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The Landmarks of Federal Hill: The Pushcart Struggle 1930-1942, Board Bans All Pushcarts From Balbo Avenue By October 1, 1937 (Part VI)

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The Pushcart Struggle 1930-1942

Board Bans All Pushcarts From Balbo Avenue
By October 1, 1937

PART VI

During the writing of these articles, in some instances, the names of some of the persons involved have not been used, so as to protect the identity of the families, who, in some instances, still survive them; however, this series is a result of material that has been researched in the newspaper articles which appeared in the Providence Journal, the Providence Evening Bulletin, and the Star Tribune, from 1936 to 1941.

Pushcart vendors, whom the Alderman of the 13th Ward sought to drive off Balbo Avenue, were ordered to leave by October 1, by the Bureau of Police and Fire, by a ruling which was made by them. But, in the meantime, they ruled the vendors had to seek permits for specific locations in streets, from the Commissioner of Public Works, Charles E. Maguire. Issuance of permits by Mr. Maguire, under a never used statute, were subject, however, to approval by the Bureau of Police and Fire.

In holding that the vendors must leave Balbo Avenue by that date, the Bureau, in a statement, declared, "that it had no power to authorize them to move at the present time to any other street."

When the Alderman first demanded that the vendors be ousted from Balbo Avenue, the suggestion was made that they be relocated on Spruce Street, a narrower thoroughfare. However, under the Board's interpretation of the law, the vendors could not be moved to Spruce Street until Mr. Maguire, the then Commissioner of Public Works, gave his permission, and the Bureau concurred in that action.

You can well imagine, under the prescribed procedure, which was established, how distraught the vendors became, not only due to the new requirements made, but that most of them were not fluent with the English language, and it meant the beginning of governmental red tape to be followed, together with political pressures which would come into play, in order that they could move to a new location, and in order that they might continue to earn a meager livelihood for themselves and their families.

All these complications came during a time when jobs were not plentiful; WPA (Works Progress Administration) was the then solution to creating jobs for men without means of livelihood; and failing to obtain a job from WPA, they would have to revert to relief rolls.

News of the Bureau's action stunned the vendors along Balbo Avenue and Spruce Street. The Alderman's proposal had been met with a solid resistance which crystallized into the formation of the Federal Hill Pushcart Peddlers Protective Association. Anthony Muratore, President of the Association, immediately charged "that the action came as a result of actions on the part of the Alderman, and that this move would be the ruination of the vendors, and that their business was certain to be completely destroyed, if they had to leave their present locations."

Leo Garofalo, Secretary of the Association, said, "there was no logic to the Bureau's action, and that it would not eliminate the traffic hazard that was claimed."

Other members of the Association standing by the tiny stands, which provided their only source of income, and the livelihood for their families, greeted the announcement with silent resignation.

Others responded with angry emotions and expressions, and began discussing with one another, what the future held for them. All along Balbo Avenue, there was a spirit of bitter resentment.

The order of the Bureau of Police and Fire was based on a forgotten law invoked by the Alderman, which vested authority for use of the city highways and for the sale or storage of merchandise, in control of the Commissioner of Public Works, with the approval of the Bureau of the Fire and Police.

The 13th Ward Councilman contended that the Bureau was without authority to allow the use of any part of Balbo Avenue for the vending of merchandise in the highway, and told members of the Bureau that Mr. Maguire had the sole authority to grant such permission.

Vendors on Federal Hill never had operated under the license system, as stipulated in the Law of 1909, and, for years, police governing bodies had allowed the operation of their business. In delaying immediate enforcement of the removal order, the Bureau said "that it was acting to give the vendors sufficient time to make application before the Commissioner of Public Works for permission to use the highway. Such applications, however, after consent of the Commissioner, had been granted, would have to be approved by the Bureau."

Before it reached its final decision, the Bureau obtained an opinion from Donald O. Burke, special prosecutor, in which the latter said, "That permits for vending merchandise in the public highways from parked stands, must be obtained from Mr. Maguire."
In announcing its decision, the Bureau issued the following statement: "In the matter of the vendors' situation on Federal Hill, the Bureau of Police and Fire has given the proposal of the Alderman careful consideration, and the members of the Bureau have personally studied the situation in visits to the section involved in the controversy, and observed the operation of the vendors on Balbo Avenue, and on portions of Spruce Street.

Although the use of Balbo Avenue by the vendors has been suffered to exist for a considerable time, the ordinances of the City of Providence do not permit for that use, without very definite assignation of the space occupied, and the execution of a suitable fee for such occupancy.

The Alderman, bringing this matter before the Bureau for consideration, said there appeared to be no alternative to a complete investigation of the matter from all angles.

Balbo Avenue is potentially a thoroughfare, even at the present moment, it may be so considered, and the plans for the future will make it essentially a highway of that type. It is undeniable that the presence of the vendors on this street causes considerable traffic congestion, and that its use by emergency vehicles is frequently seriously impaired. The Bureau is convinced that it is not only a wise suggestion, but a genuine necessity for the general good of the public, that Balbo Avenue be opened for unobstructed vehicular traffic.

As to the suggested location of Spruce Street, Chapter 468 of the Public Laws of 1906, being part of the Charter, Special Laws of the City of Providence of 1916, provides that permits for specific parts of the public streets may be issued by the Commissioner of Public Works, and the conditions provided by the aforesaid Act, and under rules of his own, not inconsistent with said Act, and that said Commissioner of Public Works is the proper person to determine the advisability of operation of the vendors on this street for this purpose, with the approval of the Bureau of Police and Fire.

Being on both the street and sidewalk, the control of all location thereon, must, and should be, by the City of Providence, and not by private individuals, as at present. The private use of both street and sidewalk space by private business is not a new problem in the City of Providence, and this situation should be handled by the issuance of definite permits, for definite locations, by the Commissioner of Public Works.

By direction of the Bureau, it is hereby ordered that on and after October 1, 1937, the vending from pushcarts and display racks, boxes, cases, etc., will not be permitted in the streets and sidewalks of the City of Providence, except, in definite locations, and then, only to duly licensed vendors, holding permits, therefore.

This decision by the Bureau of Police and Fire is made for the proper control and licensing of peddlers and vendors from stationary locations, utilizing certain portions of streets and sidewalks, or both. The proper location for marts of this character, is on private property rather than on, or in, the highways. The Bureau is hopeful that in the near future, some suitable space can be provided off the highway.

The vendors declared the order of the Bureau of Police and Fire, meant the end of their business. "There is nothing we can say except, we would like to know the true reasons for it."

This was the beginning of seemingly, monumental government red tape, for a group of vendors not conversant with the English language, nor accustomed to red tape; who wanted only to earn a meager, honorable living for their families.

NEXT WEEK: Vendors Stage, "Sit-In Strike," in Mayor’s Office.