

HOUSE No. 415.

Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, May 20, 1869.

The Committee on the Judiciary, to whom was referred the Bill to revise the charter of the city of Boston, report the Bill ought to pass.

Per order,

L. M. CHILD.

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Sixty-Nine.

AN ACT

To Revise the Charter of 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 SECT. 1. The inhabitants of the city of Boston,
2 for all the purposes for which towns and cities are by
3 law incorporated in this Commonwealth, shall con-
4 tinue to be one body politic, in fact and in name,
5 under the style and denomination of the City of Bos-
6 ton; and, as such, shall have, exercise and enjoy all
7 the rights, immunities, powers and privileges, and
8 shall be subject to all the duties and obligations now
9 incumbent upon and appertaining to said city, as a
10 municipal corporation.

1 SECT. 2. The administration of all the fiscal, pru-
2 dential and municipal concerns of said city, with the
3 conduct and government thereof, shall be vested in

4 one principal officer, to be styled the mayor, one
5 council of twelve persons, to be called the board of
6 aldermen, and one council of sixty persons, to be
7 called the common council, and in such other officers
8 and boards of officers as are hereinafter specified.
9 The board of aldermen and the common council, in
10 their joint capacity, shall be denominated the city
11 council.

1 SECT. 3. It shall be the duty of the city council,
2 and they are empowered in the year one thousand
3 eight hundred and seventy-five, and in every tenth
4 year thereafterwards, if they shall deem it expedient,
5 at the time prescribed by law, to cause a new division
6 of the city to be made into fifteen wards, in such
7 manner as to include an equal number of voters in
8 each ward, as nearly as conveniently may be, consis-
9 tently with well-defined limits to each ward; and
10 until such division be made, the boundary^r lines of
11 the wards shall remain as now established.

1 SECT. 4. The annual meeting of citizens for the
2 election of municipal officers hereinafter mentioned,
3 shall be held on the second Tuesday of December,
4 and the citizens of said city qualified to vote in city
5 affairs, shall, for the purpose of such election, then
6 meet together within the wards in which they respec-
7 tively reside, at such hour and place as the board of
8 aldermen may by their warrants direct and appoint;
9 and the person receiving the highest number of votes
10 for any office shall be deemed and declared to be
11 elected to such office; and whenever two or more
12 persons are to be elected to the same office, the sev-

13 eral persons, to the number required to be chosen,
14 having the highest number of votes, shall be deemed
15 and declared elected.

1 SECT. 5. Every person so chosen in any ward a
2 member of the common council or school committee,
3 shall, within forty-eight hours of his election, be fur-
4 nished by the clerk with a certificate thereof, signed
5 by the warden, clerk, and a majority of the inspec-
6 tors of election in such ward; which certificate shall
7 be presumptive evidence of the title of such person
8 to the office therein mentioned.

1 SECT. 6. The municipal officers chosen at the
2 annual election, shall enter upon the duties of their
3 respective offices on the first Monday of January
4 next after such election, or as soon thereafter as may
5 be, if they shall be duly chosen at any adjourned
6 election.

1 SECT. 7. The qualified voters in each ward of said
2 city shall, at each annual municipal election, choose
3 by ballot one warden and one clerk and five inspec-
4 tors of elections for such ward, who shall be resident
5 in said ward, and who shall hold their offices for one
6 year, and until others shall be chosen and qualified
7 in their stead.

1 SECT. 8. The ward officers mentioned in the pre-
2 ceding section, shall respectively make oath faithfully
3 and impartially to discharge their several duties,
4 which oath may be administered by the clerk of such
5 ward to the warden, and by the latter to the clerk

6 and inspectors, or by any justice of the peace for the
7 county of Suffolk, to any or all of said officers; and
8 a certificate thereof shall be entered in the record, to
9 be kept by the clerk of the ward.

1 SECT. 9. In case of the non-election of any ward
2 officer at the annual meeting, adjournments may be
3 had for the purpose of effecting such election, in the
4 same manner as is hereinafter provided with regard
5 to the election of members of the common council.

1 SECT. 10. In case of the absence of any ward
2 officer from any ward meeting, a substitute for such
3 officer may be chosen *pro tempore*, by hand vote, and
4 the person so chosen shall have all the powers, and
5 be subject to all the duties of the regular officer at
6 such meeting.

1 SECT. 11. It shall be the duty of the warden to
2 preside at all ward meetings, with the powers of
3 moderators of town meetings. In case of his absence,
4 the clerk, and in case of the absence of the warden
5 and clerk, any inspector shall preside according to
6 seniority, until a warden shall be chosen as provided
7 in the preceding section.

1 SECT. 12. It shall be the duty of the clerk of each
2 ward to make a fair and true record, and to keep an
3 exact journal of all the acts and votes of citizens at
4 the ward meetings, and to deliver over such records
5 and journals, together with all other documents and
6 papers held by him in his said capacity, to his suc-
7 cessor in office.

1 SECT. 13. It shall be the duty of the warden and
2 inspectors of each ward to receive, sort and count,
3 and of the warden to declare, all votes at any election
4 within such ward.

1 SECT. 14. It shall be the duty of all ward officers
2 authorized to preside and act at elections of city offi-
3 cers, to attend and perform their respective duties, at
4 the times and places appointed for elections of any
5 officer, whether of the United States, state, city or
6 wards, and also at all meetings for any other purpose,
7 duly authorized and appointed, and to make and sign
8 the regular returns of the same.

1 SECT. 15 The qualified voters of said city shall, at
2 the annual municipal election next after the passage of
3 this act, and in every second year thereafter, be called
4 upon to give in their votes for one able and discreet
5 person, being an inhabitant of the city, to be mayor of
6 said city for the term of two years. All the ballots so
7 given in, in each ward, being sorted, counted and
8 declared, shall be recorded at large by the clerk in open
9 ward meeting; and in making such declaration and
10 record, the name of every person voted for, and the
11 number of votes given for each person respectively
12 shall be distinctly stated in words at length; and a
13 transcript of such record, certified and authenticated
14 by the warden, clerk and a majority of the inspectors
15 of elections for each ward, shall forthwith be trans-
16 mitted or delivered by such ward clerk to the city
17 clerk. It shall be the duty of the city clerk forthwith
18 to enter such returns, or a plain and intelligible
19 abstract of them, as they are successively received,

20 upon the journal of the proceedings of the board of
21 aldermen, or some other book to be kept for that
22 purpose.

1 SECT. 16. The board of aldermen shall, as soon as
2 conveniently may be, within three days from and after
3 the day of such election, meet together and examine
4 all the said returns, and the entry thereof made by the
5 city clerk, and they shall cause the person who may
6 have been elected mayor, to be declared elected, and
7 an entry thereof to be made on their journal, and they
8 shall cause the person so elected to be notified in
9 writing of his election; but if it shall appear by said
10 returns that no person has been elected, or if the per-
11 son elected shall refuse to accept the office, the board
12 shall issue their warrants for a new election, and the
13 same proceedings shall be had as are provided in the
14 preceding section for the choice of a mayor, and
15 repeated from time to time, until a mayor shall be
16 chosen.

1 SECT. 17. Whenever, on examination by the board
2 of aldermen, of the returns of votes given for mayor
3 at the meetings of the wards holden for the purpose
4 of electing that officer, last preceding the first Monday
5 of January, no person shall appear to be chosen, the
6 board of aldermen, by whom such examination is
7 made, shall make a record of that fact, an attested
8 copy of which record it shall be the duty of the city
9 clerk to produce and read, on the first Monday in
10 January thereafter, in the presence of the members
11 returned to serve as aldermen and common council-
12 men; and the oaths prescribed by law may be admin-

13 istered to the members elect. The members of the
14 board of aldermen shall thereupon proceed to elect a
15 chairman, and the members of the common council
16 a president, in their respective chambers; and being
17 respectively organized, they shall proceed to business
18 in the manner hereinafter provided, in case of the
19 absence of the mayor;—and the board of aldermen
20 shall forthwith issue their warrants for meetings of
21 the citizens of the respective wards, for the choice of a
22 mayor, at such time and place as they shall judge most
23 convenient; and the same proceedings shall be had, in
24 all respects, as are herein before directed, and shall be
25 repeated from time to time, until a mayor shall be
26 duly chosen.

1 SECT. 18. Whenever it shall appear, by the returns
2 of the elections of city officers, that a mayor has not
3 been chosen, or that the full number of aldermen has
4 not been elected, the members of the board of alder-
5 men, whether they constitute a quorum or not, shall
6 issue their warrants in the usual form, for the election
7 of a mayor, or such members of the board of aldermen
8 as may be necessary, and the same proceedings shall be
9 had and repeated, until the election of a mayor and
10 the full number of aldermen shall be completed.

1 SECT. 19. The qualified voters of said city shall,
2 at the annual municipal election next after the pas-
3 sage of this act, be called upon to give in their votes
4 for twelve able and discreet persons, being inhabitants
5 of said city, to constitute the board of aldermen of
6 said city, six of whom shall be chosen for a term of
7 two years from the first Monday of January next

8 ensuing, and six shall be chosen for a term of one
9 year from said first Monday in January; and all the
10 votes so given in each ward, being sorted and counted
11 by the inspectors and warden, and declared by the
12 latter, shall be recorded at large by the clerk in open
13 ward meeting; and in making such declaration and
14 record, the number of votes given for each person
15 shall be distinctly stated in words at length; and a
16 transcript of such record, certified by the warden and
17 clerk, and a majority of the inspectors of each ward,
18 shall forthwith be transmitted by such ward clerk to
19 the city clerk, who shall enter said returns, or an
20 abstract of them, in the journal of the board of
21 aldermen or some other book to be kept for that
22 purpose. And at every subsequent annual election,
23 the qualified voters of the city shall choose six per-
24 sons, qualified as aforesaid, to be members of the
25 board of aldermen, to serve for a term of two years;
26 and each alderman so chosen shall be duly notified
27 in writing of his election, by the board of aldermen
28 for the time being.

1 SECT. 20. The qualified voters of each ward shall,
2 at the annual municipal election next after the pas-
3 sage of this act, be called upon to give in their votes
4 for two able and discreet men, being inhabitants of
5 the ward, to be members of the common council for
6 two years next ensuing; and also for two men, hav-
7 ing the same qualifications, to be members of the
8 common council for one year next ensuing; and at
9 every subsequent municipal election there shall be
10 voted for in like manner, two men, having the afore-
11 said qualifications, to be members of the common

12 council for two years next ensuing; and at every
13 such election all the ballots so given in, in each ward,
14 being assorted and counted, a public declaration of
15 the result shall be made by the warden in open ward
16 meeting, and a record of such proceedings shall be
17 kept by the clerk in his journal, stating particularly
18 the number of votes actually given for each person,—
19 the whole to be written in words at length.

1 SECT. 21. In case the number of persons to be
2 elected shall not be chosen at the first balloting held
3 in any ward, the meeting of such ward shall be
4 adjourned by the presiding officer, for the purpose of
5 filling such vacancies or vacancy, to a period not less
6 than twenty-four, nor more than seventy-two hours
7 distant from the hour when the polls were opened at
8 the first balloting; the time of adjournment, within
9 such limits, to be determined by the warden, with
10 the consent of a majority of the inspectors who may
11 be present when such adjournment is had; and notice
12 shall be given of the time of such adjournment, and
13 the time the polls will be kept open, in such manner
14 as the warden may direct; and at such adjourned
15 meeting, a balloting shall be opened for a number of
16 common councilmen sufficient to complete the num-
17 ber required, which shall be conducted, and its results
18 be declared and recorded in the same manner as before
19 prescribed.

1 SECT. 22. In case the full number of common
2 councilmen shall not have been elected in any ward,
3 further adjournments of the meetings of the citizens
4 thereof, for the purpose of filling the same, shall con-
5 tinue to be had in the same manner, to periods not

6 less than twenty-four, nor more than seventy-two
7 hours distant from each other, at all of which the
8 balloting shall be conducted, and the result be
9 declared and recorded in the same manner as before
10 prescribed, until the number required shall be duly
11 chosen. And at all adjournments, the polls shall be
12 kept open the same number of hours as are required
13 by the original warrant.

1 SECT. 23. If at the close of the last legally
2 adjourned meeting of any ward as aforesaid, pre-
3 ceding the first Monday in January, there shall still
4 be vacancies in the number of common councilmen
5 for any ward, no further adjournment shall be had ;
6 but a record of the fact, and of the number of such
7 vacancies, shall be made by the clerk of the ward in
8 his journal, signed therein by the warden, clerk and
9 a majority of the inspectors, an attested copy of which
10 record shall forthwith be delivered by the clerk of
11 the ward to the city clerk, who shall lay the same
12 before the common council at their first meeting in
13 January.

1 SECT. 24. The board of aldermen, the common
2 council and the school committee, shall have author-
3 ity to decide upon all questions relative to the quali-
4 fications, elections and returns of their respective
5 members.

1 SECT. 25. Whenever it shall appear to the board
2 of aldermen that there is a vacancy, by removal from
3 the city, or by death, resignation or otherwise, in the
4 board of aldermen, the common council, or in any of

5 the city and ward offices, it shall be the duty of said
6 board to issue their warrants in due form to fill all
7 such vacancies in each and all of said boards and
8 offices, at such time and place as they may deem
9 advisable; and the same proceedings shall be had,
10 and adjournments, if necessary, within the same
11 limits as are herein prescribed for the annual meeting
12 for the election of common councilmen. But in case
13 of vacancies in the common council, such warrants
14 shall not be issued until the board of aldermen receive
15 official information thereof.

1 SECT. 26. All city and ward officers shall be held
2 to discharge the duties of the offices to which they
3 have been respectively elected, notwithstanding their
4 removal after their election out of their respective
5 wards, into any other wards of the city. But they
6 shall not hold said offices after they have taken up
7 their permanent residence out of the city.

1 SECT. 27. The mayor, aldermen and common
2 councilmen, on the first Monday in January, or before
3 entering on the duties of their offices, shall respec-
4 tively be sworn, by taking and subscribing the oath of
5 allegiance and oath of office, prescribed in the consti-
6 tution of this Commonwealth, and an oath to support
7 the constitution of the United States. And such
8 oaths may be administered to the mayor elect, by any
9 one of the justices of the supreme judicial court, or
10 any judge of any court of record, commissioned to
11 hold any such court, within the said city, or by any
12 justice of the peace for the county of Suffolk. And
13 such oaths shall be administered to the aldermen and

14 members of the common council, by the mayor, being
15 himself first sworn as aforesaid: or by any one of the
16 persons authorized to administer said oath to the
17 mayor; and a certificate of such oaths having been
18 taken, shall be entered in the journal of the board of
19 aldermen, and of the common council respectively, by
20 their respective clerks. To any member of the com-
21 mon council presenting himself for qualification at
22 any time after the first Monday in January, the oaths
23 may be administered by the president of the common
24 council, and a certificate of such oaths having been
25 taken, shall be entered in the journal of the common
26 council, and shall also be sent to the board of alder-
27 men.

1 SECT. 28. In case of the unavoidable absence, on
2 account of sickness or otherwise, of the mayor elect,
3 on the first Monday in January, the city government
4 shall organize itself in the mode herein before provided
5 in cases wherein no person shall have been elected
6 mayor at the meeting last preceding the first Monday
7 in January, and may proceed to business in the same
8 manner as if the mayor were present.

1 SECT. 29. After the organization of the city gov-
2 ernment and the qualification of a mayor, and when
3 a quorum of the board of aldermen shall be present,
4 said board, the mayor presiding, shall proceed to
5 choose a president, who shall preside at all meetings
6 of the board and at conventions of the two branches,
7 and in case of any vacancy in the office of mayor, or
8 his inability, by illness, absence or other cause, to ex-
9 ercise all or any of the powers, and perform all or any

10 of the duties of his office, the president of the board
11 of aldermen shall exercise such powers and perform
12 such duties so long as such vacancy or inability shall
13 continue ; and he shall continue to have a vote in the
14 board.

1 SECT. 30. Whenever there is a vacancy in the
2 office of mayor, occasioned by his decease, resignation
3 or any other cause, and the same is declared, and a
4 vote passed by the aldermen and common council
5 respectively, declaring such cause and the expediency
6 of electing a mayor for the time being, to supply the
7 vacancy thus occasioned, the board of aldermen shall
8 issue their warrants in due form for the election of a
9 mayor, for the unexpired term of the office, and the
10 same proceedings shall be had as are herein before
11 provided for the choice of a mayor.

1 SECT. 31. The aldermen and common council
2 in convention in the month of January, shall choose
3 a clerk for the term of one year, and until another
4 person is duly chosen and qualified in his stead,
5 who shall be sworn to the faithful discharge of the
6 duties of his office, and shall be removable at the
7 pleasure of the board of aldermen,—the mayor
8 thereto consenting. He shall be denominated the
9 city clerk, and it shall be his duty to keep a journal
10 of the acts and proceedings of the board of aldermen,
11 to sign all warrants issued by them, and to do such
12 other acts in his said capacity as may lawfully and
13 reasonably be required of him ; and to deliver over
14 all journals, books, papers, and documents intrusted
15 to him as such clerk, to his successor in office, imme-

16 diately upon such successor being chosen and qualified
17 as aforesaid, or whenever he may be thereunto required
18 by the aldermen. The city clerk thus chosen and
19 qualified shall continue to have all the powers and
20 perform all the duties now by law belonging to him.

1 SECT. 32. In case of a vacancy in the office of
2 city clerk, from any cause, the same shall be filled in
3 the manner provided in the preceding section.

1 SECT. 33. In case of the temporary absence of the
2 city clerk, the mayor, by and with the advice and
3 consent of the board of aldermen, may appoint a city
4 clerk, *pro tempore*.

1 SECT. 34. The administration of police, together
2 with the executive powers of the said corporation gen-
3 erally, and all the powers formerly vested in the select-
4 men of the town of Boston, either by the general laws
5 of this Commonwealth, by particular laws relative to
6 the powers and duties of said selectmen, or by the
7 usages, votes or by-laws of said town, and all the
8 powers subsequently vested in the mayor and alder-
9 men, or in the board of aldermen, of said city, as
10 county commissioners or otherwise, shall be, and
11 hereby are vested in the board of aldermen, as hereby
12 constituted, as fully and amply as if the same were
13 herein specially enumerated, except so far as may be
14 otherwise provided by this act. Their meetings shall
15 be public, and a majority of the members of the board
16 shall constitute a quorum for the transaction of
17 business.

1 SECT. 35. The persons chosen and qualified as
2 above provided as members of the common council of
3 said city, shall sit and act together as a separate
4 body, distinct from the board of aldermen, except in
5 those cases in which the two bodies are to meet in
6 convention; and the said council shall have power,
7 from time to time, to choose one of their own mem-
8 bers to preside over their deliberations, and to preserve
9 order therein, and also to choose a clerk, who shall be
10 under oath faithfully to discharge the duties of his
11 office, who shall hold such office during the pleasure
12 of said council, and whose duty it shall be to attend
13 said council, when the same is in session, to keep a
14 journal of its acts, votes and proceedings, and to per-
15 form such other services in said capacity as said
16 council may require. All sittings of the common
17 council shall be public; and a majority of the mem-
18 bers shall constitute a quorum for the transaction of
19 business.

1 SECT. 36. All other powers not herein specially
2 provided for and heretofore by law vested in the town
3 of Boston, or in the inhabitants thereof, as a muni-
4 cipal corporation, or in the city council of the city of
5 Boston, shall continue to be and hereby are vested in
6 the mayor, aldermen and common council of the said
7 city, to be exercised by concurrent vote, each board
8 as hereby constituted having a negative upon the
9 proceedings of the other, and the mayor having a
10 veto power as hereinafter provided. More especially
11 they shall have power to make all such needful and
12 salutary by-laws or ordinances not inconsistent with
13 the laws of this Commonwealth, as towns by the laws

14 of this Commonwealth have power to make and
15 establish, and to annex penalties, not exceeding fifty
16 dollars, for the breach thereof, which by-laws and
17 ordinances shall take effect and be in force from and
18 after the time therein respectively limited, without
19 the sanction or confirmation of any court, or other
20 authority whatsoever.

1 SECT. 37. The city council shall also have power
2 from time to time, to lay and assess taxes for all pur-
3 poses for which towns are by law required or author-
4 ized to assess and grant money, and also for all pur-
5 poses for which county taxes may be levied and
6 assessed, so long as other towns in the county shall
7 not be liable to taxation for county purposes. But
8 in the assessment and apportionment of all such
9 taxes upon the polls and estates of all persons liable
10 to contribute thereto, the same rules and regulations
11 shall be observed as are now established by the con-
12 stitution and laws of this Commonwealth, or may be
13 hereafter enacted, relative to the assessment and
14 apportionment of town taxes.

1 SECT. 38. The said city council shall also have
2 power to provide for the assessment and collection of
3 such taxes, and to make appropriations of all public
4 moneys to such lawful purposes as taxes may be
5 assessed for, and provide for the disbursement thereof,
6 and take suitable measures to insure a just and prompt
7 account thereof; and for these purposes may either
8 elect such assessors and assistant assessors as may be
9 needful, or provide for the appointment or election of
10 the same or any of them, by the mayor and aldermen

11 or by the citizens, as in their judgment may be most
12 conducive to the public good ; and may also require
13 of all persons intrusted with the collection, custody
14 or disbursement of public moneys, such bonds, with
15 such conditions and such sureties, as each case may
16 in their judgment require.

1 SECT. 39. The city council may provide for the
2 appointment or election of all necessary officers, for
3 the good government of said city not otherwise pro-
4 vided for, and may prescribe their duties and fix their
5 compensation ; and may choose a register of deeds,
6 whenever the city shall be one county.

1 SECT. 40. The city council shall have the care and
2 superintendence of the public buildings, and the
3 care, custody and management of all property of the
4 city, with power to lease or sell the same, except the
5 Common, Public Garden, Public Squares and Faneuil
6 Hall. And the said city council shall have power to
7 purchase property, real or personal, in the name and
8 for the use of the city, whenever its interest or con-
9 venience may in their judgment require it.

1 SECT. 41. All the power and authority now by
2 law vested in the city council or in the board of
3 aldermen, relative to the public health and the quar-
4 antine of vessels, shall continue to be vested in the
5 city council, to be carried into execution by the
6 appointment of one or more health commissioners ;
7 or in such other manner as the health, cleanliness,
8 comfort and order of the city may, in their judgment,
9 require, subject to such alterations as the legislature

10 may from time to time adopt. The powers and
11 duties above named may be exercised and carried into
12 effect by the city council in any manner which they
13 may prescribe, or through the agency of any persons
14 to whom they may delegate the same, notwithstand-
15 ing a personal exercise of the same, collectively or
16 individually, is prescribed by previous legislation ;
17 and the city council may constitute either branch, or
18 any committee of their number, whether joint or
19 separate, the board of health for all or for particular
20 purposes.

1 SECT. 42. The board of aldermen shall be survey-
2 ors of highways for said city.

1 SECT. 43. The city council shall, in the month of
2 May or June, annually, and whenever the office shall
3 be vacant by death, resignation or other cause, meet
4 together in convention and elect a suitable person to
5 be the treasurer of said city, who shall also be county
6 treasurer ; and who shall hold his office until his suc-
7 cessor is chosen and qualified in his stead ; and he
8 shall be removable at the pleasure of the city council.
9 Whenever the office of city treasurer shall be vacant
10 by death, resignation or other cause, and whenever
11 the treasurer shall be unable to perform the duties of
12 his office by reason of sickness, absence, or other dis-
13 ability, the mayor may appoint a treasurer *pro tem-*
14 *pore* who shall give sufficient bonds and shall hold
15 his office, unless sooner removed by the mayor, until
16 the vacancy shall be filled by the city council, or
17 until such disability shall cease, as the case may be.

1 SECT. 44. No person shall be eligible to any office,
2 the salary of which is payable out of the city treasury,
3 who, at the time of his appointment, shall be a mem-
4 ber of the board of aldermen or the common council ;
5 and neither the mayor, nor any alderman, or mem-
6 ber of the common council, shall at the time hold
7 any office of emolument under the city government.

1 SECT. 45. The mayor of the city, chosen and
2 qualified as herein before provided, shall be taken and
3 deemed to be the chief executive officer of said cor-
4 poration ; and he shall be compensated for his services
5 by a salary, to be fixed by the board of aldermen and
6 common council in convention assembled, payable at
7 stated periods ; which salary shall not exceed the
8 sum of five thousand dollars annually, and he shall
9 receive no other compensation or emolument what-
10 ever ; and no regulations enlarging or diminishing
11 such compensation shall be made, to take effect until
12 the expiration of the term for which the mayor then
13 in office shall have been elected, and said salary, when
14 fixed, shall continue until changed by the city council
15 as aforesaid.

1 SECT. 46. It shall be the duty of the mayor to be
2 vigilant and active at all times, in causing the laws for
3 the government of said city to be duly executed and
4 put in force ; to inspect the conduct of all subordinate
5 officers in the government thereof, and as far as may
6 be in his power to cause all negligence, carelessness,
7 and positive violation of duty to be duly prosecuted
8 and punished. He shall have power, whenever in his
9 judgment the good of said city may require it, to sum-

10 mon meetings of the board of aldermen and common
11 council, or either of them, although the meetings of
12 said boards may stand adjourned to a more distant day,
13 and shall cause suitable notice in writing of such meet-
14 ings to be given to the respective members of said
15 boards. And he shall from time to time communicate
16 to either or both branches of the city council all such
17 information, and recommend all such measures, as may
18 tend to the improvement of the finances, the police,
19 health, security, cleanliness, comfort and ornament of
20 the said city.

1 SECT. 47. Every ordinance, order, resolution or
2 vote in which the concurrence of the board of alder-
3 men and of the common council may be necessary,
4 (except on a question of convention of the two
5 branches,) and every order of either branch involving
6 the expenditure of money, shall be presented to the
7 mayor; if he approves thereof he shall signify his
8 approbation by signing the same, but if not, he shall
9 return the same with his objections to the branch in
10 which it originated, who shall enter the objections of
11 the mayor at large on their records, and proceed to
12 reconsider said ordinance, order, resolution or vote;
13 and if after such reconsideration, two-thirds of the
14 board of aldermen or common council, notwithstanding
15 such objections, agree to pass the same, it shall,
16 together with the objections, be sent to the other
17 branch of the city council, (if it originally required
18 concurrent action,) where it shall also be reconsidered,
19 and if approved by two-thirds of the members present,
20 it shall be in force; but in all cases the vote shall be
21 determined by yeas and nays; and if such ordinance,

22 order, resolution or vote shall not be returned by the
23 mayor with his approval or objections as aforesaid,
24 within ten days after it shall have been presented to
25 him, the same shall be in force. But the veto power
26 of the mayor shall not extend to the election of officers
27 required by any law or ordinance to be chosen by the
28 city council in convention or by concurrent action,
29 unless expressly so provided in such law or ordinance.

1 SECT. 48. In all cases where anything is or may
2 be required or authorized by any law or ordinance to
3 be done by the mayor and aldermen, the board of
4 aldermen shall first act thereon; and any order, reso-
5 lution or vote of said board shall be presented to the
6 mayor for his approval, in the manner provided in the
7 preceding section.

1 SECT. 49. In all cases wherein appointments to
2 office are directed to be made by the mayor and alder-
3 men, they shall be made by the mayor, by and with
4 the advice and consent of the aldermen, and such offi-
5 cers may be removed by the mayor.

1 SECT. 50. All boards and officers acting under the
2 authority of the said corporation, and intrusted with
3 the expenditure of public money, shall be accountable
4 therefor to the city council, in such manner as they
5 may direct, and it shall be the duty of the city council
6 to publish and distribute annually for the information
7 of the citizens, a particular statement of the receipts
8 and expenditures of all public money, and a particular
9 statement of all city property.

1 SECT. 51. The overseers of the poor in said city
2 shall be a corporation known and called by the name
3 of "The overseers of the poor in the city of Boston,"
4 and shall consist of twelve persons, and the persons
5 now holding said office shall continue to hold the same
6 during the terms for which they were respectively
7 elected thereto. The said city council shall annually,
8 by concurrent vote, on the first Monday in February,
9 or within sixty days thereafter, elect four persons,
10 residents of the city, to be overseers of the poor, to
11 hold their office for the term of three years from and
12 after the first Monday in April next following such
13 election, respectively, and until other persons are
14 elected in their places. Vacancies occurring in the
15 said corporation, from any cause, may be filled by said
16 city council, in like manner, at any time; and the
17 person elected to fill any vacancy shall hold his office
18 during the term for which his predecessor was elected.
19 The said corporation shall continue to hold and pos-
20 sess all the property, and be entitled to all the rights
21 and privileges, and be subject to all the duties, liabili-
22 ties and obligations, now by law appertaining to the
23 overseers of the poor in the city of Boston, until the
24 same shall be altered or qualified by the legislature.

1 SECT. 52. The school committee shall consist
2 of the mayor of the city, the president of the com-
3 mon council, the persons now constituting said com-
4 mittee for the several terms for which they were
5 respectively elected, and of the persons hereinafter
6 mentioned. A majority of the persons duly elected
7 shall constitute a quorum for the transaction of busi-
8 ness; and at all meetings of the board, the mayor,

9 and, in his absence, the president of the common
10 council, if present, shall preside.

1 SECT. 53. The qualified voters of each ward
2 shall, at each annual municipal election, choose by
3 ballot two inhabitants of the ward to be members of
4 the school committee for three years from the second
5 Monday in January next ensuing. In case the num-
6 ber of persons to be elected shall not be chosen at
7 the first balloting held in any ward, the same pro-
8 ceedings shall be had for completing the election,
9 which are provided for completing the election of
*10 members of the common council, when there is a
11 failure to elect the requisite number at the first
12 balloting.

1 SECT. 54. If any person elected a member of the
2 school committee refuses or neglects to accept said
3 office, or if any member of the board declines further
4 service, or from change of residence or otherwise
5 becomes unable to attend to the duties of the board,
6 the remaining members shall, in writing, give notice
7 of the fact to the board of aldermen, and the two
8 boards shall thereupon, after giving public notice of
9 at least one week, proceed in convention to fill such
10 vacancy, and a majority of the ballots of the conven-
11 tion shall be necessary to an election. The term of
12 service of every member elected as aforesaid shall end
13 with the municipal year in which he is chosen, and
14 if the vacancy which he was elected to fill was for a
15 longer period, it shall, at the first annual election, be
16 filled in the manner prescribed for original elections
17 of the school committee.

1 SECT. 55. The persons chosen as members of the
2 school committee, shall, together with those members
3 whose terms of office shall be then unexpired under
4 previous elections, meet and organize on the second
5 Monday of January, at such hour as the mayor may
6 appoint. They may choose a secretary and such sub-
7 ordinate officers as they may deem expedient, and
8 shall define their duties and fix their respective
9 salaries.

1 SECT. 56. The said committee shall have the care
2 and management of the public schools, and may
3 elect all such instructors as they may deem proper,
4 and remove them whenever they consider it expedi-
5 ent. And generally they shall have all the powers
6 in relation to the care and management of the public
7 schools, which the selectmen of towns or school
8 committees are authorized by the laws of this
9 Commonwealth to exercise.

1 SECT. 57. It shall be the duty of the board of
2 aldermen, prior to every election of city officers, or of
3 any officer or officers under the government of the
4 United States or of this Commonwealth, to make out
5 lists of all the citizens of each ward qualified to vote
6 in such elections, in the manner required by law ;
7 and for that purpose they shall have free access to the
8 assessors' books and lists, and shall be entitled to the
9 aid and assistance of all assessors, assistant-assessors,
10 and other officers of said city. And it shall be the
11 duty of the board of aldermen to deliver such list of
12 the voters in each ward, so prepared and corrected,
13 to the clerk of said ward, to be used by the warden

14 and inspectors thereof at such election, and no per-
15 son shall be entitled to vote at such elections, whose
16 name is not borne on such corrected list. And to pre-
17 vent all frauds and mistakes in such elections, it shall
18 be the duty of the inspectors, in each ward, to take
19 care that no person shall vote at such election, whose
20 name is not so borne on the list of voters, and to
21 cause a mark to be placed against the name of each
22 voter on such list, at the time of giving in his vote.
23 And the city council shall have authority to establish
24 such rules and regulations, as to making out, pub-
25 lishing and using such lists of qualified voters, as
26 they shall deem proper, not inconsistent with the
27 constitution and laws of the Commonwealth.

1 SECT. 58. All elections for governor, lieutenant-
2 governor, senators, representatives, representatives to
3 congress, and all other officers who are to be chosen
4 and voted for by the people, shall be held at meetings
5 of the citizens qualified to vote in such elections, in
6 their respective wards, at the time fixed by law for
7 those elections respectively. And at such meetings,
8 all the votes given in being collected, sorted and
9 counted by the inspectors and warden in each ward,
10 and declared by the latter in open ward meeting, it
11 shall be the duty of the clerk of such ward to make a
12 true record of the same, specifying therein the name
13 of each person voted for, and the number of votes for
14 each, expressed in words at length. And a transcript
15 of such record, certified by the warden, clerk and a
16 majority of the inspectors of elections in such ward,
17 shall forthwith be transmitted or delivered by each
18 ward clerk to the city clerk. And it shall be the

19 duty of the city clerk forthwith to enter such returns,
20 or a plain and intelligible abstract of them, as they are
21 successively received, in the journals of the proceed-
22 ings of the board of aldermen, or in some other book
23 kept for that purpose. And it shall be the duty of
24 the board of aldermen to meet together within three
25 days after every such election, and examine and com-
26 pare all the said returns, and thereupon to make out
27 a certificate of the result of such election, to be signed
28 by a majority of the aldermen, and also by the city
29 clerk, which shall be transmitted, delivered or re-
30 turned in the same manner as similar returns are by
31 law directed to be made by the selectmen of towns ;
32 and such certificates and returns shall have the same
33 force and effect, in all respects, as like returns of
34 similar elections made by the selectmen of towns.
35 At the election of governor, lieutenant-governor, and
36 senators, it shall be the duty of the board of aldermen
37 to make and seal up separate lists of persons voted
38 for as governor, lieutenant-governor, and senators of
39 the Commonwealth, with the number of votes for each
40 person, written in words at length against his name,
41 and to transmit said lists to the secretary of the Com-
42 monwealth or to the sheriff of the county. The
43 board of aldermen shall, within three days next after
44 the day of any election of electors of president and
45 vice-president of the United States, held by virtue of
46 the laws of this Commonwealth, or of the United
47 States, deliver or cause to be delivered the lists of
48 votes therefor, sealed up, to the sheriff of the county ;
49 and the said sheriff shall, within four days after
50 receiving said lists, transmit the same to the office of
51 the secretary of the Commonwealth ; or the said

52 aldermen may, and when the office of sheriff is vacant
53 they shall themselves transmit the said lists to the
54 said secretary, within seven days after the election.
55 In all elections for representatives to the general
56 court, in case the whole number proposed to be
57 elected shall not be chosen according to law by the
58 votes legally returned, the board of aldermen shall
59 forthwith issue their warrants for a new election,
60 agreeably to the constitution and laws of this Com-
61 monwealth, and the same proceedings shall be had in
62 all respects as are herein before directed; and in case
63 of no choice being made of representatives to con-
64 gress in either district of which the city of Boston
65 composes a part, or in case of any vacancy happening
66 in said districts or either of them, the governor shall
67 cause precepts for new elections to be directed to the
68 board of aldermen of said city, as often as occasion
69 shall require; and such new elections shall be held,
70 and all proceedings thereon had, and returns made in
71 conformity with the foregoing provisions.

1 SECT. 59. General meetings of the citizens, quali-
2 fied to vote in city affairs, may from time to time be
3 held to consult upon the common good, to give
4 instructions to their representatives, and to take all
5 lawful measures to obtain a redress of any griev-
6 ances, according to the right secured to the people
7 by the constitution of this Commonwealth. And
8 such meetings shall and may be duly warned by the
9 board of aldermen, upon the requisition of fifty qual-
10 ified voters of said city. The mayor, if present,
11 shall preside, and the city clerk shall act as the clerk
12 of such meetings.

1 SECT. 60. All warrants for the meetings of the
2 citizens for municipal purposes, to be had either in
3 general meetings or in wards, shall be issued by the
4 board of aldermen, and in such form, and shall be
5 served, executed, and returned at such time, and in
6 such manner, as the city council may by any by-law
7 or ordinance direct and appoint.

1 SECT. 61. No person shall be eligible to office
2 under the provisions of this charter who shall not be,
3 at the time of election, a citizen of the United States
4 and of this Commonwealth.

1 SECT. 62. Nothing in this act contained shall be
2 so construed as to restrain or prevent the legislature
3 from amending or altering the same whenever they
4 shall deem it expedient.

1 SECT. 63. All acts and parts of acts inconsistent
2 with this act are hereby repealed: *provided, how-*
3 *ever,* that the repeal of the said acts shall not affect
4 any act done, or any right accruing or accrued or
5 established, or any suit or proceeding had or com-
6 menced in any civil case before the time when such
7 repeal shall take effect. And that no offence com-
8 mitted, and no penalty or forfeiture incurred under
9 the acts hereby repealed, and before the time when
10 such repeal shall take effect, shall be affected by the
11 repeal. And that no suit or prosecution pending at
12 the time of the said repeal, for any offence com-
13 mitted, or for the recovery of any penalty or forfeit-
14 ure incurred under the acts hereby repealed, shall be
15 affected by such repeal; and *provided, also,* that all

16 persons who, at the time when the said repeal shall
17 take effect, shall hold any office under the said acts,
18 shall continue to hold the same according to the
19 tenure thereof; and *provided, also*, that all the
20 by-laws and ordinances of the city of Boston, which
21 shall be in force at the time when the said repeal
22 shall take effect, shall continue in force until the
23 same are repealed by the city council. And all
24 officers elected under by-laws and ordinances, shall
25 continue in office according to the tenure thereof.

1 SECT. 64. No act which has been heretofore
2 repealed shall be revived by the repeal of the acts
3 mentioned in the preceding section.

1 SECT. 65. This act shall be void unless the inhab-
2 itants of the city of Boston, at a legal meeting called
3 for that purpose, by a written vote, determine to adopt
4 the same; and the qualified voters of the city shall be
5 called upon to give in their votes upon the accept-
6 ance of this act, at meetings in the various wards
7 duly warned by the board of aldermen, to be held on
8 or before the first day of July next; and thereupon
9 the same proceedings shall be had, respecting the
10 sorting, counting, declaring, recording, and returns of
11 said votes, as are herein provided respecting the elec-
12 tion of mayor; and the board of aldermen shall,
13 within three days after the day of such ballot, meet
14 together and compare the returns of the ward officers;
15 and if it appears that the citizens have voted to adopt
16 this act, the mayor shall make proclamation of the
17 fact, by publication in one or more newspapers, in
18 said city, and thereupon this act shall take effect for

19 the purpose of electing municipal officers at the next
20 annual election, and for all other purposes it shall
21 take effect on and after the first Monday of January
22 next.

