

The Commonwealth of Massachusetts

EXECUTIVE DEPARTMENT, Boston, April 18, 1927.

To the Honorable Senate and House of Representatives:

I am returning herewith, without my approval, House Bill No. 898, being "An Act authorizing the Reinstatement of David M. Cleary as a Member of the Fire Department of the City of Boston."

The petitioner for this legislation was discharged from the Fire Department by the Fire Commissioner of the City of Boston for cause. Subsequent to the discharge the petitioner brought a petition for reinstatement in the Charlestown District Court and the Court, after hearing the case fully, refused reinstatement. The Committee of the Legislature to which this bill was assigned for hearing reported adversely. The Fire Commissioner states that it would be most unfortunate for the good of the Fire Department and for the upholding of the Civil Service Rules if the petitioner should be simply reinstated by an Act of the Legislature. It is clear that this is the truth.

When the petitioner committed the offense which justified his removal, he should have had his plain duty to the Department, of which he was a member, before him, as well as his own rights. I can not become a party in destroying the morale of a department that depends so much on discipline and obedience to orders for its proper functioning, and, therefore, cannot approve this bill.

The petitioner of this legislation claims to have been injured in the performance of his duty, and if the application was for a pension on this basis I would consider it on its merits. However, this bill calls for reinstatement of a man who was given a position with very easy duties to perform in the Fire Department, but it was a position of responsibility. He was the night man in one of the Fire

Stations of Boston. He was the man on guard, the sentinel on duty. He left the fire house without permission, without any one taking his place. Not only that but he was charged with being at a distant point in connection with a questionable undertaking.

To reinstate a man under these circumstances would be, it would seem to me, contributing to the utter breakdown of discipline in the department — a department which has in its care the lives and property of the citizens of Boston.

ALVAN T. FULLER.

Committee of the House

REPORT

ON THE

MEMORANDUM OF THE SECRETARY OF THE INTERIOR

IN RESPONSE TO A RESOLUTION PASSED BY THE HOUSE OF REPRESENTATIVES

ON FEBRUARY 2, 1906

RELATIVE TO THE

LANDS BELONGING TO THE UNITED STATES

IN THE TERRITORY OF ARIZONA

AND

THE

LANDS BELONGING TO THE UNITED STATES

IN THE TERRITORY OF NEW MEXICO

AND

THE

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IN THE TERRITORY OF COLORADO

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