

AN ACT RELATING TO THE ADMINISTRATION OF THE CITY OF BOSTON AND TO AMEND THE CHARTER OF THE SAID CITY. *Chap.486*

Be it enacted, etc., as follows:

THE MAYOR AND CITY COUNCIL.

SECTION 1. The terms of office of the mayor and the members of both branches of the present city council of the city of Boston and of the street commissioner whose term would expire on the first Monday of January, nineteen hundred and ten, are hereby extended to ten o'clock A.M. on the first Monday of February, nineteen hundred and ten, and at that time the said city council and both branches thereof and the positions of city messenger, clerk of the common council, clerk of committees, assistant clerk of committees, and their subordinates shall be abolished. The officials whose terms of office are hereby extended shall, for the extended term, receive a compensation equal to one twelfth of the annual salaries now paid to them respectively. The mayor and city council elected in accordance with the provisions of this act, and their successors, shall thereafter have all the powers and privileges conferred, and be subject to all the duties and obligations imposed, by law upon the city council or the board of aldermen, acting as such or as county commissioners or in any capacity, except as herein otherwise provided. Wherever in this act the phrase "mayor and city council" appears, it shall be understood as meaning the mayor and city council acting on and after the first Monday of February, nineteen hundred and ten, under the provisions of this and the three following sections. The city council may, subject to the approval of the mayor, from time to time establish such offices, other than that of city clerk, as it may deem necessary for the conduct of its affairs and at such salaries as it may determine, and abolish such offices or alter such salaries; and without such approval may fill the offices thus established and remove the incumbents at pleasure.

To amend the charter of the city of Boston.

SECTION 2. The mayor from time to time may make to the city council in the form of an ordinance or loan order filed with the city clerk such recommendations other

Mayor may make recommendations, except for school purposes, etc.

Mayor may make recommendations, except for school purposes, etc.

than for school purposes as he may deem to be for the welfare of the city. The city council shall consider each ordinance or loan order presented by the mayor and shall either adopt or reject the same within sixty days after the date when it is filed as aforesaid. If the said ordinance or loan order is not rejected within said sixty days it shall be in force as if adopted by the city council unless previously withdrawn by the mayor. Nothing herein shall prevent the mayor from again presenting an ordinance or loan order which has been rejected or withdrawn. The city council may originate an ordinance or loan order and may reduce or reject any item in any loan and, subject to the approval of the mayor, may amend an ordinance. All sales of land other than school lands, all appropriations for the purchase of land other than for school purposes, and all loans voted by the city council shall require a vote of two thirds of all the members of the city council; and shall be passed only after two separate readings and by two separate votes, the second of said readings and votes to be had not less than fourteen days after the first. No amendment increasing the amount of land to be sold or the amount to be paid for the purchase of land, or the amount of loans, or altering the disposition of purchase money or of the proceeds of loans shall be made at the time of the second reading and vote.

Appropriations to be met from taxes, etc.

SECTION 3. All appropriations, other than for school purposes, to be met from taxes, revenue, or any source other than loans shall originate with the mayor, who within thirty days after the beginning of the fiscal year shall submit to the city council the annual budget of the current expenses of the city and county, and may submit thereafter supplementary budgets until such time as the tax rate for the year shall have been fixed. The city council may reduce or reject any item, but without the approval of the mayor shall not increase, any item in, nor the total of a budget, nor add any item thereto, nor shall it originate a budget. It shall be the duty of the city and county officials, when requested by the mayor, to submit forthwith in such detail as he may require estimates for the next fiscal year of the expenditures of the department or office under their charge, which estimates shall be transmitted to the city council.

The city auditor may, with the approval in each instance of the mayor, at any time make transfers from the appropriation for current expenses of one division of a department to the appropriation for current expenses of any other division of the same department, and from the reserve fund to any appropriation for the current expenses of a department; and may also, with the approval of the mayor, at any time between December first and February first, make transfers from any appropriation to any other appropriation: *provided, however*, that no money raised by loan shall be transferred to any appropriation from income or taxes. He may also with such approval apply any of the income and taxes not disposed of in closing the accounts for the financial year in such manner as he may determine.

Transfers of appropriations.

Proviso.

SECTION 4. Every appropriation, ordinance, order, resolution and vote of the city council, except votes relating to its own internal affairs, shall be presented to the mayor, who shall make or cause to be made a written record of the time and place of presentation, and it shall be in force if he approves the same within fifteen days after it shall have been presented to him, or if the same is not returned by him with his objections thereto in writing within said period of fifteen days. If within said period said appropriation, ordinance, order, resolution, or vote is returned by the mayor to the city council by filing the same with the city clerk with his objections thereto the same shall be void. If the same involves the expenditure of money, the mayor may approve some of the items in whole or in part and disapprove other of the items in whole or in part; and such items or parts of items as he approves shall be in force, and such items or parts of items as he disapproves shall be void.

Appropriations, ordinances, etc., to be presented to the mayor for approval, etc.

SECTION 5. Except as otherwise provided in this act, the organization, powers, and duties of the executive departments of the city shall remain as constituted at the time when this section takes effect; but the mayor and city council at any time may by ordinance reorganize, consolidate, or abolish departments in whole or in part; transfer the duties, powers, and appropriations of one department to another in whole or in part; and establish new departments: and may increase, reduce, establish or abolish salaries of heads of departments, or members of

Present organization to continue in force, etc.

boards. Nothing in this act shall authorize the abolition or the taking away of any of the powers or duties as established by law of the assessing department, building department, board of appeal, children's institutions department, election department, fire department, Franklin Foundation, hospital department, library department, overseers of the poor, schoolhouse department, school committee, or any department in charge of an official or officials appointed by the governor, nor the abolition of the health department.

Contracts.

SECTION 6. No contract for lighting the public streets, parks, or alleys, or for the collection, removal, or disposal of refuse, extending over a period of more than one year from the date thereof, shall be valid without the approval of the mayor and the city council after a public hearing held by the city council, of which at least seven days' notice shall have been given in the City Record.

Mayor may give specific information, upon request, etc.

SECTION 7. The city council at any time may request from the mayor specific information on any municipal matter within its jurisdiction, and may request his presence to answer written questions relating thereto at a meeting to be held not earlier than one week from the date of the receipt of said questions, in which case the mayor shall personally, or through a head of a department or a member of a board, attend such meeting and publicly answer all such questions. The person so attending shall not be obliged to answer questions relating to any other matter. The mayor at any time may attend and address the city council in person or through the head of a department, or a member of a board, upon such subject as he may desire.

Members of city government not to be interested in contracts, etc.

SECTION 8. Neither the city council, nor any member or committee, officer, or employee thereof shall, except as otherwise provided in this act, directly or indirectly on behalf of the city or of the county of Suffolk take part in the employment of labor, the making of contracts, the purchase of materials, supplies or real estate; nor in the construction, alteration, or repair of any public works, buildings, or other property; nor in the care, custody, and management of the same; nor in the conduct of the executive or administrative business of the city or county; nor in the appointment or removal of any municipal or county employee; nor in the expenditure of public money

except such as may be necessary for the contingent and incidental expenses of the city council. The provisions of this section shall not affect the powers or duties of the city council as the successor of the present board of aldermen relative to state or military aid and soldiers' relief.

It shall be unlawful for the mayor or for a member of the city council or for any officer or employee of the city or of the county of Suffolk or for a member of the finance commission directly or indirectly to make a contract with the city or with the county of Suffolk, or to receive any commission, discount, bonus, gift, contribution or reward from or any share in the profits of any person or corporation making or performing such contract, unless such mayor, member of the city council, officer, or employee or member of the finance commission immediately upon learning of the existence of such contract or that such contract is proposed, shall notify in writing the mayor, city council, and finance commission of such contract and of the nature of his interest in such contract and shall abstain from doing any official act on behalf of the city in reference thereto. In case of such interest on the part of an officer whose duty it is to make such contract on behalf of the city, the contract may be made by any other officer of the city duly authorized thereto by the mayor, or if the mayor has such interest by the city clerk: *provided, however*, that when a contractor with the city or county is a corporation or voluntary association, the ownership of less than five per cent of the stock or shares actually issued shall not be considered as being an interest in the contract within the meaning of this act, and such ownership shall not affect the validity of the contract, unless the owner of such stock or shares is also an officer or agent of the corporation or association, or solicits or takes part in the making of the contract.

A violation of any provision of this section shall render the contract in respect to which such violation occurs voidable at the option of the city or county. Any person violating the provisions of this section shall be punished by a fine of not more than one thousand dollars, or by imprisonment for not more than one year, or both. Chapter five hundred and twenty-two of the acts of the year nineteen hundred and eight is hereby repealed.

Same subject.

Proviso.

Penalty for violations of law.

Repeal.

THE EXECUTIVE DEPARTMENT.

Executive department, appointment of members of, etc.

SECTION 9. All heads of departments and members of municipal boards, including the board of street commissioners, as their present terms of office expire (but excluding the school committee and those officials by law appointed by the governor), shall be appointed by the mayor without confirmation by the city council. They shall be recognized experts in such work as may devolve upon the incumbents of said offices, or persons specially fitted by education, training or experience to perform the same, and (except the election commissioners, who shall remain subject to the provisions of existing laws) shall be appointed without regard to party affiliation or to residence at the time of appointment except as hereinafter provided.

Certificate of appointment.

SECTION 10. In making such appointments the mayor shall sign a certificate in the following form:—

CERTIFICATE OF APPOINTMENT.

I appoint (Name of Appointee) to the position of (Name of Office) and I certify that in my opinion he is a recognized expert in the work which will devolve upon him, and that I make the appointment solely in the interest of the city. Mayor.

Or in the following form, as the case may be:—

CERTIFICATE OF APPOINTMENT.

I appoint (Name of Appointee) to the position of (Name of Office) and I certify that in my opinion he is a person specially fitted by education, training, or experience to perform the duties of said office, and that I make the appointment solely in the interest of the city. Mayor.

Copy of certificate to be filed with the civil service commission, etc.

The certificate shall be filed with the city clerk, who shall thereupon forward a certified copy to the civil service commission. The commission shall immediately make a careful inquiry into the qualifications of the nominee under such rules as they may, with the consent of the governor and council, establish, and, if they conclude that he is a competent person with the requisite qualifications, they shall file with the city clerk a certificate signed by at least a majority of the commission that they have made

a careful inquiry into the qualifications of the appointee, and that in their opinion he is a recognized expert, or that he is qualified by education, training or experience for said office, as the case may be, and that they approve the appointment. Upon the filing of this certificate the appointment shall become operative, subject however to all provisions of law or ordinance in regard to acceptance of office, oath of office, and the filing of bonds. If the commission does not within thirty days after the receipt of such notice file said certificate with the city clerk the appointment shall be void.

SECTION 11. The civil service commission is authorized to incur in carrying out the foregoing provisions such reasonable expense as may be approved by the governor and council; the same to be paid by the commonwealth, which upon demand shall be reimbursed by the city of Boston.

Expenses, etc.,
of civil service
commission.

SECTION 12. A vacancy in any office to which the provisions of section nine of this act apply, shall be filled by the mayor under the provisions of said section and pending a permanent appointment he shall designate some other head of a department or member of a board to discharge the duties of the office temporarily.

Vacancy in
office.

SECTION 13. Members of boards shall be appointed for the terms established by law or by ordinance. Heads of departments shall be appointed for terms of four years beginning with the first day of May of the year in which they are appointed and shall continue thereafter to hold office during the pleasure of the mayor.

Terms of
office, etc.

SECTION 14. The mayor may remove any head of a department or member of a board (other than the election commissioners, who shall remain subject to the provisions of existing laws) by filing a written statement with the city clerk setting forth in detail the specific reasons for such removal, a copy of which shall be delivered or mailed to the person thus removed, who may make a reply in writing, which, if he desires, may be filed with the city clerk; but such reply shall not affect the action taken unless the mayor so determines. The provisions of this section shall not apply to the school committee or to any official by law appointed by the governor.

Removal from
office, etc.

SECTION 15. The positions of assistants and secretary authorized by section twenty of chapter four hundred and

Certain offices
abolished.

forty-nine of the acts of the year eighteen hundred and ninety-five except those in the election department are hereby abolished, and except as aforesaid the said section is hereby repealed.

Civil service laws not to apply to certain appointments.

The civil service laws shall not apply to the appointment of the mayor's secretaries, nor of the stenographers, clerks, telephone operators and messengers connected with his office, and the mayor may remove such appointees without a hearing and without making a statement of the cause for their removal.

Expenditures not to exceed appropriations therefor.

SECTION 16. No official of said city, except in case of extreme emergency involving the health or safety of the people or their property, shall expend intentionally in any fiscal year any sum in excess of the appropriations duly made in accordance with law, nor involve the city in any contract for the future payment of money in excess of such appropriation, except as provided in section six of this act. Any official who shall violate the provisions of this section shall be punished by imprisonment for not more than one year, or by a fine of not more than one thousand dollars, or both.

Penalty.

THE FINANCE COMMISSION.

Finance commission, appointment, terms, etc.

SECTION 17. Within sixty days after the passage of this act the governor with the advice and consent of the council shall appoint a finance commission to consist of five persons, inhabitants of and qualified voters in the city of Boston, who shall have been such for at least three years prior to the date of their appointment, one for the term of five years, one for four years, one for three years, one for two years, and one for one year, and thereafter as the terms of office expire in each year one member for a term of five years. Vacancies in the commission shall be filled for the unexpired term by the governor with the advice and consent of the council. The members of said commission may be removed by the governor with the advice and consent of the council for such cause as he shall deem sufficient. The chairman shall be designated by the governor. His annual salary shall be five thousand dollars, which shall be paid in monthly instalments by the city of Boston. The other members shall serve without pay.

Vacancies.

SECTION 18. It shall be the duty of the finance commission from time to time to investigate any and all matters relating to appropriations, loans, expenditures, accounts, and methods of administration affecting the city of Boston or the county of Suffolk, or any department thereof, that may appear to the commission to require investigation, and to report thereon from time to time to the mayor, the city council, the governor, or the general court. The commission shall make an annual report in January of each year to the general court.

Duties, etc.

SECTION 19. Whenever any pay roll, bill, or other claim against the city is presented to the mayor, city auditor, or the city treasurer, he shall, if the same seems to him to be of doubtful validity, excessive in amount, or otherwise contrary to the city's interest, refer it to the finance commission, which shall immediately investigate the facts and report thereon; and pending said report payment shall be withheld.

Pay rolls, bills, etc., to be referred to the commission, etc.

SECTION 20. The said commission is authorized to employ such experts, counsel, and other assistants, and to incur such other expenses as it may deem necessary, and the same shall be paid by said city upon requisition by the commission, not exceeding in the aggregate in any year the sum of twenty-five thousand dollars, or such additional sums as may be appropriated for the purpose by the city council, and approved by the mayor. A sum sufficient to cover the salary of the chairman of the commission and the further sum of at least twenty-five thousand dollars to meet the expenses as aforesaid shall be appropriated each year by said city. The commission shall have the same right to incur expenses in anticipation of its appropriation as if it were a regular department of said city.

Employment of experts, etc.

SECTION 21. For the purpose of enabling the said commission to perform the duties and carry out the objects herein contemplated, and to enable the mayor, the city council, the governor or the general court to receive the reports and findings of said commission as a basis for such laws, ordinances, or administrative orders as may be deemed meet, the commission shall have all the powers and duties enumerated in chapter five hundred and sixty-two of the acts of the year nineteen hundred and eight and therein conferred upon the commission designated in said act; but counsel for any witness at any public hear-

Powers of civil service commission.

ing may ask him any pertinent question and may offer pertinent evidence through other witnesses subject to cross-examination by the commission and its counsel.

THE CITY CLERK.

City clerk,
term, etc.

SECTION 22. The present city clerk shall hold office for the term for which he has been elected, and thereafter until his successor is chosen and qualified. In the year nineteen hundred and eleven, and every third year thereafter, a city clerk shall be elected by a majority of the members of the city council, to hold office until the first Monday in February in the third year following his election, and thereafter until his successor has been duly chosen and qualified, unless sooner removed by due process of law. The city clerk shall act as clerk of the city council established by this act.

THE CITY AUDITOR.

City auditor.

SECTION 23. All accounts rendered to or kept in the departments of the city of Boston or county of Suffolk shall be subject to the inspection and revision of the city auditor, and shall be rendered and kept in such form as he shall prescribe. The auditor may require any person presenting for settlement an account or claim against the city or county to make oath before him in such form as he may prescribe as to the accuracy of such account or claim. The wilful making of a false oath shall be perjury and punishable as such. The auditor may disallow and refuse to pay, in whole or in part, any claim on the ground that it is fraudulent or unlawful and in that case he shall file a written statement of his reasons for the refusal.

Contracts.

SECTION 24. Whenever, in response to an advertisement by any officer or board of the city or county, a bid for a contract to do work or furnish materials is sent or delivered to said officer or board, a duplicate of the same shall be furnished by the bidder to the auditor, to be kept by him and not opened until after the original bids are opened. After the original bids are opened, the auditor shall open and examine the bids submitted to him, and shall compare the same with the original bids. In case any of the bids submitted to the auditor differ from the corresponding original bids, those submitted to the audi-

tor shall be treated as the original bids. The contract shall not be awarded until after both sets of bids are opened.

SECTION 25. The auditor shall furnish monthly to each head of department a statement of the unexpended balance of the appropriation for that department, and he shall furnish to the mayor and city council a statement of the unexpended balances of all the departments. He shall furnish quarterly to the city council an itemized statement showing the amount of money expended by the mayor and the city council for contingent expenses.

Statement of unexpended balances to be furnished, etc.

MISCELLANEOUS PROVISIONS.

SECTION 26. All loans issued by the city after the passage of this act shall be made payable in annual instalments in the manner authorized by section thirteen of chapter twenty-seven of the Revised Laws as amended by section one of chapter three hundred and forty-one of the acts of the year nineteen hundred and eight. No sinking fund shall be established for said loan. All bonds shall be offered for sale in such a manner that the effect of the premiums, if any, shall be to reduce the total amount of bonds issued. No city or county money shall be deposited in any bank or trust company of which any member of the board of sinking fund commissioners of said city is an officer, director, or agent.

Loans.

SECTION 27. Every officer and board in charge of a department of the city of Boston or county of Suffolk shall on or before the fifth day of May in each year prepare and furnish to the city auditor a list of the officials and employees under said officer or board and paid by the city or county on the thirtieth day of April preceding. Such lists shall give the names, residence by street and ward, designation, compensation, and date of election or appointment of each of said officials and employees and the date when each first entered the employ of the city or county. It shall be the duty of the city auditor to verify said lists by the pay rolls; and when verified the said lists shall be printed by the superintendent of printing as a city document.

Officials and employees.

SECTION 28. The jurisdiction now exercised by the board of aldermen concerning the naming of streets, the

Jurisdiction of street commissioners, etc.

planting and removal of trees in the public ways, the issue of permits or licenses for coasting, the storage of gasoline, oil, and other inflammable substances or explosive compounds and the use of the public ways for any permanent or temporary obstruction or projection in, under, or over the same, including the location of conduits, poles, and posts for telephone, telegraph, street railway, or illuminating purposes, is hereby vested in the board of street commissioners, to be exercised by said board with the approval in writing of the mayor; and the mayor and city council shall have authority to fix by ordinance the terms by way of cash payment, rent, or otherwise, upon which permits or licenses for the storage of gasoline or oil, or other inflammable substances or explosive compounds, and the construction or use of coal holes, vaults, bay windows, and marquises, in, under, or over the public ways shall be issued.

"City Record."

SECTION 29. Within ninety days after the passage of this act and thereafter there shall be published at least once a week and distributed and sold under the direction of the mayor and on terms to be fixed by the city council and approved by the mayor a paper to be known as the "City Record." All advertising, whether required by law or not, with reference to the purchase or taking of land, contracts for work, materials, or supplies, the sale of bonds, or the sale of property for non-payment of taxes shall appear exclusively in said paper; a list of all contracts of one thousand dollars or more, as awarded, with the names of bidders, and the amount of the bids; appointments by the mayor; and changes in the number and compensation of employees in each department, shall be published in the City Record. The proceedings of the city council and school committee together with all communications from the mayor, shall be published in the City Record.

Certain contracts to be made in quintuplicate, etc.

SECTION 30. Every officer or board in charge of a department in said city, when authorized to erect a new building or to make structural changes in an existing building, shall make contracts therefor, not exceeding five, each contract to be subject to the approval of the mayor; and when about to do any work or to make any purchase, the estimated cost of which alone, or in conjunction with other similar work or purchase which might properly be

included in the same contract, amounts to or exceeds one thousand dollars, shall, unless the mayor gives written authority to do otherwise, invite proposals therefor by advertisement in the City Record. Such advertisement shall state the time and place for opening the proposals in answer to said advertisement, and shall reserve the right to the officer or board to reject any or all proposals. No authority to dispense with advertising shall be given by the mayor unless the said officer or board furnishes him with a signed statement which shall be published in the City Record giving in detail the reasons for not inviting bids by advertisement.

SECTION 31. At the request of any department, and with the approval of the mayor the board of street commissioners, in the name of the city, may take in fee for any municipal purpose any land within the limits of the city, not already appropriated to public use. Whenever the price proposed to be paid for a lot of land for any municipal purpose is more than twenty-five per cent higher than its average assessed valuation during the previous three years, said land shall not be taken by purchase but shall be taken by right of eminent domain and paid for in the manner provided for the taking of and the payment of damages for land for highways in said city. No land shall be taken until an appropriation by loan or otherwise for the general purpose for which land is needed shall have been made by the mayor and city council by a two thirds vote of all its members; or in case of land for school purposes by the school committee and school-house department in accordance with law; nor shall a price be paid in excess of the appropriation, unless a larger sum is awarded by a court of competent jurisdiction. All proceedings in the taking of land shall be under the advice of the law department, and a record thereof shall be kept by said department.

Taking of
land for
municipal
purposes.

SECTION 32. The first municipal election under this act shall take place on the first Tuesday after the second Monday in January in the year nineteen hundred and ten, and thereafter the regular municipal elections in each year in said city shall be held on the first Tuesday after the second Monday in January.

Elections.

SECTION 33. The fiscal year in said city shall begin on February first and shall end on the thirty-first day of

Fiscal year.

January next following; and the municipal year shall hereafter begin on the first Monday in February and shall continue until the first Monday of the February next following. The present terms of office of members of the school committee are hereby extended to the first Monday of February in the years in which their terms respectively expire, and hereafter the terms of office of members of the school committee shall begin with the first Monday of February following their election. The members of the school committee hereafter shall meet and organize annually on the first Monday of February.

Election of political committees.

SECTION 34. In Boston beginning with the current year political committees shall be elected at the state primaries instead of at the municipal primaries.

CHARTER AMENDMENTS.

Charter amendments.

SECTION 35. At the state election on November second, nineteen hundred and nine, the then registered male voters of the city of Boston shall be entitled to vote upon the following plans, which shall be printed upon the official ballot in the following form. The voters shall make a cross in the space at the right of the plan which he desires to have adopted. No ballot shall be counted upon which the voter has made a cross in both spaces.

Plan No. 1.

Plan No. 1. The term of mayor to be two years; the city council to consist of one member from each ward (except wards twenty and twenty-four, which shall have two each) nominated in primaries and elected for two-year terms, and nine members elected at large for three-year terms; nominations for school committee, mayor, and councilmen-at-large to be made by independent nominations and by delegates elected by the voters in the primaries.

Plan No. 2.

Plan No. 2. The term of mayor to be four years, subject to recall after two years by not less than a majority of all the voters in the city; the city council to consist of nine members elected at large for three-year terms; all nominations for a municipal election to be made by petition of not less than five thousand voters, without party designations on the ballot.

Effect of acceptance of Plan No. 1.

SECTION 36. If a majority of the votes cast under the provisions of section thirty-five of this act are in favor of

the first plan, then sections thirty-seven to forty-three of this act, both inclusive, shall take effect and sections forty-five to sixty-one, both inclusive, shall be inoperative.

THE MAYOR.

SECTION 37. The mayor of the city of Boston shall be elected at large to hold office for the term of two years from the first Monday in February following his election and until his successor is chosen and qualified except as hereinafter provided.

Election of mayor.

SECTION 38. If a vacancy occurs in the office of mayor before the last nine months of the term of office, the city council shall order an election for a mayor to serve for the unexpired term; and if such vacancy occurs in the last nine months of said term, the president of the city council shall act as mayor. In case of the decease, disability, absence, or resignation of the mayor, and whenever there is a vacancy in the office from any cause, the president of the city council shall perform the duties of mayor. If he is also absent or unable from any cause to perform such duties they shall be performed by such member of the city council as that body may elect and until such election by the city clerk. The person upon whom such duties shall devolve shall be called "acting mayor", and he shall possess the powers of mayor only in matters not admitting of delay, but shall have no power to make permanent appointments except on the decease of the mayor.

Vacancy in office of mayor.

THE CITY COUNCIL.

SECTION 39. There shall be elected in said city a city council of thirty-six members, nine of whom shall be elected at large in the city, and twenty-seven of whom shall be elected by wards as hereinafter provided. At the first municipal election under this act and at each regular municipal election thereafter (when there is to be a mayor elected for two years) the registered voters of each ward, except of wards twenty and twenty-four, shall elect one qualified voter of such ward as a member of said council from said ward for the term of two years and at said election the registered voters of wards twenty and twenty-four, respectively, shall elect two qualified voters

Election of city council.

Election of
city council.

of their respective wards as members of said council for the term of two years. At the first election under this act there shall also be elected at large in said city nine members of said city council. No voter shall vote for more than five of said candidates to be elected at large, and the nine candidates receiving the highest number of votes shall be declared elected. The three candidates for membership at large receiving the largest number of votes at said election shall hold office for three years, the three receiving the next largest number of votes shall hold office for two years, the three receiving the next largest number of votes shall hold office for one year. In case two or more persons should receive an equal number of votes, any such person senior in age shall be deemed to have received a larger number of votes than a person his junior in age, for the purpose of determining the length of term to which any such person has been elected. The person oldest in years shall be deemed elected to the longer term, and the persons next oldest in years shall be deemed elected for the shorter terms respectively. Thereafter at each annual municipal election there shall be chosen at large three members of the city council to hold office for a term of three years, but no voter shall vote for more than two candidates and the three candidates receiving the highest number of votes shall be declared elected. All said terms shall begin with the first Monday of February following the election.

Salaries.

SECTION 40. Each member of the city council elected as representative of a ward shall be paid an annual salary of one thousand dollars and each member elected at large shall receive an annual salary of fifteen hundred dollars. No other sum shall be paid from the city treasury for or on account of any personal expenses directly or indirectly incurred by or in behalf of any member of said council.

Powers of
city council,
etc.

SECTION 41. The city council shall be the judge of the election and qualifications of its members; shall elect from its members by vote of a majority of all the members a president who when present shall preside at the meetings thereof; shall from time to time establish rules for its proceedings; and shall, when a vacancy occurs in the office of any member elected at large, elect by vote of a majority of all the members a registered voter of said city to fill the vacancy for the remainder of the municipal year.

The vacancy for the remainder of the unexpired term shall be filled at the next annual municipal election, and the city council shall order such vacancy to be filled at such election, unless the vacancy occurs within two months prior to a regular municipal election, in which event the city council shall forthwith order a special election to fill the vacancy for the unexpired term. If within a period of one year after a regular municipal election a vacancy shall occur in the office of a member elected from a ward, the city council shall order a special election in said ward to fill such vacancy for the unexpired term. A majority of the members of the council shall constitute a quorum for the transaction of business. The member eldest in years shall preside until the president is chosen and in case of the absence of the president until a presiding officer is chosen.

SECTION 42. All elections by the city council under any provisions of law shall be made by a viva voce vote, each member who is present answering to his name when it is called by the clerk or other proper officer, and stating the name of the person for whom he votes, or declining to vote as the case may be; and the clerk or other proper officer shall record every such vote. No such election shall be valid unless it is made as aforesaid.

Elections by
the city
council.

NOMINATIONS AND ELECTIONS.

SECTION 43. The primaries in Boston preceding the regular city election in any year shall be held on the sixth Thursday preceding the city election. At such primaries the registered voters of the various political parties of each ward shall nominate qualified voters of such ward to be candidates for election as representatives of said ward in the city council. There shall also be elected at said primaries delegates to conventions to be called and held on the eighth day after the primaries before the city election. The delegates so elected shall in such convention nominate candidates for election to the school committee, candidates for election at large to the city council, and, in the years when a mayor is to be elected, candidates for election as mayor. Certificate of the nominations made by such conventions shall be filed on or before the twelfth day after the primaries.

Time of
holding
primaries,
etc.

Nomination papers.

Nomination papers in each year shall be issued by the board of election commissioners on and after but not before the day next following the state election.

General election law to apply to primaries, etc.

The provisions of law relating to nominations, election officers, voting places for elections, election apparatus and blanks, calling and conduct of primaries, caucuses and elections, manner of voting at elections, counting and recounting of votes at elections, corrupt practices and penalties shall apply to the primaries and to nominations and elections for the purpose of carrying out the provisions of this section so far as the same are not inconsistent herewith. The board of election commissioners shall have the same powers and duties, where not inconsistent with the provisions of this act, in relation to nominations, nomination papers, preparing and printing ballots, preparing for and conducting primaries, caucuses, counting, recounting, tabulating and determining the votes cast under the provisions of this act, certification of candidates and all other matters relating to elections, which they have now in relation to municipal elections in said city. The members of the board of street commissioners to be appointed by the mayor as provided in this act shall be appointed from the two leading political parties, so that each of said two leading political parties shall be represented thereon.

ALTERNATIVE CHARTER AMENDMENTS.

Alternative charter amendments.

SECTION 44. If a majority of the votes cast under the provisions of section thirty-five of this act are in favor of the second or alternative plan, then sections forty-five to sixty-one of this act both inclusive shall take effect and sections thirty-seven to forty-three both inclusive shall be inoperative.

THE MAYOR.

Term of office of mayor.

SECTION 45. The mayor of the city of Boston shall be elected at large to hold office for the term of four years from the first Monday in February following his election and until his successor is chosen and qualified, except as hereinafter provided.

Question to be printed on ballot at certain state election, etc.

SECTION 46. The secretary of the commonwealth (unless notified as hereinafter provided) shall cause to be printed at the end of the official ballot to be used in the

city of Boston at the state election in the second year of the mayor's term the following question: Shall there be an election for mayor at the next municipal election, with the words Yes and No at the right of the question and sufficient squares in which each voter may designate by a cross his answer to such question. If a majority of the qualified voters registered in said city for said state election shall vote in the affirmative on said question, there shall be an election for mayor in said city at the municipal election held in January next following said state election, and the same shall be conducted, and the result thereof declared in all respects as are other city elections for mayor, except that the board of election commissioners shall place on the official ballot for said election without nomination the name of the person then holding the office of mayor (other than an acting mayor), unless in writing he shall request otherwise. The mayor then elected shall hold office for four years, subject to recall at the end of two years as provided in this section. If said question is not answered in the affirmative by the vote aforesaid no election for mayor shall be held and the mayor shall continue to hold office for his unexpired term. If prior to October first in the said second year of his term the mayor shall file with the secretary of the commonwealth a written notice that he does not desire said question to appear upon the ballot at said state election it shall be omitted; his term of office shall expire on the first Monday of February following; and there shall be an election for mayor in said city at the municipal election held in January next following said state election, and at such municipal election the mayor's name shall not be placed on the official ballot unless he is nominated in the manner provided in section fifty-three of this act.

Question to be printed on ballot at certain state election, etc.

SECTION 47. If a vacancy occurs in the office of mayor within two months prior to a regular municipal election other than an election for mayor, or within four months after any regular municipal election, the city council shall forthwith order a special election for a mayor to serve for the unexpired term, subject if the vacancy occurs in the first or second year of the mayor's term to recall under the provisions of the preceding section. If such vacancy occurs at any other time there shall be an election for mayor at the municipal election held in January next following,

Filling of vacancy in the office of mayor, etc.

for the term of four years, subject to recall as aforesaid. In the case of the decease, inability, absence or resignation of the mayor, and whenever there is a vacancy in the office from any cause, the president of the city council while said cause continues or until a mayor is elected shall perform the duties of mayor. If he is also absent or unable from any cause to perform such duties they shall be performed until the mayor or president of the city council returns or is able to attend to said duties by such member of the city council as that body may elect, and until such election by the city clerk. The person upon whom such duties shall devolve shall be called "acting mayor" and he shall possess the powers of mayor only in matters not admitting of delay, but shall have no power to make permanent appointments except on the decease of the mayor.

Acting
mayor.

THE CITY COUNCIL.

City council,
election, etc.

SECTION 48. There shall be elected at large in said city a city council consisting of nine members. At the first election under this act there shall be elected nine members of said city council. No voter shall vote for more than nine. The three candidates receiving the largest number of votes at said election shall hold office for three years, the three receiving the next largest number of votes shall hold office for two years, the three receiving the next largest number of votes shall hold office for one year. In case two or more persons elected should receive an equal number of votes those who are the seniors by age shall for the division into classes hereby required be classified as if they had received the larger number of votes in the order of ages. Thereafter at each annual municipal election there shall be chosen at large three members of the city council to hold office for a term of three years. No voter shall vote for more than three. All said terms shall begin with the first Monday of February following the election.

Salaries of
members of
the city
council.

SECTION 49. Each member of the city council shall be paid an annual salary of fifteen hundred dollars; and no other sum shall be paid from the city treasury for or on account of any personal expenses directly or indirectly incurred by or in behalf of any member of said council.

Powers of
city council.

SECTION 50. The city council shall be the judge of the election and qualifications of its members; shall elect from

its members by a vote of a majority of all the members a president who when present shall preside at the meetings thereof; shall from time to time establish rules for its proceedings, and shall, when a vacancy occurs in the office of any member, elect by vote of a majority of all the members a registered voter of said city to fill the vacancy for the remainder of the municipal year. The vacancy for the remainder of the unexpired term shall be filled at the next annual municipal election, unless the vacancy occurs within two months prior to such municipal election, in which event the city council shall forthwith order a special election to fill the vacancy for the unexpired term. The member eldest in years shall preside until the president is chosen, and in case of the absence of the president, until a presiding officer is chosen.

SECTION 51. All elections by the city council under any provision of law shall be made by a viva voce vote, each member who is present answering to his name when it is called by the clerk or other proper officer, and stating the name of the person for whom he votes, or declining to vote as the case may be; and the clerk or other proper officer shall record every such vote. No such election shall be valid unless it is made as aforesaid.

Elections by the city council.

SECTION 52. No primary election or caucus for municipal offices shall be held hereafter in the city of Boston, and all laws relating to primary elections and caucuses for such offices in said city are hereby repealed.

Repeal.

SECTION 53. Any male qualified registered voter in said city may be nominated for any municipal elective office in said city, and his name as such candidate shall be printed on the official ballot to be used at the municipal election: *provided*, that at or before five o'clock P.M. of the twenty-fifth day prior to such election nomination papers prepared and issued by the election commissioners, signed in person by at least five thousand registered voters in said city qualified to vote for such candidate at said election, shall be filed with said election commissioners, and the signatures on the same to the number required to make a nomination are subsequently certified by the election commissioners as hereinafter provided. Said nomination papers shall be in substantially the following form:

Nominations for elective office, etc.

Proviso.

COMMONWEALTH OF MASSACHUSETTS

CITY OF BOSTON

NOMINATION PAPER

Form of
nomination
paper.

The undersigned, registered voters of the City of Boston, qualified to vote for a candidate for the office named below, in accordance with law, make the following nomination of candidates to be voted for at the election to be held in the City of Boston on January 19 .

NAME OF CANDIDATE. (Give first or middle name in full).	OFFICE FOR WHICH NOMINATED.	RESIDENCE. Street and number, if any.

SIGNATURES AND RESIDENCES OF NOMINATORS.

We certify that we have not subscribed to more nominations of candidates for this office than there are persons to be elected thereto. In case of the death, withdrawal or incapacity of any of the above nominees, after written acceptance filed with the board of election commissioners, we authorize (names of a committee of not less than five persons) or a majority thereof as our representatives to fill the vacancy in the manner prescribed by law.

SIGNATURES OF NOMINA- TORS. To be made in person.	RESIDENCE MAY 1, or, as the case may be, April 1.	WARD.	PREC.	PRESENT RESIDENCE.

ACCEPTANCE OF NOMINATION.

We accept the above nominations.
(Signature of Nominees.)

Form of
acceptance.

COMMONWEALTH OF MASSACHUSETTS.

SUFFOLK, SS.

BOSTON, 19 .

Then personally appeared who, I am satisfied, is one of the signers of the within nomination paper, and made oath that the statements therein contained are true to the best of his knowledge and belief and that his post office address is

Before me,

Justice of the Peace.

SECTION 54. If a candidate nominated as aforesaid dies before the day of election, or withdraws his name from nomination, or is found to be ineligible, the vacancy may be filled by a committee of not less than five persons, or a majority thereof, if such committee be named, and so authorized in the nomination papers. Nomination papers shall not include candidates for more than one office except that not more than three or nine, as the case may be, candidates for city council may be included in one nomination paper, and not more than two candidates for school committee may be included in one nomination paper. Every voter may sign as many nomination papers for each office to be filled as there are persons to be elected thereto and no more. Nomination papers in each year shall be issued by the board of election commissioners on and after but not before the day next following the state election.

Vacancies in list of candidates, etc.

SECTION 55. Women who are qualified to vote for a member of the school committee may be nominated as and sign nomination papers for candidates for that office in the manner and under the same provisions of law as men.

Certain women may be nominated.

SECTION 56. The names of candidates appearing on nomination papers shall when filed be a matter of public record; but the nomination papers shall not be open to public inspection until after certification. After such nomination papers have been filed, the election commissioners shall certify thereon the number of signatures which are the names of registered voters in the city qualified to sign the same. They need not certify a greater number of names than are required to make a nomination, with one fifth of such number added thereto. All such papers found not to contain a number of names so certified equivalent to the number required to make a nomination shall be invalid. The election commissioners shall complete such certification on or before five o'clock P.M. on the sixteenth day preceding the city election. Such certification shall not preclude any voter from filing objections as to the validity of the nomination. All withdrawals and objections to such nominations shall be filed with the election commissioners on or before five o'clock P.M. on the fourteenth day preceding the city election. All substitutions to fill vacancies caused by withdrawal or ineligibility shall be filed with the election commissioners on

Nomination papers to be public records, etc.

or before five o'clock P.M. on the twelfth day preceding the city election.

Printing of official ballot.

SECTION 57. The name of each person who is nominated in compliance with law, together with his residence and the title and term of the office for which he is a candidate shall be printed on the official ballots at the municipal election, and the names of no other candidates shall be printed thereon. The names of candidates for the same office shall be printed upon the official ballot in the order in which they may be drawn by the board of election commissioners, whose duty it shall be to make such drawing and to give each candidate an opportunity to be present thereat personally or by one representative.

No party or political designation to be printed upon ballot.

SECTION 58. No ballot used at any annual or special municipal election shall have printed thereon any party or political designation or mark, and there shall not be appended to the name of any candidate any such party or political designation or mark, or anything showing how he was nominated or indicating his views or opinions.

Blank spaces upon ballots.

SECTION 59. On ballots to be used at annual or special municipal elections blank spaces shall be left at the end of each list of candidates for the different offices, equal to the number to be elected thereto, in which the voter may insert the name of any person not printed on the ballot for whom he desires to vote for such office.

Certain laws relating to elections to apply, etc.

SECTION 60. All laws not inconsistent with the provisions of this act, governing nomination papers and nominations for, and elections of municipal officers in the city of Boston, shall so far as they may be applicable, govern the nomination papers, nominations and elections provided for in this act. The board of election commissioners shall be subject to the same penalties and shall have the same powers and duties, where not inconsistent with the provisions of this act, in relation to nomination papers, preparing and printing ballots, preparing for and conducting elections and counting, tabulating and determining the votes cast under the provisions of this act, as they have now in relation to municipal elections in said city.

Application of this act to certain special elections, etc.

SECTION 61. The provisions of this act shall apply to any special municipal election held after the year nineteen hundred and nine in the city of Boston, except that nomination papers for offices to be filled at such elections shall be issued by the election commissioners on and after the

day following the calling of said special election. Every special municipal election shall be held on a Tuesday not less than sixty days nor more than ninety days after the date of the order calling such special election.

SECTION 62. All acts and parts of acts so far as inconsistent with this act are hereby repealed; all ordinances and parts of ordinances so far as inconsistent with this act are hereby annulled; and all acts and parts of acts affecting the city of Boston not inconsistent with the provisions of this act are continued in force: *provided, however,* that the provisions of chapter four hundred and forty of the acts of the year nineteen hundred and nine shall not apply to any election held hereunder prior to the first day of April in the year nineteen hundred and ten.

SECTION 63. Sections one to fourteen both inclusive and sections twenty-seven, twenty-eight and thirty-one of this act shall take effect on the first Monday of February in the year nineteen hundred and ten, excepting that so much of section one as is included in the first two sentences thereof, to and including the word "respectively", shall take effect upon the passage of this act; sections sixteen and twenty-three of this act shall take effect thirty days after the passage of the same; section thirty shall take effect ninety days after the passage of this act; and sections fifteen, seventeen to twenty-two, both inclusive, twenty-four to twenty-six, both inclusive, twenty-nine, thirty-two to thirty-six, both inclusive, forty-four and sixty-two shall take effect upon the passage of this act.

Approved June 11, 1909.

AN ACT TO AUTHORIZE THE TOWN OF RANDOLPH TO MAKE AN ADDITIONAL WATER LOAN. Chap. 487

Be it enacted, etc., as follows:

SECTION 1. The town of Randolph, for the purposes mentioned in section five of chapter two hundred and seventeen of the acts of the year eighteen hundred and eighty-five, may issue from time to time bonds, notes or scrip to an amount not exceeding twenty thousand dollars in addition to the amounts heretofore authorized by law to be issued by said town for water works purposes. Such bonds, notes or scrip shall bear on their face the words, Town of Randolph Additional Water Loan, Act of 1909; shall

Town of
Randolph
Additional
Water Loan,
Act of 1909.