

**THE FINANCE COMMISSION OF
THE CITY OF BOSTON.
APPOINTMENTS, ORGANIZATION
AND COMMUNICATIONS, VOL.**

V

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649691852

The Finance Commission of the City of Boston. Appointments, Organization and Communications, Vol. V by Various

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Cover @ 2017

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VOLUME V.



CITY OF BOSTON
PRINTING DEPARTMENT
1910

PREFACE.

The original Finance Commission, which organized on July 30, 1907, and continued in office until January 31, 1909, published four volumes of reports and communications.

This volume, published by the present Finance Commission, has been numbered five, so as to present all the reports of both commissions in a single continuous series, and thus avoid the perplexity which would otherwise arise in referring to the reports if they were so numbered as to seem to constitute two distinct series.



APPOINTMENT AND ORGANIZATION.

The members of the Finance Commission were appointed on June 23, 1909, under section 17, chapter 486, of the Acts of 1909. The commission organized on June 24, 1909, and established headquarters at Rooms 410-413 Tremont Building, Boston. The members, John A. Sullivan, Charles P. Curtis, Francis N. Balch, John F. Moors and Geoffrey B. Lehy, were appointed for five, four, three, two and one year terms respectively, and Mr. Sullivan was designated as chairman. The powers and duties of the Finance Commission are defined in the legislative acts set forth below.

CHAPTER 486, ACTS OF 1909.

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 installments by the city of Boston. The other members shall serve without pay.

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.

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.

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.

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

CHAPTER 562, ACTS OF 1908.

An Act to Define the Powers of the Finance Commission of the City of Boston.

Be it enacted, etc., as follows:

SECTION 1. The commission of seven appointed by the mayor of the city of Boston under the authority of two certain orders of the city council of said city, approved by the mayor, January twenty-ninth and March seventh, nineteen hundred and seven, respectively, to examine into all matters pertaining to the finances of the said city, including appropriations, debt, loans, taxation, expenditures, bookkeeping, administration and other matters more particularly set forth in said orders, is hereby given authority to prosecute the said investigation, to inquire into the management of the business of said city, and to inform itself as to the manner and methods in which the same is or has been conducted. The commission shall report its findings and recommendations to the general court.

SECTION 2. For the purpose of enabling the commission to perform the duties and carry out the objects contemplated by said orders and by this act, and to enable the general court to receive the aforesaid findings and recommendations as a basis for such laws relating to the government of said city as the general court shall deem meet to enact, the commission shall have power to require the attendance and testimony of witnesses and the production of all books, papers, contracts and documents relating to any matter within the scope of the said investigation, or which may be material in the performance of the duties imposed by said orders and this act. Such witnesses shall be summoned in the same manner and be paid the same fees as witnesses before the municipal courts of said city. Each of such witnesses may be represented by counsel who may cross-examine the witness for whom he appears for not more than ten minutes during

his examination. The chairman or any member of the commission may administer oaths to or take the affirmation of witnesses who appear before the commission. The commission may prescribe reasonable rules and regulations for the conduct of hearings and the giving of testimony.

SECTION 3. If any person so summoned and paid shall refuse to attend, or to be sworn, or to affirm, or to answer any question, or to produce any book, contract, document or paper pertinent to the matter of inquiry in consideration before the commission, a justice of the supreme judicial court or of the superior court, in his discretion, upon application by the commission or any member thereof, authorized thereto by vote of said commission, may issue an order requiring such person to appear before the commission, and to produce his books, contracts, documents and papers and to give evidence touching the matter in question. Any failure to obey such order of the court may be punished by such court as a contempt thereof.

SECTION 4. Any person so summoned and paid who shall refuse to attend, or to be sworn, or to affirm, or to answer any question, or to produce any book, contract, document or paper pertinent to the matter in consideration by the commission, and any person who wilfully interrupts or disturbs, or is disorderly, at any hearing of the commission shall be punished by a fine not exceeding fifty dollars, or by imprisonment for not more than thirty days, or by both such fine and imprisonment.

SECTION 5. Any person who wilfully swears or affirms falsely before the commission upon any point material to the matter of inquiry shall be guilty of perjury, and shall be subject to the provisions of chapter two hundred and ten of the Revised Laws and amendments thereof.

SECTION 6. Upon application by the commission to any justice of the supreme judicial court, or of the superior court, the said justice may issue a commission to one or more competent persons in another state for the examination of a person without this commonwealth relative to any matter within the scope of the said investigation or of this act. The testimony of such person may be taken by open commission, or otherwise under the procedure, so far as the same may be applicable, provided by section forty-three of chapter one hundred and seventy-five of the Revised Laws, and the said justice may issue letters rogatory in support of said commission.

SECTION 7. Nothing in this act shall be construed to compel any person to give any testimony or to produce any evidence, documentary or otherwise, which may tend to incriminate him.

SECTION 8. The powers granted by this act shall cease on the thirty-first day of December, nineteen hundred and eight.

[Approved June 1, 1908.]

The report of the commission to the General Court is contained in Part I. herein; the commission's reports to the city government are in Part II.; and a summary of the recommendations made by the former Finance Commission, with a record of the action taken thereon, is in Part III.

