

Council Chamber.

Ann Arbor, May 5th, 1893.

Special session.

Called to order by Pres. Watts.

Ald. Prettyman was elected clerk pro tem.

Roll called. Full board present.

Mayor's Office,

May 3rd, 1893.

Wm. J. Miller,

City Clerk.

Sir:—Please call a special meeting of the common council to be held Friday May 5th at 7:30 p. m., to consider the question of amending the city charter so as to confer upon the mayor the power to appoint or remove the city attorney, marshal and patrolmen—without the consent of the common council.

Yours &c.,

B. M. THOMPSON,

Mayor.

The call for special meeting having been read by the clerk, the following communication from the mayor was read:

To the Honorable Common Council.

Gentlemen:—The charter of this city confers upon the mayor, the power to appoint certain city officers and upon the council, the power to confirm or reject such appointments. The power to confirm implies to examine into the character and ability of the persons appointed prior to the exercise of the right of confirmation. Your action, therefore, in referring all appointments sent in, to a special committee was such as you had an unquestioned legal right to take. Nor can the inference be drawn from that fact alone, that there is on your part any purpose to oppose the confirmation of any particular person, much less that you intend to violate your duty, as members of the city government, to aid and assist the mayor in enforcing the law, and that

on the contrary, you intend to obstruct and embarrass him in his efforts to preserve peace and good order. But the fact must not be overlooked or belittled, that your action has been regarded by the public as indicating very clearly that the mayor will not receive, either your sympathy or support, in the performance of his official duties, but that he will encounter, certainly, your passive and perhaps your active opposition. This public opinion is due perhaps partly to the circumstance that your action was unusual, indeed without precedent, in this city and in part to the fact that no explanation was made at the time and none has been offered since. It is to be deplored that your action has produced the impression that you are ready and willing to uphold any one in violating any ordinance of this city or any law of this state. And the fact that such impression may be wrong, unjust and wholly unfounded does not mitigate its evil effects. I regret it personally, because it surrounds my position with new difficulties. In a former communication to your honorable body, the course that would be pursued in regard to the enforcement of the liquor tax law was plainly stated. But neither the plain language of my message nor your approval, has had the effect to enforce that law. There are several persons in this city who openly, boldly and continually violate some of the plain provisions of that statute. They apparently court a prosecution and as the time approaches in which their desires will be gratified, and I trust, forever satisfied, I am confronted with this public sentiment that, if any one is prosecuted it will be done in opposition to the wish and desire of the common council.

The question is, how can we relieve

ourselves from this embarrassing situation? How can you relieve yourselves from this imputation upon your official honesty and integrity? How may the public generally and especially those who are violating the law, be made to understand that every department of the city government, including the common council, is unmistakably in favor of a wise, judicious and vigorous enforcement of the law? I assume that since you had a legal right to refer my appointments you were, in doing so, actuated by proper motives and I have given no ear to the rumor that some member of your body has stated as a reason, for your action, that all the appointments were not made at once; nor to that other, that my recommendation to the council to employ some suitable person as city physician, coupled with the suggestion of a particular name, was offensive, encroaching upon the prerogatives of the council. I can understand that if you consulted your own feelings you might perhaps prefer one general execution of officials to two or more, but I am satisfied that you would not dream of sacrificing my rights on that account, and I am positive that since you have officially and unanimously, save one, requested me to appoint a particular person to a particular office, you could not have taken offense at my calling your attention to an estimable lady whose learning and ability make her worthy of your consideration. I assure you, therefore, that I have given no credence to those rumors. They probably originated with some malicious enemy of the council. I have been informed however, through reports of your proceedings, that one of your number gave as a reason for his action a fact that commands consideration. He said the council had been censured for confirming appoint-

ments when the appointee did not possess the requisite character and ability. It certainly does not seem just or reasonable that the council should be called upon to share the opprobrium due to an unfit appointment when the appointee is not under the control of the council and his duties do not pertain to your department of the city government. To this class belong the marshal and patrolmen. If the mayor appoints a member of the police force who proves a failure, why should not the mayor be held solely responsible? But he cannot be held responsible, unless he is given the power of an unlimited selection in the first instance, and also the power to correct a mistake of this kind instantly. In other words, unless he is given the power to appoint and remove at pleasure. In my judgment the mayor should be clothed with this authority. He is at the head of the executive department of the city charged with the enforcement of the ordinances of the city and of certain state statutes, and he should have conferred upon him all the necessary powers to enable him to perform those duties promptly and efficiently. He should not expect that the council will share with him the odium of his mistakes, his blunders, his inefficiency or his cowardice. The council should be relieved from all responsibility whatever in regard to the executive department of the city. Experience has proved the wisdom of this policy. There is no city of any considerable size in this state that has not given to the mayor, or to a board of police commissioners, absolute control over the police force. The new charter of Detroit, prepared by a committee composed of the leading jurists, lawyers and taxpayers of that city, takes away from the council all administrative power. At the pres-

ent time the mayor of Detroit appoints the city attorney and the police are, and have been for years, under the sole control of a board. It does not seem necessary to state the reasons why the police should be under the control of the mayor, and consequently that he should possess the power to appoint and to remove at pleasure. While the same reasons do not exist in reference to the city attorney, still the reasons are practically the same. He has charge of all the prosecutions growing out of the enforcement of city ordinances.

I recommend therefore, that you request the legislature to so amend the city charter as to confer upon the mayor the power to appoint and to remove the city attorney, marshal and policemen at pleasure. And I trust that whatever may be your views upon this recommendation that you will at the first opportunity take such action as will thoroughly disabuse the public mind of the impres-

sion it has received that you sympathize with any class of violators of the law or that you intend under any circumstances to hinder or delay in any manner the due execution of the law.

May 5th, 1893.

Yours &c.,

B. M. THOMPSON,

Mayor.

Ald. Ferguson moved that the message be received and placed on file.

Adopted.

Ald. Prettyman moved that the message be referred to the ordinance committee.

Ald. O'Mara moved that the motion be laid on the table.

Adopted as follows:

Yeas—Alds. Herz, Martin, Snow, Fillmore, O'Mara, Ferguson, Taylor, Manly—8.

Nays—Alds. Schairer, Wagner, Kitson, Prettyman, Pres. Watts—5.

On motion the council adjourned.

H. G. PRETTYMAN,

Clerk pro tem.