

CHAPTER L

THE GOVERNMENT OF CITIES

THE growth of great cities has been among the most significant and least fortunate changes in the character of the population of the United States during the century that has passed since 1787. The census of 1790 showed only six cities with more than 8000, and only one with more than 40,000 inhabitants. In 1880 there were 286 exceeding 8000, forty exceeding 40,000, twenty exceeding 100,000; while the census of 1890 showed 443 exceeding 8000, 74 exceeding 40,000, 28 exceeding 100,000. The ratio of persons living in cities exceeding 8000 inhabitants to the total population was, in 1790, 3.35 per cent, in 1840, 8.52, in 1880, 22.57, in 1890, 29.12. And this change has gone on with accelerated speed notwithstanding the enormous extension of settlement over the vast regions of the West. Needless to say that a still larger and increasing proportion of the wealth of the country is gathered into the larger cities. Their government is therefore a matter of high concern to America, and one which cannot be omitted from a discussion of transatlantic politics. Such a discussion is, however, exposed to two difficulties. One is that the actual working of municipal government in the United States is so inextricably involved with the party system that it is hard to understand or judge it without a comprehension of that system, an account of which I am, nevertheless, forced to reserve for subsequent chapters. The other is that the laws which regulate municipal government are even more diverse from one another than those whence I have drawn the account already given of State governments and rural local government. For not only has each State its own system of laws for the government of cities, but within a State there is, as regards the cities, little uniformity in municipal arrangements. Larger

cities are often governed differently from the smaller ones; and one large city is differently organized from another. So far as the legal arrangements go, no general description, such as might be given of English municipal governments under the Municipal Corporation Acts, is possible in America. I am therefore obliged to confine myself to a few features common to most city governments occasionally taking illustrations from the constitution or history of some one or other of the leading municipalities.

The history of American cities, though striking and instructive, has been short. Of the ten greatest cities of to-day only four — Baltimore, New Orleans, New York, and Philadelphia — were municipal corporations in 1820.¹ Every city has received its form of government from the State in which it stands, and this form has been repeatedly modified. Formerly each city obtained a special charter; now in nearly all States there are general laws under which a population of a certain size and density may be incorporated. Yet, as observed above, special legislation for particular cities, especially the greater ones, continues to be very frequent.

Although American city governments have a general resemblance to those English municipalities which were their first model,² their present structure shows them to have been much influenced by that of the State governments. We find in all the larger cities —

A mayor, head of the executive, and elected directly by the voters within the city.

Certain executive officers or boards, some directly elected by the city voters, others nominated by the mayor or chosen by the city legislature.

A legislature, consisting usually of two, but sometimes of one chamber, directly elected by the city voters.

Judges, usually elected by the city voters, but sometimes appointed by the State.

What is this but the frame of a State government applied to

¹ The term "city" denotes in America what is called in England a municipal borough, and has nothing to do with either size or antiquity. The constitution or frame of government of a city, which is always given by a State statute, general or special, is called its charter.

² American municipalities have, of course, never been, since the Revolution, close corporations like most English boroughs before the Act of 1835.

the smaller area of a city? The mayor corresponds to the Governor, the officers or boards to the various State officials and boards (described in Chapter XLI.) elected, in most cases, by the people; the aldermen and common council (as they are generally called) to the State Senate and Assembly; the city elective judiciary to the State elective judiciary.¹

A few words on each of these municipal authorities. The mayor is by far the most conspicuous figure in city governments, much more important than the mayor of an English or Irish borough, or the provost of a Scotch one. He holds office, sometimes for one year,² but now more frequently for two,³ three, or even five⁴ years. In some cities he is not re-eligible. He is directly elected by the people of the whole city, and is usually not a member of the city legislature.⁵ He has, almost everywhere, a veto on all ordinances passed by that legislature, which, however, can be overridden by a two-thirds majority. In many cities he appoints some among the heads of departments and administrative boards, though usually the approval of the legislature or of one branch of it⁶ is required. Quite recently some city charters have gone so far as to make him generally responsible for all the departments (subject to the control of supply by the legislative body), and therewith liable to impeachment for misfeasance. He receives a considerable salary, varying with the size of the city, but sometimes reaching \$10,000, the same salary as that allotted to the justices of the Supreme Federal Court. It rests with him, as the chief executive officer, to provide for the public peace, to quell riots, and, if necessary, to call out the militia.⁷ He often exerts, in

¹ American municipal governments are of course subject to three general rules: that they have no powers other than those conferred on them by the State, that they cannot delegate their powers, and that their legislation and action generally is subject to the constitution and statutes as well of the United States as of the State to which they belong.

² Generally in the cities of the second rank and in Boston.

³ New York, Brooklyn, Chicago, Baltimore, San Francisco, Cincinnati, and generally in the larger cities.

⁴ Philadelphia, St. Louis.

⁵ In Chicago and San Francisco the mayor sits in the legislature.

⁶ The Brooklyn charter allows the mayor to appoint heads of departments without any concurrence of the council, in the belief that thus responsibility can be better fixed upon him; and New York has lately (1884) taken the same course.

⁷ Some idea of the complexity due to the practice of giving special charters to particular cities, or passing special bills relating to them, may be gathered

practice, some discretion as to the enforcement of the law; he may, for instance, put in force Sunday Closing Acts or regulations, or omit to do so.

The practical work of administration is carried on by a number of departments, sometimes under one head, sometimes constituted as boards or commissions. The most important of these are directly elected by the people, for a term of one, two, three, or four years. Some, however, are chosen by the city legislature, some by the mayor with the approval of the legislature or its upper chamber. In most cities the chief executive officers have been disconnected from one another, owing no common allegiance, except that which their financial dependence on the city legislature involves, and communicating less with the city legislature as a whole than with its committees, each charged with some one branch of administration, and each apt to job it.

Education has been generally treated as a distinct matter, with which neither the mayor nor the city legislature has been suffered to meddle. It is committed to a Board of Education, whose members are separately elected by the people, or, as in Brooklyn, appointed by the mayor, levy (though they do not themselves collect) a separate tax, and have an executive staff of their own at their disposal.¹

The city legislature usually consists in small cities of one chamber, in large ones of two, the upper of which generally bears the name of the Board of Aldermen, the lower that of the Common Council.² All are elected by the citizens, gener-

from the fact that in Ohio, for instance, the duties of the mayor vary greatly in the six chief cities of the State. There are duties which a mayor has in Cincinnati only, out of all the cities of the State; others which he has in all the cities except Cincinnati; others in Cincinnati and Toledo only; others in Cleveland, Toledo, Columbus, Dayton, and Springfield only; others in Cleveland and Toledo only; others in Cleveland only; others in Toledo only; others in Columbus and Dayton only. These variations are the result not of ordinances made by each city for itself, but of State legislation.

¹ There are some points of resemblance in this system to the government of English cities, and especially of London. The English common councils elect certain officials and manage their business by committees. In London the sheriffs and chamberlain are elected by the liverymen. Note, however, that in no English borough or city do we find a two-chambered legislature, nor (except as last aforesaid in London) officials elected by popular vote, nor a veto on legislation vested in the mayor.

² Some large cities, however (e.g. New York and Brooklyn, Chicago with its 36 aldermen, San Francisco with its 12 supervisors), have only one chamber.

ally in wards, but the upper house occasionally by districts or on what is called a "general ticket," *i.e.* a vote over the whole city.¹ Usually the common council is elected for one year, or at most for two years, the upper chamber frequently for a longer period.² Both are usually unpaid in the smaller cities, sometimes paid in the larger.³ All city legislation, that is to say, ordinances, bye-laws, and votes of money from the city treasury, are passed by the council or councils, subject in many cases to the mayor's veto. Except in a few cities governed by very recent charters, the councils have some control over at least the minor officials. Such control is exercised by committees, a method borrowed from the State and National legislatures, and suggested by the same reasons of convenience which have established it there, but proved by experience to have the evils of secrecy and irresponsibility as well as that of disconnecting the departments from one another.

The city judges are only in so far a part of the municipal government that in most of the larger cities they are elected by the citizens, like the other chief officers. There are usually several superior judges, chosen for terms of five years and upwards, and a larger number of police justices,⁴ generally for shorter terms. Occasionally, however, the State has prudently reserved to itself the appointment of judges. Thus in New Haven, Connecticut (population in 1890, 81,298) —

"Constables, justices of the peace, and a sheriff, are elected by the citizens, but the city courts derive existence directly from the State legislature. . . . The mode of selecting judges is this: the New Haven county delegation to the dominant party in the legislature assembles in

¹ In some few cities, among which are Chicago and (as respects police magistrates and school directors) Philadelphia, the plan of minority representation has been to some extent adopted by allowing the voter to cast his vote for two candidates only when there are three places to be filled. It was tried in New York, but the State Court of Appeals held it unconstitutional. So far as I can ascertain, this method has in Philadelphia proved rather favourable than otherwise to the "machine politicians," who can rely on their masses of drilled voters.

² Sometimes the councilman is required by statute to be a resident in the ward he represents.

³ Boston and Cincinnati give no salary, St. Louis pays members of both its councils \$300 (£60) a year, Baltimore, \$1000 (£200). New York pays and Brooklyn does not. The Municipal (Reform) League of Philadelphia advocate the payment of councilmen.

⁴ Sometimes the police justices are nominated by the mayor.

caucus and nominates two of the same political faith to be respectively judge and assistant judge of the New Haven city court. Their choice is adopted by their party, and the nominations are duly ratified, often by a strict party vote. Inasmuch as the legislature is usually Republican, and the city of New Haven is unfailingly Democratic, these usages amount to a reservation of judicial offices from the 'hungry and thirsty' local majority, and the maintenance of a certain control by the Republican country towns over the Democratic city."¹

It need hardly be said that all the above officers, from the mayor and judges downwards, are, like State officers, elected by manhood suffrage. Their election is usually made to coincide with that of State officers, perhaps also of Federal congressmen. This saves expense and trouble. But as it not only bewilders the voter in his choice of men by distracting his attention between a large number of candidates and places, but also confirms the tendency, already strong, to vote for city officers on party lines, there has of late years been a movement in some places to have the municipal elections fixed for a different date from that of State or Federal elections, so that the undistracted and non-partisan thought of the citizens may be given to the former.²

At present the disposition to run and vote for candidates according to party is practically universal, although the duty of party loyalty is deemed less binding than in State or Federal elections. When both the great parties put forward question-

¹ "During the session of the legislature in March 1885 this argument was put forward in answer to a Democratic plea for representation upon the city court bench. 'The Democrats possess all the other offices in New Haven. It's only fair that the Republicans should have the city court.' Each party accepted the statement as a conclusive reason for political action. It would be gratifying to find the subject discussed upon a higher plane, and the incumbents of the offices who had done well continued from term to term without regard to party affiliations. But in the present condition of political morals, the existing arrangements are probably the most practicable that could be made. It goes without saying that country districts are, as a rule, more deserving of political power than are cities. If the city judges were locally elected upon the general party ticket, the successful candidates would often be under obligations to elements in the community which are the chief source and nurse of the criminal class — an unseemly position for a judge." — Mr. Charles H. Levermore in his interesting sketch of the "Town and City Government of New Haven" (p. 77).

² On the other hand, there are cities which hope to draw out a larger vote, and therefore obtain a better choice, by putting their municipal elections at the same time as the State elections. This was lately done by Minneapolis.