

City of Cambridge
to the Board of Aldermen
March 17. 1869

The Committee on Ordinances to whom was referred that portion of the Inaugural Address of his Honor the Mayor which relates to amendments of the City Charter, have considered the subject, and beg leave to submit their Report

His Honor recommends that the Charter be amended in four particulars, namely:
One. That the Board of Aldermen, certainly, if not both branches of the City Council, be chosen for the term of two years - one half to be chosen each year, while the other half should hold over
Two. That the choice of Aldermen be confined to the Wards - and not by general ticket, as at present - so that an undue predominance of any Ward in the Board may be prevented
Three. That the Mayor be invested with the Veto Power
Four. That as the Mayor is now chairman, ex-officio, of the Boards of School Committee and Overseers of the Poor, without voice or vote in either, the Charter be so amended as to give him the casting vote

The Committee are not prepared to coincide with his Honor in regard to the election of either branch of the City Council for the term of two years: on the contrary, they do not deem it expedient to recommend a departure from the present system of annual elections. The yearly choice has always been the custom in Massachusetts, for State as well as for local officers; and to this, perhaps, more than to any single cause, may be attributed the almost

universal purity in the administration of public affairs. Frequent elections and brief terms of service have become so interwoven with the experience and policy of our people, as to form a vital part of our political system - and we should hesitate long before departing from the time-honored ways of our fathers. The Mayor believes that the change would be beneficial, because, by adopting it, the City would secure, in its Councils, the services of more experienced persons than by the present method. We allow, that there is force in the suggestion. But so long as the men elected to the City Council, are upright and disinterested - and we do not allow ourselves to think that any other would be chosen by the people - we have no fear that the public interests will suffer, even though a majority of those who are called be inexperienced in city affairs. Should there be, however, any peril in this direction, we deem it more than counterbalanced by the consideration that, should the proposal of the Mayor be adopted, and unfit persons be placed in office, we shall be compelled to submit for two ^{years} before relief can come; whereas, under the wholesome application of the annual choice, improper incumbents can ^{more} speedily be disposed of.

In regard to the second amendment of the charter, submitted by his Honor, that is, that the choice of Aldermen be confined strictly to the Ward - two to each - your Committee do not see any necessity for the change. The Charter provides that there shall be double the number of Aldermen as of Wards; but should all be chosen from one ward, or more than two from either, the election would be legal. It has always been the practice of our people, at their meetings for nomination, to put forth as candidates for

Aldermen, two from each Ward: but from local or partisan or personal feelings, it sometimes happens that all the Wards, are not equally represented. This occurs but rarely, however—two or three times only, we believe, during the existence of the charter; and these exceptions ~~however~~ have not attracted public attention, or given rise to dissatisfaction, in any very particular manner. Nor is it believed that the city's interests have suffered by these departures from the customary rule. Whenever it takes place, it is more the result of accident than design. The subject is not deemed by your Committee of great importance, in any view they can take of it; and until it appears, that the rights, or claims, or substantial concerns of any Ward have been overlooked or neglected, they cannot sanction an alteration of the charter to obviate an inequality which is more specious than real.

The Committee most heartily commend the suggestion in the inaugural, that the Mayor be invested with the veto power. We regard it as a very great deficiency in the Charter; that the chief executive magistrate of the city, should be a mere negation, so to speak, in the machine of government. He has neither a voice nor a vote, except the casting vote, when the Board of Aldermen, over which he presides, is equally divided. If allowed to interpose his objections, much benefit would sometimes result, by the arrest of hasty or inconsiderate legislation—a hazard to which all bodies of men are subject. To bestow this power upon the Mayor will add dignity to the office, and put him upon his responsibility for all legislation. He is at present powerless to arrest any measure that he may deem inexpedient or injurious, and yet he is held amenable to the public judgment. This is unjust. We

would, therefore, divest his position of all ambiguity by making the office of Mayor a more distinctive and effective feature in our municipal system of government than it now is. The Committee would therefore recommend ~~such~~ amendment to the charter, with the customary provision, that any measure from which the Mayor may withhold his assent, shall be returned, with his objections in writing to that branch of the City Council in which it originated; and should that body see fit to pass it, despite his honor's opposition, by the voice of two thirds of the members present and voting thereon, it shall be sent to the other branch, and if there passed by a similar vote, it shall have full force and effect.

We would recommend the adoption of the remaining suggestion of the Mayor; that he be invested with the power of the casting vote in the Boards of School Committee and Overseers of the Poor, of which Boards he is the presiding officer, by authority of the Charter. The Boards themselves cannot bestow it upon their chairman, if they desired to do so. The established rule of parliamentary law being that when a person becomes the presiding officer of one body, in consequence of his election to another, the power to vote, can be conferred only by that instrument under which he was placed in office. The Constitution of the United States gives to the Vice President ~~the casting~~ a vote in the Senate ^{only} upon an equal division. So we would have the City Charter extend the same authority to the Mayor. No harm could possibly ensue, and the public interests might sometimes be protected. We should deem the privilege but a fitting tribute to the highest office in our municipal government. Why

is the Mayor made the presiding officer of the two Boards, if not that he may be the connecting link or organ between the City Government and these officials? Why not accord to him all the privileges that usually pertain to a presiding officer? As the case now stands the position of the Mayor in its relation to these two Boards, is merely ornamental. The head of the city government is placed at the head of the School Committee and of the Overseers of the Poor, but with diminished power. The Committee trust that the remedy may be applied to this incongruity in the only practicable way - an amendment of the Charter

Respectfully submitting this Report the Committee recommend the adoption of the annexed order

For the Committee,
John S. March

Ordered, that the Mayor be authorized to petition the General Court for an act, to be submitted to the people - amending the Charter of the City in conformity with the recommendations of this Report

The foregoing Report is accepted and the Order accepted.

Send down for concurrence.

Accepted by Justice A. Jacobs. City Clerk.
Concurred In Common Council March 23, 1869
Attest J. W. Cotton Clerk

Report ⁷
of the Committee on Ordinances
in relation to

Amendments to the
City Charter
Jan 17, 1889