

HOUSE No. 1111

Bill accompanying the petition of Maurice F. Murphy and Timothy F. Callahan for legislation to authorize the mayor of the city of Boston to appoint the police commissioner and licensing board for said city. Metropolitan Affairs. January 27.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Ten.

AN ACT

To provide for the Appointment by the Mayor of the City of Boston of a Licensing Board and a Police Commissioner for said City and to define their Powers and Duties.

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 one of chapter two hundred and
2 ninety-one of the acts of nineteen hundred and six shall be
3 amended so as to read as follows: — The mayor shall ap-
4 point from the two principal political parties three citi-
5 zens of Boston, who shall have resided therein for at least
6 two years immediately preceding the date of their ap-
7 pointment, who shall constitute a licensing board for said
8 city, and who shall be sworn to the faithful performance
9 of the duties of their office before entering on the same.

10 They shall not be in the employ of any person or cor-
11 poration engaged in the manufacture or sale of intoxicat-
12 ing liquors, or in any way, directly or indirectly, pecuni-
13 arily interested in the manufacture or sale of intoxicating
14 liquors, or in any business which requires a license to be
15 issued by them.

16 One member of said board shall be designated by the
17 mayor as chairman, and two members shall constitute a
18 quorum. Their term of office shall be so arranged and
19 designated at the time of appointment that the term of one
20 member shall expire on the first Monday of June, nineteen
21 hundred and eleven, of another on the first Monday of
22 June, nineteen hundred and twelve, and of the third on
23 the first Monday of June, nineteen hundred and thirteen.
24 Upon the expiration of the term of any member of said
25 board, the mayor shall appoint his successor for the term
26 of six years. Vacancies in the board shall be filled by the
27 mayor for the unexpired term. The members of said
28 board may be removed by the mayor with the advice and
29 consent of the city council for such cause as he shall deem
30 sufficient. Such cause shall be stated in the order of
31 removal. The board shall appoint a secretary, who shall
32 be exempt from the civil service law, who shall be sworn
33 to the faithful performance of the duties of his office, and
34 who shall keep a record of all proceedings, issue all
35 notices and attest such papers and orders as said board
36 shall direct. His term of office shall be six years, but he
37 may be removed by said board for such cause as it shall
38 deem sufficient. Such cause shall be stated in its order
39 of removal.

1 SECTION 2. The annual salary of the chairman of said
2 board shall be four thousand dollars, that of each of the
3 other two members thirty-five hundred dollars, and that of

4 the secretary twenty-five hundred dollars. Such salaries
5 shall be paid in monthly instalments by the city of Boston.
6 Subject to the approval of the mayor and city council, said
7 board shall be provided with such rooms, in the head-
8 quarters of the police commissioner hereinafter named, as
9 shall be convenient and suitable for the performance of its
10 duties, the rent of which shall be paid by the city of
11 Boston. Said rooms shall be suitably furnished and
12 equipped, and the expense therefor shall be paid by said
13 city upon requisition of said board.

1 SECTION 3. Said board may employ such clerks, steno-
2 graphers and office employees and such legal assistance, as
3 it may deem necessary, and the expense thereof and all
4 incidental expenses incurred by the board in the perfor-
5 mance of its duties and the exercise of its powers shall be
6 paid by said city upon requisition of the board.

1 SECTION 4. Except as otherwise provided herein, said
2 board shall exclusively exercise in said city all the powers
3 and perform all the duties conferred or imposed upon the
4 board of police of the city of Boston, and upon licensing
5 boards by sections ten to ninety, both inclusive, of chapter
6 one hundred of the Revised Laws and amendments thereof,
7 relative to intoxicating liquors, and by chapter one hun-
8 dred and two of the Revised Laws and amendments thereof
9 relative to innholders and common victuallers.

10 Said board shall also exercise, except as otherwise herein
11 provided, all the powers and perform all the duties now
12 conferred or imposed by law upon the board of police of
13 the city of Boston, relative to the licensing of picnic groves,
14 skating rinks, intelligence offices, billiard tables and bowl-
15 ing alleys.

16 All licenses issued by said board shall be signed by a

17 majority of the members thereof, and shall be recorded in
18 the office of said board, and all fees for said licenses shall
19 be paid into the treasury of said city.

1 SECTION 5. Said licensing board shall annually, in
2 the month of December, make a report to the mayor.

3 All records of said board shall at all times be open to the
4 inspection of the mayor of said city and of such persons as
5 may be designated by him.

1 SECTION 6. Said board shall certify to the police com-
2 missioner hereinafter mentioned the name of each appli-
3 cant for a license, the name of each person to whom a
4 license is issued, the date when each license goes into
5 effect, the kind or class of the license, every change of
6 location or place of business for the exercise of such
7 license, and every transfer of business for the exercise of
8 such license, and every transfer of a license ordered by it.

1 SECTION 7. The mayor shall appoint a single police
2 commissioner for the city of Boston, who shall be a citizen
3 of Boston and who shall have resided therein for at least
4 two years immediately preceding the date of his appoint-
5 ment. Such police commissioner shall not engage in
6 any other business, and shall be sworn to the faithful per-
7 formance of the duties of his office before entering upon the
8 same.

9 Said police commissioner shall be appointed for a term
10 of five years, beginning on the first Monday in June in the
11 year nineteen hundred and eleven, and shall hold his office
12 until his successor is appointed and qualified, and any
13 vacancy occurring shall be filled by the mayor by an ap-
14 pointment for a term of five years.

15 Said police commissioner may be removed by the mayor

16 for such cause as he shall deem sufficient. Such cause
17 shall be stated in his order of removal.

18 Said police commissioner shall appoint a secretary,
19 who shall be exempt from the civil service law, who shall
20 be sworn to the faithful performance of his duties, and
21 who shall keep such records, issue such notices and attest
22 such papers and orders as said police commissioner shall
23 direct. His term of office shall be five years, but he may
24 be removed by said police commissioner for such cause as
25 he shall deem sufficient. Such cause shall be stated in his
26 order of removal.

1 SECTION 8. The annual salary of the police commis-
2 sioner shall be six thousand dollars, and of the secretary
3 three thousand dollars, which shall be paid in monthly in-
4 stalments by the city of Boston. Subject to the approval
5 of the mayor, the police commissioner shall be provided
6 with such rooms, which shall be suitably furnished, as
7 shall be convenient and suitable for the performance of
8 his duties, the expense of which shall be paid by the city
9 of Boston.

10 The city of Boston shall provide all such accommoda-
11 tions for the police of said city as said police commissioner
12 may require. All buildings and property used by said
13 police shall be under control of said police commissioner.

14 Said police commissioner may employ such clerks,
15 stenographers and other employees as he may deem neces-
16 sary for the proper performance of the duties of his office.

17 All expenses for the maintenance of buildings, the pay
18 of the police, clerks, stenographers and other employees,
19 and all incidental expenses incurred in the performance
20 of the duties of said commissioner or in the administration
21 of said police shall be paid by the city of Boston upon the
22 requisition of said police commissioner.

1 SECTION 9. Said police commissioner may employ
2 such legal assistance as he may deem necessary in the
3 performance of his duties, and may incur expense therefor
4 to an amount not exceeding thirty-five hundred dollars in
5 any municipal year, which expense shall be paid by the
6 city of Boston upon the requisition of said police commis-
7 sioner.

1 SECTION 10. The police commissioner shall have au-
2 thority to appoint, establish and organize the police of
3 said city and to make all needful rules and regulations for
4 its efficiency. He shall from time to time appoint a trial
5 board, to be composed of three captains of police, to hear
6 the evidence in such complaints against members of the
7 force as the commissioner may deem advisable to refer to
8 said board, said hearings to be open to the public. Said
9 trial board shall report its findings to said commissioner,
10 who may review the same and take such action thereon as
11 he may deem advisable. Except as otherwise provided
12 herein, all the powers and duties now conferred or imposed
13 by law upon the board of police of the city of Boston are
14 hereby conferred and imposed upon said police commis-
15 sioner. All licenses issued by said police commissioner
16 shall be signed by him and recorded in his office.

1 SECTION 11. The said police commissioner may at
2 any time, subject to removal by him at his pleasure, des-
3 ignate some member of the police force to be acting police
4 commissioner.

5 In case of the absence or disability of the police com-
6 missioner without his having designated an acting com-
7 missioner, the superintendent of police, or, in case of his
8 absence or disability, the next ranking officer, or where
9 there are two such officers of equal rank, the senior officer

10 in date of appointment, shall be acting commissioner
11 while such absence or disability continues. An acting
12 police commissioner shall receive no extra compensation
13 for service as such.

1 SECTION 12. The members of the Boston police force,
2 including reserve police officers, in office when the said
3 commissioner is first appointed shall continue to hold their
4 several offices until removed or placed on the retired list
5 by the said police commissioner in accordance with law,
6 and the present rules and regulations of the board of
7 police for the said city shall continue in force until other-
8 wise ordered by said police commissioner.

9 All police officers now in office or appointed by said
10 police commissioner shall have and exercise within the
11 limits of said city all the powers conferred by law upon
12 constables, except in relation to the service of civil process,
13 and all the powers conferred upon the police as watchmen.

1 SECTION 13. Except as authorized by the mayor of said
2 city said commissioner shall not appoint any greater num-
3 ber of patrolmen than the present board of police of the
4 said city is now authorized to appoint, nor shall the pay
5 of the members of the police force, other than said police
6 commissioner and superintendent of police, be increased
7 or diminished, except by the concurrent action of said
8 mayor and said police commissioner. The police com-
9 missioner may, without such concurrent action, fix the
10 salary of the superintendent of police, which shall not ex-
11 ceed five thousand dollars per annum.

1 SECTION 14. Said police commissioner shall annually,
2 in the month of December, make a report to the mayor.
3 The records of said police commissioner shall at all times

4 be open to the inspection of the mayor of said city, and of
5 such persons as may be designated by either of them.

1 SECTION 15. If said police commissioner is at any
2 time of the opinion that a person holding a license to sell
3 intoxicating liquors in the city of Boston has violated or
4 permitted a violation of any condition of his license, said
5 police commissioner shall forthwith give notice to such
6 licensee of the violation or violations aforesaid, and shall
7 transmit to said licensing board a report in writing con-
8 taining a statement of the conditions of the license that
9 have been violated, together with a copy of said notice. If
10 said licensing board, after a hearing as prescribed by
11 section forty-seven of chapter one hundred of the Revised
12 Laws, shall determine that said license shall be forfeited,
13 they shall, within fifteen days after the receipt of the re-
14 port of said commissioner, so notify said licensee and said
15 commissioner; and said notice may be served upon said
16 licensee by a police officer of said city by delivering the
17 same to him in hand or by leaving it at the place of abode
18 of the licensee or at the place where the the business
19 authorized by such license is carried on. Upon such
20 notice the license shall become forfeited. If said licens-
21 ing board finds that said license should not be forfeited,
22 they shall, within fifteen days after the receipt of the
23 report aforesaid, notify said commissioner of such finding,
24 and shall also notify said licensee.

1 SECTION 16. If a license becomes forfeited, the licensee
2 shall be disqualified to receive a license for one year after
3 the expiration of the term of the license so forfeited, and
4 if he is the owner of the premises described in such for-
5 feited license no license shall be exercised on said premises
6 for the residue of the term of the license so forfeited.

1 SECTION 17. It shall be the duty of the police commis-
2 sioner and his subordinates to obtain and to furnish to the
3 licensing board such information as may be required by
4 the said board from them or from any of them relative to
5 the character or fitness of a licensee of said board or of an
6 applicant for any license which said board is empowered
7 to issue, relative to the place at which the business
8 authorized by any license is, or is proposed to be, con-
9 ducted, and also relative to the manner in which any busi-
10 ness authorized by any license is at any time being
11 conducted. Such information may be given in writing
12 or orally, as said licensing board may require.

1 SECTION 18. All the powers heretofore vested in, and
2 the duties heretofore imposed by law upon, the board of
3 police of the city of Boston under the provisions of chap-
4 ter two hundred and seventy-nine of the acts of the year
5 nineteen hundred and three, as amended by chapter two
6 hundred and forty-five of the acts of the year nineteen
7 hundred and four, relative to the listing and registration
8 of voters in said city, shall be, and the same hereby are,
9 vested in and imposed upon a listing board, to be com-
10 posed of the police commissioner of said city and one
11 member of the Boston board of election commissioners,
12 who shall annually be appointed by the mayor without
13 confirmation by the board of aldermen, for the term of
14 one year, and who shall belong to that one of the two lead-
15 ing political parties of which said police commissioner is
16 not a member. Said powers and duties shall hereafter
17 be exercised and performed by said board as herein consti-
18 tuted or by police officers subject to the jurisdiction of said
19 police commissioner. In case of disagreement between
20 the two members of said board, the chief justice of
21 the municipal court of the city of Boston, or, in case of

22 his disability, the senior justice of said court who is not
23 disabled, shall, for the purpose of settling such disagree-
24 ment, be a member of said board, and shall preside and
25 cast the deciding vote in case of a tie.

1 SECTION 19. The said police commissioner or mayor
2 of said city may, if in the judgment of either of them
3 exigency requires, suspend and make inoperative any
4 license to sell intoxicating liquors during any period of
5 tumult, riot or violent disturbance of public order, and
6 any licensee who, personally or by his servants or agents,
7 sells, furnishes or delivers any intoxicating liquors during
8 such suspension shall be punished by a fine of two hun-
9 dred dollars for each offence, and his license shall become
10 forfeited.

1 SECTION 20. All acts and parts of acts inconsistent
2 herewith are hereby repealed.

1 SECTION 21. So far as this act affects the police com-
2 missioner of the city of Boston, it shall take effect June
3 first, nineteen hundred and eleven. So far as it affects
4 the licensing board of the city of Boston, it shall take effect
5 at the completion of the term of the present members of the
6 board in their order.