# BUSINESS MEN'S LEAGUE AROUSED FOR GOOD STREETS

## Organization Decides to Enter Actively Into a Campaign for Needed Municipal Improvements.

### Adopts a Resolution Calling for an Investigation of Legislation Held Up in the House of Delegates—Speeches by Adiel Sherwood, J. B. O'Meara and H. C. Ives.

The Business Men's League has decided to take up the matter of street and other municipal improvements as a result of a discussion at the quarterly membership meeting last night. Adiel Sherwood, John B. O'Meara, Halsey C. Ives, Edward Devoy, Henry T. Kent and City Councilman Hodges talked over the whole question from all points of view and, after an address by the Mayor, J. E. Smith offered the following resolution, which was unanimously adopted:

"Resolved, That in view of the supreme importance to the welfare of our city of a progressive system of public improvements, the Standing Committee on Legislation and Municipal Affairs be requested to examine into and report the improvements necessary and the means of obtaining the same, thereby reaching and arousing the citizens and crystallizing public opinion in its demand upon our municipal authorities. To that end this meeting instructs said committee to investigate and report upon the street improvement bills now held up in the House of Delegates."

The meeting was held at the Planters Hotel, preceded by a dinner. There were nearly 200 guests. At the speakers' table, where ex-Mayor Walbridge presided, sat a distinguished body of representative men, among them, besides those who made addresses, I. V. Morton, ex-Governor W. J. Stone, O. L. Whiteaker, S. M. Kennard, Malcolm Macbeth, William H. Thompson, Festus J. Wade, C. H. Spencer, John C. Wilkinson and Goodman King. The speeches and the ideas proposed were received not only with marked attention but with frequent and enthusiastic applause.

**Blame Themselves.**

The assertion was made by nearly all the speakers that the business men themselves are responsible for any mismanagement which may exist in city affairs, Professor Ives being especially forceful in his remarks. None of the speakers appeared unwilling to shoulder his share of the blame. Mr. Sherwood, who spoke upon the legal aspects of the street improvement situation, made a number of suggestions by which he thought matters could be made vastly better. Mr. O'Meara told what difficulties are in the way of the contractors under the present system and how they might be remedied. Professor Ives not only told what ought to be done in making the city a more fit place in which to live but illustrated his ideas with a number of stereopticon views which clinched every point he made.

Street Commissioner Turrelmann had been invited to make the first address of the evening on the subject of the present condition of the streets. He was not present, and Mr. Walbridge explained that his absence was due entirely to his modesty and dislike for public speaking. Mr. Walbridge then introduced Mr. Sherwood, announcing that his subject would be, "The Present State of the Law Respecting the Streets of St. Louis, and the Remedy."

**Adiel Sherwood's Speech.**

Mr. Sherwood said:

I highly appreciate the opportunity I enjoy tonight in discussing before such a representative body these important questions. It promises well for the future that the business elements of this great city have at last become interested in the transaction of its business affairs.

**Present Condition of the Law.**

First—In this city no street improvement bill or bills, authorizing any public work of any kind whatever, can be introduced into or passed by the Municipal Assembly or approved by the Mayor unless a form of ordinance be drafted by the Board of Public Improvements and sent to the Municipal Assembly with the recommendation of that body indorsed thereon. And whenever such bill is pending in the Municipal Assembly no alteration or amendment of any kind or character can be made therein. In short, the board has absolute control of the wording of every form for street improvements or other public work. Its power in that respect is as absolute and as free from restraint and control as the will of the Russian Czar, and when a bill is recommended it is as unchangeable as the law of the Medes and Persians. Either house of the Municipal Assembly may defeat the bill or the Mayor may veto it, but none can alter it or amend it.

Before the board recommends an improvement bill to the Municipal Assembly, it sets a day of its own motion, or upon the petition of any responsible owner of property on any street, and for two weeks publishes a notice stating that it will consider the improvement of such street on a certain day. On the day appointed, if the owners of a major part of the property on the line of the improvement proposed remonstrate, the board cannot proceed with the improvement, and if by unanimous vote think it best to improve, notwithstanding such remonstrance, it causes an ordinance to be prepared and reported to the Municipal Assembly with the board's reasons for its action, together with such remonstrance. In the Municipal Assembly no such improvement ordinance can be passed unless it receives a two-thirds vote of all the members of each house.

If a majority of property owners on the street fail to remonstrate or petition the board for the improvement, the board, by a majority of its members, may approve the proposed improvement, and it is not required to do so; but if so approved, then the board drafts a bill which is an ordinance in form, authorizing the board to proceed with the work, and represents it to the Municipal Assembly. Every improvement ordinance so recommended must specifically designate the material to be used, the character of the work and be indorsed with the board's estimate of the expected cost.

Third—After an improvement bill has been drawn and recommended by the board, it is sent to the House of Delegates or the City Council, as the board sees fit to direct.

Fourth—When the bill reaches either House it is read twice and then referred to the Committee on Public Improvements of that House. This committee may report favorably, unfavorably, or report without any recommendation, in three days or three months, or more, as the members thereof see fit. The Charter has no limit.

Fifth—If the bill be reported favorably it is ordered engrossed, and then enrolled. Then at a later meeting it is read a third time and passed if it receive a majority vote. But if a majority remonstrance accompanies the bill it must be passed by a two-thirds vote in each house. The Charter requires a separate reading on three separate days in each house.

After passage in one house the bill goes to the other house, and is there read twice and referred to the Committee on Public Improvements of that house, and that committee may act in the same way as the same committee in the other house. Assuming that the committee reports favorably on a later day a third reading and passage as in the first house, and then it is signed by the presiding officers of both houses and transmitted to the Mayor.

Sixth—After the bill has been passed by the two houses of the Municipal Assembly, and the Mayor approved, it becomes an ordinance and under it the board has power to make the improvement described therein. The board advertises for bids for doing the work authorized thereby for two weeks, and on the day appointed in the advertisement receives bids and lets out the work to the lowest responsible bidder. This does not mean the lowest bidder, but the lowest responsible bidder, and one who has ability and whose experience in such work satisfies the board that he is the best bidder for the city, in other words, it does not mean that the lowest bidder is the bidder, and this may be the highest bid of all if the board deems it best.

Eighth—After this an award is made by the board, and a form of contract is drawn and signed for the city by the President of the board and countersigned by the City Comptroller. This form of contract and form of bond, but is charged with no other duty, while the Mayor approves only the mere sufficiency of the sureties.

After all this, the contract goes to the Council for confirmation. The Council has the final judgment and discretion to determine whether a contract shall be made. In fact, its confirmation is one of the essential elements of a legal contract.

The lowest responsible bidder then proceeds to do the work, and at its conclusion the President of the board makes out special tax bills, which are a lien upon the property abutting on the street so improved, and delivers them to the contractor as compensation for the work done, but the extent to which a lien may be fixed upon abutting property for public improvements is limited to a per cent of the assessed valuation of such abutting property, and the excess above such 25 per cent of the assessed valuation must be paid out of the general revenue of the city, or out of the pockets of enterprising citizens who are tired of the mud. As a matter of fact, the city never has any general revenue applicable to public improvements, and, therefore, the excess above the 25 per cent limitation must be paid out of pocket by public-spirited citizens upon the street to be improved.

These special tax bills bear no interest for thirty days after notice, but if not paid within six months after demand of payment draw only 10 per cent interest, but if not paid within six months after demand of payment, they bear from date of demand 15 per cent per annum interest, and are payable at Bickel's office, located within two years after the date of the tax bills.

The objections to this method of assessment are many. The fact is the system is too complicated. It takes too much time and too much effort to accomplish what ought to be a plain, simple business proposition, and the property owner who is to pay for the improvement is not the man who makes the improvement or furnishes the material he profers in front of his own door and has no right to insist upon an improvement.

It may be said that the terms of the Charter never have resulted in any such time, which is conceded and never intended that there should be so much delay, but it does not make any difference at this time what the Charter framers intended, it is enough for us to realize that practical men and businessmen are endeavoring to suggest a remedy for present conditions.

**Effects of the Law.**

We all know without being told that our streets are not kept clean, that they are not improved, that the alleys are foul and that street-improvement work is, to a great extent, at a standstill, and that practically no steps have been taken to make improvements which are absolutely necessary before holding the World's Fair in 1904.

It may be asked why the city has no money in its treasury to pay the excess above the 25 per cent limitation. I confess my time is too short to attempt to give an answer to that question. Each man has his own theory, but all agree that a business-like administration of municipal affairs ought to provide sufficient revenue for general expenses, including street construction. But it is very doubtful if any fund for street improvement can be raised without a large increase in our tax levy and that can only be done by a constitutional amendment.

The fifth in Section 12 of Article X of the Constitution of Missouri prohibits any indebtedness of any city, town or county in excess of 5 per cent of the assessed value of all the taxable property within the limits, shown by the assessment next before the last assessment, that is, counting from the time when it is desired to incur a particular indebtedness. The assessed valuation of the city of St. Louis is about $275,000,000 and our present indebtedness is about $21,000,000. Twenty millions is not a large indebtedness for a city like St. Louis, but five million is a large debt when we remember that under our State Constitution, no matter how great our needs may be, we never can borrow a dollar until the present indebtedness has been largely paid off.

It must be remembered that the Constitution of 1875, of this State, under which we are now living, is nothing more than a strait-jacket. It was adopted while the country was struggling with the after-war troubles of the years of 1872, and the framers of that document endeavored to strap up and tie down and bind together, in every possible way, everything which they could, for fear that they did this so as to give the people of this State the least freedom of action possible under a republican form of government.

Many of these restrictions are undoubtedly wise, many of them ought to be continued, but the fact is a great city like the city of St. Louis should have the power by a vote of its people to determine, for itself within reasonable limits what indebtedness may be incurred, how it shall be paid and how the payments thereof shall be secured, without having to go to Jefferson City and ask for an amendment to the Constitution. And based upon a majority vote of the people of the entire State to determine questions which in their last analysis must be determined here at home. In other words, bonds, if issued by this city, must be paid here.

The only lasting and effective remedies in my judgment, are a constitutional convention and amendment which should be voted on at the coming November election. It is impossible to secure an amendment to the Constitution and adopt it in time to provide funds for laying out Boulevards and public places in time for the World's Fair, because an amendment would have to be submitted to the voters at the fall election in 1902 and could not be adopted in time to be of any service to us.

Not many business men know how unequal and unfair is the limitation of 25 per cent valuation fixed in section 19 of article 6 of the Charter. Property owners have been unjust and businesslike upon the enterprising citizens.

Time and again property owners upon a particular street desire to have it improved and go to City Hall and ascertain that the board is not willing to lay a macadam street, but find that an enduring pavement cannot be laid for 25 per cent of the assessed valuation, perhaps, because all but one or two lots in two blocks are owned by a corporation of sufficient amount to pay for the improvement, and ascertain that there is no money in the City Treasury to pay this excess, and the excess may be a large one, perhaps, owing to the shape of the lots—and they find that the excess must be paid into the City Treasury before the board will draw an improvement ordinance and these few property owners, knowing that they cannot sell their property for anything like it is worth until the street is improved, start out to raise the excess.

This little band of property owners search the neighborhood and when they arrive on the street and make a canvass, and it finally winds up by a few paying out of their own pockets what under the Charter should be paid out of the general revenue of the city. The board drafts an ordinance and appropriates the money thus deposited and provides for a lien upon the abutting property up to 25 per cent of the assessed valuation. In this way miles and miles of new streets have been laid down in this city, and the enterprising property-owner has had no other remedy.

Generally speaking, it is unfortunately true that the best part of all of the property owners on every street in this city are opposed to any kind of public improvement, and if it is ascertained that the board intends to improve a particular street, they want the cheapest and poorest material that can be put down. Most of them would take macadam if they could get it. If they find that the board would not use that material, many of them are opposed to any material.

The fact is, as every one ought to know, if he does not know now, that there is never a meeting of the Board of Public Improvements convened for the purpose of considering the improvement of any street or public place which is not attended by a large number of property owners, and in most instances the major part of them protest against improvement of any kind whatsoever. Even though the board goes day manfully by recommending an ordinance by unanimous vote and sending the same to the Municipal Assembly, it is easily defeated, because, as I have stated before, it cannot be passed in either house, unless two-thirds of all the members of each house vote for it.

The people of St. Louis must be made to understand in some way—I confess I do not know how—that public improvements have to be paid for by the abutting property owner, because they represent a value received by that property.

The people of this city protest too much. There are too few of them in favor of public improvements; they are all too well contented with mud holes and unclean streets and too well satisfied with present conditions no matter how unsatisfactory present conditions may be.

When all the streets of a great city are well paved and kept in repair, transportation is easy, life and property are safe and personal injury suits against the city unknown.

It must be kept constantly in mind that the Board of Public Improvements and the Assembly and the Mayor have the express power to construct and reconstruct streets in St. Louis as often as in their judgment such work is necessary, and to charge this work of reconstruction against the property abutting on the improvement.

This can be done as often as necessary, and the better done in the first instance the longer reconstruction is postponed.

Our supreme court has finally determined that a contract for reconstruction can be legally united with a maintenance contract, whereby the contractor is compelled to give a good bond to maintain his work for a long period of years. A contractor who has given a bond to maintain a street for a period of ten years, after construction, is more likely to do faithful and honest work than the contractor who fulfills his contract by constructing the street and has no further concern.

This maintenance clause solves many of our difficulties, and compels honest and faithful work, and is a protection to both the city and property owners.

**Suggestions of Remedy.**

First—Make special tax bills payable in ten annual installments, with interest upon deferred payments at the rate of 6 per cent per annum, instead payable in one annual payment, that is, one-tenth of the principal of each installment will pay the tax bill for the right to declare all the deferred and payable installments, with interest to the time of sale, which will be about equivalent to a tax bill payable in ten annual installments, and to give the property owner the benefit of any annual payment of installment.

In this connection your attention is called to the fact that at the time of the last tax bills, payable within two years after their date, and that the interest for the first thirty days after date, and the per cent of all bills within six months after date, and 15 per cent interest on the date of all unpaid bills.

Second—Abolish the public hearing, if issues be referred to the board to decide the question of the necessity of any public improvement, and let the board decide the question of the necessity of any public improvement without any hearing, and let the board decide the question of the necessity of any public improvement without any hearing, and let the board decide the question of the necessity of any public improvement without any hearing