

# **CITY GOVERNMENT IN BOSTON: ITS RISE AND DEVELOPMENT**

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City Government in Boston: Its Rise and Development by Henry H. Sprague

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**HENRY H. SPRAGUE**

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*ment. By Henry H. Sprague.*

THE larger part of the following paper was read March 4, 1889, before the Massachusetts Society for Promoting Good Citizenship, and also later in the same year before the Boston Young Men's Christian Union. The writer has endeavored to describe briefly the chief attempts made from time to time in the history of Boston, toward a change from a town government directly by the people, to a government by representation under a city charter; to trace the development of the city charter into the form in which it exists to-day; and to recall the discussions of the principles of municipal government which have been had at successive periods. While having generally consulted the published town records and the various ordinances and acts of the General Court, he has, in narrating the early discussions relative to a city charter, principally depended upon the files of the newspapers of the time, especially the *Columbian Centinel*, the *Independent Chronicle*, and the *Boston Daily Advertiser*. He also acknowledges valuable assistance from Quincy's "Municipal History of Boston" and from Mr. James M. Bugbee's excellent treatise on "The City Government of Boston."



## CITY GOVERNMENT IN BOSTON:

### ITS RISE AND DEVELOPMENT.

On the fourth day of March, in the year 1822, the annual town meeting day of Massachusetts, the inhabitants of the town of Boston, assembled in Faneuil Hall, voted to accept a city charter. The town government under which Boston had grown and prospered for nearly two hundred years, was to cease henceforth to exist, and government by a mayor and a city council was to be inaugurated. It was an historic event. The town meeting, which had governed the destinies of Boston during all this period, the town meeting of John Winthrop and John Cotton, of James Otis, the Quincys, and the Adamses, was to be no more.

In accordance with the order of the General Court of the Bay Colony, the freemen of the town had met "annually and otherwise, as need requires, to make such laws and constitutions as may concern the welfare of their town."\* The freemen of Boston, "the fittest place for publique meetings of any place in the Bay," † as the colonial legislature had decreed, had taken the foremost part among the republican assemblies of the New England towns, in developing the best system of popular government which the world had seen. The records of the town of Boston show that the smallest details of the affairs of the inhabitants were scrupulously considered and

\* Colonial Laws, ed. of 1672, p. 147. Massachusetts Bay Records, vol. 1, p. 172.

† Massachusetts Bay Records, vol. 1, p. 101.



cared for, that the largest principles of constitutional liberty were discussed and formulated, and that the worthiest of her inhabitants were her most faithful public servants, that her distinguished ministers, merchants, and orators were her constant advisers. The town meetings of Boston spoke for the protection of the people against the smallest encroachments upon their liberties under colonial and royal charters, and led the colonies in the assertion of their right to independence through the American Revolution.

It is not to be wondered at that the people long clung with jealousy and affection to the system of town government, and finally with great reluctance surrendered it for a city charter.

An order passed Sept. 7, 1630 (O. S.), "that Trimountaine shalbe called Boston,"\* is the first recorded acknowledgment by the General Court of her existence, and this action has been regarded as an act establishing or incorporating, so called, the town; but the town of Boston was never formally incorporated. From its settlement by Winthrop in 1630, the freemen of the plantation, assuming the right of suffrage, proceeded to exercise all the powers and privileges given from time to time to towns by the General Court.

All the affairs of the town were, at the outset, transacted by the whole body of freemen; but it was not long before it became necessary to appoint individual citizens to carry out the instructions of the inhabitants given in town meeting. Under the authority of the General Court, the freemen soon chose a convenient number of fit men to "oversee, looke unto and sett order for all the allotments within us

\* Massachusetts Bay Records, vol. 1, p. 75.

and for all Comers in unto us, as also for all other the occasions and businesses of this Towne";\* and to these executive agents the name of Selectmen was soon applied. The appointment of selectmen was followed from time to time by the appointment of other boards and officers to carry out the instructions of the town meetings in the various departments of town concerns,—for the charge of the highways, the poor, of health, of fires, of assessment of taxes, of schools. These were all agents of the town, independent of each other, and subject to the direction of the people by vote in town meeting.

The practice or system thus begun, and which grew with the necessities and exigencies of the people, was sometimes clumsy, often incomplete, and always illogical, but it was admirably adapted to the ever-changing needs of a growing community in a developing republic. It secured to the town of Boston, in its rapid growth, good order, intelligence, and the loftiest public spirit; and, even after the town had reached a population of more than forty thousand inhabitants, many of her best citizens, indeed almost a majority of the whole, counselled its continuance.

The history of the town government of Boston is another proof of the fact that it is not in the power of any man or any single body of men to draw up a complete and perfect code for the government of a town, a city, or a state. The governments which best secure the liberties and welfare of the people are those which grow, almost as a patchwork, from the knowledge that comes from actual and daily experience, and from the wisdom that issues in the conflict of opposing ideas,—the governments which are

\* Second Report of Record Commissioners, p. 9.

adapted from time to time to the changing wants and circumstances of the people. Despotic governments may be logical and unchanging, but free institutions must be elastic and often unsymmetrical.

#### EARLY APPLICATIONS FOR INCORPORATION.

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As early as the year 1650, agitation seems to have been made for an act of incorporation. In that year the General Court, on a petition of the inhabitants of Boston that they might become a corporation, had answered that their desire should be granted if it should rationally appear that their articles or terms were fit to grant, and they were requested to present their propositions at the next session. No further action thereon, however, seems to have been taken by the town.\*

The same answer to a similar petition of the town was given by the General Court in 1659, but the agitation seems again to have ended with the petition and its answer.†

An earnest attempt, however, to change the form of town government was made in 1708, when a meeting was called to consider the matter, upon the representation of the selectmen that there was great neglect in the execution of the laws, and need of a head or town officer or officers, who should be charged with the execution of the orders and by-laws of the town. The complaint was made that their due execution was in the hands of the justices of the peace only, officers appointed by the governor and for the county, and that the town, then with a population of eight thousand, had outgrown the former system, "for as

\* Massachusetts Bay Records, vol. 3, p. 207.

† Massachusetts Bay Records vol. 4, Part 1, p. 368.