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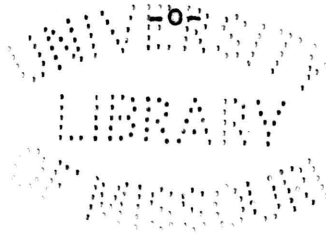
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Form 26

M u n i c i p a l G o v e r n m e n t

i n

S t . J o s e p h , M o .



By

J a c o b C h a s n o f f , A . B . .

University Scholar in Political Science and

Public Law.

1903-04.

Submitted in partial fulfillment of the
requirements for the degree of Master of Arts in the
University of Missouri.

Columbia, Mo.

1904.

Municipal Government in St. Joseph, Mo.

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Municipal Government in St. Joseph, Mo.

Columbia, Mo., 1904.

Jacob Chasnoff.

I. Introduction.

The aim of this paper is to trace the growth and development of the governmental organization and powers of the City of St. Joseph, Missouri, and to describe them as they exist to-day.

St. Joseph was chosen as the subject of this thesis because of the desire of the writer to become familiar with the organization of the government of his home city and because governmental organization in St. Joseph presents a peculiarly interesting and instructive study. In the brief fifty-nine years of its existence this city has grown from a mere frontier trading post to a city of about 113,000 inhabitants^a, passing through the stages of incorporated town and city with a special charter, and coming finally under the general law governing cities of the second class.

Of course, along with the increase in population the scope of the municipal activity of St. Joseph has been greatly widened. The municipal activities of St. Joseph have~~is~~ been considered and will be taken up in a subsequent paper for it is these which by their expansion together with the experience both of the people of St. Joseph and of the General

a. Estimate from U.S. Census Bulletin #7.1904 on "Estimates of Population." p.4.

Assembly of the State have brought about changes and increased the complexity of the city government.

It has been found convenient in treating this subject to divide it into periods marked by significant changes in the organization of the city's government. The first period is that of the Town Charter. By a special act of the legislature of the State passed in 1845 the inhabitants of the settlement were incorporated as a town and a municipal government established^a. There ~~was~~ ^{were} at that time according to a liberal estimate about 650 inhabitants in the town^b. The beginning of the second period is marked by a special act of the General Assembly of the State incorporating the municipality as a city. This act was passed in 1851^c. At that time the population of St. Joseph had increased to about 2,500^d. The State Constitution adopted in 1875, provided that the General Assembly should provide by general laws for the classification and organization of cities and should also make provisions by general law whereby cities existing by virtue of a special law could adopt the organization to which it was entitled by the general law. So in 1877 the legislature passed ~~an general act for the~~ such an act classifying cities into four classes according to their population and providing a different scheme of government for each class^e. But St. Joseph continued under its

a. Laws 1845 p.131 ff.

c. Laws 1851 p.88 ff.

b. St. Joseph Gazette, May 9 1845.

d. Report of Register 1869 p.53. e. Laws 1877 p.41 ff.

special charter until 1885, when it decided to adopt the organization provided by the Act of 1877 as amended by subsequent acts. At that time the law provided that cities having from 30,000 to 100,000 inhabitants ~~xxxx~~ were cities of the second class. ~~the~~ ~~xxxx~~ St. Joseph having ~~xx~~ had a population of 32,431 according to the census of 1880 was accordingly incorporated as a city of the second class and adopted the organization provided by the general act for this class. This marks the beginning of the last period. As I have said, the city has at present a population of about 113,000 and though it could if it desired adopt the government which the legislature has provided for cities of the first class, it has thus far preferred the present system and remained a city of the second class. This is probably due to the fact that St. Joseph is and has been the only city which has adopted the government provided by the general act for ~~second class~~ cities of the second class and can therefore easily bring about a modification of this act to suit its needs.

II. Period of the Town Charter.

By the charter of incorporation granted by the legislature of the State to the inhabitants of St. Joseph by a special act of February 26, 1845 the corporate powers were vested in a board of seven trustees^a.

a. Laws 1845 pp.131 ff.

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The trustees were to be elective annually in May by the qualified voters of the town^b. The qualifications for voters as determined by an act applicable to all cities and towns in the State, were liberal, the only requirement being that the person offering to vote should be a citizen; 21 years of age, free, and have resided in the state at least one year and in the town at least six months^c. The qualifications for trustees were the same as those for voters and it was expressly provided by a general law that no property qualifications should be required of them^d. The act provided that a quorum of the Board should consist of five trustees and that there should be a chairman and a clerk of the board but left it to the board to determine its internal organization in almost all other respects^e.

The powers of the Board were enumerated in the act. It was given general police power; general power over streets, bridges, sewers and ferries; general power to make health regulations; and general power over the organization of the town government^f. Besides, it was given power to provide for inspection of lumber and provisions. The Board of Trustees was also given power to levy and collect taxes, provided that no tax of over one half per cent of the assessed valuation should be imposed on property, and to borrow money for public

b. Laws 1845 p.132.

c. Laws 1840-1 p.28 §5.

d. Laws 1845 p. 133.

e. Laws 1845 p.13.--

f. Laws 1845 p.133.

5.

improvements if a majority of the taxable inhabitants consented^a.

The Trustees were elected and they organized according to the provisions of the law on May 5, 1845. Among the first acts of the Board was the establishment of the following officers: Clerk, Attorney, Constable, Collector, Assessor, Surveyor, and Treasurer^b. All these officers were appointed by the Board of Trustees for a term of one year and until their successors were appointed and qualified. The duties of these officers are sufficiently indicated by their titles and need not be enumerated in detail. Fixed salaries ranging from \$25 to \$50 per annum were provided for all these officers except for the Collector and Assessor. The Collector received a percentage of the total collections while the Assessor received a per diem. All these officers were required to furnish bond in amounts ranging from \$50 to \$1000. In May 1846 an ordinance establishing the office of Street Commissioner was passed. His term and tenure were the same as for the officers just mentioned. Until 1850 the Constable was the only police officer but in that year he was allowed to employ necessary deputies.

Early in 1849 the Board of Trustees drew up an amendment to the act governing the town and succeeded in having it passed by the legislature. This act^c provided that the chairman of the Board of Trustees should be a conservator

a. Laws 1845 p.133

b. Town Ordinances # 1-24.

c. Laws 1849 p.166 ff.

of the peace within the limits of the town and should have original and exclusive jurisdiction over all cases arising under the ordinances of the town where the penalty provided did not exceed \$150. Appeal, however, could be taken to the Circuit Court of Buchanan County just as from a Justice of the Peace Court. The Board of Trustees were to carry this act into effect and did so by ordinance.

III. The Period of the Special City Charter.

The Charter of 1851.

By an act of the legislature approved February 22, 1851, St. Joseph was incorporated as a city. Under this act^a the organization became quite different from what it had been in the period of the Town Charter. The great change in organization was the establishment of a Mayor and Council in place of the Board of Trustees. The other officers established by this act were a Register, Marshall, Assessor, and Treasurer.

The Mayor.

The Mayor was in a way a successor to the Chairman of the Board of Trustees but his powers were much greater and the tenure was also different. The Mayor was to be elected by the qualified voters of the city. The qualifications for voters were the same as during the town period, with the added requirement that they must have lived at least six

a. Laws 1851 p.88 ff.

months in the ward in which they offered to vote and must have paid a city tax^a. The qualifications provided for the Mayor were the same as those for voters but in addition he was required to be a property holder and to have resided two years in the city^b. Removal from the city during his term of office was a disqualification and served to vacate the office^c. It was the power and duty of the Mayor to see that the laws were properly enforced, to grant pardons and remit fines, to be a conservator of the Peace, to send messages and recommendations to the Council, and to preside over that body^d. His compensation was to be fixed by the Council^e.

The Council.

The organization of the Council was similar to that of the Board of Trustees of the town but there is the important difference that while the Board of Trustees was very largely an administrative body the Council was primarily a legislative one. The City Council was to consist of but six members^f. The tenure of Councilmen, too was different from that of the trustees for they were to be elected on a district ticket plan, that is, the city was to be divided into several wards and the Councilmen were to be apportioned among them as nearly as possible according to population^g, while the Trustees were elected on a general ticket.

a. Laws 1851 p.88 III§1 & IV§2. b. Laws 1851 p.88 Art.III§1.

c. Laws 1851 p.88 Art III §2. d. Ibid Art.III §5 & 6.

e. Ibid. Art.III §5. f. Ibid. Art.II §2.

g. Ibid. Art.II §2.

The term of Councilmen was one year and the suffrage of electors was the same as for voters of the Mayor^a. The qualifications for Councilmen were the same as for Trustees under the town charter but Councilmen must have resided in the city at least one year before they were qualified for their office.^b Any Councilman who moved away from the ward from which he was elected thereby vacated his office^c. The provisions for the internal organization of the Council were practically identical with those for the Town Board except that this act provided that the Mayor should be ex-officio President of the Council.^d

The Mayor and Council.

The legislative power of the city was vested in the Mayor and Council. An ordinance was to become law when approved and signed by the Mayor after it had passed the Council; or in the event that after passage by the Council the Mayor did not return it to the Council within three days and did not sign it; or, if, after the Mayor had vetoed it and returned it to the Council within the three days, the Council passed it again by a two-thirds vote^e.

The Mayor and Council as the general legislative body of the city were given general ~~power~~ police power, including the power to provide fire protection and to prevent

- b. Laws 1851 p.88 Art.II §3. a. Laws. 1851 p.88 Art.IV-2
 c. Laws 1851 p.88 ArtII -5. d.Laws 1851 p.88 Art.II & III.
 e. Laws 1851 p.88 Art.VII-2.

and remove nuisances, general health powers, general power over the organization of the city administration except as provided by this act, general power over streets, bridges and sewers and over docks, wharves and harbors within the city limits^a. The Mayor and Council were also given power to levy and collect taxes on real and personal property provided the tax did not exceed one-half of one per-cent per annum on the assessed valuation. They were also given power to levy and collect taxes on a limited number of occupations. They had power moreover, to borrow money on the credit of the city for public improvements provided a majority of the owners of real estate voted for the proposition.^b They were given power to appropriate the money of the city for authorized purposes except that they were not to spend over \$1,000 per annum for salaries and they were given power to provide for the payment of the city debt. They were also given power to levy special assessments for grading, paving, and lighting streets on application of the owners of two-thirds of the street frontage^c. Thus it will be seen that ~~the power of the city was somewhat~~ greater than ~~the power of the town~~ during the town period only in the case of the taxing power for the town did not have power to levy occupation taxes, nor special assessments. It is to be noticed also that to exercise the borrowing power

a. Laws 1851 p.88 VIII-2.

b. Ibid. VIII-19.

c. Ibid Art.V. & VIII-16.

under the Town government a majority of the taxable inhabitants must consent while under the city government it was required instead that a majority of the owners of real-estate must approve the proposition.

Other Officers.

~~In 1851~~ The Register was to be appointed by the Mayor with the advice and consent of the Council for a term of one year^a. His duties were those of a city clerk, namely: that he should be clerk of the Council and keeper of the city records and papers^a. The offices of Assessor and Treasurer were appointive by the Mayor in the same way and the terms of these ~~xxxx~~ officers were also one year^b. The Marshall, who was ex-officio Collector was to be elected annually by the qualified voters^c. The duties of all these officers are sufficiently indicated by their titles.

Development of the Organization 1851-1885.

In 1864 the term of Councilmen was changed from one to two years and there were to be two Councilmen from each ward, one elected each year^d. There were at this time but three wards ~~xxxxxxxprovisionxxxxdidnotxxxxxxxthe numberxxx~~ but this ~~xxxxxxxbutxxx1854~~ an act of the legislature divided thus the city into five wards, changing the number of Councilmen to ten.^e In 1866 the legislature changed the act of in-

a. Laws 1851 p.88 Art.VIII-4

b. Ibid VIII-6 & -7.

c. Ibid Art.III-5.

d.Laws 1864 pp.429-432.

e. Laws 1866 pp.429-432.

incorporation of the city so that it required an absolute majority of the Council to pass ordinances appropriating money or changing the grade of streets or for changing the revenue,^a. In the same year a state law also provided that stated meetings of the Council should be held four times in each year^b. The salary of Councilmen during this period varied from time to time. At first they received a per diem allowance of \$2, this being the amount fixed by the Council^c but after 1854 a salary fixed also by ~~xxxxx~~ the Council^d was the usual compensation.^e This salary varied from \$50 to \$400 until 1875^e when it was fixed by the legislature at \$100 per annum.

There is to be noticed during this period a tendency in ~~xTherx~~ the Council to divide the work among standing committees of that body. The first standing committee to be established was the Finance Committee^f. This committee consisted of three Councilmen appointed by the Mayor. At first the sole duty of this committee was to examine the books of the Register and Treasurer, but later it became the duty of this committee to destroy paid warrants and finally it was made its duty to present ordinances for appropriations for general administrative purposes after conferring with all the city officers and for determining the rate of taxation^g. Moreover, the members of this committee were to be allowed a

a. Laws 1866 p.270

b. Laws 1866 p.270

c. Ordinance Oct. 20 1851.

d. Ordinance Jan.14 1854.

e. Laws 1872 p.455.

f. Ordinance Aug 18 1864 &

f. Ordinance #57 Oct.13 1851.

Aug.25 1869.

compensation, in addition to that received as Councilmen of \$3 per day while engaged as committee but none of them were to receive over \$60 for such services in any year^a.

In 1867 there was established a Committee on Public Works consisting of three Councilmen annually appointed by the Mayor^b. It was made the duty of this committee to investigate and inspect all public works in construction and to report to the Council at each subsequent meeting. They were given power to postpone or stop any public work until the next meeting of the Council. The members of this committee also received a per diem of \$3.50 for their extra work. In 1880^c this committee was enlarged to consist of one Councilman from each ward. It was moreover, given the additional duty of considering all petitions, bills, and matters referred to them by the Council touching streets, alleys, sewers, water, gas, harbors, etc., and reporting on them.

In the same year there was established a Police and Jail Committee to consist of three members appointed by the Mayor^d. It was made their duty to examine all ordinances and laws regulating the police department, jail and ~~police~~ police court and " all other subjects referred to them by the Council and to report such alterations, bills and pro-

a. Ordinance Aug. 25 1868.

b. Ordinance Nov. 13 1868.

c. Ordinance July 6 1880

d. Ordinance July 6 1880

positions in regard to penal laws and institutions as they think are for the welfare of the city."

There was established at the same time a standing committee on Parks and Public Buildings to consist of three Councilmen appointed by the Mayor^a. To this committee were to be referred all subjects relative to parks, public buildings, markets et cetera.

Growth of Administrative Machinery.

With the growth of the city a greater division of labor in administration became necessary and possible. There were established not only entirely new officers for new functions but functions which before had been administered by only one officer came to be divided between two or more officers.

In 1855^b a state ^{law} created the office of City Recorder to whom were transferred all the judicial powers of the Mayor. The Mayor's Court now became the Recorder's Court. The qualifications of the Recorder as well as his tenure and term were the same as those of the Mayor.

The office of Market Master had been created in 1854^c but was held by the Marshall, ex-officio, until 1855. After that time the two offices were separated and the Market Master came to be appointed by the Council^d.

Until 1865 the Marshall was ex-officio Collector, but

a. Ordinance July 6, 1880.

b. Laws 1855 p. 345

c. Ordinance April 29, 1854

d. Ordinance May 18, 1855.

in that year the two offices were separated by an act of the legislature.^a The Collector^d by that act came to be appointed by the Mayor. In 1868, however, by another act of the legislature, this office became elective and the term was made two years^b.

In 1875 another state law created the office of City Counsellor in St. Joseph.^c It was made his duty to prosecute and defend the city in courts of record and to give opinions in writing on questions of law when requested to do so by the Mayor, Councilmen, or any elective city officer. The City Attorney by the same act was relieved of these duties and it became his duty to prosecute violations of the city Ordinances in the Recorder's Court. The Mayorⁿ was to appoint ^{with the consent of the Council} [cil the Counsellor for a term of two years and it was required of him that he should have been "a practicing attorney before the supreme court of the state for at least five years preceding his appointment, and have been a qualified voter of the city". He was to receive a compensation of \$1,000 per annum.

Other officers created during this period were the Inspector of Weights and Measures, in 1851^u; Inspector of Firewood, in 1864^e; Inspector of Lard and Provisions in 1878^f; Street Commissioner and Engineer, both in 1851^u; Fire Warden,

a. Laws 1865 p.433

c. Laws 1875 p.282.

e. Ordinance July 6 1864.

g. Ordinances Oct.11,1851 & July 18 1851.

b. Laws 1868 p.235.

d. Ordinance Aug.4.1851.

f. Ordinance Feb.13,1878.

in 1854^a; and Assistant Engineer, in 1860^b. All of these were to be appointed by the Mayor by and with the advice and consent of the Council for a term of one year.

The Organization of Departments.

Early in this period the Treasurer and Register together with the Mayor were organized by the Council into the Treasury department^c. The Mayor was to exercise a general supervision over this department and was to bring about ~~xx~~ ~~GENERAL~~ uniform and systematic bookkeeping in the department. In 1855^d, The Recorder displaced the Mayor in this department.

The Police department was organized in 1855^e. This department consisted of the Mayor, the Chief of Police, a Captain of police and policemen. The Marshall was ex-officio Chief of Police and the Deputy Marshall, ex-officio Captain. The Mayor appointed the policemen and all needful rules and regulations for the department were to be made by the Mayor, Chief of Police and Captain.

The Engineers department was established in 1851^f. The City Engineer was to be the head of this department and the Street Commissioner and later the Assistant Engineer were to act under his direction. It was made the duty of the Engineer to care for the wharf, streets and alleys, and to make

a. Ordinance May 8, 1854.

c. Ordinance Oct. 13 1855.

e. Ordinance June 25, 1855.

b. Ordinance July 9 1860.

d. Ordinance April 9 1855.

f. Ordinance July 18, 1851.

maps of the city. All the letting of contracts for city work was to be done by the City Engineer, though it was provided that these awards were first to be approved by the Council.

The Mayor.

As has been indicated, the Mayor early lost his judicial powers. Still this did not detract from the importance of his position. He was gaining a control over the administration. As I have shown, most of the offices created during this period as well as some which had been held by elective officers, *ex-officio*, came to be filled by appointment by the Mayor. Not only this, but the fact that the Mayor was made a member and usually the head of the departments which came to be created during this period and the fact that he appointed the important committees of the Council, all tended to make the position of the Mayor more important. In 1864^a the term of the Mayor was increased to two years. Since the term of most of the appointive officers was only one year, the desire for reappointment would of course give the Mayor considerable control.

The compensation which the Mayor received is some indication of the increased demand on his time and the increasing importance of the office. In 1851 his salary was \$25 per annum^b. It was gradually increased, however, until in 1876 it was fixed at \$1,000 per annum^c.

a. Laws 1864, p. 432.

b. Ordinance #32 July 28 1851.

c. Ordinance April 25, 1876.

Development of the Powers of the City 1851- 1885.

The powers of the city remained practically unchanged throughout this period except in the field of finance. In this field the power of the city was gradually increased by the state legislature. The amount that could be expended annually for salaries of officers was gradually increased from \$1000 in 1851 to \$1250 two years later^a and to \$5000 in 1864^b and finally in 1866^c to \$10,000.

In 1879^d the city was given power to spend money for the purchase of parks and pleasure grounds.

The city had also been given power ~~to~~ to subscribe for stock in railroads terminating at or near St. Joseph, in 1855^e. The taxing power was also extended at the same time, the city being given power to tax a few additional occupations and to levy special property taxes in order to provide for the payment of the bonds which they were at this time given power to issue in payment of their subscriptions for railroad stocks.^f These special property taxes were limited in that their aggregate was not to exceed 1% of the assessed valuation of property. The issue of bonds for the purpose just mentioned was limited in that ordinances providing for them must be approved by a majority of the real estate owners of the city. . Two years later the

a. Laws 1853 p.257

b. Laws 1864 432.

c. Laws 1866 p.270

d. Laws 1879 p.45.

e. Laws 1855 p.345.

f. Laws 1855 p.345.

18.
legislature provided that the city ~~XXXXXXXXXXXX~~
could levy ~~in~~ special taxes to pay bonds on other improve-
ments ~~than~~ as well as for bonds in payment of sub-
scriptions of railroad stock ^{and} ~~but~~ that in both cases the
approval of a majority of the owners of real estate should
~~XXXXXXXXXXXX~~ for these bond issues
~~XXXXXXXXXXXX~~ no longer be required ^{but} instead there
was required the approval of a majority of the taxable in-
habitants voting at an election called for the purpose^a.
In 1859, however approval of bond issues was again left to
a majority of the owners of real estate^b until in 1865
when it was provided that ordinances for bonded indebted-
ness ~~XXXXXXXXXX~~ should be submitted to the qualified voters
of the city and that ~~the~~ approval of two-thirds of those
voting should be required for adoption. ^b

Summary.

~~Summary.~~ To sum up, there is noticeable during this period, first
a development of standing committees of the Council and a
tendency to ~~divide~~ ^{the} ~~XXXXXXXXXXXX~~ business of the Coun-
cil among these committees; second, the increased machinery
of government by creation of new offices; third, a tendency
to group the officers into administrative departments; and
fourth, the tendency of the Mayor to become a more and more
important officer.

a. Laws 1857 p.255

b. Laws 1859 p.359.

The Period of the General Act, 1885 to 1903 .Organisation and Powers in 1885.

St. Joseph did not avail herself of the privilege of incorporating under the general laws governing cities until 1885, preferring until that time to remain under the provisions of her special charter. In 1885, however, after securing the adoption by the legislature of certain amendments to the law governing cities of the second class, ~~which~~
~~xxxxxxixhavexnotixedxxxxxxpkiixaklxwoukxhexappkixaklx~~ it was decided by a vote of the people of the city to adopt the government provided by the general law. The population of the city ~~xxxxxxixStixJoseph~~ entitled St. Joseph to come in as a city of the second class and this was done by a proclamation of the Mayor on April 9 1885^a.

The Mayor.

The Mayor was the chief executive officer^b. He was to be elected for a term of two years by the qualified voters of the city.^b To hold this office it was necessary that he have resided in the city at least one year, have paid a city tax and that he should be at least twenty one years of age, a citizen of the United States, a qualified voter of the city, not in arrears of taxes, and not interested or a partner in any firm which is in contract with the city or furnishes supplies to it or its institutions^c. The qualif-

a. Records of the Official Acts of the Mayor p.38 & p.40-41

b. Revised Statutes 1879 §4653 c. *Ibids* 4654.

ications for voters were the same as for voters in the state elections but six months residence in the city was also required. The Mayor had also to take a prescribed oath before entering his office. He became disqualified on losing any of his qualifications. He could be removed by the Council on two-thirds vote for any misdemeanor^a.

It was the duty of the Mayor to see that the laws and ordinances were properly enforced. He was to appoint all officers not otherwise provided for by this act, fill vacancies in elective offices until the election, could with the consent of the Council remit fines for violations of the ordinances of the city, could make recommendations to the Council and was required to give the Council information concerning the city. He could moreover, call special sessions of the Council by proclamation and could require a report in writing from any city officer^b.

The Council.

There were five wards in St. Joseph at the time the city came under the general act^c. There were to be elected at each general election for city officers, two aldermen from each ward one to be elected by the voters at large, the other by the voters of the ward each for a term of two years^d.

had been
This is the same as ~~was~~ the case under the special charter except that the general ticket plan was now introduced for

a. Revised Statutes 1879 §4658 .

b. Ibid 4659-4660.

c. Laws 1864 p.430 §2.

d. Laws 1885 p.56.

~~annexed~~ the election of one of the aldermen from each ward. The qualifications for aldermen were the same as those required of the Mayor but they must be residents of the ward from which they were elected^a. The statute provided a per diem of \$4 for aldermen but none of them were to receive more than \$300 in any year. The qualifications of electors of aldermen were the same as those required of electors of the Mayor.

It was provided that the Council should elect its own president and such clerks as it saw fit. The Council was the judge of the elections, returns and qualifications of its own members and could determine contested elections. It could also determine the rules of its own proceedings except that the law provided that a majority was necessary for a quorum and that a journal should be kept. Vacancies in the Council were to be filled by elections in the same way as the member was originally chosen. It was provided that annual meetings should be held on the third Monday in April and monthly meetings on the first Monday in each month but no other meetings were to be held unless convened by the Mayor^a.

The Mayor and Council.

The legislative powers of the city were vested in the Mayor and Council.^b Ordinances, for passage, required the ap-

a. Revised Statutes 1879 §§ 4630, 4633, 4641, 4636, 4638.

b. Ibid §§ 4626, 4633, 4645, 4646.

proval of an absolute majority of the Council and the consent of the Mayor, or upon veto by the Mayor of two-thirds of the aldermen elect. In case of veto the Mayor was required to return the ordinance with his objections within five days after it was given him, for if it was not returned by that time it was deemed to have his approval.

The city through this legislative body was given almost exactly the same powers that it had had during the period of the special city charter but they were if anything a little broader than before. The city was given the general police power including as before ~~xxx~~ fire protection and the power to remove nuisances. They were by this general act, however, given power to "define and summarily abate nuisances"^a. The city was also given general health powers and power to constitute a Board of Health of three members appointed by the Council. Besides the city was given general ^{street} ~~health~~ powers with power to condemn private property for public use, and exclusive power to direct and control the laying of tracks and building of bridges in streets and alleys; power to provide for street lighting; and exclusive authority to grant franchises to street railroads within the city limits^b. The act also gave the city general power over wharves and docks and watercourses within the city^c. The financial pow-

a. Revised Statutes 1879 § 4644. b. Ibid §§ 4650 & 4644-XL.

c. Ibid § 4644.

ers granted were, to assess and levy and collect taxes on real and personal property and on licenses, borrow money on the credit of the city by notes or by issue of bonds, levy and collect a poll tax and a tax on merchants to be assessed in the same manner as a general property tax, and to levy special assessments for public improvements which give special benefits. These powers were, however, subject to several limitations. The general property tax for city purposes was not to exceed 1% on the assessed valuation except that an additional tax for a sinking fund and interest of bonds duly issued could be levied^d. Appropriations were not to be in excess of revenue actually on hand.^e The borrowing power was limited in that the Mayor and Council could make a loan only when at the beginning of any fiscal year the unappropriated money in the treasury was insufficient to defray the estimated ordinary expenses of government and even then the loan could not be for a longer time than three months nor for an amount in excess of one fourth of the revenue collected for ordinary purposes during the previous year. Bonds for borrowing money for public works or improvements could be issued only after an ordinance duly passed provided for them and was approved by two thirds of the voters at an election called for the purpose, but no bonds could be issued for a longer term than 20 years nor could the total indebtedness of the city exceed 5% of the value of

d. Laws 1885 p.57 §§32 & 34. e. Ibid p.52 §9.

the taxable property of the city.^a It is in the taxing power more than in any other that the city was given greater power than in the preceding periods. The increase was not only in the kinds of taxes that the city could levy, as in the added list of occupation taxes but the amount which the city was ordinarily allowed to raise by the general property tax was increased from one-half to one per cent assessed of the ~~XXXX~~ valuation. As in the period preceding this, the Mayor and Council were again given power over the organization of the city government except as provided by law^b.

The Other Officers.

The other officers created by this act were the City Chief of Police Clerk, Engineer, Assessor, and Comptroller, all appointed by the Mayor with the consent of the Council for two years unless sooner removed^c. There was also provided a City Recorder, Attorney, Auditor, ~~Treasurer~~ and a Treasurer, all of whom were elected by the qualified voters for two years^d. The duties of these officers were practically the same as for similar officers during the preceding period. It was the duty of the Auditor to prescribe the method of bookkeeping, dating and rendering all accounts between the city and any other person unless the city ordinance provided differently^e. The Comptroller was to have supervision over the collection and

a. Laws 1885 pp. 52-57 §10, 20 & 31. b. Ibid p. 56 §26

c. Ibid p. 56, §24

d. Ibid p. 56 §25.

e. Revised Statutes 1879 §467.

return of the city revenue, making semi-annual reports to the Council. He was moreover to countersign all warrants on the Treasurer, thus having a control over the city expenditure. The qualifications for comptroller were the same as those required of the Mayor^a.

The laws provided also for a Board of Appeals from the Assessor to consist of the Mayor, Comptroller and chairman of the Council's committee on finance.^b

The Organisation of the City since 1885.

The Council.

The first change which appeared in the composition of the Council during this period was the change from the unicameral to the Bicameral system. In 1901 by an Act of the General Assembly, the legislative body of the city became known as the Municipal Assembly. It was to consist of a Council and a House of Delegates^c. The Council was to consist of five members elected from the city at large for a term of four years. The House of Delegates was to consist of as many members as there were wards, each ward choosing its own delegate annually for a term of one year. As in the case of the old Council, regular meetings were provided for as well as special meetings on call of the Mayor, who could

a. Revised Statutes 1879 §4673

b. *Ibid* §4708.

c. Laws 1901 pp.55-60

now call either or both houses. The qualifications and compensation of members remained the same as for the old Council except that Councilmen under this act were not required to represent any specific ward. Each branch was to elect its own president.

Ordinances could originate in either house. The law provided that they must be read on different days in each house and no bill could be considered for final passage until reported on by a committee and no bill could contain more than one subject. An absolute majority of each house by yeas and nays was required to pass an ordinance and even then it was still subject to the veto power of the Mayor. Ordinances could be passed over the veto of the Mayor only by a two-thirds majority of each house.

It was also provided that sessions should be public. Consent to appointments of the Mayor which formerly had been given by the Council must by this act be given by the Municipal Assembly in joint session.

The new system seems to have been found too cumbersome and in 1903, the General Assembly again changed the legislative body in this the only city of the second class to the Unicameral System^a and gave it back its former name of Council. This act provided that the Municipal Assembly ~~xxxx~~ should act as one body until the election of 1904 at which *time*

a. Laws 1903 p.68 ff.

enough Councilmen should be elected to make with those whose terms did not expire a number equal to the number of wards in the city^{of} which at that time there were nine^a. No two Councilmen however were to reside in the same ward but all were to be elected by the city at large. The term is two years until 1906 when Councilmen will be elected from all the wards, those from the even numbered wards being elected for four years and those from the odd numbered wards for two years and thereafter all will have a term of four years so that one half of the members will retire every two years.

A president of the Council was again provided but instead of being chosen by the Council he is now chosen by the city at large. His term, too was fixed at four years beginning in 1904.

The qualifications for members of the Council were raised by this law in that they must have resided in the city at least three years and must not be interested directly or indirectly in furnishing the city with supplies on contract. Loss of any of the qualifications or the acceptance of any state or city office disqualifies a member.

The provision for meetings was the same as for the old Council, there being regular meetings on the first Monday in each month and on the third Monday in April of each year, but the Council could adjourn to a set time. The Mayor could still call special meetings of the Council but they were

a. City Ordinances # 641 Jan. 31, 1900 & # 762, June 20 1902.

according to the law of 1903 to be called by proclamation setting forth the purpose of the meeting and only such business as was set forth in the proclamation could be considered.

The per diem compensation of Councilmen remained the same but the maximum allowed each member was reduced from \$300 to \$200 a year.

Ordinances since this law of 1903, can be passed only by bills which have been reported on by a committee as was the case in the Municipal Assembly. Appropriation bills must be read on at least two different days and other bills cannot be finally acted on until twenty days after their introduction.

The powers of the Council as regards their internal organization remained the same as at the beginning of this period.

Another act, passed by the General Assembly in 1903, provided for a Board of Public Works in the city. This act modified to some extent the powers of the Council as will be brought out in the discussion of that Board.

Development of the Standing Committees.

As in the preceding period, the Council still divided its work among committees. It has been the tendency of these committees to ~~develop~~ develop into administrative boards independent of the council and ~~to~~^{which} deprive the Council of its function of control over the administration.

One of the early acts of the Council under the general

law, was the provision for the following standing committees of the Council: Rules, Finance, Auditing, Public Improvement, Ordinances, Sanitary, Fire Department, Gas and Water, Work-house, Public Buildings and Grounds, Police, Streets and Alleys, Claims, and a short time after, Street Lighting^a. Each of these Committees were to consist of three Councilmen appointed by the Mayor. As has been shown, some of these committees existed in the period just preceding this but by this ordinance not only were there created entirely new committees as the Claims Committee and the Rules and Fire Department Committees but there was a division of the old committees, as of the Public Works Committee into the Committees on Public Improvement, on Gas and Water, and on Streets and Alleys, and of the Police and Jail Committee into the Committee on Police and the Workhouse Committee.

As in the period of the Special City Charter, these committees when first established had no administrative duties to perform. In 1886, however, it was made the duty of the Sanitary Committee to aid the Health Officer in preserving the health of the city; to see that nuisances were removed and to adopt such measures as would secure the health of the public. It was given power to declare and abate nuisances and to appoint the Steward of the City Hospital^b. In 1891,

a. City Ordinances; #2, May 1 1885, and Laws 1887 p.52.

b. City Ordinance, #143 April 14 1888.

this committee (which with all other standing committees of the Council had in 1888^a come to be appointed by the President of the Council instead of by the Mayor) together with the Chief of Police became the Board of Health and were given power to appoint the Health Officer, Assistant Health Officer and a Clerk, who by their appointment became ~~members~~^{members} of this Board^b. This Board had the same duties as the Old Sanitary Committee of the Council and in addition were to obtain statistics of births and deaths in the city. This committee lost its appointing power in 1898^c when it was provided that the Mayor with the confirmation of the Council should appoint the Health Officer and the Clerk of the Board of Health and that the Clerk should be ex-officio Steward of the City Hospital and should appoint the Matron, and that the office of Assistant Health Officer should be abolished.^d

The centralization of the police function manifested itself in St. Joseph when in 1887 the Police Committee was succeeded by a Board of Police Commissioners^e. The legislature in that year passed a law establishing a Metropolitan Police System for cities of the second class. This Board, composed of three members appointed by the Governor of the

a. ~~Law~~^{City} Ordinance #143 April 14, 1888.

b. Ibid # 304. May 25 1891.

d. Ibid #573 May 2 1898.

c. # 574 Ibid. 18 May 1898.

e. Laws 1887 p. 57.

State was given complete control over the police force and the enforcement of the laws and ordinances governing the city except that they could not increase the regular number of policemen above the number employed at the time the law was passed, this power being reserved to the Mayor and Council.

The term of these Commissioners was fixed at three years, one retiring each year. These officers were required to take oath that they would not remove or appoint policemen for political opinion or ~~for any~~ from any cause except fitness. It was provided also that the term of policemen should be three years except that they might be removed by the Board for cause.

A Board of Park Commissioners, created by an act of the Legislature in 1901 has taken over most of the functions of the Council Committees on Workhouse and on Public Grounds and Buildings so that now a Committee on Workhouse and Public Buildings has taken the place of the two committees. The Board of Park Commissioners consists of three members,^a one appointed each year for a term of three years by the Mayor. They have charge of all public parks and such other public grounds as may be provided by ordinance. They are empowered to employ a General Park Superintendent and other employes but may not spend more than the amount appropriated

a. Laws 1901 p.54.

each year by the Council.

An act of the last General Assembly^a provided for a Board of Public Works in every ~~xxxxxx~~ ~~xx~~ city of the second class and this act of course applies alone to St. Joseph. This act still further deprived the Council of administrative functions and limits its power in other respects. It is a development from the Public Improvement Committee and has displaced that body. This Board is composed of three members appointed for terms of one, two and three years respectively by a committee consisting of the Mayor, Comptroller and Auditor. After the terms of the present ~~xxx~~ members of the Board expire the terms of all will be three years so that one will be appointed each year.

This Board has supervision over the paving, grading, flushing, washing and improvement of streets and public places and buildings except Parks and Libraries and over the construction of bridges, culverts and sewers and over the laying of pipes in ~~thxz~~ streets. It also has charge of the purchase of supplies for all departments of the city government. The Council cannot pass ordinances in regard to matters over which this board has supervision except on recommendation of this Board. All petitions for street repair or improvement must be addressed and presented to this Board and it may, if all the members agree or in case the proper petition is presented shall prepare ordinances for improvements and present them to the Council with estimates. If on the ap-

a. Laws 1903. p. 60-66.

proval of the Board, the Council passes such ordinances the Board is to advertise for bids and award the contract to the lowest and best bidder. All decisions as to the proper performance of work on contract with the city are to be reserved to the Board and in case of improper construction may cause entire reconstruction or may relet to another contractor.

This Board was also given the power of appointing the City Engineer who since this act holds at the pleasure of the Board of Public Works; and of appointing a Chief Clerk and such other employes as it may need except that it is limited in that the ~~summit~~ aggregate amount for salaries is fixed by the appropriation of the Council.

Other Administrative Officers.

The office of Superintendent of the Workhouse, to be filled by an appointee of the Mayor who was to hold for a term of two years, was created in 1886^a. The office of Deputy Chief of Police was created in the same year^b. His term and tenure were the same as those of the officer just mentioned. In 1891 by a state law the Recorder came to be known as the Police Judge and the Recorder's Court accordingly became the Police Court^c.

An ordinance of 1886 provided for a reorganisation of the Fire Department^d. The Chief and Assistant were to

a. City Ordinance #43 Feb. 19, 1886. b. Ibid #54 May 6 1886.

c. Laws 1891 p. 50.

d. City Ordinance #47 Mch. 13, 1886

be appointed by the Mayor with the consent of the Council for an indefinite term and were removable only for cause. In order to be qualified for these positions these officers must have had at least two years experience in some Fire Department and must possess the qualifications required of other city officers. The Foremen and other members of the Department were to be appointed by the Chief with the consent of the Mayor and ~~Sanitary~~ Council but could be removed by the Chief at pleasure. Another Assistant Fire Chief whose qualifications, term and tenure, were the same as those of the Chief was added to the Department in 1892^a.

As has been stated there was in this period a Health Officer. This office had existed during the preceding period and was re-established in 1886^b. It was made the duty of this officer to have general supervision over the health of the city and the removal of nuisances and to control and supervise the hospital established at that time and to advise the Sanitary Committee as to the proper steps to be taken in case of epidemic. Until 1891, this officer was appointed by the Mayor with the consent of the Council, but when the Board of Health was established it was given the appointment of the Health Officer as well as of the Assistant Health Officer and Clerk of the Board whose offices were created at that time. The Offices of Steward and Matron of the City

a. Ordinance #363 Feb. 20 1892.

b. Ordinance # 52 April 13 1886

Hospital, created at the same time as the Health Officer, were to be appointed by the Sanitary Committee until on the creation of the Board of Health their appointment was given to that body^a. I have already shown^b ~~that the~~ the subsequent changes in these offices and need not repeat them here.

The office of City Chemist was created in 1893^c. The office was to be held by the Clerk of the Board of Health, ex-officio and it was made one of the qualifications of the Clerk that he be skilled in Chemistry.

The office of City Physician was created in 1900. He holds by appointment by the Mayor with the confirmation of the Council but is removable by the Mayor at pleasure.^d

A Live Stock and Meat Inspector was provided for in 1895 but this office was abolished in 1897^e.

The office of Plumbing Inspector was created in 1901. He must have been a practical plumber of at least six years experience and is appointed by the Mayor for 2 years at a salary of \$1200. He could forbid any plumbing the plans of which were not in accord with the ordinances but appeals were provided to the Board of Health. In 1903^f a Board of Plumbing Examiners to examine plumbers and to issue licenses

a. City Ordinances #304 May 25 1891 & # 48 April 10 1886.

b. See infra p.30

c. Ordinance #405 Apr.6 1893.

d. Ordinance #660 July 16 1900 e. Ordinances # 488 Apr.15 1895

f. ~~Ordinance~~ # 820 Sept 10, 1903. . & # 550 Apr.19 1897.

to such as were qualified, was created. This Board consists of the Plumbing Inspector and one journeyman and one master plumber appointed by the Mayor.

The office of Superintendent of ^{Streets and} Highways, created in 1886^a, was to be filled by appointment by the Mayor with the consent of the Council for a term of one year. This officer was allowed to appoint an assistant responsible to and removable by him in 1892^b, but in 1893 the office of Assistant Superintendent of Streets and Highways was abolished^c. About the same time the Superintendent of Streets and Highways became the Street Commissioner^d. His term and tenure remained the same until 1898 when the term became two years^e. The office of Sidewalk Inspector whose duty it was to inspect sidewalks and to notify the owners if they were not complying with the Ordinances, was provided in 1898^f. He too, was to be appointed by the Mayor with the confirmation of the Council for a term of two years.

The term of the financial officials was lengthened to four years and the tenure of the Comptroller was made elective by a state law in 1901, so that now the Auditor Treasurer and Comptroller are all chosen by election for four years.^g

- a. Ordinance # 63 June 23 1886 b. Ibid # 383 June 14 1892.
 c. Ibid #400 Mar 3 1893 d. Ibid #410 Apr.12 1893.
 e. Ibid # 569 Mar.8,1898. f. Ibid #570 ~~Mar~~h 15 1898.
 g. Laws 1901 p.60.

The Comptroller, City Clerk and Counsellor each obtained deputies to assist them. At first they were allowed to appoint deputies at their own expense^a but finally these deputies came to be paid by the city though they remain responsible to their chiefs and are appointed and removable by them.^b

The other officers created during this period were a Chimney Sweep^c, a Market Master^d and a Weighmaster^e. The terms of these officers were at first one year and they were appointed by the Mayor with the consent of the Council. In all these cases however, the term has become two years^f.

Departments.

The tendency towards distinct departments of government over which the Mayor ~~exercised~~ exercised a central controlling influence noted in the discussion of St. Joseph under the Special City Charter seems to have been destroyed. Instead during this period the tendency seems to be rather towards distinct departments over which the Mayor has practically no ~~administrative~~ administrative control, his only control being exercised in his choice of appointees for positions. At the same time though ~~the Mayor is gaining~~ control is not being centralised in the hands of the Mayor, the

- a. Ordinances July 25 1885 and #321 July 1 1891.
- b. Laws 1903. p.73 & Ordinances Sep.21 1891 and May 2 1901.
- c. Ordinance May 18 1886 & #399 Mar. 1, 1893. d. Ibid #522 July 25 1896. e. Ibid July 13 1896. f. Ibid. #567 & 568 Mar 8 1898

Council, ~~as it~~ is not gaining it.

The Police Department, as we have seen has come to be almost entirely under the control of the Board of Police & Commissioners. The Mayor has also no administrative control over the Fire Department, nor over the Engineers Department which we have seen could now well be called the Public Works Department. The Finance Department of the City really consists of distinct officers with little to bring them into a department except the control exercised by the Auditor in regard to the method of Book-keeping and by the Comptroller who has entire supervision over the collection and expenditure of the revenue.

The Mayor.

The position of the Mayor throughout this period remained about the same as it was at the beginning and to say the least has gained nothing in importance. True, he has gained some in that he was given power to appoint many of the officials who were created during this period and his appointing power has been recently increased in that where before positive confirmation by the Council was required for his appointments now, his appointments stand unless a majority of the Councilmen file written protests against the nominee within ten days after the nomination^a, but he lost about as much as he gained. In 1888 the

a. Laws 1903 p.60

power of appointing standing committees of the Council was taken from the Mayor and given to the President of the Council. The Mayor also lost the power of appointing the City Engineer and the Comptroller and several other officers.

Nor has the Mayor gained any noticeable power of removal or direction and any power of direction that he any have is rather the result of personal influence than of law. The inconsiderable power that he might have had because of the desire of officers, whose term was shorter than that of the Mayor, for reappointment has been lost, for it has been noticed that in nearly all cases the terms of officers appointed by the Mayor are now co-extensive with the term of the Mayor.

Powers of the City.

The powers of the city, except for a few slight changes which it will not be worth while mentioning here, have remained the same as at the beginning of this period.

-0-

James Chasensky
Columbia Mo. 1904.

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