

City of Cambridge April 19th 1848.

Gentlemen of the City Council,

By an Ordinance of the City Council entitled "An Ordinance providing for the appointment, & prescribing the duties, of City Marshal, & establishing a City Watch", - passed June 30th 1846, it is made the duty of the Mayor & Aldermen to appoint, at the commencement of every municipal year, a City Marshal & two Deputy Marshals. A City Marshal has consequently been appointed for the current municipal year. But I have forborne to nominate Deputy Marshals, in consequence of the submission of that Ordinance to a Committee, for revision, whose report has not yet been made.

From considerable inquiry in relation to the system of police, I have become satisfied that the office of Deputy Marshal is unnecessary; since the Marshal can receive all the aid required for the execution of his official duties, from the Constables & Watchmen.

It is required, by the Ordinance, that the City Marshal shall be appointed Constable. It does not appear to me essential that these offices should be combined. On the contrary there are reasons why the union of them should not be made imperative. The present Marshal, for instance, is a Justice of the Peace

& a Counsellor at Law. As a Justice of the Peace, in all cases of affray, riot, or assault & battery, he can, without any warrant, command the assistance of the Sheriff or of his Deputies, or of the Constables, for suppressing such disorders, & arresting the persons concerned in them. And in regard to clandestine offences & violations of City Ordinances, he can cause all such searching process to be instituted, as are necessary for the detection & punishment of the offenders.

The business of Constable & that of Counsellor at Law are not only wholly distinct, but in some important particulars incompatible. A Constable is prohibited from appearing before a Court or a Justice of the Peace as Attorney or counsel for any party in a suit, & of making any writ or declaration for such party.

I should not bring forward this personal consideration, if the office of Constable were in my opinion important for the execution of the duties of Marshal, since the full performance of these duties is paramount to all personal considerations. But if we can remove an obstacle to the holding of an office by a competent, faithful & efficient officer, without impairing his power to accomplish its objects, while something is gained, nothing is lost by the change.

The duties assigned to the Marshal by the Ordinance creating the office, are very arduous, & the compensation he has hitherto received for the performance of them, does not appear to me to be

such as his responsibility & the amount of his services justly demand. I ~~would~~^{do}, therefore, earnestly recommend to the City Council the establishing of a fixed salary for this officer, instead of the uncertain, fluctuating & inadequate remuneration received from the fees & charges which appear in his periodical reports.

Respectfully Submitted by
Sidney Willard, Mayor

In Board of Aldermen 9 May 1848.

Referred to the joint Special Committee on Ordinances,
Sent down for concurrence.

In Common Council May 16/48

Lucius R. Paige, City Clerk

Concurred

C. S. Kewell Clerk

Communication from the Mayor
26 Apr. 1848-

Mrsa of Alderman 26 Apr. 1848-
Laid on the table.

ref

City of Cambridge,
In Board of Aldermen,

May 30, 1848.

The joint Special Committee on Ordinances, to whom was referred on the 16th, instant, the communication of the Mayor in relation to the "Ordinance providing for the appointment, and prescribing the duties of City Marshall and establishing a City watch," have considered the same, and ask leave report the accompanying Ordinance.

J. T. Purwell,

for the Committee.

Report
of the
Joint Committee
on
Ordinances.

30 May 1848.

An Ordinance,

Providing for the appointment, and prescribing the duties, of City Marshal, and establishing a City Watch.

Be it ordained by the City Council of the City of Cambridge, as follows:—

1. The Mayor and Aldermen shall, at the commencement of every municipal year, appoint a City Marshall, who, before entering on the duties of his office, shall take, before the Mayor and Aldermen, an oath, and give bond, in the sum of three hundred dollars with surety, to be approved by the Mayor and Aldermen, for the faithful performance of the duties of his office.

2. The City Marshall shall have precedence and command over the Constables and watchmen of the City.

3. The City Marshall shall from time to time pass through the streets, lanes and alleys

of the city, and take notice of all nuisances, obstructions and impediments therein, and on the sidewalks thereof, and cause the same forthwith to be removed, and the authors thereof to be prosecuted according to law. He shall observe all defects and want of repair in the highway and streets, and give immediate notice thereof to the Mayor and Aldermen, or the Superintendent of Streets, to the end that the same be amended. He shall to the utmost of his power, preserve the public peace, and prevent all riots, disorders, and unlawful practices, within the city. He shall carry into execution, within the city, the laws of the Commonwealth, and all the ordinances of the city, and be vigilant to detect and bring to punishment all violators thereof. He shall obey and execute all the commands of the Mayor and Aldermen, which in any way relate to the interest or security of the city and the inhabitants thereof. He shall receive all com-

plaints made to him of any violations of the laws or of any ordinances of the city, and shall, on behalf of the city, cause all offenders against such laws and ordinances to be promptly prosecuted before some Court or Justice of the Peace, as the case may require, within the County of Middlesex, and shall attend on behalf of the city, at their trials. He shall lay before the Mayor and Aldermen, once in three months, and oftener if required, a statement of all offences against the laws of the Commonwealth and the ordinances of the city, and of all prosecutions instituted by him on behalf of the city, and the result thereof.

4. The City Marshal shall, under the authority and control of the Mayor and Aldermen, carry into execution, all rules and ordinances, which shall from time to time be made by the City Council, relative to the causes of sickness, nuisances

and sources of filth, ~~and causes~~ of which may affect injuriously the health and comfort of the inhabitants; and shall cause all such nuisances, sources of filth, and causes of sickness, to be immediately removed, destroyed, or prevented, conformably to such ordinances and the laws of the Commonwealth.

5. The City Marshal shall execute and carry into effect all ordinances, which shall from time to time be made by the City Council, to prevent unlawful and injurious practices in the streets and other public places in the city.

6. The said Marshal and the Constables of the city shall, in case of fire within their respective Wards, repair to the place where the fire may be, and ^{attend} diligently to the preservation of the public peace, and the prevention of thefts, and the loss and destruction of property.

7. The Mayor and Aldermen may from time to time order a suitable watch to be kept in the night; and for that purpose, may appoint any number of watchmen, not exceeding twenty, which they may deem necessary, and establish all needful rules and regulations for the government thereof; and shall appoint a Captain of the Watch in each Ward, - but the City Marshal shall be Captain of the Watch, in the Ward in which he resides.

8. The City Marshal, and the Captains of the watch, and all other watchmen shall obey and execute all rules and orders made and given them in charge, in that behalf, by the Mayor and Aldermen. They shall when on the watch, pass in and about the streets, lanes and principal inhabited places of the city, to prevent danger by fire, and to see that order is kept, and that all disturbances and disorders are prevented and

suppressed; and, for that purpose, shall have authority to examine all persons whom they shall see walking abroad in the night, after ten o'clock, and whom they shall have reason to suspect of any unlawful design, and to demand of them their business abroad at such a time, and whither they are going; to enter any houses of ill-fame, for the purpose of suppressing any riot or disturbance therein, and to arrest any persons there found making or aiding and abetting in such riot or disturbance. And all persons so walking abroad, and suspected of any unlawful design as aforesaid, who shall not give a satisfactory account of their so being abroad and of their business, and all persons so arrested in such houses of ill-fame, shall be secured by imprisonment or otherwise, to be safely kept until the next morning and ^{shall} then be taken before a Justice of the Peace, to be examined and proceeded with according to the nature of their offence.

9. The said Marshall and all other watchmen, when attending watch, shall carry with them such badge of their office as the Mayor and Aldermen shall prescribe.

10. The Captains of the watch shall report weekly to the City Marshall.

11. The Mayor and Aldermen may at any time, by vote, remove from office said Marshal or any of said watchmen and appoint a successor or successors. The said Marshal shall receive such compensation as the City Council shall determine. He shall keep a true and accurate account of the service rendered and time spent in discharging the duties of ~~the~~^{his} office, and lay the same before the City Council once in every three months.

12. All ordinances or parts of ordin

ances inconsistent with the foregoing are
hereby repealed.

Ordinance,
Providing for the appoint-
ment and prescribing
the duties of City Marshal
and establishing a City Watch.

Mr Board of Aldermen 30 May 1848

Read over. Laid on the table -

June 6. 1848. Indefinitely
postponed -

L. R. Paige, City Clerk