

HOUSE No. 160.

[Bill accompanying the petition of Isaac P. Hutchinson and others.
Liquor Law.]

Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred.

AN ACT

To provide for the Appointment of a Police Commissioner and a Board of Excise Commissioners for the City of Boston.

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. The governor of the Common-
2 wealth, with the advice and consent of the council,
3 shall appoint a citizen of Boston to the office of
4 police commissioner for the city of Boston, and
5 who shall be sworn before entering upon the
6 duties of his office. Said police commissioner
7 shall be vested with all power and authority over
8 the police officers of the city of Boston that is
9 now vested in the board of police of said city,

10 and shall perform all duties relating to the police
11 affairs of the city of Boston now performed by
12 said board of police. His term of office shall be
13 three years from the first Monday of January,
14 nineteen hundred and one, but he may be removed
15 by the governor with the advice and consent of
16 the council for such cause as the governor shall
17 deem sufficient and shall express in the order of
18 removal.

1 SECTION 2. The annual salary of the said
2 commissioner shall be four thousand dollars,
3 which shall be paid in equal monthly instalments
4 from the treasury of the city of Boston.

1 SECTION 3. The governor of the Common-
2 wealth with the advice and consent of the coun-
3 cil, shall appoint four citizens of Boston, and they
4 shall be so selected that two shall always be of the
5 political parties which at the annual State elec-
6 tion next preceding their appointment, cast the
7 largest vote for governor, and two will be of the
8 political party which cast the next largest vote
9 for governor; who shall have been residents and
10 legal voters therein five years immediately pre-
11 ceding the date of their appointment, who shall
12 constitute a board of excise for said city, and who
13 shall be sworn before entering upon the duties of
14 their office. One member of said board shall be
15 designated by the governor as chairman, and
16 three shall constitute a quorum. Their terms of
17 office shall be so arranged and designated at the
18 time of appointment that the term of one member

19 shall expire on the first Monday of January, nine-
20 teen hundred and one; one on the first Monday
21 of January, nineteen hundred and two; one
22 on the first Monday of January, nineteen hundred
23 and three; and one on the first Monday of Jan-
24 uary, nineteen hundred and four. The full term
25 of office after these dates shall be four years, and
26 all vacancies occurring after the passage of this act
27 shall be filled by the governor, with the advice and
28 consent of the council. A member of said board
29 may be removed by the governor, with the advice
30 and consent of the council, for such cause as he
31 shall deem sufficient and shall express in the order
32 of removal. The board of excise shall appoint a
33 clerk who shall be sworn, who shall keep record
34 of all proceedings, issue all notices and attest such
35 papers and orders as said board shall direct,
36 whose term of office shall be three years; but he
37 may be removed by said board for such cause as
38 it shall deem sufficient and shall express in its
39 order of removal after hearing has been given by
40 the board.

1 SECTION 4. The board of excise shall have
2 authority to grant and issue annually licenses to
3 persons applying for the same for the purpose of
4 exposing, selling and keeping for sale spirituous
5 and intoxicating liquors, and said board shall have
6 all the powers and authority now vested in the
7 board of police for the city of Boston, by the stat-
8 utes of the Commonwealth, or by the ordinances,
9 by-laws, rules and regulations of said city for the

10 purpose of granting and issuing licenses for the
11 sale of spirituous and intoxicating liquors.

1 SECTION 5. The board of police shall detail
2 such number of police officers as said board of
3 excise may desire, not exceeding twenty-five at
4 any one time, to the exclusive service and direc-
5 tion of said board of excise, for the purpose of
6 enforcing the laws and ordinances relating to the
7 management and conduct of the business carried
8 on under licenses issued by said board of excise
9 as enumerated in section two of this act. Such
10 officers so detailed shall continue to perform the
11 duties aforesaid until dismissed by said excise
12 board; but no police officer so detailed by said
13 board of police for service under above provision
14 shall serve more than thirty consecutive days at
15 any one time.

1 SECTION 6. The annual salary of the chair-
2 man of said board of excise shall be forty-five
3 hundred dollars, that of the other members four
4 thousand dollars, of its clerk, three thousand
5 dollars, which shall be paid monthly from the
6 treasury of the city of Boston.

1 SECTION 7. The city of Boston shall provide
2 suitable rooms and accommodations for said board
3 of excise as said board shall require. All ex-
4 penses for the maintenance and all incidental
5 expenses incurred in the administration of the
6 duties of the said board of excise shall be paid by
7 the city of Boston.

1 SECTION 8. The board of excise shall make a
2 detailed report of its doings quarterly to the
3 mayor of said city, and annually to the governor
4 of the Commonwealth in the month of December.
5 The records of said board shall at all times be
6 open to the inspection of the governor of the
7 Commonwealth and the mayor of the city of Bos-
8 ton, or by such officials as may be designated by
9 them.

1 SECTION 9. In all matters to be decided by
2 said board of excise a vote of three members shall
3 be decision of the matter in question; if in any
4 case two of said members shall vote in the affirma-
5 tive on any matter so coming before said board
6 for decision and two shall vote in the negative,
7 any member of said board shall have the right to
8 call in the police commissioner of the city of Bos-
9 ton, who, after hearing the matter in controversy,
10 shall cast the deciding vote.

1 SECTION 10. All acts or parts of acts incon-
2 sistent herewith are hereby repealed; *provided*,
3 that nothing herein contained shall effect any
4 prosecution pending or any default incurred be-
5 fore this act takes effect.

