

**The Commonwealth of Massachusetts**

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EXECUTIVE DEPARTMENT, BOSTON, June 6, 1934.

*To the Honorable Senate and House of Representatives:*

On June 4, in the evening, two young speedsters in a stolen automobile ran into and killed James T. Malloy, a police officer of the City of Boston, while he was endeavoring to apprehend them. For a long time this menace to the public and the officers of the law, of young men in stolen automobiles speeding on the Charlestown loop, so called, has gone on without successful check. The police have seemed powerless to correct this wanton abuse of the privileges of growing up in a naturally law abiding community. In an effort to correct it, Malloy was carrying what was called "the magic carpet", a spike studded strip of leather, to be laid across the street as a means of controlling these wanton, reckless and careless men. This is a tragedy which should arouse the indignation of the people of Boston and this Commonwealth, — an officer of the law mowed down in the performance of his duty of protecting the general public.

Some years ago out of sentimental deference for the "fling of youth" and his natural desire to speed in an automobile, a law was put upon the statute books by reason of which the larceny of an automobile could be modified to an offence which might be called "using a motor vehicle without authority", in order that a lighter sentence might be imposed. This incident to which I have referred illustrates the futility of further consideration of the young men who do that sort of thing.

I recommend that the law be changed by striking out

section 28 of chapter 266 of the General Laws (Ter. Ed.) and inserting in place thereof a new provision which accompanies this message increasing the penalty.

If we are to have an orderly and law abiding community, it is essential that the enforcement agencies of the State be given every facility for their assistance. If the enactment of such a law as I have recommended is desired by them, as it is, and will assist in wiping out the specific evil which I have recited, the least we can do is to enact that law.

Speaking generally, I look upon the police of Massachusetts, to whatever force they belong, as a body of able and courageous men engaged in one of the most important branches of the public service. They should be permitted to perform their duties free of all political interference. From their shoulders should be lifted the stigma of secret cooperation with the bandit, the racketeer and the gamester.

A careless disregard of the public morals as evidenced by the frightful killing of Patrolman Malloy is equally applicable to other cases of police activity. A unification of police for a more perfect organization in behalf of the general public is not a reflection upon the great body of the police of Massachusetts. Rather it is a compliment to their general honesty of purpose. It is, in a mild and reasonable form of enactment, an encouragement to the honest officer. It is an attempt to free him from the implication of dishonest performance of duty upon the part of a few. It is an attempt to remove him from the sphere of local political influence and to relieve him from the necessity of a temptation which once yielded to makes his performance of duty thereafter absolutely impossible. It marks a progress in strengthening the enforcement arm of our government which cannot be denied to an electorate fully acquainted with the facts which underly the present situation in Massachusetts and elsewhere. No individual influence, no pet racket of any single person or small group of persons should be permitted to stand

in the way of the safety, security and liberty of action of the general public in the pursuit of their daily occupations.

We as public officials cannot countenance illegal rackets and expect much from the youth who know about them. We have gone further away from the principles of right living which made the American people a strong and vigorous nation than we should, and by our general conduct have seemed to applaud such reckless and wanton acts as resulted in the death of Officer Malloy.

The least that we can do in this situation is to enact such a law as will put teeth into the enforcement process.

JOSEPH B. ELY.

## The Commonwealth of Massachusetts

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In the Year One Thousand Nine Hundred and Thirty-Four.

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An Act relative to the Theft or Concealment of Motor Vehicles.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Section twenty-eight of chapter two  
2 hundred and sixty-six, of the General Laws, Tercente-  
3 nary edition, is hereby amended by striking out said  
4 section and inserting in place thereof the following: —  
5 *Section 28.* Whoever steals an automobile or  
6 motorcycle or whoever uses a motor vehicle without  
7 authority knowing that such use is unauthorized, or  
8 receives or buys an automobile or motorcycle know-  
9 ing same to have been stolen, or conceals any auto-  
10 mobile or motorcycle thief knowing him to be such,  
11 or conceals any automobile or motorcycle knowing  
12 the same to have been stolen, or takes an automobile  
13 or motorcycle without the authority of the owner and  
14 steals from it any of its parts or accessories, or with-  
15 out the authority of the owner operates an automobile  
16 or motorcycle after his right to operate without a  
17 license has been suspended or after his license to  
18 operate has been suspended or revoked and prior to  
19 the restoration of such right or license to operate or

20 to the issuance to him of a new license to operate,  
21 shall be punished by imprisonment in the state prison  
22 for not more than ten years or imprisonment in jail  
23 or house of correction for not more than two and one  
24 half years.

1 SECTION 2. The following words contained in the  
2 tenth and eleventh lines of section twenty-four of  
3 chapter ninety of the General Laws, Tercentenary  
4 edition, are hereby stricken out of said section:—  
5 “. . . or whoever uses a motor vehicle without author-  
6 ity knowing that such use is unauthorized. . . .”

1 SECTION 3. All acts and parts of acts inconsistent  
2 herewith are hereby repealed.





