavors to compel the Aldermen, through the constitution of joint committees, to share with them the larger powers enjoyed by the upper branch; the new charter expressly recognized this practice, and, moreover, provided that the City Council might constitute either a joint committee, or a special committee of either branch, as a Board of Health, either for general or for particular purposes. The express authority thus given to the City Council to entrust the exercise of important executive powers to a committee, making its members practically department heads, may be considered the beginning of the establishment of that recognized system of administration by committees which lasted down to 1885.

This charter made a radical change in the constitution of the School Committee. Instead of being composed of one member elected from each of the twelve wards, together

with the the Mayor and Aldermen, making twenty-three in all, it was to consist of the Mayor, the President of the Common Council, and seventy-two members, six elected from each of the twelve wards, two of whom were to be chosen each year for a term of three years. This seems to have been the first provision for choosing any elective officer of the city for a longer term than one year.

ELECTION AND SALARIES OF THE CITY GOVERNMENT.

The new charter contained a provision for the election of Aldermen by wards, instead of at large, but this was subject to acceptance by the people by a separate vote, and it was rejected by a somewhat narrow margin; so that the old method of election of Aldermen on a general ticket continued down to 1885, the only change being that their number was raised from eight to twelve, to correspond with the number of wards then existing. In 1885, under an act passed by the preceding Legislature without submission to the people, the election of Aldermen by districts was established. But in 1893 the Legislature again passed an act, subject this time to acceptance by the people, returning to the system of election at large; providing, however, that no person should have the right to vote for more than seven candidates, and this act received the required popular approval.

There was no provision under either the charter of 1822 or that of 1854 for the payment of members of the City Council. The city was first authorized to provide for the payment of salaries to members of the Board of Aldermen by an act passed in 1888; in 1896 another act was passed, and accepted by the people, providing for the payment of a salary of \$300 each to members of the Common Council. The salary of the Mayor under both charters was to be fixed by the City Council, but was not to exceed the sum of \$5,000 per annum; it began at the sum of \$2,500 in 1822, was increased to \$3,000 in 1855, to \$4,000 in 1856, to \$5,000 in 1864, and finally by authority of the Act of 1885 to \$10,000.

MAYORS OF THE CITY.

During the seventy-five years of the history of the city, Boston has had thirty-one different mayors, so that the average term of service in the mayoralty has been about two and a half years. Nine have served for only a single year, twelve for two years (two of these, however, Mayors Pierce and Prince, having been elected for a one-year term at two different times), eight for three years, two for four years, and one, Frederic W. Lincoln, living to-day at the age of eighty, and still in the service of the city as treasurer of the Overseers of the Poor, has enjoyed the unique distinction of serving as Mayor for seven years, three at one time, and four at another. All of the mayors have been born in Massachusetts, except two who were born in New Hampshire, one each in Connecticut and Maine and one in Ireland. In only one case has a mayor died in office; and the only resignation occurred when the late Mayor Pierce resigned about a month before the expiration of his term in 1873, to occupy the seat in Congress to which he had been elected.

The total vote cast for Mayor increased from 3,700 in 1822, to 8,896 at the end of the first quarter century period in 1847, and to 17,716 at the end of the second quarter century in 1872; the vote rose at the State election in 1896 to 82,198 votes cast for President. In the present year the registered voters of the city may for the first time reach the 100,000 mark.

DEPARTMENTS UNDER THE TOWN.

In taking up the present departments of the city government, it may be well to see in the first place how many of them can be said to have had any existence under the town. The Selectmen were first chosen by that name to serve for a full year in 1645, previous elections having been for a shorter period and under a different designation. The early Selectmen assumed and exercised certain legislative powers, as well as

executive functions, and therefore under the charter of 1822 they were succeeded in certain respects by the City Council, though chiefly by the Mayor and Aldermen. Overseers of the Poor were first chosen in 1690, consisting at first of four persons, though the law of the Province authorizing towns to choose such officers was not passed until two years later. In 1772 the Overseers were incorporated, by special act, and the first charter had a clause providing for the election of one Overseer from each ward. As the Board of Overseers gradually acquired or took jurisdiction over in-door as well as out-door relief, over the care of the insane, and over the workhouse, it must be regarded as the original predecessor of what was until recently the Institutions Department. Down to 1799 the duty of protecting the public health was vested in the Selectmen, but in that year a separate Board of Health was established, consisting of twelve persons, and ward elections were first instituted to provide for the choice of one member of this board from each ward. This important duty was soon remitted to the Board of Aldermen.

Beside these two important town departments which were both provided for by statute and seem to have been largely, if not entirely, independent of the Selectmen, certain offices had been established more or less under the control of the Selectmen, which can be regarded as forerunners at least of present departments. The constable was the earliest town officer, and his duties occupy a number of pages in our Colonial Law which seems now disproportionate. While he combined other duties with those which the title imported, he represented the police power of the state, and must therefore be regarded as the germ from which the present Board of Police has developed. The employment of a night watch was authorized by the General Court in 1699, and the distinction between the night watch and the police for daytime duty was kept up until the revision of the charter in 1854.

The police department proper began in 1786, and became complete in 1799 through the appointment of a superintendent of police.

The treasurer's department dates from 1641; that of the city clerk, as a separate department, from 1650, the treasurer having been also the town recorder for the nine years previous to that time. The office of Recorder, now represented by the City Registrar, was one of those American improvements made by our ancestors, to the great gain of their descendants. Our records of vital statistics surpass those of England. The market department may be said to date from 1649, when a "clerk of the market" was first chosen. The department of weights and measures dates from 1640, when a sealer was first chosen. The street department and the street laying-out department may both be said to date from 1638, when surveyors of highways were first elected.

The germ of the present assessing department is found in the election as early as 1646 of a special commissioner to assist the selectmen in the valuation of property. In 1694 regular assessors were first chosen; in 1792 it was provided that two assistant assessors should be chosen by each of the twelve wards, who should in turn choose the principal assessors.

While a Latin school had been established in the year 1635, the public school system properly dates from 1684, when grammar schools under the control of the Selectmen were first established. The Selectmen continued to manage the schools until 1789, when a School Committee was first chosen, consisting of the nine Selectmen and twelve persons chosen by the town. Primary schools were not made a part of the public school system until 1818, and they were placed under a separate committee of thirty-eight persons, three

from each ward, who were appointed by the School Committee and were known as the Primary School Committee, and this system lasted until 1855. While the selectmen had had charge from the first of the extinguishment of fires, a separate fire department may be said to have had its origin with the first choice of firewards in the year 1641. The street lighting service dates from the installation of 310 lamps in the year 1773; under the town it seems to have been under the administration of the Selectmen.

Of the present thirty-three executive departments under the Mayor, hereafter to be mentioned, we therefore find that sixteen, namely the Assessing, Fire, Health, Institutions (four in number), Lamp, Law, Market, Overseeing of the Poor, Registry, Street, Treasury and Weights-and-Measures Departments can be considered as having a more or less clearly-defined existence at the time of the institution of the city government.

ESTABLISHMENT OF CITY DEPARTMENTS.

In no way can the development of the municipal organization be more strikingly seen than in noting the establishment from time to time of the different departments through which the government of the city is now carried on. The original city charter only required (outside of the Mayor, Board of Aldermen, Common Council and ward officers), the choice of Firewards, Overseers of the Poor and a School Committee, to be elected by the people, and of Assessors of Taxes, a City Treasurer and a City Clerk, to be chosen by the City Council. These, therefore, were the only departments of the city government originally established by the legislature. Any other offices that might be found necessary were left to be created by the City Council.

Of the present thirty-three departments of the city government under the Mayor, taking them in alphabetical order,

the Assessors were inherited from the town. The office of City Auditor was established in 1824. The Building Department was created by statute in 1871. The office of Collector of Taxes was separated from that of Treasurer in 1875. The Board of Elections was established by the charter amendment act of 1895, succeeding the Board of Registrars of Voters, instituted in 1874, the duty of preparing lists of voters prior to that time having been performed by the Mayor and Aldermen. The office of City Engineer grew out of the introduction of water, and dates from 1850.

A salary was first paid to the Chief Engineer of the Fire Department in 1829. The office had existed for some time previous, but the service had been performed gratuitously, and the establishment of a salary for the Chief Engineer may be regarded as the beginning of the Fire Department, in the modern sense of the term, though nominally established by act of the legislature in 1825; however, the men of the department were first placed upon a paid basis in 1837. In 1850 an act was passed reorganizing the Fire Department and authorizing the City Council to establish a board to act as its head; but down to 1873 this power was not exercised, the Chief Engineer and Assistant Engineers being chosen by the City Council, while the members of the fire companies were appointed by the Mayor. In that year, as a result of the great fire of 1872, the department was placed under a Board of Fire Commissioners, three in number, and they were succeeded in 1895 by the present single commissioner. The Boston Protective Department was incorporated in 1874.

The first Board of Health was established in 1799, under the statute passed by the General Court in that year, and continued down to 1822. While the charter provided that the City Council might provide for the exercise of the health powers through a board of commissioners, or otherwise, that body did not see fit until fifty years later, in 1872, to establish

a regular Board of Health. During this period the health powers were exercised by the City Council, acting through a committee.

From very early times a hospital for contagious cases had been maintained on Rainsford Island, but it was not until 1858 that the city was authorized by act of the legislature "to erect, establish and maintain a hospital for the reception of persons who, by misfortune or poverty, may require relief during temporary sickness." This act provided for the appointment of trustees for managing the hospital. The present City Hospital buildings were begun in 1861, and opened for use in 1864. In 1880 the trustees were incorporated and authorized to receive gifts and bequests, and their number was fixed at five.

The four present departments of Penal Institutions, Paupers, Children and Insane, may be said to date from the establishment in 1857 of the Board of Directors of Public Institutions, consisting of three members of the City Council and nine citizens at large, three of whom were elected annually for the term of three years. This board served without pay, and lasted until 1889, though the three members of the City Council were dropped from it in 1885, under the charter amendment act of that year, reducing the board to nine in number. In 1889 it was replaced by a board of three salaried commissioners, which in turn gave place, in 1895, to a single Institutions Commissioner; the present year has seen this officer changed to a Penal Institutions Commissioner, while new boards of trustees, consisting of seven members each (of whom two must be women), have been created to have charge of Paupers, Insane persons and Children; and an Institutions Registration Department has also been established. The Penal Institutions Department may be said to date back to the establishment, in 1824, of the House of Correction on the present site in South Boston, with a separate board of directors.

There has been a Superintendent of Lamps since 1843, but the office was under the Police Department until 1854.

Though the office of Town Attorney was established during the latter years of the town government, the city had no regular legal adviser for several years. The office of Attorney and Solicitor was established by ordinance in 1827, and the office of Corporation Counsel in 1881.

The Library Department dates from 1852, when the first Librarian and Board of Trustees were appointed, though an Act was passed by the General Court in 1848 authorizing the city to appropriate money for a free public library, and some gifts of money and books had been received in 1850. The circulating department of the Library was opened in 1854, and the old Library building on Boylston street was dedicated in 1858. Authority to establish branch libraries was given in 1869. The Library Trustees were incorporated, and their number fixed at five, in 1878, and in 1880 the state gave the piece of land upon which the present Library building stands. The trustees were given entire control of the erection and management of the new building in 1887, and it was opened for use in 1895.

The present Market Department properly dates from the opening of Quincy Market in 1826, though the officer in charge continued to be designated by the old colonial title of "Clerk of the Market" down to 1852, when the present office of superintendent was established by ordinance.

The present Cemetery Department, consisting of a board of five trustees, established by the statute passed by the legislature of the present year, is the successor, though with broader powers and duties, of the Mount Hope Cemetery Department; this cemetery was purchased by the city in 1857, the board of trustees being established by

ordinance in the same year. In earlier times there had been a superintendent of burial grounds.

The Board of Overseers of the Poor has already been spoken of. Down to 1823 it had charge of both in-door and out-door relief, and of correction. The House of Industry was removed from its control in 1823, the House of Correction in 1824 and the House of Reformation in 1826.

In 1870 an act was passed by the Legislature, subject to acceptance by the voters of Boston, under which a board of nine Park Commissioners was to be created, four to be appointed by the Governor, with the power to lay out one or more parks. This act required a two-thirds vote for its acceptance, and while it received a large majority, it fell somewhat short of this requirement. The annexations of 1874 led to the passage of another park act in 1875; this was accepted by the people, though by a very light vote, and the first Board of Park Commissioners was appointed that year. Perhaps no other department of the city government has since done as much to make Boston an attractive place of residence.

The office of Superintendent of Printing was established in 1871. Its importance has been very greatly increased by the opening of a municipal printing plant during the current year.

The Public Buildings Department was established by ordinance in 1850.

A Superintendent of the Common was first appointed by the Mayor in 1853. The Department of Public Grounds was not established by ordinance, however, until 1870.

The office of City Registrar was established in 1849 by ordinance. In 1892 it was made a State office by law, to perform duties which elsewhere are confided to city and town clerks.

The office of Sealer of Weights and Measures, dating back to colonial times, was established by statute in 1800. In 1817 another act was passed defining the duties of this office.

The Board of Sinking Fund Commissioners was established by ordinance in 1870.

The Street Department, as at present organized, only dates from 1891, Sewers, Paving, Sanitary, Police and Bridges having prior to that time been under separate departments. The Ferries were added to this department by the charter amendment act of 1895. The first regular ferry to East Boston appears to have been established in 1833. In 1852 the East Boston Ferry Company was incorporated, subject to certain control on the part of the city, and acquired the ferries; and the ferry property was purchased by the city in 1870.

The Water Department dates from 1846, when commissioners were appointed to bring the Lake Cochituate supply to the city, the introduction of water being duly celebrated on Oct. 25, 1848. In 1849 a Cochituate Water Board was established by ordinance, to consist of a commissioner, an engineer and a water registrar, together with the Committee on Water. In 1850 the board was changed so as to consist of one Alderman, one member of the Common Council, and five citizens at large. A paid board of three members was appointed in 1876, in consequence of the annexation of Charlestown, bringing the Mystic water supply under the control of the city, and this board continued until 1895, when under the charter amendment act of that year it was replaced by a single commissioner.

The Wire Department was established by statute passed in 1894.

THE RELATION OF THE CITY TO THE STATE.

In considering the relations between Boston and the Commonwealth, it should be remembered that a city has a double character. It is primarily an organ for local government, a body politic for the satisfaction of local wants; it is secondarily an administrative agency of the state government, charged with the duty of securing, within a local sphere, the execution of state laws general in their application. It is important that this dual capacity of the municipal corporation should be kept constantly in mind, and that these two functions should be clearly distinguished. Complete local self-government involves full local control of purely municipal concerns; but it does not require that the state should refrain from using the municipal machinery for carrying general laws into effect, or from controlling its organization to the extent necessary for that purpose. When we come to define the limits between these two kinds of municipal activity, and to say in what matters the city should be regarded as acting as a local government, and in what other matters as the agent of the higher government, there is room for much difference of opinion, particularly if we inquire not only where it is logical, but where it is wise, to establish the bounds of state authority. To take a conspicuous illustration of a piece of municipal machinery which fulfils this double function: our Board of Elections is but a mere department of the city government in so far as it has to do with elections to city offices, while it is unquestionably a governmental agency of the Commonwealth in so far as it has to do with state elections. The Board of Assessors, in like manner, must be regarded as an agency of the Commonwealth in so far as its work affects the distribution of state taxes, the School Committee in so far as it is carrying into effect the state law as to compulsory education, and the Board of Health in so far as it is executing statutes for the protection of the general public health, which is

affected by dangers that entirely disregard municipal boundaries.

Of the thirty-three executive departments under the control of the Mayor, perhaps nine may be regarded as established partly, though not wholly in any case, for the execution of state laws; the other twenty-four are merely convenient divisions in the scheme of purely municipal organization. Of the executive authorities independent of the Mayor, the School Committee is entrusted with the charge of educational work a large portion of which is, in very general terms, required by state law, but which would doubtless be carried on by the city about as at present without any statutory requirement. The justice and expediency of establishing the Police Department as an independent organization created by the state, for the enforcement both of its laws and of the ordinances of the city, is a controverted question. While asserting its paramount right to establish a state police force, maintained at local expense, for the enforcement of the laws within municipal limits, the Commonwealth has thus far made the exercise of such right a question of expediency in each particular case.

STATE LEGISLATION.

A good idea of the chief directions in which legislative control over the city of Boston has been asserted, is obtained by an examination of the special laws relating to the city which have been passed since its incorporation. These have been compiled by the Law Department from time to time and published by the city, and, including the acts of the present year, now make up a volume of over seven hundred pages, containing about the same number of separate acts. A classification of some of these acts under general headings is instructive. From 1822 to 1897, inclusive, there have been passed by the Legislature about the following numbers of

special acts affecting the city of Boston, or the municipalities now annexed to the city, relative to the following subjects:—

Streets and sidewalks	79
Bridges	43
Water supply and distribution	42
Courts and other judicial matters	40
Construction and safety of buildings	37
Organization of the city government or departments thereof	34
Granting special incorporations, or affecting the rights of private corporations	34
Parks and playgrounds	32
Sewers and drainage	31
Penal and charitable institutions	25
Elections and election machinery	22
Constables and police	20
Protection from fire, and Fire Department	20
Boston Harbor	19
Annexations of territory or changes in boundary lines	18
Schools and the School Committee	13
Public Health	12
Public Library	11

An analysis of these statutes indicates very clearly, on the one hand, that many acts have been passed by the Legislature relative to matters which might easily have been entrusted to local control, without any surrender of the proper sovereignty of the state, and that it has undoubtedly been too much inclined to regulate some things which could have been dealt with by the city itself under the general powers granted by the charter; it is, therefore, to some extent true that the General Court has acted as the legislative body of the city. But such an examination also discloses the fact that a large proportion of the acts included in the above classification were, for one reason or another,

beyond the scope of municipal control, and were, therefore, proper subjects for the exercise of the legislative power of the state. Obviously it has been necessary that this power should be exercised wherever the joint action of two municipalities was required, as in cases of annexations of territory or changes in boundary lines, or of inter-municipal bridges. Jurisdiction over the shores of the harbor has also necessarily rested with the Commonwealth. Most of the acts relative to water have involved the granting to the city of Boston of the right to acquire land and construct works within the limits of other municipalities. Of course, jurisdiction over the courts properly belongs exclusively to the Commonwealth; and the regulation of elections is also clearly its function.

The greatest room for differences of opinion in regard to the proper limits between state and municipal authority is doubtless to be found in matters relating to the organization of the city government and its departments. Under our State Constitution it must be conceded that it belongs to the Legislature to fix, in the first instance, the framework of a local government, subject to acceptance by the voters of the municipality before it is adopted. The city of Boston started with a scheme of government which was not only approved by the voters of the town after its adoption by the Legislature, but was drafted by the town for presentation to the Legislature. The principle of municipal autonomy was not therefore violated when the city was instituted. The charter revision of 1854 was also formally approved by the voters before it went into effect, and was petitioned for by the city council.

CHARTER ACTS OF 1885 AND OF 1895.

When we come to the important charter amendment act of 1885, however, we find that a different course was adopted, and that the legislature saw fit to exercise its full power without submitting its action to local approval.

It may be open to doubt whether so radical a change in the distribution of the powers of the city government would have been ratified by the voters of Boston at that time if the act had been submitted to popular vote; and certainly the City Council could hardly have been expected to assent to so great a curtailment of its powers. But at the present time it may be conceded that the change thus wrought has upon the whole been a highly beneficial one, and that it has produced more responsible, efficient and coherent executive government. Again, the charter amendment act of 1895, extending the term of the Mayor to two years, substituting single commissioners in place of paid boards at the head of the Fire, Water and Institutions Departments, and establishing the Board of Elections, was not submitted to local approval, and it is doubtful whether such approval could have been secured; but its results have thus far apparently been good. In the last three-quarters of a century a very considerable number of important acts have been referred to popular vote, and in passing the act of the present year for the consolidation of the Board of Aldermen and the Common Council into a single chamber, the Legislature has again properly submitted its action to the voters of Boston.

On the whole, therefore, while in a very few instances the Legislature has passed important acts affecting the organization of the City Government without regard to local sentiment at the time, and while the wisdom of some of these acts has been disputed, yet it must in fairness be acknowledged that in the main the General Court has shown, in all matters of consequence, a large consideration for the views of our citizens, and has been disposed to accord to them, to a very great extent, the right of passing upon questions vitally affecting their local government.

When we come to the minor acts affecting the organization of the various departments, it may well be claimed that the Legislature has shown too much disposition to establish

municipal departments by legislation, and has been too unwilling to let the city of Boston work out the salvation of local government for itself. It would perhaps be too much to expect that the Legislature should submit to the acceptance either of the City Council or of the voters every act relating to the city of Boston; but it seems clear that since the charter revision of 1885 the City Council has not enjoyed, — partly perhaps through its own fault, — what should be its legitimate influence over the framing and enactment of legislation for the city. This function has of late devolved almost wholly upon the Mayor, and has constituted one of the most important duties of his office. For the last ten years the different Mayors have been forced to exercise a large influence in securing the passage of an important and comprehensive body of laws affecting the city.

ADVANTAGES OF BEING THE CAPITAL OF THE STATE.

In connection with state legislation it should be noted that Boston has occupied a peculiarly advantageous position in comparison with other large American cities. As a rule, the largest city of a state is not its capital; New York, Philadelphia, Baltimore, Chicago, St. Louis and Cincinnati are illustrations. But a large city necessarily suffers greatly in influence by being remote from the seat of legislation, and by being compelled to present from a distance its views on legislative matters. The great advantage which our city has enjoyed in being the capital of the state, as well as its largest city, as affecting its treatment by the Legislature, has not been appreciated at its true importance. If the capital had been removed to Worcester three-quarters of a century ago, Boston would certainly have enjoyed much less consideration than she has in fact received. Upon the whole, our people have not had much cause to complain either of the attention which the Legislature has given to Boston matters, or of the consideration which local views have received. If there be truth in the statement that the Legislature has in many matters acted as

the City Council of Boston, it must at least be admitted that full opportunity to be heard has always been afforded to our citizens before committees of the Legislature; and in no instance, probably, has any measure affecting the city been passed which met with the general opposition of its representatives, without distinction of party. When our members of the Legislature are divided upon a measure, the question is necessarily settled by the votes of representatives from outside of the city; but with any reasonable unity of effort it is nearly always in their power either to prevent the passage of special legislation affecting the city to which they are opposed, or to secure the passage of such legislation when they favor it. It must also be admitted that, with rare exceptions, partisan political considerations have failed to control the action of the Legislature in dealing with the city.

PRESENT DISTRIBUTION OF POWERS.

The executive and legislative functions of the government of the city are now divided between five different authorities, wholly or partially independent of each other, four elected separately by the people, and the fifth appointed by the Governor of the Commonwealth. These five authorities are the Mayor, the City Council, the School Committee, the Board of Street Commissioners and the Board of Police. The Mayor exercises exclusively the executive powers of the city (subject to the confirmation of many of his most important appointments by the Board of Aldermen), except such as are vested in the School Committee, the Board of Street Commissioners and the Board of Police. The executive powers of the two former bodies are to a certain extent under the control of the Mayor, as his approval is required for certain action by the School Committee, and for most of the acts of the Street Commissioners; even in the case of the police, the Mayor is authorized to assume paramount control in case of "tumult, riot, or violent disturbance of public order."

The City Council exercises exclusively the legislative powers of the city, except that certain of these powers are exercised by the Board of Aldermen alone, and that the Mayor has a limited veto power over all legislative action of the City Council or of either branch thereof; but the full legislative power of the municipal corporation is restricted by certain rights given to the School Committee by general law, and to the Board of Police by special act, to draw upon the city treasury without any appropriation.

Thus we have in our executive government to-day first, a chief executive authority, the Mayor, entirely independent of any other executive control, but not possessing those limited portions of the full executive powers of the city which are otherwise vested, namely, — second, in the School Committee, — third, in the Street Commissioners, — and fourth, in the Board of Police. In our legislative government we have first, the City Council as a whole, having the general powers of raising and appropriating money; second, the Board of Aldermen acting alone, having the power of granting franchises, locations, and some licenses, etc.; third, the School Committee, and fourth, the Board of Police, both having certain independent financial powers properly legislative in their nature; while, fifth, the Mayor has a qualified veto upon all legislative acts of the City Council, or either branch thereof, and upon certain action of the School Committee.

This division of the executive powers of the city seems unavoidable under the present methods of choosing the three executive authorities other than the Mayor, as it would be an anomaly to make one set of officers, deriving their authority directly from the people, subject to the direction of another officer deriving his authority in like manner; and obviously it would be impracticable to make officers appointed by the Governor (representing the supreme power of the State and responsible to him) subject to the control of the Mayor. It

might be possible, however, in the interest of centralized financial control, which is now partly lacking in our government, to give the Mayor that veto power over all expenditures of money which he now possesses over the greater part of them. At present he exercises no practical control over the expenditures of the School Committee and of the Police Department, aggregating for the present year \$3,965,000, and amounting to 35 per cent of the total current department expenditures of the city.

EXECUTIVE DEPARTMENTS IN 1897.

The executive powers entrusted wholly to the Mayor are now divided among thirty-three different executive departments, namely, the Assessing, Auditing, Building, Cemetery, Children's Institutions, Collecting, Elections, Engineering, Fire, Health, Hospital, Insane Hospital, Institutions, Registration, Lamps, Law, Library, Market, Overseeing of the Poor, Parks, Pauper Institutions, Penal Institutions, Printing, Public Buildings, Public Grounds, Registry, Sinking-funds, Statistics, Street, Treasury, Inspection of Vessels and Ballast, Water, Weights and Measures, and Wire Departments. Of course the powers and duties of some of these departments have been fixed by statute.

Nineteen of these departments are under single heads, all salaried officers, except the Inspectors of Vessels and Ballast, who are paid by fees; three departments, namely, those of Assessing, Elections and Health, are under salaried boards, consisting of nine, four and three members respectively; and one, the Law Department, has a dual (salaried) head, the Corporation Counsel and the City Solicitor jointly. The remaining ten departments are controlled by unpaid boards, the Parks being under a board of three, the City Hospital, the Public Library, the Cemeteries and Statistics being each under a board of five, the Sinking-funds under a board of six, Paupers, Insane persons and Children each

under a board of seven, and the Board of Overseers of the Poor numbering twelve. Thus no less than sixty-two persons are now serving the city gratuitously as members of department boards, against thirty-seven heads of departments who are paid for their services. For the current year the sum of about \$1,400,000, — if the proper proportion of the appropriation made at the beginning of the year for the Institutions Department is divided between the new institutions boards — amounting to about one-eighth of the total current expenditures of the executive departments of the city under the control of the Mayor, will be disbursed by unpaid boards.

Of the single heads of departments all now have a term of one year, except the Building, Fire, Penal Institutions, Water and Wire Commissioners, each of whom have been given a three-year term. Each member of the Board of Assessors and of the Board of Health is appointed for three years, and each member of the Board of Elections for four years.

The terms of the members of three of the unpaid boards are three years, while those of the members of the remaining seven boards are five years, so that the latter constitute the most stable element in the city government at the present time. Eleven women are now serving as members of boards, a much larger number than at any time in the past history of the city.

It is interesting to note that of these thirty-three executive departments, no less than twenty-two have been created by statute, and only eleven by ordinance. The salaries paid to heads of departments range from \$3,000 to \$7,500, and the total compensation of the heads of the twenty-two executive departments receiving salaries now amounts to the sum of \$151,000 a year, or an average of about \$6,500 for each department.

Perhaps it is not too much to claim for Boston that she has finally, at the end of three quarters of a century of experience, arrived at the proper organization of the executive departments in respect to the three kinds of heads above mentioned. It can be said this year for the first time that every department has at its head that one of the three forms of control best adapted to its character.

UNPAID BOARDS.

In studying the question whether single salaried officers, salaried boards, or unpaid boards, achieve the best results in a city government as heads of executive departments, one of the first conclusions reached is that no general rule can be laid down. The choice between them depends entirely upon the nature of the work in question; the best organization for one kind of work may be the worst for another. It may be said in general, as the result of our experience of three-quarters of a century, that where the duties of the head of a department are purely of a business or technical character, the single paid officer is the best; and that the salaried board is desirable only in the few cases where the duties of a department are of a somewhat judicial character, and touch closely the rights of the citizen. The more nearly the duties consist in securing the execution of work, the more appropriate is the single head; the more there is of mere supervision, of selection of methods and adoption of policies, the more suitable is the unpaid board. Of course, it may also be said in general that the latter form of organization is only desirable where the duties of directing the operations of a department can be so organized as only to require a fraction of the time of each member of the board. In spite of some exceptions to the contrary, experience proves that the services of the man who is able and willing to give all of his time to the city without compensation are not of advantage to the public. The city rather needs a comparatively small portion of the

time of busy men and women, who are successfully engaged in other affairs. This makes it necessary that the work entrusted to an unpaid board shall be limited in its scope and special in its character; that it shall be such that subordinate officials can conduct its daily routine, subject to directions received from the board at more or less frequent regular meetings.

Within its appropriate sphere, no form of department control possesses as many advantages as the unpaid board. In the first place, it ought theoretically to secure,—and it nearly always does secure in practice,—unselfish service, rendered with no motive except that of performing useful public work, and perhaps of receiving the credit in the community properly attaching thereto. Secondly, it ensures greater continuity and stability of policy, advantages of primary importance in many branches of service. Thirdly, it takes certain municipal departments largely or wholly out of the sphere of political influences, which are necessarily active in a large city. The power of removal vested in the Mayor makes him responsible in a general way for the proper conduct of the department; while the fact that the term of only a single member of a board expires each year, and that differences of political affiliations are generally found in each board, necessarily limits the control which the chief executive could exercise for any partisan purpose, though he retains enough of authority to enable him ordinarily to accomplish, without resorting to the extremity of removal from office, whatever is required for the public good. Fourthly, when an unpaid board is wisely balanced in its construction, the composite wisdom of the whole membership ought to be greater and of more practical value than that of any single member. Lastly, experience has clearly shown that men of successful achievement and high standing, who could not be induced by any salary that could be paid to sell to the city all of their time, are willing to give freely a portion of

it. If the Boston of to-day has not been altogether able, under the modern conditions of a great city, to maintain the civic spirit which under the town government induced so many of the best citizens to serve the public in office, she at least has no reason to be ashamed of the sixty-two men and women who are to-day serving her as members of unpaid boards, of what they stand for in intelligence and in character, or of what they are accomplishing for the public good in the administration of the important affairs entrusted to their charge.

FURTHER CHANGES IN CITY GOVERNMENT.

It may not be out of place to consider briefly at this time what further changes still seem to be desirable, and therefore are likely to be made in the not distant future, in the organization of our city government. So much has been accomplished toward perfecting and co-ordinating its machinery, and this has already been made so admirable in many respects, that such further steps as may be needed to render it still more harmonious and efficient in its operation are altogether likely to be taken. The citizens of the town of Boston were noted for their interest in, and understanding of, questions of governmental organization; and in the city of to-day there are not lacking associations and individuals who desire the best that is attainable in city government, and are influential enough to secure in the long run the adoption of additional improvements.

The question of the proper constitution of the School Committee is a controverted one, and is complicated by the fact that women are now allowed to vote in the election of its members; but it must be admitted by all that the present organization of this Committee perpetuates in one very important department of the work of the city government the system of administration by elective committees, which was finally done away with as to all other city work by the

charter amendment act of 1885. While the results attained will vary according to the *personnel* of the Committee, it is safe to say that the most efficient performance of many important duties of a purely executive character devolving upon it cannot be achieved under the present system. The supervision of schools from the purely educational side is perhaps rather a work of a legislative than of an executive character, and this might be well performed by a committee containing as many as twenty-four members; but for the performance of the executive side of the work, a smaller body, supervising and directing a proper force of executive or technical officers, with a single, responsible executive head, would seem to ensure more consistent policies and better results. The relations, or lack of relations, between the School Committee and the City Council as to school appropriations are at present somewhat unfortunate, and give rise at times to unnecessary friction as to the division of financial responsibility. The City Council now merely appropriates a gross sum for the maintenance of the schools, and the important work of apportioning this sum for different purposes is performed by the School Committee itself; and moreover this Committee, under the authority apparently given it by the state law, does not hesitate to make expenditures considerably in excess of its appropriations. In view of these facts it would seem to be decidedly in the interest of simplicity and responsibility to sever entirely the present financial tie between the City Council and the School Committee, and to give to the latter body directly, by statute, the right to draw from the city treasury for school purposes a fixed percentage, and no more, of the tax levy for each year.

In respect to the Board of Street Commissioners, the election of its members by the people is an anomaly in our present system of government and does not seem to rest upon any sufficient reason. When the board was constituted in 1870, the

powers given to it were taken from elective officers, namely the Aldermen, and this was perhaps the original reason for filling it by election by the people. While the work of laying out streets should not be entrusted to a single officer, some other basis for a Land Court may be devised in the future.

ORGANIZATION OF EXECUTIVE DEPARTMENTS.

In the executive departments under the charge of the Mayor, there does not now seem to be room either for any considerable further consolidation of existing departments, or for the creation of new departments, though, doubtless, a few changes might be made in each direction. Upon the whole, the present organization of the executive departments is a capital one; it has been arrived at by a long process of development, resulting in the final adoption of certain principles. The existing framework of the Street Department, particularly, is an excellent one, and brings into close relation, under a single head, nearly all of the different branches of the municipal service,—now under the paving, sewer, bridge, street cleaning, sanitary and street watering divisions, — which have to do with the streets. The Superintendent of Streets, as the officer supervising and directing the operations of these different divisions, each under its own head, together employing at the present time no less than 3,000 men, has become a sort of deputy mayor as to the important branches of municipal service embraced in his department, to the great relief and advantage of the Mayor.

It is a safe rule that no more work should be imposed directly upon the head of a department than is within the limit of such capacity and endurance as the city may reasonably expect to secure. Even with our present large number of departments, there are several, notably the Board of Health, which have already placed upon them rather a greater multiplicity of duties than can be properly performed.

This board has already been relieved of the charge of the city cemeteries, and might well be relieved of several other duties, particularly the charge of public baths, which, perhaps in connection with public sanitary conveniences, are important enough to call for separate administrative control.

While some persons object to the multiplicity of departments already reached, on the score of complication of machinery as well as expense, it may well be claimed, on the other hand, that the proper distribution of public work tends in reality towards its simplification; and expense is little, if at all, increased where an unpaid board can be placed at the head of a new department. The present is an age of specialized effort in every field of human activity; if municipal government is to keep up with the requirements of the times it must be specialized wherever this seems necessary for the accomplishment of the best results. The act of the present year created five institutions departments where only one existed before; but it did so because the problems connected with the care of criminals, paupers, insane persons and children, vary in character, though related to each other, and need, as to each of these classes, the undivided attention of a separate board. The recent establishment of a Board of Statistics furnishes, on the other hand, a good illustration of a desirable extension of the work of the municipal government into a new field. The development of municipal functions on new lines, which is one of the striking tendencies of our day, occasionally calls for the creation of new departments; we should not hesitate to establish these wherever there is work for the public good waiting to be done, especially when they can be placed under the charge of unpaid boards.

REORGANIZATION OF CITY COUNCIL.

Coming to the legislative branch of our city government, the need of some reorganization is almost universally conceded, though there are wide differences of opinion as to what form this should take. One difficulty inherent in the present organization is the comparative unimportance of the Common Council. Under the charter as it existed prior to 1885, the functions of the Common Council, while by no means equal to those of the Board of Aldermen, were still of considerable importance; since that time there has been little legitimate business for that body to do outside of passing the annual appropriation order (dividing the current revenue of the city among the different departments), and the orders authorizing loans. As the full amount which the city is allowed by state law to raise by taxation is always appropriated each year, the making of the annual budget is really only a question of distributing a fixed amount of money among the different departments; as such distribution practically can vary very little from the appropriations of the preceding year, reducing the work of the City Council to that of dividing the additional revenue in excess of that of the last year, but little opportunity is afforded for useful public service.

The authorization of loans, amounting under our financial system to a large sum each year, is indeed an important matter, and might afford an ample opening to serve the public; but here the difficulty is met that it is ordinarily impossible to secure the two-thirds vote of the whole membership of the Common Council required by statute for the passage of a loan order except by combining in one measure a sufficient number of local loan items to command the support of at least two-thirds of that body. The opportunities afforded for the display of municipal statesmanship in the framing and passing of a local-improvement loan order are hardly sufficient to make service in the Common Council attractive to those best qualified to serve the city.

It has been proposed that the Common Council should be given equal powers concurrent in every respect with the Board of Aldermen; this would doubtless do some good, but hardly enough, with a Common Council of seventy-five members, to warrant its adoption. The reduction of the number of Councilmen from three from each ward to one has also been proposed; and this would also, particularly in connection with the change in powers just mentioned, accomplish something for the regeneration of the Common Council. The act to be submitted to the voters for their acceptance at the next election provides, not for the abolition of the Common Council, any more than for that of the Board of Aldermen, but for the consolidation of the two existing branches into a single chamber, two-thirds of whose members, corresponding to the present Councilmen, are to be elected by wards, and one-third, corresponding to the present Aldermen, by the city at large.

One important object to be sought in connection with any change is that of making the members elected at large true representatives of the interests of the city as a whole, and entirely independent, as the Mayor practically is, of any local constituency within the city. The ideal balance of power would seem to be to divide the votes in a single chamber equally between members elected by wards, avowedly as representatives of local interests, and members elected at large, representing only the general welfare of the city. One great evil which the city suffers from at present is the fact that loan items of the greatest consequence from the general standpoint cannot secure votes enough to pass, and are crowded out in the interest of local items, log-rolled together to make a loan order which can go through both branches of the City Council.

RELATION BETWEEN LEGISLATIVE AND EXECUTIVE.

One important function of a legislative body, particularly under a city government, is, through the power of the purse, to maintain a proper scrutiny upon the doings of the executive, and to bring before the public any acts deserving of criticism. One trouble at present is that the City Council, having lost its old power to control the expenditure of money directly by its own committees, has not learned to put to a proper use the important power which still belongs to it of discussing, scrutinizing and checking the expenditure of money by the executive. The powers of the Mayor and of the heads of departments are so broad that they should be constantly exercised in the full light of publicity, and this it should be the function of the City Council to turn on. If proper and fair discussion of all important executive acts could be had in the City Council, it would be greatly for the public advantage. One argument in favor of a single chamber is that it would seem to afford a much better opportunity than can exist with two branches for the re-establishment of this proper relation between the legislative and executive departments.

The object sought by all is the strengthening of the City Council, in importance and influence, as a co-ordinate branch in the government of the city, having jurisdiction only over a limited field, but one of sufficient importance to call for the exercise of the best talents. Obviously membership in a comparatively small body is of more consequence, and is therefore more apt to be sought or accepted by citizens of ability, than membership in a large body; and membership in a single chamber, exercising all the powers vested in the legislative branch of the government, must amount to more than membership in one of two branches. It would indeed be a mistake to reduce too greatly the number of members of a single chamber in order to accomplish such an object, or to

do away with the necessary checks on hasty or ill-advised legislative action; but a body about midway in membership between the Board of Aldermen and the Common Council, and only authorized to pass upon important matters after they have been considered at two meetings, separated by an interval of at least a week, would seem to afford the proper conditions.

One thing may be predicted with confidence; our City Council will become either of more consequence in our municipal government or of less. It is not likely to remain in its present condition of unstable equilibrium. If the reorganization act is accepted by the people, the consequence of the Council will undoubtedly be increased, and membership in it will become more highly prized. If, on the other hand, the act should be rejected, it is probable that further powers will in time be taken away from the City Council by the legislature, and that the Board of Apportionment system which has prevailed in New York will be introduced here.

CONCLUSION.

As we stand to-day at the close of one period in the municipal life of Boston and look forward into another, we may well gather new courage and inspiration from the past, to strengthen us for meeting the problems of the future. Our city government was established in a time of small things, measured by modern standards, and our fathers had but slight material resources at their command. If we in our day and generation can exhibit as much of wisdom, of patient striving, of devotion to the service of the public, as they did, we shall have no reason to be ashamed of the record we leave behind us. The difficulties encountered in municipal government are different at different periods; the qualities needed to overcome them are always the same. Civic pride and patriotic spirit characterized the people of the town of Boston from the earliest days, and these qualities have not died out among their successors. While

but a fraction of the people of the city of to-day are descendants of those who saw the first city government established, all of us are common inheritors of everything that made Boston in the past worthy of the distinction which she enjoyed. The city of three-quarters of a century hence can scarcely differ as widely from that of to-day, as does the city of to-day from that of 1822. We and our children, therefore, have not as great a transformation to effect as fell to the lot of our predecessors; we have but to see to it that the municipality continues to make progress along lines of development already laid down. May we in that work ever keep before our minds a high ideal of what a great modern city ought to be, and a sense of the enlightened service it should demand from each of its citizens, in order that its beneficent activities may work for the greatest good of all its citizens.



JOHN LOWELL & CO. BOSTON.

Perlie A. Lyman

HISTORICAL APPENDIX.

1822.

MAYOR.

*JOHN PHILLIPS.

ALDERMEN.

*Samuel Billings,	*Joseph Jenkins,
*Ephraim Elliot,	*Joseph Lovering,
*Jacob Hall,	*Nathaniel Pope Russell,
*Joseph Head,	*Bryant Parrott Tilden.

*Samuel F. McCleary, *City Clerk*.

COMMON COUNCIL.

*WILLIAM PRESCOTT, *President*.*Ward 1.*

*William Barry,
*Thaddeus Page,
*Charles Wells,
*Simon Wilkinson.

Ward 5.

*George Washington Coffin
*Thomas Kendall,
*Horatio Gates Ware,
*Isaac Winslow.

Ward 9.

*Jonathan Davis,
*Hawkes Lincoln,
*William Prescott,
*John Welles.

Ward 2.

*Martin Bates,
*Benjamin Lamson,
*Henry Orne,
*Joseph Stodder.

Ward 6.

*Samuel Appleton,
*Thomas Motley,
*Jesse Shaw,
*William Sullivan.

Ward 10.

*Andrew Drake,
*Daniel Lewis Gibbens,
*David Collson Mosely,
*Isaac Stevens.

Ward 3.

*Theodore Dexter,
*Joshua Emmons,
*Samuel Jones.

Ward 7.

*Jonathan Amory,
*Patrick Tracy Jackson,
*Augustus Peabody,
*Enoch Silsby.

Ward 11.

*George Watson Brimmer,
*Asa Bullard,
*Barzillai Holmes,
*Winslow Lewis.

Ward 4.

*Joseph Cooledge,
*Samuel Perkins,
*Robert Gould Shaw,
*Joel Thayer.

Ward 8.

*David Watts Bradlee,
*Peter Chardon Brooks,
*James Perkins,
*Benjamin Russell.

*Thomas Clark, *Clerk*.

Ward 12.

*Cyrus Alger,
*John French,
*John Howe,
*Moses Williams.

NOTE.—*Deceased.



JOHN A. LOWELL & CO. BOSTON.

Joseph A. Conroy.

1897.

MAYOR.

JOSIAH QUINCY,*

ALDERMEN.

PERLIE A. DYAR, *Chairman.*

John H. Lee,	William Berwin,
David F. Barry,	Franklin L. Codman,
Edward W. Presho,	John H. Colby,
Perlie A. Dyar,	Josiah S. Dean,
William F. Donovan,	William H. Lott,
William J. Donovan,	Milton C. Paige.

J. Mitchel Galvin, *City Clerk.*

COUNCILMEN.

JOSEPH A. CONRY, *President.*

<i>Ward 1.</i>	<i>Ward 10.</i>	<i>Ward 18.</i>
Collingwood C. Millar, Charles I. Albee, A. Dudley Bagley.	Alfred F. Kinney, George S. Brooks, Walter E. Nichols.	Michael E. Gaddis, James J. Casey, John H. Daly.
<i>Ward 2.</i>	<i>Ward 11.</i>	<i>Ward 19.</i>
Joseph A. Conry, William J. Cronin, James H. Donovan.	Frank H. Briggs, Charles R. Saunders, George Holden Tinkham.	Charles P. Nangle, John F. Dempsey, John J. Flanagan.
<i>Ward 3.</i>	<i>Ward 12.</i>	<i>Ward 20.</i>
John J. O'Callaghan, Henry B. Carroll, John I. Toland.	Arthur G. Wood, John B. Dumond, Edward P. Sands.	Wilbur F. Adams, Edwin D. Bell, Louis T. Howard.
<i>Ward 4.</i>	<i>Ward 13.</i>	<i>Ward 21.</i>
William E. Mahoney, John W. Donohue, Joseph A. Turnbull.	Hugh W. Bresnahan, James T. Mahony, Jr., Patrick J. O'Toole.	Samuel C. Jones, Alfred Newmarch, Albert C. Sawyer.
<i>Ward 5.</i>	<i>Ward 14.</i>	<i>Ward 22.</i>
William J. Miller, James J. Brock, Dennis J. Falvey.	John H. Dunn, William P. Hickey, James F. Muleahy.	John A. Maier, Charles F. Adams, William Dallow, Jr.
<i>Ward 6.</i>	<i>Ward 15.</i>	<i>Ward 23.</i>
John A. Rowan, James H. Shannon, Michael J. Donovan.	Edward C. Cadigan,† John J. Mahoney, Daniel V. McIsaac.	Edward Orchard, Charles W. Dennis, Konrad Young.
<i>Ward 7.</i>	<i>Ward 16.</i>	<i>Ward 24.</i>
William T. A. Fitzgerald, Thomas Mackey, William H. Roth.	Oliver F. Davenport, Frederick W. Farwell, Arthur P. Russell.	William E. Harvey, Willard W. Hibbard, Harry B. Whall.
<i>Ward 8.</i>	<i>Ward 17.</i>	<i>Ward 25.</i>
Francis J. Horgan, Daniel J. Kiley, Louis Sonnabend.	Timothy E. McCarthy, Timothy L. Connolly, John P. Lanergan.	William M. Farrington, Ezra N. Rolland, William D. Wheeler.
<i>Ward 9.</i>		
Patrick Bowen, Michael Leonard, Maurice J. McCarthy.		
	Joseph O'Keane, <i>Clerk.</i>	

*Elected for two years. See chap. 449, Acts of 1895.

†Died July 2, 1897.

APPENDIX.

As the proceedings at the inauguration of the City Government have not been published before in detail, the following account has been prepared from the best authorities.

SNOW (History of Boston, p. 369) writes:—

“The first of May was appointed by the charter as the day for the commencement of the municipal year. Suitable preparations were made in Faneuil Hall for the ceremonies of inducting the Mayor and other officers into their new stations. A platform, raised about two feet from the floor, was thrown from the selectmen’s box to nearly the extent of the hall. On this the Selectmen of the past year, the Aldermen, and Common Council elect were accommodated with chairs and settees, the floor being covered with carpets. Two of the galleries were filled with ladies and the Hall was crowded to excess.”

The official record of the Proceedings of the Mayor and Board of Aldermen proceeds as follows:—

CITY OF BOSTON, May 1, 1822.

This being the day appointed for organization of the City Government by virtue of an act of the Legislature of the Commonwealth of Massachusetts, passed on the twenty third day of February A.D. 1822, entitled “an act to establish the City of Boston.”

The following Gentlemen appeared in Faneuil Hall and took their seats, viz.:

HON. JOHN PHILLIPS, *Mayor*.

ALDERMEN.

SAMUEL BILLINGS	JOSEPH JENKINS
EPHRAIM ELIOT	JOSEPH LOVERING
JACOB HALL	NATHANIEL P. RUSSELL
JOSEPH HEAD	BRYANT V. TILDEN.

The meeting was opened with prayer by the Rev^d. Thomas Baldwin, D.D.

The Hon. Isaac Parker, Chief Justice of the Supreme Judicial Court, administered the several oaths required by law to the Mayor. —

The Mayor then administered the like oaths to the Aldermen, and afterwards to the members of the Common Council.

“Eliphalet Williams, Esq., the Chairman of the selectmen then rose, and, after an appropriate address, delivered the city charter to the Mayor, contained in a superb silver case, and the ancient act incorporating the town nearly two centuries past, together with all the books of records, title deeds, and documents belonging to the inhabitants. He concluded with a compliment to the wisdom and judgment, which had selected the gentlemen composing the present boards, for the purpose of putting into operation the new and untried system of city government.” (Snow, History.)

In response, Mayor Phillips addressed to the retiring Board of Selectmen, the following speech, which is copied from Quincy's "Municipal History" of Boston, pp. 373-374:

"Mr. Chairman, and Gentlemen of the Board of Selectmen: —

"The members of the City Council acknowledge their obligations to you, for the attention and care which you have bestowed in all the arrangements for their accommodation. They tender their thanks for the friendly and respectful sentiments expressed in the address which accompanied the delivery of the ancient act of incorporation of the town, and the recent charter of the city.

"During the short period which has elapsed since I was elected to the office, the duties of which I have now solemnly undertaken to discharge to the best of my ability, I have devoted such portion of my time as I could command to examine the records of your proceedings, with the able assistance which your Chairman most readily afforded me; and they furnish full evidence of the ability, diligence, and integrity of those who have been justly denominated the Fathers of the town.

"Gentlemen, you will now be relieved from labors, the weight of which can only be duly estimated by those excellent citizens who have preceded you in office. You retire with the consciousness of important duties faithfully and honorably discharged. Our best wishes attend you, whether engaged in public employments or in private pursuits. May you be useful and prosperous, and long continue your exertions to advance the interest and honor of our city."

Then turning to the members of the new administration, he said:

"Gentlemen of the City Council: —

"The experience of nearly two centuries has borne ample testimony to the wisdom of those institutions which our ancestors established for the management of their municipal concerns. Most of the towns in this Commonwealth may,

probably, continue to enjoy the benefit of those salutary regulations for an unlimited series of years. But the great increase of population in the town of Boston has made it necessary for the Legislature frequently to enact statutes of local application, to enable the inhabitants successfully to conduct their affairs ; and at the last session, with a promptness which claims our gratitude, on the application of the town, they granted the charter which invests it with the powers and immunities of a city. Those who have attended to the inconveniences under which we have labored, will not attribute this innovation to an eager thirst for novelty, or restless desire of innovation. The most intelligent and experienced of our citizens have for a long period meditated a change, and exerted their influence to effect it. Difference of opinion must be expected, and mutual concessions made, in all cases where the interests of a large community is to be accommodated. The precise form in which the charter is to be presented, may not be acceptable to all ; but its provisions have met with the approbation of a large majority, and it will receive the support of every good citizen.

“Those who encourage hopes that can never be realized, and those who indulge unreasonable apprehensions because this instrument is not framed agreeably to their wishes, will be benefited by reflecting, how much more our social happiness depends upon other causes than the provisions of a charter. Purity of manners, general diffusion of knowledge, and strict attention to the education of the young, above all a firm, practical belief of that divine revelation which has affixed the penalty of unceasing anguish to vice, and promised to virtue rewards of interminable duration, will counteract the evils of any form of government. While the love of order, benevolent affections, and Christian piety, distinguish, as they have done, the inhabitants of this city, they may enjoy the highest blessings under a charter with so few imperfections as that which the wisdom of our Legislature has sanctioned.

“To enter upon the administration of this government by the invitation of our fellow-citizens, we are this day assembled. When I look around and observe gentlemen of the highest standing and most active employments, devoting their talents and experience to assist in the commencement of this arduous business, in common with my fellow-citizens, I appreciate most highly their elevated and patriotic motives. I well know, Gentlemen, the great sacrifice of time, of care, and of emolument, which you make in assuming this burden. It shall be my constant study to enlighten it by every means in my power. In my official intercourse I shall not incumber you with unnecessary forms, or encroach on your time with prolix dissertations. In all the communications which the charter requires me to make, conciseness and brevity will be carefully studied. I will detain you no longer from the discharge of the important duties which now devolve upon you, than to invite you to unite in beseeching the Father of Light, without whose blessing all exertion is fruitless, and whose grace alone can give efficacy to the councils of human wisdom, to enlighten and guide our deliberations with the influence of his Holy Spirit, and then we cannot fail to promote the best interests of our fellow-citizens.”

At this point is resumed the regular report from the records of the Board of Aldermen, the proceedings in the Common Council being almost the counterpart and not worth repeating.

Afterwards the Board of Aldermen retired to their own room.

The Hon. Mr. Sullivan came up with a message from the Common Council to inform the Board of Aldermen that they had elected the Hon. William Prescott their President, and Thomas Clark Esq. Clerk.

Alderman Head was charged with a message to the Common Council to propose a Convention forthwith of both boards for the purpose of electing a City Clerk.

Major Russell came up with a message from the Board of Common Council to inform the Board of Aldermen that they concur in the proposition to form a Convention of the two boards to meet forthwith in Faneuil Hall for the purpose of electing a City Clerk.

IN CONVENTION.

Agreeably to assignment the two boards met in Convention in Faneuil Hall for the purpose of electing a City Clerk.

Mess^{rs}. Tilden, Davis and Brooks were appointed a committee, to receive, sort & count the votes, for a City Clerk, who reported, that the whole number of votes was fifty four; — necessary to make a choice twenty eight; — Samuel F. McCleary, Esq. had fifty two votes and was chosen.

The oath of office was administered to him by the Mayor.

The business of the Convention being accomplished the two boards separated.

Ordered, That Aldermen Head & Russell with such as may be joined on the part of the board of Common Council, be a Committee to consider what subjects require the immediate attention of the City Council, with power to report, such by-laws as may be immediately requisite. Sent down for concurrence. Came up concurred, and the board of Common Council joined on its part Mess^{rs}. J. Welles, Sullivan & Orne.

Account against the town of Boston passed and allowed, and *Ordered*, that a warrant be drawn upon the Treasurer for the amount thereof being \$3022.45.

Voted to adjourn to meet at the Court of Sessions room in the County Court house this afternoon 4 o'Clock.

AFTERNOON.

COURT OF SESSIONS ROOM.

The Committee appointed on the subject of the by-laws, reported, three bills viz.: A by-law to establish rules & regulations for the preservation of the public health and for the appointment of temporary health Commissioners.

An order to continue in force by-laws.

An order prescribing the form of warrants for calling meetings of the Citizens of the several wards.

Which several orders being twice read passed to be enrolled.

Sent down for concurrence. Came up concurred.

Ordered, That the Mayor and Alderman Head be a committee to consider and report on the subject of rules and orders to be observed at this board.

Ordered, That the Mayor, Aldermen Hall, Billings and Jenkins, be a Committee to consider the subject of licensing all Theatrical exhibitions and all public shows, and the terms and conditions of licensing; and also report by-laws, inflicting forfeitures for the non observance of such by-laws and report thereon.

Ordered, That all Committees shall be nominated by the Mayor until further order.

Alderman Head was charged with a message to propose a convention of the City Council in the Court of Sessions room tomorrow 10 o'Clock; to determine the number of Representatives it will be expedient for the City to send to the General Court, the present year.

Major Russell came up with a message from the Board of Common Council; to state, that they non concur in the proposition to form a Convention as above proposed, and the Common Council propose to form a Convention in the Supreme Court's room immediately for the purpose above specified.

Alderman Tilden was charged with a message to inform the Common Council, that the Board of Aldermen concur in their last proposition to form a Convention in the Supreme Court room for the purpose of determining the number of Representatives it will be expedient for the City to send to the next General Court — forthwith. —

IN CONVENTION.

Agreeably to assignment the two boards met in Convention in the Supreme Court room for the purpose of determining the number of Representatives it will be expedient for the City to send to the next General Court. And the City Council determined that the number should be twenty five.

The business of the Convention being accomplished the two boards separated.

Ordered, That Aldermen Eliot and Jenkins be a Committee to consider the propriety of printing the Constitution of the United States, and of this State, with such by-laws of the town of Boston as are now in force.

Ordered, That proposals will be received until the sixteenth instant to supply the City with Summer strained oil, not exceeding thirty five hundred gallons, & with Winter strained oil not exceeding three thousand gallons to be delivered in such quantities, & at such times as may be requested.

Ordered, That proposals will be received until the fifteenth instant, for the paving that may be wanted for the City the ensuing season.

Voted, That Aldermen Tilden and Billings be a committee to direct the repairing of the side-walks in Summer street near Church green.

Voted, That Aldermen Tilden, Billings and Jenkins be a committee to direct all necessary repairs near the School-house on Fort-hill.

Voted, That Aldermen Lovering, Hall & Jenkins be a committee to direct all necessary repairs in Brighton street and Charles street.

Ordered, That Wednesday next 11 o'Clock be appointed for the meeting of the wards for the choice of Representatives, and warrants were ordered to be issued accordingly, to meet in the same places except in Ward No. 6, to be in the meeting house in Butolph street.

Adjourned to four o'Clock to-morrow afternoon.

[End of official record.]

The new City Government had no official headquarters. On May 6 the City Council appointed a committee to prepare a room. No report or entry on the records shows what room was obtained, but it seems beyond a doubt that it was in the School-street court-house.

The records of 1823 show that in the fall of that year a committee spent about \$1,000 in fitting up the hall of the Common Council, and that it was a room which had been used as a court room. The clerk's desk was a table borrowed from the room of the Supreme Court. The Auditor's report of 1822-3 shows some \$450 spent on furniture for the Mayor and Aldermen's room.

By an ordinance of Dec. 20, 1824, rooms were assigned to the City Treasurer at the westerly end of the old State House; for the City Clerk in the Mayor and Aldermen's room; for the Auditor at the westerly end of the court-house, south side; Health Commissioners, Superintendent of Burying Grounds and for the City Marshal in the room at the same end, north side. The clerk of the Common Council and the Captain of the Watch were accommodated in the room in a back building opposite the southwest door of the court-house, while the Assessors occupied a room at the easterly end of Faneuil Hall on the south side.

Mayor Quincy in his inaugural address in January, 1827, advised changes in the county court-house, as nothing could be more inconvenient than the location of the public offices. The Mayor and Aldermen, City Clerk, Auditor, and offices

of police were in one building; the Assistant City Clerk in another, the Treasurer in a third, and the Assessors, Overseers of the Poor and Directors of the House of Industry in a fourth, very much the condition that obtains to-day.

He recommended a fire-proof building at the western end of Faneuil Hall, which would cost less than the proposed new court-house.

In 1828 the Mayor and Aldermen's room was in the third story of the west wing of the stone court-house, facing School street. The Common Council chamber was in the centre of the same story. The members' seats had a gradual ascent from front to rear. The School Committee met in the Mayor's office.

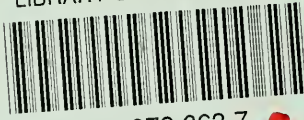
In 1830 the old State House was fitted up for the City Council and the city offices, and by ordinance was called City Hall. On Nov. 21, 1832, the building was damaged by fire. The damages were repaired for about \$3,500. No papers of importance were lost.

In 1839 the City Council appropriated \$60,000 for the purchase of land in Court square and on School street, and \$500 as a premium for a new City Hall. None of the plans were adopted, and July 27, 1840, it was decided to fit up the School-street court-house; and on March 18, 1841, it was dedicated as the new City Hall. This was occupied until Jan. 12, 1863, when the City Government moved into Mechanic's Hall, at the corner of Chauncey and Bedford streets. The last meeting of the Board of Aldermen in the School-street building was on Jan. 7, 1863, and the first in Mechanics' Hall on January 12 of the same year.

The present City Hall was dedicated and occupied Sept. 18, 1865, at noon (the 17th being Sunday); the corner-stone having been laid on Dec. 22, 1862.



LIBRARY OF CONGRESS



0 014 078 063 7 ●