

Seattle City Clerk's Office

Comptroller File

25056

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FILE No. 25056

Mayor's Disapproval
C.B. No 419

Filed AUG. 8 - 1904 100
By Mayor's Secretary
Address JNO. RIPLINGER, CITY COMPTROLLER
By W. H. Ell Deputy

ACTION OF THE COUNCIL

DEFERRED

TO

REFERRED

to

REPORTED

REPORT ADOPTED

REPORTED

REPORT ADOPTED

REF. FOR ORD.

C. D.

ORD. 1197
DISPOSITION

FILE BOX

Published
AUG 10 1904

Passed over Mayor's veto
Aug 22-1904

REPORT OF COMMITTEE

Mr. President:

Yours

Committee

to whom was referred the within

would respectfully report that we have considered the same and respectfully recommend that

CHAIRMAN

MITCHELL GILLIAM,
CORPORATION COUNSEL

NATHAN K. AMERLEE,
ASSISTANT CORPORATION COUNSEL
HUGH A. TAIT,
ASSISTANT CORPORATION COUNSEL
ELLIS DESRULIER,
CITY ATTORNEY

The City of Seattle
Washington

THE LAW DEPARTMENT
CORPORATION COUNSEL'S OFFICE

40 HALLER BUILDING August 18, 1904.

Honorable John Riplinger,
City Comptroller.

Dear Sir-,

Referring to your communication of the 10th inst., asking my opinion as to the legality of the contract contemplated by Council Bill NO. 419, beg to inform you that in my judgement the Council has no legal authority to pass said bill.

I herewith return said bill together with the Mayor's objection thereto.

Yours very truly,

Mitchell Gilliam

Corporation Counsel.

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To the Hon. City Council of the City of Seattle:

Gentlemen:

After a careful examination of the City Charter in connection with the
Comm. on Bill No. 419
annexed, ~~Ordinance~~, I am compelled to announce my disapproval, and herewith state my
objections thereto, as follows:

This Ordinance undertakes to appropriate the sum of seventy five dollars per
month, until Dec. 31st. 1904, to the Crittenden Home, a private institution situate
outside the bounderies of the City of Seattle, its object being to provide for the
care and reformation of fallen women. The Ordinance further directs that the
Chief of Police of the City of Seattle, shall designate and order the removal of
such women as he may specify to the care of said Crittenden Home.

Section 24 of Art. 4 of the Charter of the City of Seattle, provides that
" The City Council shall make no appropriation in aid of any corporation, person or
society, unless expressly authorized by this Charter or the Laws of the State of
Washington". This appropriation is manifestly in direct conflict with this section
of the law, unless there can be found the express authority for it else where in the
Charter or laws of the State. In my opinion no such authority is either express or
implied by State Law or Municipal Charter. The nearest approach to such authority
would be the power granted in section 18, sub. -Art. 4, of the Charter, which gives
the Council power " to create and establish hospitals and pest houses and regulate
the same ", and by section 13, Art? 10, of the Charter, " The Board of Health through
and with the co-operation of the Board of Public Works with the consent of the City
Council may locate, establish and maintain, hospitals and pest houses and discon-
tinue and remove the same whenever necessary for the preservation of the public health,
and may appoint and remove at pleasure such physicans and nurses as may be necessary
to maintain the efficiency of same: and may cause to be removed thereto and kept therein
any person affected with any contagious or infectious disease".

It must be evident upon the slightest examination of these provisions that
they do not expressly authorize this appropriation. This is not a public hospital
or pest house contemplated by the Charter. Again were it within the power of the
Council to make the appropriation there is no law authorizing the Chief of Police
or the Police Magistrate to forcibly place any one in the care of such home or detain
them there.

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I respectfully call the attention of your Hon. body to Council Bill No. 447, passed August 12¹⁹⁰⁴ and approved by me on the 5th. of that month, in which it is provided that for the compensation of two hundred dollars per month payable to the Wayside Mission by the City of Seattle, the Wayside Mission shall be "recognized as an Emergency Hospital for the care and reception of such patients as may by virtue of illness, injury or accident, become a legal charge against the City and entitled to hospital treatment therefrom, (other than infectious or contagious cases)".

As the Wayside Mission Ordinance provides for the care of all hospital and emergency patients which may become a legal charge against the City, at a fixed monthly rate, it would appear to me to be improper to make further appropriation or expenditure for such contingency.

Respectfully submitted,

R. A. Ballinger
Mayor of the City of Seattle.

Attest:

Intelligence

CITY COMPTROLLER AND
LABORER CITY CLERK

Published August 10, 1904.

Intelligence

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