



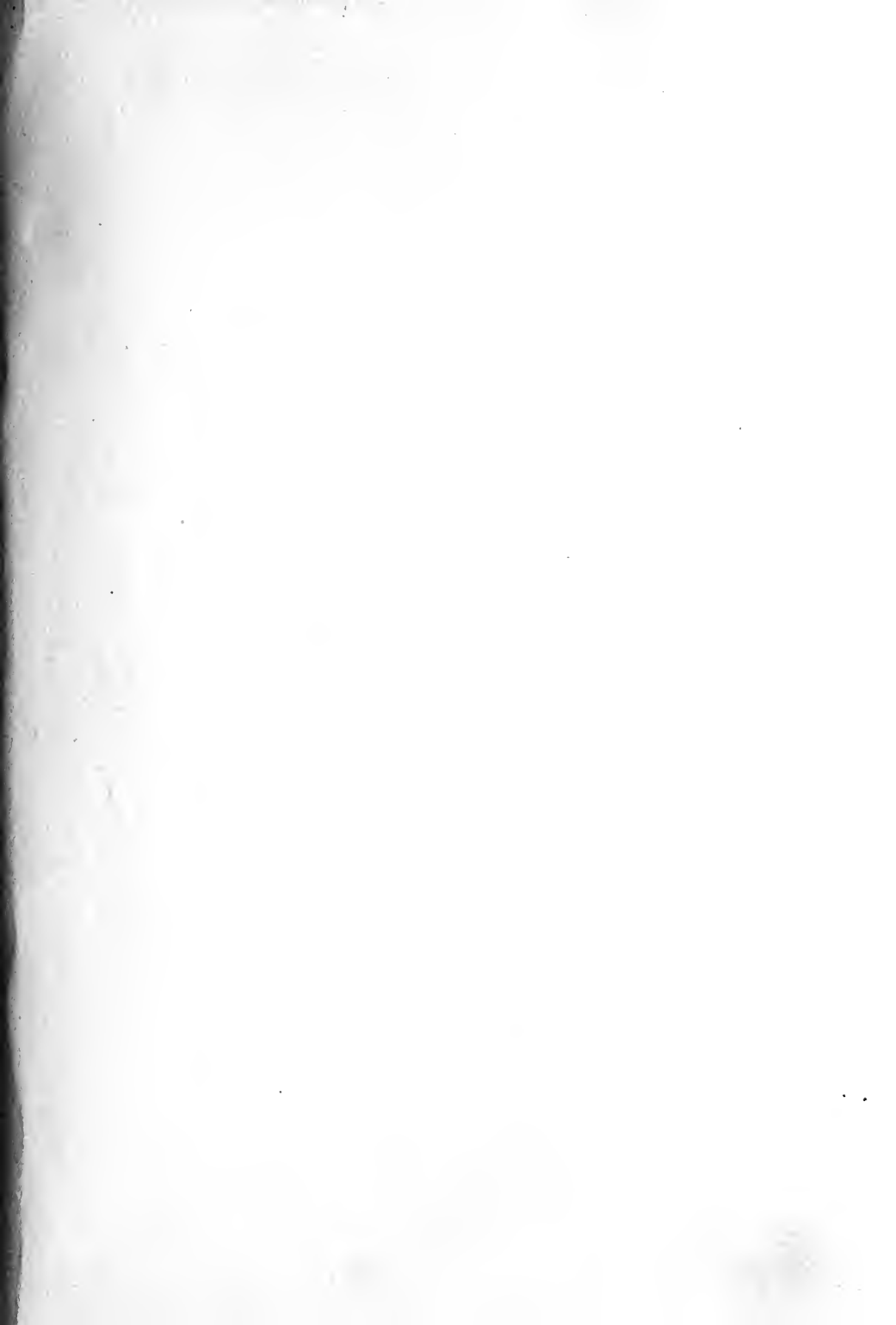


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**P**ROCEEDINGS OF THE BUFFALO  
CONFERENCE FOR GOOD CITY  
GOVERNMENT AND THE SIXTEENTH  
ANNUAL MEETING OF THE NATIONAL  
MUNICIPAL LEAGUE

Held November 14, 15, 16, 17, 1910  
At Buffalo, New York

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CLINTON ROGERS WOODRUFF, EDITOR

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NATIONAL MUNICIPAL LEAGUE  
1910

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## PREFACE

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The Buffalo meeting of the National Municipal League has passed into history as the most largely attended in point of delegates, as the most inspiring and as the most successful in the character of the papers and contributions. There was more live, vigorous, useful, virile discussion by experienced workers and experts than at any preceding meeting. At a number of the sessions there was standing room only. The three "round table" luncheons were important features. By actual count there were 175 present at the last one, when the subject under consideration was the commission government of cities. This was most remarkable, coming as it did at the end of three strenuous days of unremitting attention to the work of the meetings.

These informal luncheons have come to be an established and most interesting feature of the conferences, bringing together as they do the active workers for an interchange of opinions and experiences. It has not been possible to report all the talks in their entirety, but the gist of arguments and statements of a permanent character have been preserved. A considerable proportion of the valuable consideration of the commission form of city government has been reserved for a separate volume on the subject that the League has in immediate contemplation.

In this connection it seems appropriate to state that the demand for back volumes of the Proceedings now out of print and for single volumes on special subjects, such as accounting, school extension, charter and electoral reforms, franchises, commission government, the initiative, referendum and recall, has made it necessary for the League to provide for a more extensive publishing arrangement, the details of which are being worked out and will be shortly announced to the members. In this way it is hoped that the educational influences of the League will be greatly enhanced.

School extension formed an important feature of the Buffalo meeting. A comprehensive report was presented and appears in

this volume of Proceedings. The sundry papers upon which it is based, prepared by a distinguished group of publicists and educators, will form the basis of one of the volumes of the contemplated National Municipal League Series to be issued by a leading publishing house.

A formal organization of the men devoting their lives to civic work was effected through a "Civic Secretaries Committee." This represents an interesting and suggestive development, pregnant with great possibilities of future usefulness.

In the opinion of those in attendance, the Buffalo meeting represented the beginning of a new era of still more important constructive work for the League. As has been the case for years past, the note of pessimism and hopelessness was lacking. The papers, addresses and informal speeches all were surcharged with earnestness, breadth, grasp of fundamentals and hopefulness because of confidence in the growing interest of the American citizen in municipal questions, and his rapidly-developing devotion to the new municipal idea.



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PAPERS READ BEFORE THE SIXTEENTH  
ANNUAL MEETING OF THE NATIONAL  
MUNICIPAL LEAGUE

AND THE

EIGHTEENTH NATIONAL CONFERENCE  
FOR GOOD CITY GOVERNMENT,

HELD AT

BUFFALO, NEW YORK,  
NOVEMBER 14, 15, 16, 17, 1910.



# Patriotism in Municipal Affairs.

By HON. CHARLES J. BONAPARTE,

President of the National Municipal League.

At our last annual meeting a very interesting paper was read by Miss Grace Abbott, of Chicago, on: "The Immigrant and Municipal Politics", and a passage in this paper suggested to my mind what seemed to me a suitable subject for this, my last, annual address as your president. Speaking of immigrants from southern and eastern Europe, Miss Abbott said:

"Most of them are people in whom emotional patriotism is very strong. Fourth of July is more uproariously celebrated on Halsted Street than in other parts of Chicago. Every Sunday the American and Italian flags precede the band that plays the funeral march of some Italian, and the Greek church for great religious festivals is decorated on one side with the American, on the other with the Greek flag. There have been several election scandals in recent years in Chicago's Ghetto, and yet the Russian Jews who live there are giving their evenings to academic discussions of the fundamental concepts of liberty and lamenting American indifference to governmental questions. Undoubtedly here, as in the so-called better districts of our cities, a great deal of moral steam is going to waste."

Need there be this waste? Can we not use the "moral steam", which now blows itself off in singing "America" or cheering "Old Glory", to turn the wheels of our municipal administrations and grind out as products the fruits of good city government? In less figurative language, may we not make of patriotism a most helpful ally in our fight for pure politics, for honesty and decency among public men, in the affairs of our great American municipalities?

In my childhood I witnessed the profoundly impressive spectacle of the American people awakening to the need and to the duty of saving by the sword our threatened national life; twelve

years ago we again saw our country respond promptly and cheerfully to another call to arms, although, certainly to many, I think to a large majority, of our citizens the need for war seemed doubtful and the merits of our quarrel open to dispute. With this experience, no one can reasonably deny that patriotism has been and is to-day a living force among Americans; why is this force apparently so weak in the works of peace while it is so strong in the works of war? Why do thousands of men, of whom every one would hasten to enlist should the need arise for soldiers, shirk or betray their duties as citizens, go a-fishing on election day, or vote for the boss's candidate with no better reason to give their consciences or their country than was given by one of the worst of our politicians when he said: "I am a Democrat"?

In my opinion, this is partly because some of us misconceive the nature of patriotism and therefore under-rate its consequence and possible influence for good; partly because many more of us fail to see the necessary and intimate connection between the character of our government in all its branches, national, state and municipal, and the continued vitality of our patriotism. To my mind, a trace, although a trace only, of the confusion of ideas existing as to what patriotism means, is found in Miss Abbott's description of our immigrant's patriotism as "emotional"; this adjective, whether so intended or not, will seem to some people as depreciatory; the Italians and Greeks and Russian Jews, to whom she refers, would furnish, so such people think, more promising raw material for good citizens were their patriotism of a different type. But surely, "unemotional patriotism" would be a contradiction in terms; one might as reasonably speak of "unemotional" love or hatred, friendship or enmity; all these things are or, at least, imply "emotions"; if the emotion isn't there, the thing itself isn't there. No doubt merely emotional manifestations of patriotism, even when sincere and spontaneous, are of a minor merit and minor utility; a good mother has more important duties to fulfil towards her children than to kiss them. But, as a matter of fact, she will kiss them if she loves them with her whole heart; and, unless she loves them with her whole heart,

### **Emotional Patriotism**

she will not make them a really good mother. So there is no need and little use for us to indulge in mild hysterics over our country's flag; but unless, in very truth, our country's flag really is for us something more than a piece of parti-colored bunting, we have not that within us which would make us really patriots.

I have long thought that reformers of our politics and especially of our municipal politics are prone to err in appealing mainly, if not exclusively, to the supposed self-interest of voters to obtain their services in the cause of reform. They promise us as citizens better streets and better schools and better water, more sanitary surroundings and more effective protection against crime and fire, lower taxes and a less corporate debt, if we only will sacrifice our ease and our time and our private business and incur enmity and abuse and individual loss in contending against evil influences and evil men; and they are surprised and disappointed to find too many of us insensible to these arguments.

When I was an overseer of Harvard, I was much impressed by a remark made once in debate by President Eliot to the effect, in substance, that if we would have a man **Non-Commercial Rewards** give himself up wholly, without reserve and without thought of consequences, to any work or any cause, we should hold out to him rewards with no commercial value; a mere new name, a trinket and a bit of ribbon, a metal disk with a few graven letters, simple mention in a report of an order; it is for such things as these that men throw away their interests and their pleasures and their very lives.

Colonel Napier, refuting the argument used in his day to justify the pillage of a town taken by storm, that soldiers would not fight unless they had the hope of loot (just as, even in our day, it has been argued that sailors would not fight unless they had the hope of prize money), declared, with obvious truth, that of all the hundreds of men who scrambled through or fell in the breaches of Badajos not one, if sane and free to choose, would have faced such danger for ten times the money value of all the plunder he could expect to find. Such work is not done for mere money or money's worth; when we ask a man to take his life in his hands, a big dividend isn't "in it" as a bait if compared with a little medal. It cannot be said that municipal reformers ask

their fellow citizens to face imminent danger to life or limb, but they do ask these fellow citizens to join in a tedious and a laborious, a costly and an embittered conflict with powerful and vindictive enemies; they seek recruits for a bloodless but obstinate, acrimonious and protracted civic warfare; and, to secure such enlistment, they may well remember these recognized facts of human nature, pointed out by the wisest writers and thinkers and proved by the experience of mankind.

It is important to remember in this connection that, although superficial observers have often said and still say sometimes that a city is a "business corporation, to be run on business principles", this utterance combines a statement substantially true with another essentially false. The affairs of a city ought to be "run on business principles", just as the affairs of a church or a college or a hospital or an asylum ought to be "run on business principles"; that is to say, in all these cases, the institution's money ought to be made to go as far as it will go and get all that it can get. A man who voluntarily works three days to do what he might do as well by working one is simply a fool; and, since money is, after all, merely past labor set aside for future use, like the electricity in a storage battery, that man is no less a fool who spends three dollars of his own money to get what he could get by spending one; if he shall thus spend money which is not his own, money given him to spend for the good of others, and such is the case of every improvident trustee, public or private, then he is something far worse than a fool. But it is wholly untrue that a municipality is a "business corporation" in the same sense as a bank or a railroad or a trading company. Like every other form of human government, it exists to make those subject to its sway happy through righteousness; and, to attain this great end, it needs the aid of all those agencies which preserve and strengthen and purify organized human society; one of these agencies, and one of the most potent, is patriotism.

**Object of  
Government**

As I have already intimated, I define patriotism as a form of affection, as love for our country, for our country, not, of course, in the sense of a part of the earth's physical surface, not even in the sense of the people dwelling within its limits, but pictured to



the mind as a separate being, a being exercising the powers and fulfilling the duties of sovereignty. This conception is so clearly and vividly illustrated in some of the very early speeches made by Prince Bismarck as an ultra-conservative member of the Prussian Landtag, that I venture to refer to them again, although they have done duty for me on some previous like occasions, and it is just possible that, to some of my hearers, what I am about to say may have a familiar sound. In these speeches Prince Bismarck drew an original and striking contrast between "the people" and "the nation". In this view the former is a mere chance assemblage of those human beings who happen to live at a particular time within a certain territory, with no rightful corporate authority and no capacity for its exercise, speaking and acting through the least discreet, the most presumptuous of their number, those whom conceit and vulgar ambition make self-appointed leaders in the attempt at an impudent usurpation, and finally, for practical purposes, a contemptible and disgusting, but dangerous, animal "braying in the highways", to be held with bayonets and prisons in its normal state of proper discipline and obedience. "The nation" is a being wholly different: it is a composite, spiritual entity made up of all those who on earth have lived, of all those who hereafter will live, as well as of those who live now, under the sway of a line of princes who, by divine appointment, discharge towards it the function of the brain towards the body.

**The Theory of  
the Nation**

This being is not, indeed, immortal; it had a beginning and, through unworthiness for its mission or rebellion to God's will, it may merit and suffer death; but the span of its life is measured by centuries and, while it lives as it should live, it follows out, from generation to generation, a destiny fixed by God, under the guidance of kings to whom the Deity has entrusted the miraculous power of seeing, hearing, feeling, deciding, speaking and acting, in short, of living as and for the whole.

This theory of the origin and extent of royal authority is one the world has outgrown; in our day and country it sounds so strange as to seem absurd; we can hardly believe that only sixty years ago, a man of such superior intelligence could have sin-

cerely, or even seriously, advanced it. But the conception of a nation as a living organism, distinct, not only from each individual dwelling under its rule, but from the aggregate of individuals who may so dwell at any particular moment, is no less true than profound: the American nation is not one to-day and another to-morrow, although within every twenty-four hours thousands of Americans are born and other thousands die, many foreigners become Americans and some Americans become foreigners; any more than I am another man at this instant from what I was five minutes since, although some atoms of matter have certainly entered into and some have no less certainly left my body while I spoke to you: the same nation whose baptismal certificate was signed on that summer morning one hundred and thirty-four years ago now overshadows the new world, just as surely as your president this evening is the same man who first drew breath—we will not say how many years since. A nation is, in brief, a *person*, not a multitude of persons who, for certain purposes, are enabled in imagination or permitted by positive law to act and be dealt with as one; a real, living being, not a fiction of jurists or a conscious creature of the mind; and from the instinctive recognition of the truth and significance of its personality arises the sentiment which we call "patriotism".

For the great being, with and under whom we live, and of whom we, in some sense, form part, towers over each one of us as a source of incalculable good, a picture of extraordinary beauty. Almost everything which makes for happiness in our days and nights, material comfort, personal security, opportunities for fruitful toil and untroubled rest, possibilities of increased enlightenment, systematic beneficence, orderly freedom, all these things and, in fact, all that makes a civilized man better and more fortunate than a savage, I had well-nigh said than a brute, depend for existence, in last resort, on the sword of sovereignty, which is wielded by the strong arm of the nation. This rises between the spoiler and his prey, shelters the weak, gives a sanction to promises, makes justice real and peace more than another name for bondage; no man has ever owed or can owe to any purely human institution the debt which every man in a civilized Christian nation owes to his country.

But I am not sure that this debt has so much to do as one might suppose it had with his love for his country; after all, we do not greatly love our creditors, and self-interest is the weakest of all inducements to self-sacrifice; as I have said, nobody cares to be killed to secure an extra dividend. An ardent patriot is a man who has fallen in love with his country, and one does not fall in love as a matter of calculation or reasoning no matter how sound. It is, however, in every way natural and to be expected that his country should gain his love, for this grand, majestic figure which we name the nation is emphatically a thing of beauty. We do not see it as a composite photograph of all the countless human beings, past, present and to come, who are or have been or will be included within it; with a true artistic instinct, the national memory has rejected as *excreta* all that was ugly, mean, weak, selfish in our fathers, and the national hope veils the failures, deceptions, miseries which await our children. As they live in our nation's life the men of the Revolution are not the same men who were actors in it; their foibles and sins and vices remain for historians, but for the American nation all in them that was unworthy and transient has ceased to exist as completely as Benedict Arnold has ceased to be an American. With an apparent injustice to ourselves and our times, which is really a proof of our better nature, of our longing for true and high ideals in thought and life, we are the blemish, our days the age of bronze in the great perpetual panorama of the nation's birth, growth and destiny, our past shadowed by the memories of Washington and his comrades in counsel and in arms, our future illumined by the radiance of a golden age. That the glorious traditions and the imposing greatness of their country had profoundly impressed the imagination and engaged the affections of Americans was shown on a great scale in 1861, on a small scale, or at least on a scale small by comparison, but yet with unmistakable significance, in 1898; no one truly doubts that we are a patriotic people; what ought such a people to think, with due regard to consistency and common sense, of selfish and unscrupulous political intriguers who may perhaps themselves impudently pose as "patriots", but would make every public office and every func-

tion of our government, national, state and municipal, a source of illicit and disgraceful private gain?

The conception of a nation as a vast endless chain of humanity, coiled over the ages, with unnumbered links in heaven and other myriads among those yet to live, implies of necessity that public office is a trust in a wider, a more imperative, a more sacred sense than the word usually bears. The magistrate is a trustee, not merely for his countrymen of to-day, they are but a small fraction of his *cetteux que trustent*; authority is placed in his hands that he make fruitful the merits and sacrifices of the dead, that he safeguard the virtue and happiness of the unborn; nay, the whole people, in a free country, make up one great corporate trustee, holding for the moment all the vast heritage of the future from the past, a trustee with those powers and those duties which the Bismarck of 1849 ascribed to the king, and, like his king, a trustee chosen and commissioned of God. For one who thus looks upon the dignity and duty of the people and of their officers the maxim: "To the victors belong the spoils," is monstrous to the verge of blasphemy; an abuse of public authority to promote paltry, selfish interests of the moment is a crime against mankind approaching to a sacrilege; he who would drug the people's conscience by inflaming partisan prejudices and awakening popular passions, to the end that he and his like may profit from the people's breach of sacred trust and forgetfulness of divinely imposed duty, is an enemy to humanity a thousand-fold worse than a poisoner.

If we suffer such as he to guide and rule us, it is nothing to the purpose that we may have free institutions; a government, like every other contrivance of man or production of nature, must be judged by its fruits; however we may talk about it, the worth of American democracy will be gauged, in the irreversible judgment of history, by a true answer to one question, namely, To what manner of men does it entrust political power? The one thing essential to good government is good men to govern; where, as here, every citizen forms part of the government, if the government be bad, the citizens are unworthy. Let us study then the government of our city and state and country; let us recognize

**Public Office a Trust**

the shameful abuses that too often infest almost every branch of administration; let us make ourselves feel the degradation of our politics and the meanness and selfishness of our public men, and then let us see to it that all these wrongs are righted, by making sure that those who shall deal with them know and love the right.

## Conservation in Municipalities.

By HON. WILLIAM DUDLEY FOULKE, RICHMOND, INDIANA.

My subject to-night is Conservation, a subject which during the last two or three years has attracted the special attention of the American people. We had been before that time, perhaps we still are, a very wasteful people, both individually and collectively. The American housewife always sent a good many more things to the garbage pile than the French housewife would have done. The American farmer cultivated his acres, in many regions of our country, with very little reference to maintaining the fertility of the soil by proper fertilization. Our forests were often stripped, with very little regard for their preservation, until some of us began to wonder whether we were following in the footsteps of Spain. If any of you have been to the plains of Castile, or to the tablelands of Mexico, you can see there vast regions, fertile in the past and capable of sustaining an enormous population, which have become comparatively a desert, from the lack of the preservation of their forests, through the improvidence of the Spaniards.

Collectively we were even more improvident in giving away the bulk of our national domain. Vast tracts of our most fertile land were granted to railroad companies for the purpose of "developing the country," as it was then said. A very large portion of our domain was also sold at the comparatively low price of \$1.25 an acre to speculators who used it for their own purposes. But at last the day of awakening came. Then we found that although a great part of the national domain had been thus disposed of, there was a good deal that remained. In the first place, there was the great water-power on the slopes of the Rocky Mountains and the Sierras by the Pacific; there were the great coal beds of Alaska; there were many virgin forests which were now placed under scientific care so that trees should be restored and replaced as fast as they were destroyed, and to-day the people

have awakened to the dangers of the waste and destruction which had been going on for these many years.

But in regard to national conservation the thing seems to be a long way off—in the Rockies—in Alaska—and although we realize in a vague way that we are the losers by our national extravagance and would keep for the people that which belongs to the people and not permit it to be alienated and pass into the hands of a few monopolies—although we realize that in a vague way, that the expenses of the government can be thus reduced, that taxation can be lessened and that the cost of the things produced upon that national domain may also be lowered, yet at the same time it does not come to us with that vital significance that a thing does which is near at home.

But there is another kind of conservation that lies at our own doors—it is the conservation of our municipal resources. Every city, every county, every township in America is the possessor of property which if it were in the hands of private persons would give large returns. Now no one will claim that it ought to be used in exactly the same way by the public, that it ought to be used for profit to the same extent as if it were private property, yet at the same time we have been immensely wasteful of those municipal resources, just in the same way that we have been of our national resources. The streets of our city are immensely valuable and their value grows year by year. The parks of our city, many of our public edifices, the roads in the country, all these things have a very great and constantly-increasing value, but we have wasted them in the same way that we have wasted much of our national domain. We needed some new improvement—an electric line, a railway through the streets, new water-works—we were anxious to have that at once, and the result was that we improvidently placed in private hands, the hands of some private monopoly, these possessions, which increase year by year in value, whose power to earn increases year by year, which ought to have been kept for our benefit or leased out upon short terms only. That is the problem of municipal conservation.

Not long ago my wife said to me, "A city ought not to require taxes from its citizens, it ought to be able to pay dividends on the

### **Municipal Property**

property it owns." Well, that seemed to me at first something like a will-o'-the-wisp, well adapted to the pursuit of the feminine mind and I wanted to dismiss it, but the good lady argued the case with me and the more she argued it the more she convinced

**Cities Without Taxes** me. Her argument was an application to purely municipal questions of a theory very similar to that set forth by Henry George in his "Progress and Poverty"—the single tax. She said: "Take this city where we live; the land which underlies it would be worth for farming purposes a hundred to a hundred and fifty dollars an acre, that is all; now it is worth, parts of it, many thousands of dollars for a small fraction of an acre. How did that value arise? Why, it arose because the city has come, because people built houses close to each other and started industries. That is the value that the city gives. Where the city gives value it has the right to take value, it has the right to draw its income from this increased value of the land. So that if a city were caught young and the property of that city were conserved for the common benefit there would be no need of levying any other tax upon its citizens but, upon the contrary, the city would pay dividends to those citizens, not only to those who own land but to all of them. That seems extravagant, but in that case the city simply taxes the value that it gives, taxes nothing else. It does not tax the produce of labor.

I saw not long afterwards in the newspapers an account of a town here in our country, the town of Fairhope, on Mobile

**Fairhope** Bay, not a large place; it was settled by some immigrants from Iowa; they determined to start their town that way; they took the town young, the citizens leased the land from the municipality and built their city and they have been running it for about fifteen years. They are able to carry on their government without any taxes, themselves paying the state and county taxes; to have a telephone system; to have schools, public libraries and a free public dock and the town is said to be prosperous. Now I think that this town would be a very good object for investigation by the National Municipal League. If towns and cities are to be established hereafter it may be a good thing to know the best way to do it.

That is one example. But the examples in this country are



comparatively rare by the side of those abroad. There is in Sweden a town by the name of Orson which did not own all the land upon which it was built, did not lease it all, and yet that town, without any taxation upon its inhabitants, supports a street railroad for the free use of all, supports a library, and a public school and pays its own taxes to the government. How does it do it? It does it from the product of the trees which are grown in and around the town. The citizens of the past generation were provident, they planted these trees, of good sort, valuable for timber, and now their descendants are cutting the trees down, replacing them as fast as they are taken (the forests are not denuded) and there is enough profit from their sale to pay all the

**European  
Examples**

taxes of that town and to give it a free street railway. That is an extraordinary case, but that is only one. Mr. Ockel, in the *Westminster Review*, if I recollect right the periodical in which it appeared, mentions the fact that in Germany there are now 1,500 villages that are supported from the produce of communal lands, without taxation upon their inhabitants, and that in a considerable number of those towns and villages there is a dividend actually paid to these inhabitants; and in those places they are not very anxious to have immigrants or new citizens, they do not encourage them. That is done largely from the product of forestry alone, from cutting the communal forests. In some cities the communal church is built wholly out of such proceeds. In the town of Forbach, for instance, a very large communal church has been built out of the product of forest cutting and it is sustained out of that, having an income of between fifteen and twenty thousand dollars a year. In some cases the products of those forests are very great per acre. They have a fine forest near the city of Zurich which belongs to the community, from which the net return is about \$12.00 an acre. That certainly seems an enormous amount from the cultivation of a forest. Of course, if the municipality has enough land to do this sort of thing it can pay its own expenses, and it need not tax its citizens. The trouble is that hardly any of our American cities were caught young enough. A town needs to be caught before it has alienated its most valuable possessions. The most we can do is to approxi-

mate the result, that is, to lessen taxation by a profitable use of the property which still remains the property of the city. A great deal could be done if we had large tracts and the trees on those tracts were used and cultivated under proper arrangements; a great deal could be done even if the trees along our streets were cultivated and replaced in the same manner by the city, in those cases where the city owns the fee and has the right to the trees.

A great deal can be done from the mere use of the streets themselves, for there is just as much unearned increment in a street as there is in a town lot. What do you mean by unearned increment? If I buy a lot out in the suburbs, that has very little value to-day, and get it for almost nothing, and people go out in that direction and build around it, it becomes a great many times, sometimes scores of times or hundreds of times, of its original value. That value is not conferred by any effort of mine, I am not entitled to any return on it, yet I get the return and the city, which confers the value, gets no return except the very limited taxation each year upon the value of the lot. What remains to a city to-day? The streets of the city have an unearned increment, increasing in value all the time, just the same as the lot has—the street railroad, increasing its traffic as the town grows, the water-works increasing the connections with the different houses as the towns grow, always supplying more and more water as the town increases in size, the telephone always with more connections as the town grows, so that prudent investors invest at a very low rate of immediate return because they know there is this constant rise in value in a growing city. That rise in value ought to be kept for the city, not for the stockholders. It ought not to be given for long terms upon a certain fixed basis, so much per year. Least of all it ought not to be conferred gratuitously, as nearly all of our cities have in the past conferred their franchises. When a term is fixed, that term ought not to be too long and the return ought always to be graduated with the rising value of the thing conferred. That is, that as the value of the water-works system or of the street railway or lighting plant, or whatever it may be—as that value grows the return should grow also.

**Unearned  
Increment**

If our cities had been conducted upon that basis at the beginning the present taxes would be very greatly reduced. And one of the very best ways to do that is, where it is possible, to have the municipality both own and control the plant. Most of us used to be opposed to municipal ownership, and with very good reason, because, we said, "Why, a city doesn't know how to transact business; the council is always elected as a mere matter of politics; the government is corrupt; if it can't make a good contract with anybody, how can it run a plant?" But there is a brighter day dawning for American municipalities. By a process of gradual evolution the necessary business sagacity to do this thing is becoming more and more the possession of the municipality. I might give you a few cases. For instance, in the town where I live we were oppressed by very excessive rates by a lighting and power company supplying electricity and gas and it was determined to build a municipal plant to compete (a rather dangerous thing to do) with the plant that was thus run by private ownership. Most of us predicted that the thing could not be made to pay. But after some years of experiment it has been made to pay us well, although running in competition with this private plant that has not paid; it has greatly reduced the price of electricity; not only that, but it is found necessary now to resort to the city plant in order to help out the deficiencies in the budget in other parts of the administration; our electrical plant is what we have to depend on to do this, and besides it is making a good profit. In the first place, they charged us ninety dollars a year for an electric light at the corner of the streets, this private plant. When we established our city plant we reduced that to about half; last year, when we could not make ends meet any other way, it was determined that the electric plant should furnish the city with light for nothing; now the city gets it for nothing at all, to help out the budget.

Another example is in the town of Anderson, only an hour's ride from my own city. There the city owns both the electric plant and the water-works. There is still a very considerable debt upon them which they are gradually paying off out of a sinking fund, paying interest and paying the debt itself, and a

careful computation shows that, after the debt is paid, they can reduce their taxes very greatly, and if finally the plant shall continue to improve and the city to grow, they may be able to eliminate most of their taxes from the income of those two plants. Now that is an extraordinary statement but many believe it and their figures would tend to show it.

At Los Angeles not very long ago, according to a clipping sent me by Mr. Woodruff, the city was bonded, I think, for three millions and a half in order to construct a power plant in connection with their aqueduct, which at the outset would supply 40,000 horse-power. This power could be leased for a sufficient amount to pay the interest, pay the sinking fund, and finally to liquidate the debt, while leaving the other use of the water as clear gain for the city. We certainly are getting ahead, there is no doubt about it. And probably it is better that the smaller towns should do these things first, before the larger cities.

We must not try to grow too fast. There should be first the blade, then the ear, after that the full corn in the ear. But the problem of municipal ownership is practical, it is workable. In our present communities we are developing a sagacity which will enable us to do it adequately. These municipal-ownership investments are made upon the same basis as those of the financier who invests in a street railroad, and regards it as one of the very best investments that can be made, even though it may pay at the outset only a small rate of interest. That is what induces these magnates of finance to invest in the water-power in the Far West, knowing that that power in its adaptation to purposes of electricity constantly increases in value. That increase in value ought to belong to the people—to the people of the municipality in the one case and to the people of the nation at large in the other case. Municipal ownership may be just as much a part of the problem of conservation as national ownership.

There is another thing that cannot be measured, perhaps, in dollars and cents and that is the conservation of the advantages of nature for the purpose of scenic beauty. A very remarkable decision has been recently rendered by a Circuit Court of the United States in Colorado. It was first referred to in the New York *Tribune*; you will find a

copy of the reference to it in this week's *Outlook*. It appears that a city there had, close by, a little canyon and in the canyon there was a water-fall, and as the water fell the spray watered the trees, and there was a beautiful spot which was used by the people of the city as a park and a place of refreshment. And now a water company proposed to divert that, and according to the constitution of Colorado it had a right to take any unappropriated stream and use it for a purpose that was beneficial to the public. But an injunction was brought by the city in order to keep the beauty and natural advantages of the city park and the court upheld the injunction, holding that the stream was already appropriated for a beneficial purpose. The judge said: "Is there no benefit in health? Is there no benefit in rest and refreshment?" And he decided that there was a property value to the city in the beauty of its park when thus maintained. Now it is a good thing for our courts to declare that there is a property right in beauty of that kind. In these times when courts are so sacrosanct that even criticism of their action and dissent from their opinion, in a public manner, by a layman, is thought to be entirely wrong and improper, it is particularly gratifying that the property right in beauty is thus recognized, for unfortunately it has been too often the case with our judicial system that property rights are far better protected than human welfare.

I come now to another question of conservation, not that kind of conservation which can put so many dollars into the city treasury, but conservation of a far more important character—conservation of human life—of the human body. Every man, during a great portion of his life, at least from 20 years to 65, perhaps before and perhaps long afterwards, is a useful member of society and a productive agent. The first years of life are devoted to nurture, to education, to an investment, and it is the active years of a man's life when he makes the return for such investment. In addition to the higher purposes of human life, the life of every normal, healthy man is of value to the community. Every sort of an industrial or economic or municipal system which by its negligence causes an unnecessary accident to a human life, cutting short that activity, paralyzing it through sick-

### **Conservation of Human Life**

ness or mutilation, is committing a gross waste upon the community—greater than the waste of giving an improvident franchise. Any system of domestic management of a city which permits an epidemic to spread, to take men off, or cripple their days in disease, anything of that kind causes a far greater waste in city assets than even the corrupt administration of which we all complain. That is one of the higher forms of conservation. Bad food, bad air, bad drainage, inadequate hospitals, intemperance, the use of baleful drugs, the abuse of children—all those things make waste in the community .

To prevent this waste, state and national legislation are valuable, but most of these things can be wisely controlled by municipal regulations. Proper control of the markets of a city and the abattoirs where animals are slaughtered, proper provisions in regard to air space and ventilation, both in public buildings and in private dwellings, proper sanitary disposal of the sewage and the garbage, strict regulation of the liquor traffic to the discouragement of intemperance, proper control of physicians and apothecaries in regard to the distribution of baleful drugs, suitable control of the milk and water supply of a city, that the children may not contract tuberculosis and other preventable diseases—all these things are necessary features of municipal conservation of far greater importance than mere economy in the administration of the government.

If I were not trespassing a little upon the theme of my successor, the President of our League, I might say that the conservation of spiritual energy is just as important as the conservation of physical energy—conservation, among other things, of that love for one's city which is the source of all municipal well-being. A city by being beneficent and beautiful and great and all that men love, inspires love in the citizens and the love of the citizens makes the city better. The highest kind of patriotism in past days was patriotism for one's city. In the old days of Greece the city was all they had. So in the days of medieval Italy, and what cities rose from their patriotism and from their love! Athens, the light of the world; Florence, that gave the new lamp of learning to mankind; Venice, that led in the commerce of the Middle

Ages—great cities these—and the very highest maxims of patriotism were those of the great philosopher Socrates in regard to the love which was due to the city of Athens, of which he was a citizen. You remember the history. He had been condemned to death; the day was fixed; the sacred vessel had returned from Delos and was already in the offing; his friends told him the way was open to flee and save a life that was so precious to his country, and what was Socrates' answer? Even the sacred text do not contain maxims of patriotism so lofty as those of the Athenian sage. He called attention to all the benefits which were conferred upon the citizens by the city in which they lived—the liberty which allowed them to go elsewhere if they were dissatisfied, the training, the education, the protection; now when it came to demand a return, everything was due, whether it be to go to battle, and fall in slaughter, that must be done, or if the law condemned one to die he must die uncomplainingly, even though the edict were unjust. So disregarding the advice of his friends he took the hemlock with calm and cheerful countenance and sacrificed his life at the command of his city. Now the same feeling ought to animate us. More and more the city becomes part of our lives. Of course, we divide our allegiance. We have the nation, we have the state and we have the city. The Athenian had only one, the Florentine had only one. His devotion perhaps was more complete. But we owe devotion too.

So we have those three kinds of conservation—conservation of property, conservation of men's bodies, conservation of men's souls. More and more intimate becomes the relation of the city to the individual, for with all the complexities of modern civilization we see that it is not so much the independence of the citizen and of the individual as the interdependence between the individual and the city—the municipality and the state going more and more into men's lives. Whatever we may think of the new nationalism, however we may feel as to the centralization of power in the federal government, I think we can have but one view of that new municipalism which shall control and make more intimate the relations of the individual with the immediate community in which he lives.

# The New Municipal Idea.

By CLINTON ROGERS WOODRUFF, PHILADELPHIA,

Secretary.

When George McAneny assumed the office of president of the Borough of Manhattan on the 1st day of January last he created a re-organization squad, consisting of **George McAneny's Work** one of the comptroller's expert accountants, three of the men from the office of the Commissioner of Accounts, three of his own appointees, and two men from the Bureau of Municipal Research. This squad got to work before the end of the first week in January, and for three months gave their undivided attention to the task before them. The first thing done was to amalgamate the various divisions of accounts and supplies that had been operating in separate bureaus. In the city hall offices there were 16 or 17 clerks reproducing on a small scale (for the president's "elbow benefit") the broader work of the department itself, among them the auditor, who was supposed to be at the head of the entire accounting system. This force was transferred to a central division of audit and accounts, with the auditor as the chief in charge. This resulted in the abolition of three of the separate bureau offices and effected a saving of five men out of the seventeen. The purchasing and other outside business functions were also centralized in the commissioner's office.

To consolidate the bureaus themselves under the administrative direction of the commissioner of public works was the next step. Under the law the commissioner is the deputy of the president and may discharge whatever function is assigned to him by the president. Mr. McAneny's predecessor had used his commissioner as a sort of adjutant, with practically no independent power, bureau chiefs all reporting direct to the president of the borough. Mr. McAneny appointed as commissioner a highly capable young lawyer with no particular political affiliations. He has done admirably. The positions of superintendent of highways and superintendent of sewers, formerly held by Tammany



district leaders, were abolished altogether; the chief engineer in each bureau was made the outside head, subject to the jurisdiction of the commissioner. The assistant commissioner had had experience under Commissioner DeForest in organizing the department of tenements in Mayor Low's administration, and enjoyed a high reputation as a municipal accountant and as a general expert in municipal government. A new bureau of engineering with a consulting engineer at the head was established. A new superintendent of buildings, one of the most important offices in the entire city, was appointed in the person of an architectural engineer who stood practically at the head of his profession in the city, and who for years past had served as chief engineer of the building department, and latterly as a member of the commission appointed to revise the building code. As superintendent of public buildings and offices President McAneny appointed his former secretary, who had expert experience in the handling of affairs of this sort.

With this staff a start was made on the re-organization of the bureaus themselves. All unnecessary officers from highly-paid superintendents down to attendants and messengers, were abolished. The office hours common to all were lengthened an hour. Daily time sheets were installed. Cost records were established. The ordinary rules that apply in private business offices were put in force. At the same time an order was given that no appointments or removals in the competitive classes, and no transfers or other changes of status of any kind, were to be made for political reasons. President McAneny took pains to give general currency to the impression that every man would be dealt with squarely according to his merits, and that capable and faithful men would have nothing to fear.

Early in January the corps of outside men known as corporation inspectors (appointed without reference to the civil service rules to inspect disturbances of street surfaces by the various railway and other public service corporations, and to see that these were properly restored), were abolished. Their salaries had been paid by the inspected corporations, 57 were on the rolls on January 1st, but none were retained, as they had done prac-

### **Reorganization of Bureaus**

tically nothing except draw their pay. The whole system had been a species of blackmail through the operation of which the city found itself unable to take any steps to compel companies to do their duty, for the reason that they had practically bought immunity in this fashion.

In the place of these corporation inspectors the president of the borough appointed a corps of 25 young engineers whose salary checks are handed to them at the office of the department and not at those of the corporations. They have been doing effective work and the borough has gone out of the black-mailing business and the corporations *are inspected*. There is more work being done to-day in the direction of correcting defective street surfaces for which the corporations are responsible, than there had been in years past.

Expressed in figures, the result of President McAneny's reorganization has been about as follows: Against the 1910 appropriation, in round numbers \$400,000 has been saved. This in the main has been used to take care of those measures of work that previously had been neglected, such for instance as the proper repair of the asphalt pavement, the reconstruction of the Washington Market, the installation of new elevators in the county court house, a more extended installation of street signs, and the establishment of new engineering bureaus.

#### **Results of Reorganization**

In making up the 1911 budget the 1910 items have been cut in proportion to the saving effected. The net saving in the salary list has been \$218,578. The allowance for hire of teams and carts used in the several bureaus has been reduced from \$224,275 to \$155,099. The allowance for fuel for public buildings and offices has been cut from \$107,000 to \$67,000. In February last President McAneny took the initiative in basing the city coal specifications upon the British thermal unit system. As a result of this and of the installation a little later of new types of grate and draft equipment the borough offices have been saving in coal bills about at the rate of 40 per cent. Other specimen reductions include \$47,500 in cost of cleaning the public buildings, a drop from \$191,300 to \$147,800, and a saving of \$12,096 in such an item as the carting of the refuse from the public markets.

Expenses have been going down and the efficiency of the several bureaus has been going up. The principal item, and the one that touches the public most directly, is the repair of asphalt pavements. The prevalence of holes and ruts for two or three years before, has been notorious. The appropriation made to cover those repairs for the year was \$175,000. Out of the saving inaugurated \$150,000 was added to this item, and with this addition the holes have actually been "plugged up". There are very few to be found except where they have been opened for construction or repair work by the water department or by the private gas or electric companies, always under guarantee in such cases that the surface will be restored as promptly as possible by those who have disturbed them at their own expense. Up to October 1, 1910, the highway bureau had repaired 262,890 square yards of asphalt against 169,525 square yards during the corresponding period in 1909. A steam roller patrol has been established for the holes which are "caught young". These are repaired before they have a chance to spread. Other things that have been accomplished, all within the reduced appropriations, may be summarized as follows:

The repair of 186,644 square yards of stone block pavement, against 146,687 square yards in the same period in 1909. Forty-three gangs in 1909—30 gangs in 1910.

A very considerable increase in the area of streets not only repaired, but completely repaved.

A start made upon a survey of a new sewer for the lower parts of the island, to replace the present antiquated and over-taxed system.

Steps taken to widen the roadways of such important cross-town thoroughfares as 59th, 42nd, 34th and 23rd Streets, and the establishment of a bureau of traffic observation to determine where relief is most required on other thoroughfares.

#### **Summary of Achievements**

Completion of the long-delayed work of repaving Delancey Street, and of properly laying out the parkways on that thoroughfare. Delancey Street, when this work is finished, will be what it was intended to be—the great boulevard of the East Side, and not the mass of wreckage that it has been for five years.

Reorganization of the sidewalk and encumbrance division. Here 21 inspectors were dropped at one time in February. Last

year 23 inspectors on the encumbrance work alone turned in 13,582 inspections. This year, with the force reduced to 13 inspectors, the number of inspections has been almost trebled, being, up to October 1st, 30,464.

Reconstruction of Washington Market, and the clearing of the sidewalks of the outside stands. This will cost \$40,000, all of which will be paid for from moneys saved at other points.

Appropriation of \$300,000 secured for the new Essex Market Court building.

Appropriation of \$150,000 secured for a new children's court building, which is now being pushed.

Public bath service completely reorganized, the force of attendants cut about 40 per cent, and the buildings put in better shape.

Physical examinations made by experts of all the public buildings, with a view towards making a start on putting them all in correct condition.

The restoration of the interior of the City Hall, as one of the architectural monuments of the city. The upper southwest wing, occupied by the Borough President's office, was restored in conformance with the McComb plans at the relatively slight expense of \$8,000, covered from funds saved elsewhere.

The Bureau of Building reorganized, the process of examining plans expedited, and an advisory committee appointed to prepare desirable amendments to the building code, for consideration during the coming winter.

The significance of this remarkable record of achievement must not be overlooked. It lies not only in the fact that it represents a decrease in expenditures and an increase in efficiency, but over and above that it is a concrete example of an advocate of the new municipal idea "making good".

**A Reformer  
"Making Good"** Prior to assuming the office of borough president George McAneny had been president of the City Club, and before that he had been secretary of the civil service reform association, serving for a while as secretary to the city civil-service board under Mayor Low. In addition to this he had been identified with many of the progressive movements in New York, either as a member or as a director or trustee. In his service as borough president he has given a splendid demonstration of public spirit

and efficient service, although regarding this first year of his term as merely preparatory.

In addition to the splendid work which has been recounted, Mr. McAneny has utilized his opportunity for introducing a large number of high-minded young men into the public service of the city. Moreover his appointments to the local school board represent a great improvement over preceding conditions. It had been the custom to appoint to those boards persons recommended by local political leaders. Mr. McAneny, however, has made his appointments on an entirely different basis. For instance, one is a director of class work in the clubs for girls in the Jacob Riis House Settlement. Another is a director of the Downtown Ethical Society. Still another is secretary of the Parks and Playgrounds Association. Another is an associate worker at the College Settlement. Another is head of the Hartley House Settlement. Still another is an officer of the Women's Municipal League, an association of collegiate alumnae. All were recommended by such organizations as the Public Education Association and the Bureau of Municipal Research. His aim has been to secure the services of those who knew school life.

President McAneny's record in office has been cited not only because of its concrete accomplishments, not only because it represents an advocate of the new municipal idea making good, but because it has been done so quietly that little or no general attention has been given to it. It deserves a place alongside of the splendid work of the Board of Estimate and Apportionment of which he is a vital factor, and of the splendid work which Mayor Gaynor has done in his larger office as chief executive of the City of Greater New York.

It has been interesting to note how generally Mayor Gaynor's work has been appreciated, not only in his own city and in the State of New York, but throughout the country.

#### **Mayor Gaynor**

In fact his administration is regarded as one of the important municipal events and achievements of the past year. So much, however, has been said in public prints about his work that little remains to be said other than to refer to it in conjunction with that of his colleagues in the Board of Estimate and

Apportionment. Mayor Gaynor has served loyally with his colleagues who were elected at the same time, although on a different ticket, and who represent, as he has come to represent, the new municipal politics.

A word in passing must be given to the character of Mayor Gaynor's appointments. As the *New York Times* pointed out at the time they were announced: "The most striking feature of the appointments made by Mayor Gaynor is the conspicuous absence of the controlling influence of Tammany in their selection. The independence of the Mayor presents to his appointees an unusual degree of principle and imposes on them an unusual degree of responsibility," a responsibility which they have in a great majority of instances fully met. Mayor Gaynor moreover has proved an effective factor in raising municipal government to a higher plane of consideration. He has lent the influence and dignity of his high office to a series of articles, letters and published statements which have put the municipal problem effectively before great masses not only of New-Yorkers but of his fellow countrymen at large. His guiding policy has been, as he declared in his *Century* article on the problem of efficient city government: to get men who are honest—fanatically honest, if you will—and competent. "Only the union of these two quali-

**Honesty and  
Competency.**

fications," he maintains, "can suffice; and with them you will have good government whether with a good charter or a poor one, one is almost tempted to say in spite of bad laws. Such an official will know how to keep within the laws, which should be the first and most scrupulous care of all officials in a free government, and still fashion and turn good and intelligent purposes to them. Such an administration lifts government up and makes it respectable, while the other kind degrades and corrupts it and makes it contemptible in the sight of all. No one who appreciates this can enter upon the office of mayor of a large city otherwise than in a spirit of the utmost diffidence. He cannot help turning for guidance and help to Him who helps all who turn to Him sincerely. I feel certain that the able men who are my associates in the government of the city of New York are all of this same feeling."

Progress has been the watchword in New York, just as it has been elsewhere. As *The Evening Post* in a thoughtful review of the municipal situation declared, "for something

### **Progress**

like half a century the defects and vices of our municipal government have been by common consent one of the worst exhibits of our great American experiment of democracy, but, to-day there is no standing ground for such a view. Substantial progress towards higher standards both of honesty and efficiency has been so widespread that the cities which have no such progress to record are the exception rather than the rule. Part of this progress has been effected simply by the advance of public opinion, but a much greater part has been made possible by the crystalization of public opinion in the shape of an improved organization of municipal government."

The editor of the Indianapolis *News* in reporting the Cincinnati meeting of the National Municipal League ran the account in under the suggestive title: "The New Politics." This designation happily characterizes the movement for which the National Municipal

### **The New Municipal Idea**

League has been steadily working from the beginning. The records of President McAneny and of Mayor Gaynor, already referred to, and the other municipal developments hereafter to be recounted, are all illustrations in one form or another of the new municipal idea which puts the emphasis on the good of the city rather than on the interests of a party or a candidate; which requires that city affairs be given a due consideration on their merits without regard to irrelevant questions such as state or national politics; which insists upon directness of nominations and elections, and responsibility after elections; which demands simplicity of electoral and governmental machinery, the short ballot, and responsiveness to the public will, and therefore encourages easy and intelligent voting; which checks partisan and factional nominations, giving the voters the control if they wish to exercise it; which through publicity insures effective public control; which demands that efficiency and merit shall be the sole basis of all appointments in a democracy; which demands concentration of authority and responsibility.

Without question the most conspicuous single development

during the past year in the realm of city government has been the continued, rapid and wide-spread interest in the commission form of municipal government and in the question of city charter reform generally. A straight commission form of government, in the judgment of Dr. C. W. Eliot, one of the most active advocates of the system, requires a commission composed of five elected members, one of whom is called the mayor, acting as chairman of the commission, but with no veto power, or any other special power not shared by the other members of the commission. The commission so elected is the source of all authority in the city, makes all ordinances, appoints all officials, collects taxes, and makes all appropriations. As set forth by its advocates, the significant features of the plan, in addition to those already mentioned, are:

Assignment of the important divisions of the city government to individual members of the commission, each of whom is directly responsible for the conduct of his particular department; adequate compensation to the members of the commission for their time and labor, the city employing all the commissioners at living salaries, thus elevating the dignity of municipal service and making of it a public career, and not a mere avocation; regularity, frequency and publicity of the meetings of the commissioners; all employees above the class of day laborers selected from eligible lists based on examinations, oral and written, carefully devised to develop merit and fitness; recommendations after examination by an independent civil service commission;<sup>1</sup> provision for the retention in office of all employees so appointed during good behavior; the power to initiate desired legislation reserved to the people, this right being known as the initiative; the power to call for a public vote on any measure adopted by the commission before being given effect as law reserved to the people, this being known as the referendum; the power at any time to make any member of the commission stand for re-election reserved to the people, this being known as the recall; the

<sup>1</sup> For the inadequacy of civil service provisions in some of the commission charters, see paper of Elliot H. Goodwin.



granting of public franchises always to be submitted to the approval of the electors.<sup>1</sup>

There are two other most important features: the introduction of the principle of the short ballot and the elimination of ward lines. In the matured judgment of municipal students these are considered, together with the concentration of authority, as the most effective features of the system.

Some idea of the growth of the commission form of government may be measured by the extent of its adoption within the past four years. Iowa, Kansas, North Dakota, South Dakota, Kentucky, Mississippi, Minnesota, Illinois, Wisconsin, Louisiana, South Carolina and Oklahoma have passed laws relating to all or certain classes of cities within their respective borders.<sup>2</sup>

An interesting and significant development of the commission movement has been the graphic delineation of the merits of the system in the way of the concentration of authority and responsibility. For instance, the Commission Government Association of Buffalo has issued two charts, one entitled "the people do not rule", showing how the powers under the present charter of Buffalo are dispersed among bureaus and bodies, none of which is directly and absolutely responsible to the electors; the other under the caption of "the people rule," shows how the voters are the source of first and final authority and hold within their hands the complete power, not only over the personnel of the government but over the subject matter of the government.<sup>3</sup>

<sup>1</sup> See analysis prepared by the Charleston, S. C., Community Club.  
<sup>2</sup> A list of the cities which have adopted one form or another of commission government is given in Dr. E. S. Bradford's paper.  
<sup>3</sup> A very considerable pamphlet literature has been published during the year, the more important being "The Story of the Short Ballot Cities" and "Commission Government in Pennsylvania," and a very considerable number of small pamphlets designed to put the issue clearly and effectively before the electors called upon to express an opinion on the subject. John J. Hamilton, one of the original proponents of the Des Moines form of commission government, has told in effective fashion in his book, "The Dethronement of the City Boss," the story of the actual operation of the Des Moines charter.

A number of cities like Buffalo, New York, Mobile and Birmingham, Ala., have through a vote of their electors expressed a desire for commission government, but so far they have been denied their request by the state legislatures. The general trend of the more important cities of Massachusetts, outside of Boston, has been toward a commission form of government, either with absolute powers as in the case of Galveston or subject to the initiative, referendum and recall, as under the Des Moines plan. In New York bills providing for a commission form of government in Mount Vernon and Melzinga were passed by the last session of the legislature, but failed for reasons which did not involve the merit of the legislation. Pennsylvania has a full-fledged movement for the establishment of the system in the third class cities of that state, a formal organization having been established for the purpose. In Virginia a similar movement is on foot, having for its object the amendment of the Virginia Constitution, to make possible the establishment of the commission form by such cities as desire to have it. Efforts are pending in Georgia, Alabama and Tennessee to secure the enactment of state laws. There are also many cities now considering the question of the adoption of some form of commission government, either in the way of an election to adopt a charter under existing state legislation or to secure the necessary power from the state legislature.

The commission form of government is still too new in its application to city problems to enable publicists and students to speak with any degree of finality concerning its merits. That it possesses many advantages especially in the direction of concentration of authority and the simplification of machinery is unquestioned. That it will solve off-hand all the problems to which a municipality is heir is absurd. In fact the movement which is a most wholesome one is likely to suffer in the near future unless its advocates modify their claims. Within the year claims have been made by its advocates that it had effectually eliminated the social evil, citing the closed-town policy of Des Moines. As a result of a change in the personnel of the commission of that city there was a less rigorous enforcement of the laws dealing with

this subject, and as a result the enemies of the system heralded the fact from one end of the country to the other that commission government had broken down and failed. As a matter of fact both claims were wrong. The merit of the commission form was that it enabled the people of Des Moines to establish, with little or no delay, what officials were responsible for the changed condition of affairs, and through the exercise of public sentiment to bring about a needed enforcement of the laws.

It is equally wrong to claim that the system is a panacea for municipal ills or to brush it aside as a passing fancy. It contains many meritorious features which unquestionably will become established features of municipal government and its administration, to their permanent improvement.

On the other hand it is not fair to regard the movement for the establishment of the commission form of government in American cities as a passing fad. It represents a deep-seated desire on the part of the American people to set their municipal houses in order and simplify their governmental machinery, to concentrate responsibility and to establish the whole municipal business on a new, firmer and more substantial basis.

Wherever charter reform has been an issue at recent elections the progressive elements in the community have won gratifying victories. Boston, for instance, after a vigorous campaign voted by a small majority last December in favor of what was known as plan No. 2, embodying the recommendations of the original finance commission. Under it national party designations on the ballot disappear and with them all the machinery of the caucus, convention and primary, which have hitherto stood between the voter and his final choice at the polls.<sup>1</sup>

Charter revision continues to be the dominant issue in New York City. Governor Hughes during his term of office sought to bring about a complete and satisfactory revision of the charter of the city, steadfastly setting his face against piece-meal tinkering. The Ivins commission appointed by him did what many regarded as one of the most complete and systematic pieces of work ever

<sup>1</sup> For further discussion of the several features of the two plans submitted to the Boston electors see Cincinnati proceedings, pages 87 to 90.

turned out by a charter commission. It failed of endorsement by the legislature, which was under reactionary influences. That body preferred instead to appoint a committee of its own which considered the Ivins report and expressed its agreement with some features and its disagreement with others. It failed, however, to grasp the fundamental features that Mr. Ivins and his colleagues so carefully worked out. The joint committee announced that it could not accept the basic principles on which the Ivins commission charter was constructed, although it adopted many of its specific suggestions. While it did not like the plan of enacting separately a form of charter and an administrative code subject to revision by the legislature, it took a number of the sections which the commission had thought were appropriate for the administrative code and put them in a code of ordinances to be subject to the action of the aldermen.

Both the commission and the joint committee were in accord on the advisability of distinguishing the disbursing officials from

**Greater New  
York Charter**

the appropriating ones, but the legislative committee did not believe in the proposed stripping of the borough presidents of many of their present powers. It showed its reactionary tendencies in criticizing the centralization of administrative powers on the ground that as a matter of fact subordinate officials would be obliged to make decisions of great importance. To this the Citizens' Union replied that such delegation of authority to subordinates is inevitable in all large institutions. The real responsibility still lies with those men who select and appoint the subordinates. Mr. Ivins' commission recommended that the present board of aldermen be replaced by a small, unpaid body, but the legislative committee recommended the keeping of the present board practically unaltered. The board of estimates, the committee held, should have certain borough members, but there was a difference of opinion as to whether these should be elected by the city at large or one from each borough. There was no substantial disagreement between the charter commission and the joint committee on a number of important matters, including the discontinuance of the creation of sinking funds to which specific revenues of the city are pledged, and the requirement of a strict policy

of requiring all expenditures to be paid annually out of the budget and to be shown in the budget. They were also of one mind on the advisability of putting the board of education more directly under the board of estimates, and of abolishing its separate corporate existence, and of conferring on the board of estimates, subject only to check by the aldermen, the absolute control of all salary schedules except those of elective officers.

Sharply commenting on the way in which it had been suggested that the recommendation by the joint committee should be placed on the statute books, the Citizens' Union pointed out that a little more than a month before the last session ended the joint committee introduced no less than 26 bills containing its proposals. They had been drafted hastily and were full of serious errors. Fortunately the Citizens' Union was able to arouse public attention and succeeded in defeating this revival of the piece-meal method. What the legislative committee, which was continued for another year, will finally report has not yet been disclosed.

St. Paul's (Minnesota) charter commission in the latter part of 1909 had under consideration a plan of city government that contained a number of interesting features. The proponents of this plan contended that in great measure it obviated the criticisms that have generally been levelled at the commission form of government. In the first place it eliminated the municipal court from the scheme of city government. This it did not only because the provisions of the Minnesota constitution forbade, but because the authors of the plan felt that the judiciary should be separated from city government, or at least that the judges should be directly elected by the people instead of appointed by the commission. The new features of the proposed St. Paul plan were as follows:

**The Proposed St. Paul Plan**

A small common council to be composed of the commissioners, four councilmen elected for a term of four years, and the city comptroller. The reasons urged for this were, first, it created an appropriating body larger than the commission itself; secondly, the four councilmen were to be made county commissioners of the county of Ramsey in which St. Paul is located, thus uniting in a way county and city. Incidentally, St. Paul pays 97 per cent of the county taxes.

Another novelty was the creation of two boards of aldermen, one a general board composed of all the aldermen elected, one from each precinct of which there are 120. This general board, which was to meet quarterly, was to be entrusted with the duty of periodically inspecting every department of the city government, and reporting its findings and conclusions to the commission, together with suggestions and recommendations for a more efficient, economical and better conduct of the city government and its policies. Moreover this general board of aldermen might suspend any elective or appointive officer for a period of 30 days. Its principal function, however, was in connection with the budget. After the budget was passed by the common council the same was to have been submitted to the general board for approval and adoption at a special meeting called for that purpose. The board might decrease or reject any item of the budget, but it could not increase or reapportion the same. Moreover it is charged with the approval of new franchises and the modification or extension of existing franchises.

The aldermen elected from the various precincts might also serve in their respective wards as a ward board with merely critical and recommendatory powers. At the deliberations of this ward board citizens might be present and participate in the debate, but without a vote. This idea was partly taken from the Newport plan. The end in view was that of creating a large body of men who would take an active interest in municipal affairs by reason of their participation. It was also expected to afford a field for ambitious men to fit themselves for election to the commission. Another feature of the plan was the provision for election by the voters at large of the comptroller. Under most commission forms he is appointed by the commission. This provision was to answer the objection of having the auditing officer dependent on those whose accounts he audited.

Pittsburgh for years has been studying itself, or at least some of its most public-spirited men have. It has had a series of charters, each an improvement over the former. **Pittsburgh's Plan** It has experimented with commissions in charge of municipal improvements and management. It has had government by the council with the mayor as a figurehead. Now it

possesses a mayor who as chief executive is supreme, and with this Pittsburgh seems to be satisfied, but it has found its two chambers of councils with ward representation productive only of bad government. There is therefore a strong demand that the councilmanic and ward system of representation be reformed. This idea was prominently in view when 48 of its councilmen were indicted for bribery. Within a week after the final exposure 5,000 of its citizens met and appointed a committee in the interest of charter legislation. This committee has completed its work and its plan has been approved by the commercial and civic bodies of the city.

Here is the new Pittsburgh plan: The mayor and his duties and powers are to remain unchanged, the mayor retaining his supreme administrative authority. He now appoints and can remove the heads of every department with the exception of the comptroller, which office is elective. He is personally responsible for the administration of every department of the city government. Pittsburgh has not always been satisfied with its mayor by any means, but it has never charged his personal shortcomings to the charter. It is with the legislative branch of the government that the plan chiefly deals and the changes proposed are radical. Instead of two chambers of council, one with 27 and the other with 40 members as at present, a single body of nine members is proposed. The councilmen are to be elected by the city at large for a term of four years, five at one biennial election and four at another. They are to receive a salary of \$6,500 annually. A referendum is possible on all ordinances upon petition of 10 per cent of the voters at the last municipal election and the initiative is to be granted on the petition of 15 per cent of the voters. Nominations of all city officers are to be made by petition of 5 per cent of the voters. The ballot is to be non-partisan, without party names or symbols, and the recall may be demanded upon a petition of 25 per cent of the voters.

For upward of a year West Virginia has had a municipal code commission at work. In its recently-published report provision is made for a considerable measure of local autonomy. The governing bodies may be elected upon purely political lines, or there may be

**West Virginia's  
Code**

non-partisan government, bi-partisan government, administrations under the immediate control of one man or directed by a commission, this question being under the immediate control, as it should be, of the voters of the municipality. The present governing body of any municipality has the right under the proposed law to name a charter commission, who in turn submit to the direct vote of the people either of the various forms of government above outlined. The functions of the governing bodies, however, are definitely determined. The method of taxation, the granting of franchises, ordinances, elections, registration, duties of officers in the collection and disbursement of the funds of the municipality are all definitely fixed by the proposed law and cannot be changed, being incorporated in the general law delegating authority to all municipal governing bodies. Generally speaking, the proposed code increases the charter powers of a city, centralizing power and responsibility, and reduces the number of elective officers.

San Francisco is considering the question of charter reform. A very considerable number of amendments were submitted at the November election, some of which are worth more than passing notice. One proposed a non-partisan ballot with a rotation of names on the ballot, so that no one man shall have an advantage by reason of his name beginning by a letter higher up in the alphabet than another. One provided that those petitioning for the adoption of an ordinance under the initiative must submit an argument not exceeding a prescribed number of words in favor of the proposed legislation. Those against the proposition must submit opposing arguments, and both arguments shall be mailed to the voters by the proper officers as official documents. Similarly on the recall election it was suggested that those demanding an official's recall should submit reasons not exceeding 300 words in length to be printed on the sample ballot, on which in the same manner the official sought to be recalled may justify his course.

Another proposed amendment requires candidates to furnish a statement under oath giving information as to their previous experience and qualifications for filling the office. A fee of \$20 is to be charged for the first one hundred words and \$10 for



each additional 100 words. This statement shall then be printed as a public document. There is a general consensus of opinion among those who have offered suggestions that the ward system of election should be abolished. In fact there seems to be a general conviction that a councilman elected from a single ward is from the start a handicapped public official. Ward lines create factions, breed contention and promote log-rolling. The San Francisco commission has also under consideration the adoption of the Berkeley system of election.<sup>1</sup>

Fundamentally the most important development in charter reform is the growth of public sentiment in behalf of municipal home rule.<sup>2</sup> A significant event of the past year was the large measure of attention given to the subject of municipal home rule by the League of American Municipalities at its meeting in St. Paul. The mayor of Baltimore (the Hon. J. Barry Mahool) in a thoughtful paper in which it may be mentioned in passing he quoted at considerable length from the proceedings of the National Municipal League, and in which he endorsed the principles of the league's municipal program, declared that even if the legislature

“were always wise and always honest their interference in local affairs would be undesirable. The representatives are state officers, elected to look after matters of general, not local, concern. They are not familiar with city conditions and can have no definite idea of its needs. Furthermore sufficient publicity of proposed measures is not secured, and the people to be affected have very little opportunity of enlightening the law-makers. The lobbyist may secure the passage of his measure before effective opposition in the distant city can materialize, and most serious of all, the legislator is not responsible for his action to those who are governed by his measure. He is under no obligation to the city and does not depend upon it for his political future. In such an

<sup>1</sup> See Cincinnati proceedings, pages 98 and 99.

<sup>2</sup> As Dr. Fairlie pointed out at the Pittsburg meeting of the League, the principle of home rule has come to be generally recognized, even in special legislation. Much of this legislation has been enacted as the result of local initiative, and sometimes as the outcome of organized action in the local community.

attitude no man, however patriotic, can exercise that enthusiastic solicitude for the city's welfare which its interests imperatively demand. The nation has the right of independent initiative in national affairs, the state in state affairs, the individual in individual affairs, but the municipality must have permission from the legislature for everything it does."

In many places the commission form of government is enacted as a result of home rule provisions in the legislative enactment or in the state constitution. In fact the movement for the commission form of government seems to be in the direction of passing a general law the provisions of which may be availed of by any city in the state upon an affirmative vote of its electors. There is doubt of the constitutionality of such amendments in a few states like Pennsylvania, for instance; but even there there are not wanting those well versed in the law who maintain that such home rule provisions are not contrary to the requirements of the fundamental law of the state.

As a result of the discussion at the St. Paul meeting of the League of American Municipalities that organization unanimously adopted the following resolution:

*"Resolved, That the League of American Municipalities reaffirms its firm belief in the principle of municipal home rule, as being the one absolutely vital measure needful for the prosperity, progress and moral well-being of the American city, and to remove from it such reproach as now clings to it; and be it further*

*"Resolved, That this League, speaking in the name of cities extending from the Atlantic to the Pacific and from Hudson Bay to the Gulf of Mexico, respectfully but earnestly protests to the legislatures of such states and provinces as are concerned, against the denial of a right, which is fully conferred upon business corporations, and the perpetuation of a system that throttles progress, stifles aspiration and encourages political corruption and brigandage."*

It is a matter of great encouragement that the elected officials of our cities are manifesting so intelligent and so keen an interest in establishing self-government in American municipalities!

Many present-day municipal abuses have grown up and flour-

ished like the green bay tree, not because of criminal intent, but because of lax methods and legislation. To meet just this situation, to introduce intelligent order and supervision into the conduct of municipal affairs, to promote knowledge, system and efficiency in public business, has been the aim of the bureaus of municipal research, the first of which was established in New York in 1906. As Judge M. N. A. Walker, of Indianapolis, pointed out in a recent address, the modern business man is familiar with the new system of corporate auditing. He realizes the immense value and advantage of the employment of experts to audit the accounts of his concern, experts who can suggest plans that will result in more economical buying, greater care in employment and a more perfect system of organization. The present-day corporation and present-day business men have learned the value of the audit and of the auditing company. They know by experience that the auditing company will discover for them the leaks in their business, weak spots in their system, and will show them where they can buy better and sell better." "The bureau of municipal research is only another name for the civic auditing company, a company of financial experts who make it their business to know how to conduct other men's business." So successful have been the methods followed by the New York Bureau of Municipal Research that similar bureaus have been established in other cities, as follows: Philadelphia, 1908; Cincinnati, 1909; Memphis, 1909; Hoboken, 1910; Boston, 1910; Chicago, 1910; Milwaukee, 1910; St. Paul, 1910; Minneapolis, 1910. Their introduction has resulted in the saving of considerable sums of money to the city in the annual budget as well as greater efficiency in all the departments of the city government, and in New York in the formulation and adoption of an intelligent and intelligible municipal budget.

In 1909 the New York Bureau gave a budget exhibit as a matter of public enterprise and instruction. It was a piece of propaganda work and proved so helpful and so successful that the city's board of estimate and apportionment officially secured \$25,000 of the city's money with which to give a *public* budget exhibit in

### **Municipal Research**

### **New York Budget Exhibit**

1909. In May last it adopted a resolution to the effect that the heads of the several departments, boards and commissions of the city be directed to submit in connection with the budgetary estimate for the year 1911—in addition to the information prescribed by the comptroller—such charts, diagrams, and photographic representations as would serve the purpose of appropriate illustrations of budget requisites, as well as their relation to permanent city improvements, either in progress or projected.

In this way New York has established a precedent in getting closer than any other city in America to a working ideal of municipal administration, where unit cost can be determined and its reasonableness intelligently considered. With this information in hand budget-making need no longer be mere guessing as is at present the case in a vast majority of cities. The officer making an appropriation must show not only how much he spent in the past year, what he spent it for and what he accomplished by the expenditure, but he must show just what he intends to accomplish in the course of the coming year, how he intends to accomplish it, why the proposed work is necessary, and just what it will cost. All of this is important, but still more important is the fact that the exhibit put this information in such graphic and practical form that the public could readily see and understand and reach a conclusion whether they were getting their money's worth, and if not who was responsible for the failure. As *Municipal Facts* pointed out, never in New York's history has there been an administration like the present one. "Never was there such a board of estimates. In one and the same breath it shows the tax payers how their money is being spent and tells the department heads not to spend so much of it."

The New York organization is a voluntary affair of private citizens, who felt that the city's business was not always conducted in a business-like way, who gave their money, their experience and their time to the work they set themselves to do. Beyond mere researching they offer suggestion, help and co-operation to department heads who want it, or appear on investigation to need it. The cost of all this, calculated in terms of money expended alone, has been \$100,000 a year, but the results have

been worth so many times that sum that the citizens of other places have been moving to imitate their example. Boston's bureau is quite different. It is well known, according to the *Boston Common*, that the old Finance Commission had no use for the New York idea. It apparently believed that it had in itself all that was necessary for municipal research. Some time

**Boston Municipal Research** ago Mayor Fitzgerald put up a plan for a bureau and the commission killed it; but the commission evidently saw after a while that it could make the bureau an adjunct to itself, so to speak. It would have the means of getting done some of its own work which was not being performed, or was being performed with difficulty, so in the end the city council was moved to appropriate \$10,000, which the commission divided equally into two annual salaries leaving nothing but the hope of further appropriations or its own appropriations from which to provide expert or clerical help. That is one reason doubtless why a part of the Boston public is inclined to regard the appointment of the new bureau as simply an addition of two paid members to the finance commission. As sensed by the commission, Boston's real need is not so much of accountants as of men who can direct accountants if it becomes necessary to employ them; not of men skilled in working-out unit cost systems so much as of a man who can see through all the peculiarities of concealing systems, of a man who finally can read department reports and make sane and logical comments on them.

Through the initiative of the City Club, Chicago has secured a bureau of public efficiency. It is an unofficial organization

**Chicago's Bureau of Efficiency** supported by private citizens to scrutinize the systems of accounting in the eight local departments of Chicago, to examine the methods of purchasing materials and supplies and letting and executing contracts in these bodies, to examine the pay-rolls of these local bodies with a view of determining the efficiency of such expenditures, to make constructive suggestions for improvements in the directions indicated, and to co-operate with public officials in the installation of these improved methods, to furnish the public with exact information regarding public revenues and expenditure, and thereby promote efficiency and economy in the public service.

During the past year the Merriam Commission on city expenditures has been conducting an investigation into the finances of the city government, and within a few months it is expected will have covered this field in a general way. As this committee will go out of existence as soon as its final report is made, it was plainly evident that much of the value of its work would be lost unless some means of following up its recommendations effectively was devised. In fact the usefulness of any such work of investigation is, as the Chicago City Club pointed out, directly in proportion to the persistency with which it is prosecuted. Efficiency and economy cannot be established in the public service as the result of any one effort, but only by continuous attention. Moreover only a part of the local field has been covered. Similar work should be done for and by the other local governing bodies, including Cook County, the Sanitary District, the Board of Education, the Public Library board and the park boards.

St. Paul's Municipal Research Commission not only is investigating the various methods pursued by the city government, but is devoting itself to the consideration of complaints and "kicks" of all kinds. In fact the commission holds regular public meetings for this purpose. The school board has put up to it the investigation of the school text-books situation because of the embroglio in the school board on this subject. The mayor is desirous of having it investigate the board of water commissioners, who are regarded as extravagant in their expenditures. The comptroller wants assistance in budget making, and the commission will help make a new budget for the year 1911. The departments of the city are very willing to lend assistance, and no stumbling block has been put in the way of the officials of the commission. Its co-operation in bringing about a better system of affairs has been sought by practically all the public officials of the city in some form or another.

As a result of the work which the National Municipal League has been doing for the past decade in behalf of uniform accounting and reports, there has developed a public sentiment in favor of uniform city budgets and bill sheets, which is now receiving attention at the hands of a committee of the League.

This movement has been not only accelerated but in considerable measure shaped and developed by the growth of the municipal research idea. A significant event of the past year has been the establishment by former Comptroller Metz, of New York, of a fund of \$10,000 a year for three years to make available to American cities the best principles and practice worked out in municipal accounting and reporting. In his letter to the New York Bureau of Municipal Research, making known his intentions in the matter, Mr. Metz said:

**Uniform  
Municipal  
Accounting**

“During my present European trip I have been impressed by the fact that, in Germany especially, the uniformity of accounting methods among the larger cities gives a much better basis for comparison as to cost of administration, maintenance, etc., than we have at home. As even under our various systems of administration of municipal affairs, all our cities are dependent upon their ability to float their bonds, and apparently in ever-increasing amounts, it would seem only natural that bond buyers should have a means of ascertaining what financial and accounting methods are in force in the respective cities and be able to make comparison as to credit ability, based on something more than a general legal provision as to borrowing capacity.

“I am writing you therefore to ask your personal and official co-operation in some educational work in which we both have an interest, and to apprise you of my purpose to provide a fund of \$10,000 a year for three years to make available to American cities the best principles and practices worked out in municipal accounting and reporting.

“The fund is to be administered by the directors of the New York Bureau of Municipal Research. But having in mind its national application through the co-operation of various comptrollers. I am keeping it as a separate fund. While it is obvious that the \$10,000 will not reorganize the accounts of all American cities, it should, however, be sufficient to make available to all cities the results of the experience which is being acquired in each. For example, New York City has spent for the last several years past, thousands of dollars in working out principles and in demonstrating the practical application of accounting methods to municipal business. A good deal of progress was made during my administration as comptroller, and I am glad to see that my successor in office is continuing the work which

**Mr. Metz's Offer**

began under me. Every city in America should have the benefit of the work which is now being effectively carried on, and New York should have the benefit of the experience of your city and of other cities.

"City comptrollers, as you know, continually receive letters of inquiry, requesting just the kind of information which I have in mind to acquire and circulate through such an agency. Only to-day I received, through my New York office, an inquiry from the deputy comptroller of Milwaukee asking for information as to the changes made in New York methods and as to what legislation, if any, had been necessary to bring about the improvements. To-day it is nobody's business, and nobody has either the fund or organization to give the kind of answer that ought to be given when one comptroller writes to another comptroller for information.

"I might cite a personal experience which illustrates the difficulty which I have in mind: An inquiry recently made by the Bureau of Municipal Research for Comptroller Prendergast showed that my own records of what the bookkeepers were doing in my personal business establishment, and the records of what the bookkeepers in the comptroller's office were doing, were widely divergent; that bookkeepers were doing five times as much work for me every day as an employer as they did for me as comptroller and did not complain of being over-worked at that. As every business man knows, the quantity of work performed by his employees is largely determined by the methods and conditions under which their work is done. The point is, that the only way to correct such discrepancies is to provide cities with business-like methods of accounting and reporting that will keep the facts before the officers and the people who elect them, and do it by up-to-date and easily understood balance sheets and statements."

Accompanying the development of the idea of municipal research and coincident with it, has been the growth of the demand for municipal reference bureaus.

The constitutions of 75 per cent of the states require the uniform taxation of all property under what is known as the general property tax system. American cities have practically no latitude given them by their state governments in the matter of taxation. Few statute laws have been passed during the year touching upon the matter of municipal taxation. A most significant occurrence, however, was the introduction into the New York



legislature of a bill asked for by Mayor Gaynor's administration and the New York Merchants' Association, to exempt personal property in the City of New York from taxation. Although the request was denied, the action of the mayor and of the Association was generally regarded as an official recognition of the breakdown of the idea of local taxation of personal property.

The most noteworthy changes in municipal taxation are occurring in Canada, where in several provinces cities have been granted a large measure of home rule. In British Columbia a general statute has for years permitted municipalities to assess improvements at a lower percentage than land. A recent statute fixed a maximum assessment of 50 per cent for improvements, while allowing a lower rate or an entire exemption by vote of the local council.

Vancouver, in March, 1910, exempted improvements entirely, while assessing lands at 100 per cent of its value. This followed a progressive reduction of assessments on improvements extending over some years, beginning at a 75 per cent assessment, then 50 per cent, then 25 per cent. Several other cities in British Columbia have also gradually reduced the percentage, while they now exempt improvements entirely. The abolition of taxes on improvements in Vancouver has caused great activity in local building operations. On the other hand, there has been stagnation in the real-estate market so far as vacant lots are concerned. The experiment has not gone on long enough to be sure that this may not be due to some local or temporary cause, but it is the result that tax reformers expect from the policy adopted. This policy has prevailed among the municipalities of the Canadian West to value sites at par and improvements at a fraction ranging from 75 per cent down to 25 per cent. For some years Vancouver assessed them at 75, then dropped to 50, then to 25, and last March to zero.

In the Province of Alberta the larger cities have for some years exempted improvements, raising their revenues chiefly from a tax on land values with a slight business tax and a tax on franchises of public-service corporations when these are not municipally owned. Most of the new villages asking for incorporation are also requesting this same power of exemption, which is granted to the local subscribers upon petition.

### Home Rule in Taxation

In Ontario the local taxation of personal property was abolished in 1903, a business tax being substituted. At the present session of the provincial legislature a petition was presented, signed officially by over two hundred municipalities, asking for the same right of home rule in the partial or total exemption of improvements as exists in British Columbia. It has been opposed so far by the party in power in the province, although strongly supported by the *Ottawa Citizen* and other daily papers under the same ownership, and also by a large number of civic organizations. A year ago the formal appeal of the city of Ottawa was denied by the provincial legislature because the government "did not care to give that city any advantage over other cities," to quote the language of the *Ottawa Citizen*.

Prince Rupert is starting its municipal career without taxing improvements. Vancouver and Prince Rupert are probably destined to grow with tremendous rapidity. Doubtless they would grow tremendously even if they had the worst system of taxation in the world, because they are the ports of Western Canada and the terminals of great railway systems, but by the policy of not penalizing improvements they are certain to grow, in the judgment of tax reformers, with all the greater rapidity, and land speculation will be, to a considerable extent, discouraged, to the great advantage of the growing communities. In ten years' time it is expected that those cities will be big enough to attract the attention of the United States. If they adhere to the present policy they cannot but exert a powerful influence on the State of Washington, and probably Oregon.

New York City has a Committee on Congestion of Population that is said to be reaching the conclusion that the most important thing to do is to increase the tax on land values and decrease the tax on improvements. "It does not seem," one public-spirited official has said,

"that any intelligent man regarding the conditions which now exist in New York could reach any other conclusion. The Borough of Queens contains about 129 square miles; it has about 115,000 separately assessed parcels of real estate, of which 73,000 are unimproved. The assessed land value of Queens is \$200,-

000,000. The assessed value of the unimproved parcels is \$100,000,000. In this classification a farm with a home on it is rated as an improved parcel. In fact, any lot to which any value whatever is added for improvement is rated as an improved parcel. The per capita value of land in Queens is out of all proportion to the per capita value of land in the other boroughs, being \$776, as compared with \$718 in the Bronx; \$375 in Brooklyn, and \$1,201 in Manhattan. Manhattan values are the result of the dense population and, one may say, of the activities of the whole world. Tax reformers are beginning to declare that it does not take very much imagination to see what would happen in Queens if the City of New York adopted the policy of Vancouver."

A notable taxation settlement was that providing for the payment of arrearages of franchise taxes due the City of New York the Metropolitan Street Railway Company and other corporations, arrived at in May last. **Franchise Taxes** The basis of the settlement is practically on the 65 per cent allowance on which the Third Avenue Railroad has settled its total franchise indebtedness. The Metropolitan at the date of the May settlement had paid \$2,640,000 into the city treasury on account, and under the agreement the total will be increased to \$6,390,000. This arrangement is exclusive of the Manhattan Elevated Company, the Second Avenue and Central Park, and the North and East River lines, whose indebtedness will be settled, it is expected, on much the same basis.

With the final approval of this plan of payment practically all the franchise taxes due the city will have been settled, with the exception of the claim against the New York Central Railroad.

Originally the claim against the Metropolitan system was \$7,500,000, and the putting into effect of the agreement by which the receivers and bondholders of the company will pay the major part of this is regarded as most interesting in view of the fact that in the reorganization scheme recently drawn up there was an intimation that the roads would only have to pay \$1,500,000 in old damage claims pending against the New York City Railway Company as lessee. Mayor Gaynor had a large share in effecting this satisfactory settlement under a law which recognizes the right of the community to share in the profits of an undertaking to which it gives a valuable privilege.

This being the year of the taking of decennial census, the newspapers and periodicals generally have been filled with statistics concerning the cost of municipal government and the growth of population. In addition the Census Bureau's annual reports have furnished the usual quota of interesting figures. The Bulletin issued on July 7th last showed that \$405,000,000 had been spent in 1908 maintaining and operating city departments of the 158 cities having an estimated population of 30,000 or more. The maintenance of schools and the protection of light and property by the police represented 55 per cent of this total. For the whole group of cities the average per capita expense for schools was \$4.70; for police department, \$2.25; for fire departments, \$1.72. The increased cost of maintaining administrative departments of cities in recent years is illustrated by the fact that in 147 cities of over 30,000 population in 1902 the cost was \$13.36 per capita, while for the same cities in 1908 it was \$16.81.

The financial transactions of the 158 cities involved the receipt and expenditure of more than \$1,250,000,000. Payments amounted to \$1,284,000,000 and receipts to \$1,336,000,000. The excess of the receipts over payments was due to large loans by cities during the year, and is reflected in the cash on hand at the close of the year.

Payments on account of outlays for new purposes or new work by the 158 cities above mentioned amounted for 1908 to \$275,003,695, as compared with \$244,117,298 in 1907. Over one-third of the 1908 expenditures was paid by New York City. The figures are as follows: New York, \$83,417,149; Chicago, \$18,093,986, and Philadelphia, \$14,473,184.

Expressed in per capita averages the cities with over 300,000 population with the highest expenses were Boston, \$27.58; New York, \$24.71, and Washington, \$24.63. Those with the lowest were New Orleans, \$12.76, and Baltimore, \$13.24. As indicated by the net interest columns the cities of over 300,000 population with the best credit rates were Detroit, 3.37 per cent; Boston, 3.64 per cent, and Philadelphia, 3.79 per cent. For cities with from 100,000 to 300,000, those with high rates were Indianapolis, 3.49; Cambridge, 3.56, and Worcester, 3.69. In the class of

cities of less than 100,000 Somerville, Massachusetts, leads with 3.69.

From the figures published by the Census Bureau it is to be noted that Detroit, Indianapolis, and most of the Massachusetts cities can borrow money on extremely favorable terms, while most of the southern cities and New York have to pay materially higher rates. The length of time that bonds have to run has some effect upon rates of interest the cities have to pay for the use of money.

The total net indebtedness of the 158 cities at the close of 1908 was \$1,718,000,000 and of this amount 39.8 per cent, or \$684,000,000, is credited to New York City alone. That city

**New York's  
Indebtedness**

had more than seven times the indebtedness of any other city and more than one-half the total of the 29 largest cities of the country. The per

capita net debt of New York City was \$157.74 and the only other cities having a per capita net indebtedness of over \$100 were Cincinnati, Boston, Galveston, Portland, Newton, Massachusetts; Pueblo, Colorado, and Pawtucket. The increase in the net debt for the fiscal year 1908 was \$185,877,856, as compared with a total increase for 1907 of \$120,930,631.

As the census report pointed out, in any discussion of indebtedness it should be remembered that the value of public improvements, and especially the amounts expended on public-service enterprises, should be taken into consideration. Many cities own their water works, some their lighting plants, and a considerable proportion of the indebtedness of such cities may be incurred in the purchase or construction of such plants. Thus in New York City 36.9 per cent of the total debt, a much larger percentage than that for most cities, has been created for the acquisition and extension of such public-service enterprises as the water supply system, toll bridges, and so forth, which enterprises are self-supporting.

As showing the growth of municipal expenditures the New York Bureau of Municipal Research prepared a comparative table of the increase of municipal expenditure with the increase of population, to explain the action of the Board of Estimates and

Apportionment in limiting the expenditures for next year to the present year's figures. Here is the table:

	<i>Per cent.</i>
Increase in city's population.....	38.68
Property values .....	52.23
Total budget .....	79.69
Health department .....	160.32
Law department .....	110.98
Charities department .....	101.63
Finance department .....	99.56
Education department .....	95.82
Park department (all).....	83.60
Brooklyn and Queens.....	109.29
The Bronx .....	89.30
Manhattan and Richmond.....	71.45
Fire department .....	68.43
Correction department .....	66.67
Street cleaning department.....	49.69
Tax and assessment department.....	47.59
Police department .....	33.39

Kansas City is establishing some new civil service precedents that are likely to prove of wide usefulness. In the first place the new commission which Mayor Brown appointed **Civil Service in Kansas City** began its examinations with the highest positions not exempted under the law. This policy was adopted because it was thought that it would obtain men having authority in each of the departments, who being selected on the merit system, would be entirely in sympathy with its purposes. It was also thought it would result in more loyalty on the part of employees to their superior officers if they knew the man in charge had already passed the test to which they later would be subjected, rather than the reverse. This was indeed a wise idea, for if the merit system is to be accepted heartily by the rank and file they must be persuaded that it represents merit all along the line, rather than in spots, and that it applies to all, high and low alike.

The idea of having a committee of three experts to conduct the examination and grade papers for each group of examinations has been adopted. This is a wholesale adoption of the plan

worked out by the Chicago Commission at the time it held its examination for librarian of the public library. Moreover, before the examinations have been completed, there will be at least two or three hundred citizens who will feel that they have had a hand in the building-up of the merit system, and who, having helped to build it up, will naturally be stronger advocates of the system than they would otherwise have been. They also will have an opportunity to know at first hand the Commission's idea of a true merit system worked out without prejudice, either personal, political or religious.

Already some of the very best citizens have served on these committees. For instance, the Commission recently completed an examination for all the positions in the city counselor's office—about 14. There were over 100 applicants. The committee in this case was one of the most respected older members of the Kansas City Bar; a former city counselor, and the president of the City Club. For the examination of the street cleaning commissioner, the Commission had the Hon. Henry M. Beardsley, formerly mayor of Kansas City; one of the Charter Commission, and a leading engineer. For the city engineer it had a member of the fire and water board; a prominent civil engineer, and a major of the engineering branch of the U. S. Army, who is working out the river problems in Kansas City and vicinity.

For the examination of superintendent of the work-house the committee was made up of one of the leading philanthropists and a student of sociology, a wealthy and successful merchant, head of the Jewish Educational Institute, and a former president of the City Club, and deeply interested in municipal farm ideas.

The utilization of such well-known citizens and experts whose reputation for integrity and honesty of purpose is beyond question, makes it possible to test and grade personality and experience by extensive oral examinations, not always possible under any other previous method of administration of civil service followed elsewhere. All the examinations give heavy weight to these oral tests.

From the outset the Massachusetts Civil Service Commission,

in dealing with the Boston situation under the new charter, has adopted the policy of declining to engage in controversies or to state reasons for its action, the statute not imposing that duty upon it. Sixty-two appointments (thirty-seven to paid and twenty-five to unpaid positions) have been made by the mayor as heads of departments and to members of municipal boards. Of the appointments to paid positions, the commission has approved twenty-three. Of the appointments to unpaid positions, twenty-one have been approved, and one is pending. Of the twenty-two new appointments to paid positions as heads of important departments, fifteen appear to have been made as rewards for political support given to the mayor. Of the fifteen political appointments, three only were approved. Of the seven appointments which appeared not to have been made as rewards for political service, five were approved.

However the friends of individual appointees "may differ in opinion", to use the words of the Finance Commission, "as to the action of the civil service commission in particular cases, all disinterested persons will agree that the decisions of that commission have been made in good faith for the best interests of the city, and that the wisdom of the law under which they acted has been demonstrated." The finance commission believes that the city has not suffered a loss in any instance of rejection; that a much higher standard of selection was intended by the charter amendments, and that persons better qualified for the offices in question should have been found. The political purpose underlying appointments of heads of departments and members of municipal boards has been manifest in the removal and appointment of subordinates in several departments. The chairman of the board of bath trustees resigned recently because he found his views respecting the appointment of subordinates irreconcilable with those of the mayor."

Conditions in Boston, however, are peculiar, as *Good Government*<sup>1</sup> has editorially pointed out:

"The city is normally Democratic, the state, Republican. The

<sup>1</sup> The publication of the National Civil Service Reform League.



city is largely governed by the state. For abuses in local government, of which there have been many, the remedy has always been special legislation. The new charter as a whole was not submitted to the citizens of Boston. The provisions of confirmation of appointments by the civil service commission and for a permanent finance commission were enacted by a Republican legislature without a referendum. The civil service commission is a commission appointed by a Republican governor. The organization of the Boston city government can be better termed a disorganization. There are forty-five separate departments created by statute or ordinance, of which the heads are sometimes boards, sometimes single commissions. There are in consequence 10 heads of departments on whose appointments in course of time the commission will have to pass."

In the judgment of the same authority, however, there is no evidence that the civil service commission has been actuated by political consideration in its action upon the mayor's nominations. The commission has been conscientiously trying to carry out its difficult and unpleasant task in the spirit of the charter, and to maintain a standard which should insure the employment of experts or other qualified persons.

As a matter of fact, Boston does not possess home rule in even a slight degree, and concentration of authority and responsibility is still far off. If the people of Boston want a Fitzgerald for mayor, they should be allowed to have him. They should not be saved from the consequences of their judgment by any divine or state intervention. The sooner they learn to govern themselves, the sooner they are required to pay the price of their political judgment and choice, the sooner Boston will be established on a more substantial, self-governing basis.

In Chicago civil service continues to make substantial progress. There is no doubt that the civil service law in force is sound. As the president of the civil service reform association declared in a recent communication, "If we had it to draft again there would be no important changes beyond covering any exempt position. The trial clause has been most attacked, but after all has been said, our executive committee is of the opinion that its legislative defects may be corrected in administration conforming to the terms of the act. We know of no better law."

#### **Chicago's Civil Service**

Looking at the results, the law has been of immense benefit to the city. Any attempt to weaken or defeat the law, if it clearly appeared to be such, could be beaten at the polls by an overwhelming majority. The administration is Republican. The employees are nearly all Democratic. To quote the president of the civil service reform association again,

“There are five types of attempts to beat the law; *first*, the creation of new departments, the heads thereof being exempt under the civil service act; *second*, statutes passed by the ‘jackpot’ legislature at Springfield in violation of the principle of home rule, taking over municipal activities or creating new ones and providing for spoils appointments, for example, parks, sanitary districts, education, municipal tuberculosis hospital; *third*, sixty-day appointments continued from year to year, the number decreasing however, each year; *fourth*, common labor employment where no adequate way of eliminating ward politics has yet been devised; *fifth*, use of corrupt or incompetent judges to tie up examinations, interfere with promotions, classifications, and generally horse-play with the law, thus necessitating temporary appointments, delaying efficient reform, restoring discharged employees, holding the law up as unworkable and responsible for all manner of administrative ills. The introduction and use of efficiency records represents a development of far-reaching importance. The following will show the general lines pursued in ascertaining them.

#### **Efficiency Records**

“First, the efficiency examiners ascertain the duties imposed upon a group of employees (usually a bureau, division or geographical unit) by the statutes, city ordinances, departmental regulations and office practice. These are entered on the card of each employee in the group. The duties are supervisory and personal. The existing classification is tested in the light of this information and by use of pay rolls to insure uniformity of pay, duties, title and grades. Cases of employees ‘out of grade’ are got ready for the finance committee of the city council—the budget-making body. Unless the employee drops into grade he is barred from promotion.

“Usually the efficiency examiners find that there are too many grades and the tendency is towards reduction.

“Second, the organization is then charted in respect to supervision, responsibility or authority, and lines of promotion for each grade. This shows up graphically faults of organization and ultimately will force re-organization all along the line. Every

alderman is given a chart book and numerous absurdities, previously overlooked, come to light. For example, we find duplication and triplication of functions in different bureaus; that the finance department is scattered all over the city hall; that the chief of police is in charge of the second largest construction division in the city and that the fire department is the second largest purchasing agency. When attention is called to the matter, department heads regard these anomalies as possible sources of danger and are disposed to join the reorganization movement.

"Third, the efficiency examiners inquire what is a day's work for the individuals of each grade. The service is measured and employment standardized. Employees may be observed and timed. Comparison of volume of business and employees required to transact it in private employ compared with the group under observation. Sometimes the head of the department concerned or the head of the group will give the examiners a special detail of men and let them experiment. Also cost-figuring methods are applied. No branch of efficiency calls for as much ingenuity and diversity of methods as the measuring of service. In the efforts to get at it a training school for police recruits, and a school for library employees have been established. Group and individual efficiency is recorded, the first on the efficiency records of the supervisors responsible and the latter upon the records of individual employees. The factors of efficiency with weights for each are also ascertained just as subjects and weights are ascertained before a civil service entrance examination."<sup>1</sup>

Fifty thousand dollars has been appropriated by the city to cover the cost of the efficiency department of the commission.

There is another interesting development of the firm establishment of the merit system and the disclosures of the Merriam investigating committee. In June, at Peoria, citizens from all over the state, met to consider the restoration of representative government in Illinois. After deliberation, they voted that three constructive measures were necessary to restore democratic institutions; first, the initiative and referendum; second, a state-wide civil service law; third, a corrupt practices act. A committee of seven was organized to advance these ends. In July this committee of seven and the Civil Service Reform Association began an active campaign to secure votes on the question: "Shall the next General

**Peoria  
Conference**

<sup>1</sup> See article in "Engineering Record" of August 20, 1910.

Assembly extend the merit system by the enactment of a comprehensive and adequate state civil service law, that promoting economy and efficiency?" 110,000 signatures for the submission of the question were obtained, and the question answered in the affirmative by a large majority.<sup>1</sup>

A civil service decision of more than local interest was that of the New Jersey Court of Errors and Appeals,<sup>2</sup> which held:

1. That the New Jersey civil service law is not vitiated by the fact that with respect to those municipalities which properly adopt its provisions, the act confers a participation in the local government upon a commission not chosen by the several municipalities affected nor from among their citizens or inhabitants.

2. The constitution of New Jersey does not guarantee to the people of the several political divisions of the state the right of local self-government, so as to disable the legislature from providing for the government of those divisions by commissions chosen otherwise than by the people themselves.

"3. The constitution prohibits the passage of local or special laws, but not of general laws, 'appointing local offices (*sic*) or commissions to regulate municipal affairs.'

"4. In the exercise of the judicial function of declaring an act of the legislature unconstitutional, the ultimate question is, not whether the court regards the constitution as permitting the act, but whether the constitution permits the court to disregard the act; the test being not the court's judgment as to the constitutionality of the act but its conclusion as to what judgment was permissible to the legislative branch of the government in which the constitution has reposed the duty of making such judgment as an incident of the law-making power; hence if there be a permissible doubt as to the existence of the constitutional limitation invoked against the validity of an act the courts will not declare the act to be contrary to the constitution.

"5. The legislature may impose its will as law upon municipalities; but, if some other will is to intervene, it must be that of the people who are to be governed by such municipal law and not an

<sup>1</sup> The vote on the statewide civil service ballot was 404,444 in favor to 119,889 against; on the initiative and referendum proposition 443,505 for to 127,751 against; and on the corrupt practices act 417,311 for to 122,168 against. The expression of opinion was advisory not mandatory.

—EDITOR.

<sup>2</sup> Attorney-General *ex rel.* Booth *vs.* McGuinness, February 4th, 1910.

alien will, even though it be that of the governing body for the time being of such municipality.

"6. The distinction observed between legislative acts requiring acceptance to become municipal charters (i. e., referendum statutes) and those conferring legislative powers to be exercised (or not) by the local legislative bodies (i. e., statutes delegating powers of local government); and the further distinction observed between the acceptance of referendum statutes by the people at the polls and the exercise of delegated power by the local legislative body.

"7. A statute in the nature of a supplemental charter that is enacted to take effect upon its adoption by the governing body of a municipality is not a constitutionally enacted law.

"8. The civil service law<sup>1</sup> in so far as its operation is made to depend upon its adoption by the governing body of a municipality is unconstitutional."

There has been no appreciable diminution of interest in nomination reform, although there has been an increasing appreciation

### **Nomination Reform**

of the fact that it is only a step towards the restoration of popular government. The best primary act, as the *Chicago Record-Herald* has so pertinently pointed out, is only a tool. It is not a substitute for hard work and intelligence. For a while there was danger that some of the more zealous advocates of the new politics might regard nomination reform as a panacea for all our political ills and as effective in itself. To-day nomination reform is to the fore-front in those states which have not yet secured a law authorizing direct nomination. Where the law has been established the aim is to perfect and extend it, not to destroy it.<sup>2</sup>

The movement for the establishment of the initiative, referendum and recall is a part of the same movement as that manifesting itself in the demand for the direct nomination of candidates. They are all part of the desire for a more democratic form of government, a more responsive electoral machinery. As for the past ten years, Oregon retains its leadership in this direction. There

### **Oregon's Democracy**

<sup>1</sup> P. L. 1908, p. 235.

<sup>2</sup> See Louis M. Greely's address on the "Present Status of Nomination Reform," *infra*.

has been a feeling, however, that the initiative and referendum have been somewhat overworked in this state. It must be conceded, however, that the results so far have not justified this fear, inasmuch as the Oregon voters have shown remarkable discrimination in their voting up or voting down propositions submitted to them under the initiative and referendum laws. It is true there have been trivial questions submitted, but these have not interfered with the intelligent expression of opinion on other questions submitted. That this is so is due to the fact that as a voter enters the booth to vote upon candidates and policies he is handed a small pamphlet, of which in the campaign just closed twenty pages contained the list of the names to be voted on and forty pages were devoted to the several propositions to be voted upon. In most instances the issues have been discussed in the newspapers for over a year, and public meetings have been held for the presentation of arguments pro and con. The *Pacific Outlook* is authority for the statement that one-third of the questions submitted are merely fakes put up by a legislature desiring to discredit direct legislation. Another third are the result of legislative carelessness and stupidity. Still another third are bona-fide issues upon which public expression is needed. In the last campaign among the latter was the project for a state publication to fulfil for the State of Oregon what such papers as the *Denver Facts*, *Philadelphia*, the *Kansas City Facts*, the *Boston Record*, and other official city publications have been doing for their respective communities.

In Illinois a vigorous campaign for the adoption of the initiative and referendum has been waged. The proposition submitted to the voters at the November election was in the following form:

**Illinois  
Referendum**

“ Shall the next general assembly submit to the voters of the State of Illinois at the next following election an amendment to the state constitution providing for the control of legislation by the people by means of the initiative and the referendum, said amendment to provide for the initiation of legislation upon the petition of eight per cent of the voters, and for the reference of legislation upon the petition of 5 per cent of the voters, the action of a majority of electors voting to be final, thus restoring to the people the power which they once held but which they delegated to the general assembly by the Constitution.”

To paraphrase the language of the supporters of this proposition, there are doubtless advocates of the initiative and referendum who believe in the application from convictions of pure democracy, but the significance of the movement in the State of Illinois and the movement which has spread throughout the entire country, is that it is a conservative movement. At all events the men who are principally concerned in advocating the measure throughout the country and who are conspicuously identified with it, are men who would be naturally classified as conservatives.

In the opinion of Walter L. Fisher, of Chicago, this statement would apply even to the most conspicuous exponent of the initiative and referendum in the United States to-day, Senator Jonathan Bourne, of Oregon, who by birth, education and tradition, and through the possession of more than the average amount of property, would hardly be counted among the radicals. In Mr. Fisher's opinion, the reason lies in that the movement emphasizes the necessity for sane and effective safeguards, quite as much as it emphasizes the need of some method by which the people can effectively control that legislation which they are unable to secure through elected representatives. The movement as a whole has been due to the recognition that under existing methods representative democracy has not worked as it should, has not effectually carried out what is the underlying purpose of the great body of the people. That unquestionably is the situation in Illinois and in most other places. Even strong advocates of the representative system (and Mr. Fisher and the writer belong to that class) are compelled to acknowledge that the results have not been such as to create confidence in that system. Something has been lacking. If the initiative and the referendum will supply that lack they are willing to try the experiment, with the hope that the American system of municipal and state government may be made truly responsive and responsible to the people.

No small part of the present growth of the initiative and referendum and the recall has been due to the spread of the commission form of government. The results in those cities operating under that system have been so uniformly beneficial that long-

time opponents of the initiative and the referendum are weakening in their opposition. As a matter of fact there is nothing new in the referendum, for from the beginning the people have voted on the adoption of constitutions and constitutional amendments. The modern application of the principle, however, represents an improvement in that instead of submitting the entire instrument covering all phases of government, questions are submitted one by one in a form which admits of a comparatively easy formulation of a sound judgment.

Advocates of a short ballot have been fearful lest the initiative and the referendum would militate against that movement. Experience with the short ballot and the referendum and the initiative has not been sufficiently extended to justify one in making any dogmatic assertion one way or the other. With the concentration of legislative and administrative duties in the hands of a small number of elective officers, it would seem as if there should be adequate provision for the voters to declare themselves upon the questions of policy, otherwise there would not be that separation of the policy determining functions from the policy executing functions.

A steady progress of public opinion in favor of the short ballot is to be noted. Involving as it does constitutional changes, there is very little to report in the way of concrete accomplishment, although the adoption of the commission form of government represents one form of short ballot, and in this direction there has been a very substantial advance during the past year. Moreover the agitation of the short ballot idea has brought about a more widespread consideration of the whole question of our governmental machinery, within the result of awakenink the people to their duty and responsibility in the premises.

Franchise questions still occupy a large measure of active attention, academic and practical. The subject of the control of public-service corporations and the valuation of their property is receiving consideration at the hands not only of economists but of city officials and municipal students generally. A number of important reports on various phases of the question have been published

### **The Short Ballot**

### **Franchise Questions**



during the year, as well as a variety of significant magazine articles. In addition Dr. Delos F. Wilcox is putting through the press a book on municipal franchises embodying his experience and studies as an expert connected with the Public Utilities Commission No. 1 of New York, and his long years of study of this important question.

One of the most significant developments of the year was the institution of a suit in March last by the receiver of the New York City Railway Company to recover from the directors of the Metropolitan Securities Company the sum of \$2,797,200 lost from the treasury between 1902 and 1904 by the discount of its ten-year notes at 70 and their early redemption at par. The same directors also have been compelled to pay back other large sums of money, the exact amount of which has not been publicly disclosed, in settlement of their methods of "high finance".

Exploits in "high finance" among public-service corporations, such as the wrecking of the traction properties in New York City, have not been confined to the metropolis; but have been widespread and reach into the affairs of similar corporations in smaller places. This has been shown by the investigation conducted by the New York Public Service Commission. This is not the statement of a campaign orator, but the formal judgment of the secretary of the commission which conducted the investigation, who gives facts and figures to sustain it.

As a result of Governor Hughes' far-seeking policy the franchise problem in New York municipalities is being placed upon a higher and more substantial plane. As Mr. Kennedy, in his review of the work of the commission of which he is secretary, has declared, the law is now firmly entrenched and among the solidest of the statutes of the state:

"Generally speaking, the opinion of the people of the state without any considerable number of exceptions, and of the corporation managers is that the great powers of the statute have been wisely administered by the commission. There can be no reason why each succeeding year will not add to the usefulness of the work which can be accomplished under the law, and great benefit accrue alike to the corporations and to the public which they serve. . . . The provision of capitalization has had but one

effect, that of enforcing sound and honorable principles in corporate management. It is the fact, repeatedly testified to before the commissions, that securities authorized by commissions command a premium from the bond houses and investors."

Cleveland's railway settlement went into effect March 1st last. Since then the wages of the men have been increased, in the judgment of some almost abnormally, making them

**Cleveland's  
Railway  
Settlement**

higher than in any of the large cities within 300 miles of Cleveland. The three-cent fare with one cent transfer has thus far stood the strain.

In the opinion of those who have followed the situation carefully the most serious danger facing the continuance of this low fare arises from the fact that although the settlement provided five cents per car mile for maintenance and depreciation, which is more than is expended by any street railway in the United States with possibly two or three exceptions, the company has hitherto kept the road in a somewhat run-down condition, and may endeavor to have arbitration under the lease for the raising of the rate per car mile in order to improve the road out of the maintenance fund, as it claims the franchise permits. If this is done fares will probably have to be raised somewhat for a year or two.

The Minneapolis gas situation has been cleaned up satisfactorily to the interests of the public, and Kansas City has defeated a proposal to extend its street railway franchises for an undue time.<sup>1</sup> Denver seems

**Denver**

to be in the way of settling its long-pending water question. At a regular city election held May 17th, the offered franchise of the Denver Union Water Company was defeated by about 5,000 majority. At the same election an amendment to the charter of the city was adopted by a majority of something over 2,000. This provided that three persons therein named constitute a public utilities commission for a term of two, four and six years respectively, and that it should be their duty to offer the water company \$7,000,000 in bonds of the city, as a compromise—for this is estimated to be much in excess of the real value of the plant,

<sup>1</sup> See papers of Stiles P. Jones and James W. S. Peters.

some of which is now over twenty years old—and if this offer should not be accepted then proceed to construct a new plant, and for that purpose, or in the event of the acceptance of the offered price, then for use in payment to repair, the question should be submitted to the people of voting \$8,000,000 in bonds at a special election to be held on the first Tuesday in September. The company refused the offer of \$7,000,000 in bonds, and is negotiating with the commission for a further settlement.

In San Francisco what is known as the Geary Street bond issue carried by a vote of 31,185 for to 11,694 against the proposition. This it is expected will enable the city to operate a trunk line of considerable importance. Public opinion was somewhat divided over the proposition, but the majority no doubt voted for the bonds, not because they were primarily in favor of municipal operation, but because they were so much irritated against the poor service given by the United Railroads, which operates most of the lines in the city. As usually happens in such cases, the whole matter has been thrown into the courts through an effort by one of the parties operating the present road to enjoin the city from selling the bonds as authorized.

Los Angeles has made some interesting contributions to franchise matters, and through its recently-appointed Board of Public Utilities has done some effective work in settling long-standing local difficulties and in securing some favorable court decisions. Its first annual report represents a very useful year of service.

There has been no diminution of charges of graft during the past year. On the contrary, they seem to have increased, but unlike in former times they have been followed by indictments, proofs and convictions. To illustrate, the finances of Middlesex County, Massachusetts, in which Cambridge is located, are having a much-needed overhauling. The investigation of them has developed some very interesting facts. Here are several: \$243 were paid for a cow; \$147.10 for a range (the salesman of the Cambridge Gas Company, when asked what sort of range could he had for that amount, asked if it was to be gold-plated); \$23.73 for hanging pictures in the jail; \$614.32 for a private bath-room for a woman prisoner;

\$2,073 for unspecified extras. One of the principal assessors of the city has been tried and convicted on various counts of larceny, his prosecution growing out of the complaints preferred and prosecuted by the Tax Payers' Association of Cambridge.

Lawrence, Massachusetts, enjoys the unpleasant notoriety of having its mayor sentenced to three years in the penitentiary, he having been convicted of conspiracy to bribe other city officials. Three other officials convicted at the same time were given varying terms in prison and a fifth was paroled.

Mayor Gaynor has inflexibly set himself against graft, large and small. Many of his most important reforms have been in the direction, not so much in the way of exposing graft, as in eliminating the sources of it. In this way he has effected a saving of large sums, and introduced a new tone into the public service. Economy and efficiency have certainly been to the forefront under his administration. As illustrating the care with which he has watched such matters may be cited the letter he wrote to the Commissioner of Accounts, in which he said:

**Eliminating  
its Sources**

"The comptroller calls my attention to a bill against your department dated March 25th, for one dozen one and one-half inch valve wheels at \$1.50 each, total \$18. He has sent out in the market and is able to buy them freely at six cents apiece.

"You will please forthwith put on trial the purchasing agent, and the prison warden, who certified to the correctness of the order and the bill, and dismiss them from the department summarily unless you can bring to me some good reason to the contrary.

"The thing seems to be very scandalous and I am not able to perceive the slightest excuse for it. Anyone looking at the little iron wheel about four inches in diameter would know that it could not cost \$1.50. Meanwhile I shall expect you to look over your entire department and see if such things are not occurring everywhere. Such miserable thievery has to be got rid of in some way."

Pittsburgh's shame has been so widely recounted as to need only passing reference in this connection. The same remark ap-

plies to the disclosures in Illinois. There is this striking difference, however, between the two cases, in that **Pittsburgh and Illinois** Pittsburgh has been sending its grafters to jail while Chicago and Illinois have been acquitting them. Possibly the reason for this difference may be scented in the indictment of two men by the Cook County grand jury. One was a juror in the second trial of Lee O'Neill Brown on the charge of buying a vote for Lorimer for senator. The other was the man who procured the corruption of the juror. Their stories revealed how they had been paid \$270, \$135 each, by one of the defendant's trio of lawyers in return for the juror's vote to acquit the defendant.

San Francisco had so long been the center of graft charges, graft crusades and graft prosecutions that former Mayor Taylor of that city was fully justified in asking a committee of public-spirited San-Franciscans to investigate the situation. It consisted of a leading lawyer, a prominent business-man, one of the foremost Presbyterian clergymen in the state, William Kent, whose work in Chicago is still remembered with gratitude, the dean of one of the medical colleges, a conservative labor leader and a Roman Catholic priest. Such a committee, as the *California Weekly* pointed out, was securely above any suspicion of wilful misstatement, hasty judgment or the charge of being disgruntled or irresponsible agitators.

This committee presented a careful and thorough report which attracted wide attention, not only locally, but generally. Its recommendations are of a searching character. **San Francisco Graft Report** Perhaps its most striking recommendation was to the effect that a law should be enacted making it a crime for any newspaper to publish as news

"any matters for which compensation is directly or indirectly paid, or agreed to be paid, unless the fact that such compensation has been paid or agreed to be paid is indicated by some plainly distinguishing mark next the news so printed. The jury or judge should be given liberal power of inferring complicity from considerations indirectly given. A person paying such compensation should be permitted to recover the consideration given by him, and immunity granted him, if he disclose the crime. A

part of the punishment should consist in forbidding the publication of the paper for a period fixed by the judge."

It also urged that

" laws should be enacted for the cancellation of franchises procured by fraud or crime of the owners of the franchises, or of their predecessors in interest. These laws should be of a civil nature, cognizable in a court of equity, so that the extreme technicality of our criminal procedure will not embarrass their enforcement. The mayor and the district attorney, each on his own motion, should have the right to initiate such proceedings in the name of the municipality upon which the fraud has been committed. Their power should be concurrent with that of the state to take similar action in quo warranto proceedings."

The commission pointed out that the trial of Mr. Calhoun had disclosed that a considerable number of citizens who, when examined under oath as to their qualifications for jury service, complacently declared that they would not convict a man for bribery however convincing the facts, if, since his crime, he had successfully broken a strike which was threatening his investments. As the committee trenchantly said, a system of public education which produces such men holding such views must be radically defective in both its ethical and political teaching. It declared:

" It is believed that no child should be permitted to leave the grammar school until he has had thoroughly instilled into him a strong sense of his obligation to the state to set aside all prejudice or private interest and act as jurymen in any case in which he may be summoned. He should be taught that this obligation is sacred, and that its performance is the highest kind of public service, outranking the mere physical courage and devotion of a soldier."

Among the other recommendations of the San Francisco commission is one to the effect that non-partisan municipal elections should be established, that there should be a separate tribunal of a personal character for the judicial determination of the rates and charges of municipal utilities, for the cancellation of franchises procured by fraud, and that the law of evidence should be so changed as to compel corporations to give evidence against themselves.

Mayor Gaynor has not only sought to eliminate graft and the causes of graft, but to create a public sentiment that would be intolerant of it in any form. As a part of his efforts in this direction, he delivered an address before the graduating class of the college of the city of New York, the members of which showed their appreciation of the appeal to their public spirit by addressing to the Mayor the following letter containing an anti-graft oath which each and every one signed:

*"College of the City of New York, June 24, 1910. Mayor William J. Gaynor, Dear Sir:*

"We, the members of the Class of June, 1910, of the College of the City of New York, commenced our civic lives yesterday morning. We were fortunate on that occasion to listen to an address by you, the mayor of our city, in which you earnestly appealed for our conscientious participation in public affairs. To assure you that your advice was not in vain, we, the undersigned, do this day, after the manner of the Athenian youths of old, about to enter public life, take this Epehebic oath, that:

"We will never bring disgrace to this our city by any act of dishonesty or cowardice, nor ever desert our suffering comrades in the ranks; that we will fight for the ideals and sacred things of the city, both alone and with many; that we will revere and obey the city's laws and do our best to incite a like respect and reverence in those who are prone to annul or set them at naught; that we will strive unceasingly to quicken the public's sense of public duty; that thus, in all these ways, we will transmit this city, not only not less, but greater, better and more beautiful than it was transmitted to us."

Legislation to stop grafting is the order of the day in many sections of the country, and an anti-graft league has been proposed,

#### **Arousing Public Sentiment**

but more important still than even these efforts, important though they may be, is the persistent effort made on the part of public-spirited men to arouse the public conscience and create a public sentiment strongly and vigorously opposed to grafting of all sorts and conditions. Governor-elect Woodrow Wilson, of New Jersey, has been in the forefront of this effort. In one of his addresses he declared:

"Guilt is personal and individual. When law is violated someone directs the violation and someone carries it out. Corporations have no souls and no minds. They have, however, officers and directors, and these are responsible for policies and methods. These have minds and bodies, and nothing human is alien to them.

"To fine a corporation is to fine stockholders and perhaps bondholders; to fine the ultimate consumers who buy the output of the corporation. They are innocent of corporate wrongdoing, and could not prevent it in any case. Punish the dummy director, and the species will disappear. Punish the active law-breaker who abuses his power and the confidence of the investors and the public, and he will acquire wholesome respect for the law and his obligations under it.

"Of course, laws must be just, reasonable and enforceable. Where they are not, public sentiment will inevitably nullify them. But, having made sure of the morality, the honesty, the soundness of a law, and having decided to make it effective, the way to do that is to deal always with individuals and natural persons, to make responsibility personal. Whatever the crime, the offence, 'seek the man'."

Colonel Roosevelt has also been of great service in driving the issue home. As he declared at Pittsburgh:

"The men who hurt Pittsburgh are those who are corrupt, not those who hunt out corruption. We can afford to differ in politics, but such differences must be between honest men. When it is one of honesty then we should all stand together. I know of no party lines when I deal with crooks. If I have to make a distinction I will cinch the crook of my own party first because I feel a responsibility for him, but I will also cinch the other crook as soon as I can."

When this spirit takes hold of the American people we may look for an era of honesty and economy and eventually efficiency. That this spirit is taking hold has been demonstrated in more than one direction, not alone in the defeat of men who were responsible for corrupt conditions, and not alone in the conviction of those who had participated in graft, but in a sounder public sentiment, a sounder tone in public life. There has been an encouraging multiplication of the agencies working in this direction. The bureaus of municipal research have been in the forefront



in the way of securing and publishing accurate knowledge concerning the situation. They are bringing about a healthful change of attitude in the treatment of these questions. Under the old regime denunciation was the chief stock in trade. The one who could hurl the greatest number of opprobrious epithets at a wrongdoer or at an opponent, was regarded as the most sincere and successful reformer. All this is changing. In its place we find the careful investigation of facts, the equally careful formulation of charges, and their persistent pressing before the proper tribunals, leaving to the public to apply their own designation to the facts after they are presented to them in a clear-cut, impartial, effective way, by those who know what they are talking about.

Another factor in the creation of sound public sentiment is to be found in the increasing effectiveness of the literature put out by civic bodies. The day of the formal, poorly-printed report or pamphlet is passing rapidly. **Civic Literature** Now the highest sort of skill is exercised in so placing the issues before the people that they can easily inform themselves about them. The reports of civic and business bodies are illustrations of the highest skill in the presentation of facts. Moreover the movement has been greatly assisted by the increase of publications, weekly and monthly, devoted to the enunciation of sound principles and the elucidation of pertinent facts. Some of these publications are issued by the cities themselves. Many are issued by civic bodies.

As illustrating how effective the work of voters' leagues may be made, we may cite the following: For years the Minnesota legislature was dominated by an organization of the most unprogressive politicians. These men saw that the publication of the story of the Minnesota legislature of 1909, with its complete, unanswerable exposure of the personnel and purposes of the machine, would end their political careers. When he first saw a copy, a representative from one of the interior counties, one of the worst offenders, was moved to exclaim, "I think it is an outrage that a man is allowed to print and circulate such a thing. The man seems to be demented, but he goes on indiscriminately assassinating character." This man's fears were fully realized. He was defeated for re-election and with him there fell prac-

tically every member of the old organization through which the special interests and politicians dictated legislation. In the words of the report of the Minnesota Citizens' League, "In all thirty-one such senators and representatives either did not dare to face their records or did so and were defeated at the primaries."

The social phases of the municipal question are receiving an ever-increasing amount of attention, in some places almost to

**Social Phases** the exclusion of the political and administrative phases. No small part of this tendency is due to the changing standards of efficiency and perspective. As Dr. Arthur Newsholme, the medical officer of the English Local Government Board, has pointed out, a careful study of infant mortality makes it clear that it is greatest under urban life, which under ordinary circumstances is more destructive for children than for adults. The high infantile mortality in the counties of Glamorgan, Durham, Lancashire, the West Riding, Staffordshire, and the low infant mortality in the counties of Oxford, Hereford, Berkshire and Dorset are ascribable in his judgment chiefly to the fact that in the former the population lives in houses which are closely massed to a preponderant extent in large villages, or in small or large towns; while in the latter the houses are largely scattered in lonely homesteads, hamlets, and small villages. It is not that any special virtue appertains to the sanitary authorities of these rural counties; it is rather that the sanitary authorities of the counties having high infant mortality have not realized that the risks of urbanization can only be obviated by strenuous and continued effort on their part. That they can be overcome, that there is no necessary association between dense massing of population on a small horizontal area and a high infant mortality, is shown by the exceptional experience of the Peabody Buildings. These dwellings are occupied by families whose average earnings are under 22 shillings a week. They have eight times as many persons to the acre as London as a whole, and yet in the years from 1905 to 1909 the infant mortality in them was 23 per cent lower than that of London.

Substantially the same may be said concerning American experience.

Trinity Corporation in New York City has made a compre-

hensive study of its New York tenements, and has adopted a policy which will serve not only as a correction of the difficulties and evils that have grown up in past years, but as a striking example of effective dealing with the important question of housing.

Our growing foreign population constitutes another factor in the development of the social phases of the municipal problem.

#### **Foreign Population**

Some idea of the importance of this particular aspect may be gathered from the statement that 37 per cent of the population of New York, 47 per cent of Fall River, Mass.; 45 per cent of Lawrence, Mass.; 42.6 per cent of Manchester, N. H.; 46.4 per cent of Passaic, N. J., and 44.4 per cent of Woonsocket, R. I., to mention only a few typical cases, are foreign-born. Moreover organizations like the bureau of municipal research, the federations of women's clubs, and the educational associations, are giving their thought and attention to social questions to a degree that is making mightily for a wider appreciation of the need for more attention to these questions. James P. Heaton, in discussing the social aspect of city economy in *The Survey*, expresses himself as follows:

"That the city government plays the most important part in the plans for social betterment may be little thought of by most people, but it is increasingly recognized by various organizations interested in special phases of social work. Each year their directing officials scrutinize most carefully the municipal activities, in so far as these affect their particular fields."

There has been a concerted effort during the past year to destroy what has come to be known as the white-slave traffic. This traffic in women it is charged, to use the language of Judge O'Sullivan of the Court of General Sessions, New York, follows two main objects: first, the procuring of women of previous chaste character, who through force, duress or deceit are finally made to live lives of prostitution; second, the procuring of women who are already prostitutes and placing them, with their consent, in houses where they may ply their trade.

The grand jury appointed by Judge O'Sullivan, after carefully

investigating the situation in New York and reporting upon the conditions as it found them, recommended:

"1. That no effort be spared in bringing to justice the so-called 'pimp'. When the character and prevalence of these creatures are more fully realized and public sentiment aroused regarding them, the inadequate punishment now imposed should be increased and every legitimate means devised and put into execution to exterminate them.

"2. That the existent laws be more rigidly enforced to safeguard the patrons of the moving-picture shows, and that parents and guardians exercise more careful supervision over their children in connection with their attendance upon these shows.

"3. That vigorous efforts be made to minimize the possibility of the Raines-law hotel becoming a disorderly house, and that where necessary proper supervision and inspection looking towards that end be provided.

"4. That the so-called massage and manicure parlors be put under the control of the health department; that a license from this department be required for their operation; that certificates be granted to operators only by some approved medical authority, and that proper measures be taken to enforce these laws.

"5. That the laws relating to prostitution in apartment and tenement houses be rigidly enforced, and that the present law be supplemented if necessary.

"6. That a commission be appointed by the mayor to make a careful study of the laws relating to and the methods of dealing with the social evil in the leading cities of this country and of Europe, with a view to devising the most effective means of minimizing the evil in this city."

This investigation and these recommendations have had a far-reaching effect. Throughout the country there has been an intelligent effort to grapple with and overcome the grave dangers incident to the spread of the social evil.

There has been little new legislation in the matter of the control or regulation of the liquor problem in cities, but there has been a very considerable amount of intelligent **Liquor Problems** discussion of the question both among public officials and students. Speaking generally, there seems to be some reaction against state-wide and enforced prohibition, due to the difficult situations created by such a policy in many communities.

A decision of far-reaching importance that deserves mention in this connection was that of the Supreme Court of Illinois in the case of *United States of America, appellant, vs. Lewis Hrasky, appellee*, in which the court held that a person who has knowingly and habitually violated the Sunday-closing law of the state had not behaved "as a man of good moral character" and as one who was "well disposed to the good order of the people." Consequently the appellee, who it was conceded had followed the general practice of saloon keepers in East St. Louis, and had persistently sold liquor on Sunday contrary to the law, was held to be an undesirable citizen and as such not entitled to be naturalized. The court in its opinion declared:

"It is essential to the safety and perpetuity of government that laws should be observed and enforced until repealed. The decision as to the wisdom of the Sunday closing statute rests with the legislature and not with the courts. As long as it is the law it should be observed. The courts should not be, and as a rule are not, charged with executive or legislative functions, but they are charged with the responsibility of deciding, when the question is properly presented, that a law is in force even if it is not observed by all citizens or enforced by all public authorities."

In police matters the complete exoneration by the Cleveland Civil Service Commission of Chief of Police Kohler on every accusation made against him, is deserving of mention in view of the prominence which he has attained by reason of his efficient administration of his department and the introduction of some radical ideas in regard to arrests. Following his reinstatement, Chief Kohler once more put in practice his "golden rule", declaring to his force that by-gones were by-gones, that he cherished no enmity against detectives who testified against him, and that each man's job was secure so long as he delivered the goods. Another interesting event in police matters during the year was Mayor Gaynor's letter to his new commissioner of police, in which he outlined plans and policies that should be subserved in the management and control of a great metropolitan police force. It constitutes a substantial addition to police literature, and helps to clarify the situation not

only in New York but elsewhere. Even though one may not agree with all of his conclusions, it is the sincere effort of an honest man to state clearly and effectively the principles which should be followed in administering the police force and executing the great mass of sumptuary laws which have found their way onto the statute books of the city and state.

Organizations of business men are giving more and more attention to municipal problems. They are beginning to realize what

### **The Interest of Business Men**

has so often been pointed out in the meetings of the National Municipal League, that good government is about the best asset a city can have. During the last decade Detroit has enjoyed a remarkable growth, as shown by the census figures. During the ten-years' period her growth was 63 per cent, which is a more rapid rate of increase than is shown by any other city of similar size. The population figures for Detroit are 465,766. In 1900 she was the 13th in the order of American cities; to-day she probably stands in the 8th place. Pittsburgh's gain during the same period was 18.2 per cent; Milwaukee's, 31 per cent; St. Louis', 19.4 per cent.

Various reasons have been assigned for this remarkable and substantial growth, but as the *Chicago News* said at the time the figures were announced, the part played by the progressive business organizations and the influence of conditions of municipal government must not be overlooked. Detroit's organizations have worked hard for the upbuilding of their community. The reputation of the city for efficiency of government and for economy and honesty in public expenditures is good as compared with American municipalities generally. The efforts of Pingree to promote honest government in Detroit doubtless are responsible to a considerable degree for the present industrial progress of the city. It is significant that the cities reputed to have the worst municipal government, are not in the judgment of the *News*, the ones showing the most rapid growth. Manufacturers who are not in search of special privileges naturally establish themselves in cities having the most economical government and furnishing the best living conditions for the working population.

Another interesting development of the last year has been the disposition shown by the smaller chambers of commerce and

boards of trade in cities ranging in size from 12,000 up to 50,000, to take up civic work and to employ competent and trained men to carry it on. At the recent meeting of the commercial secretaries in Grand Rapids, one of the speakers urged that the association unite with the National Municipal League in broadening the civic service work. He stated that the movement would receive greater impetus and accomplish greater results if the business men as represented in the commercial organizations were behind it. He furthermore suggested that the national association take up this matter and employ a secretary to devote his time and efforts to the work, an expert who would go about the country promoting civic work in the various communities and in the boards of trade and other commercial organizations.

In the words of one of the officials of one of the most effective business organizations in the country:

“There is a growing tendency to give city work a more important place in their scheme of things than it has had. I do not know, however, that this is a development of the past year. Rather it seems to me to be a development extending over even four or five years in most cases and even longer in such exceptional cases as that of the Cleveland Chamber of Commerce. Prophecy is a dangerous business, but I would not be surprised to have some of these business organizations soon officially announce that they consider civic work the most important with which they have to deal.”

There has been organized in Chicago a Women's City Club which is destined to become a most influential civic body. The

**Interest of  
Women**

formation of this club is typical of the interest of women in civic affairs. We find them taking up questions of housecleaning and adornment and education in an effective way. Indeed women are coming to realize that they can even more effectively than men in many instances, create the civic standards of a community through close contact with the growing agents and through influence over the teaching forces of a community, and to feel that they are charged in a special sense, because of their special qualifications in the matter of housekeeping, with the cleanliness of a community. The work which Mrs. Caroline Bartlett Crane is doing is

equally typical. She is going about the country stirring up the women, and the men for that matter, to their duty and responsibility in the matter of clean and healthy cities. Her lectures are those of a public housekeeper, simple and untechnical. She has visited city after city in the east and west, looking into nooks and crannies and into various things that men, with their far different point of view and perspective, are apt to overlook. As an outsider she has been able to report upon what she found without fear, favor or partisanship. At the close of her inspections she has written out full reports and submitted them to the bodies directly concerned, with suggestions how to overcome the conditions which she described.

Boston has a Women's Municipal League which has been conducting a campaign of education in sanitary matters and working in co-operation with various settlements to relieve conditions in the congested parts of the city. Moreover it has charged itself with the inspection of streets and alleys. In December last it held an exhibit which on the sanitary side showed contrasting models of dirty and clean markets, and clean dairies and dirty ones. Moreover it is actively spreading a propaganda in regard to the prevention and cure of tuberculosis and similar dread diseases.

The Rochester Conference on City Planning was a distinct step forward in the solution of one phase of the municipal problem. The appearance of this phrase "city planning" in our vocabulary, although of recent origin, is significant of the changed attitude of civic workers toward the problem they are attacking. It connotes intelligent forethought and definite effort. Although but recently introduced into the vocabulary, it has already been given an enlarged meaning. At first including only plans relating to the physical side of the city's development, it has now come to mean not only this, but far more. It includes planning for the intellectual and the moral, the industrial, the commercial and the economic development of the city, as well as the physical.

As Frederick Law Olmsted, Jr., in the opening paper pointed out:



“ The complex unity, the appalling breadth and ramification of real city planning is being borne in upon us as never before, and one of the main purposes of such a conference as this is to assist workers in all the different parts of this complex field to understand these inter-relationships more clearly. The idea of city planning is one in which all these activities—all the plannings that shape each one of the fragments that go to make up the physical city—shall be so harmonized as to reduce the conflict of purposes and the waste of constructive effort to a minimum, and thus secure for the people of the city conditions adapted to their attaining the maximum of productive efficiency, of health and of enjoyment of life.”

Mr. Olmsted outlined three divisions, which in the main, were observed in the program: The first concerns circulation; the construction and treatment of the spaces devoted to streets, rail-ways, water-ways, and all means of transportation and communication. The second main division includes public properties and the third consists of all that remains in private ownership, which is subject to public control in several ways. Naturally the question of congestion came in for very considerable attention and there was a diversity of views that was most illuminating and showed the necessity for such a conference among workers in the field.

Lawrence Veiller, the Secretary of the new National Housing Association, advanced the view that there can be no hard and fast rule as to the number of people living on a given area because so many conditions enter into the question of proper housing. He laid stress, however, on the fact that the overcrowding in foreign quarters of large cities is due to the desire for wealth. The foreigner comes to America as the “land of promise”, and for at least the first ten years dreams of going back to his fatherland wealthy, so he denies himself proper housing in order that he may save more money. This difficulty can be done away with by instilling into the minds of these foreigners higher ideals. Dr. Marsh, on the other hand, maintained that the causes of congestion of population were economic and administrative, and largely the outcome of a system of *laissez faire*, and that to the extent to which the causes of congestion are economic the remedies must be economic, in so far as the causes are administrative

they must be prevented by agents in administrative measures and "since congestion is primarily the result of protected privilege and exploitation, the police power of the state must be extended and enlarged to deal with those whose exploitation is in any way responsible for the evil of congestion with all the human suffering, physical deterioration and moral danger which congestion promotes and connotes."

Following this suggestion Dr. Frederick C. Howe declared that:

"Without any reservation, I have come to the conclusion that the orderly and symmetrical building of cities and the housing of urban population can be corrected through the taxation of land values more easily and more fundamentally than in any other way. By the taxation of land values I mean the abandonment of all taxes now levied against houses, buildings, improvements of all kinds, machinery, goods, stock in trade and personal property of every kind and description, and the dropping of all local taxes on the value of the land. I do not mean that we shall tax land, but rather the rental value of land. In other words, that all the revenues of the city shall be taken from the ground or land rent as it is commonly done by private individuals, under the ground-rent system, in the business centers of our large cities."

The Ninth International Housing Congress was held at Vienna. There have been already eight such congresses, to wit, Paris, 1889; Antwerp, 1894; Bordeaux, 1895; Brussels, 1897; Paris, 1900; Dusseldorf, 1902; Leige, 1905, and London, 1907. Among the subjects considered at the Vienna Congress were town planning; house building; the cottage vs. the block; cost of dwellings; the land question; housing inspection; housing finance and taxation; all of which, in some form or other, appeared upon the programme for the Rochester meeting.

That the advanced civic workers of the old world and the new are considering this whole problem of city planning, and are approaching it from substantially the same point of view affords an indication of the progress of the past decade, as also does the growing literature on the subject. Within the year there have been published two important books: one on "Town Planning," by H. Inigo Triggs, the other on "Town Planning in

Practice," by Raymond Unwin, and on April 1st the first issue of the "Town Planning Review" made its appearance under the auspices of the University of Liverpool.

Boston's bitter and hard-fought mayoralty election terminated in the choice of John F. Fitzgerald, a former mayor, by a majority of 1,223 over his nearest opponent, James J. Storrow, a former recent president of the Chamber of Commerce and chairman of the School Board. Fitzgerald's vote was 46,968 and Mr. Storrow's 45,745. Fitzgerald, the first mayor under the new Boston plan, will serve for four years unless recalled at the end of the second year of his term. His powers have been greatly increased, and if he serves the full four years he will control the expenditure of one hundred millions of dollars.

Under the new charter he discharges functions similar to those performed by the New York Board of Estimate and Apportionment in that he prepares the budget, Section 3 of the charter reading,

"All appropriations other than those for school purposes to be met from taxes revenue, or any source other than loans, shall originate with the mayor, who . . . shall submit to the council the annual budget of the current expense of the city accounting and may submit thereafter supplementary budgets until such a time as the tax rate for the year shall have been fixed."

The great power of the mayor over finances and the city's employees is safeguarded, on the one hand, by stringent civil service provisions with a separate and independent review on the part of the state civil service commission so far as the heads of departments are concerned; and on the other hand by the existence of a finance commission appointed by the governor of the state.

Fitzgerald's former administration was marked by many scandals which were investigated, reported upon and proved by the original Finance Commission, which was mainly responsible for the new charter. The election was the first conducted on the non-partisan basis. It so happened that both Fitzgerald and his nearest op-

### **The Boston Mayoralty**

### **Independent Sentiment**

ponent, Mr. Storrow, were Democrats in national politics. The fact that Hibbard, who had been the Republican mayor, and who two years previously had received 38,000 votes, received this year only 1,783, would indicate that Boston has greatly increased the number of its voters who were willing to disregard national party lines in municipal elections. Indeed the large vote given to Mr. Storrow must be construed as striking evidence of the growth of the independent sentiment in Boston. This fact, and the further fact that the council (of nine) seems to be composed of men in general sympathy with the progressive movement in the city, furnish the encouraging features of the situation.

Mr. Storrow represented the elements interested in a new Boston, but unfortunately the impression was created by his own advocates, and naturally fostered by his opponents, that he was a very superior person and represented a "caste" rather than the common people. Fitzgerald, on the other hand, claimed to be the people's friend. As the Philadelphia *Ledger* pointed out:

"This is probably the real secret of the failure of the reform campaign. There was too much assumption of superior virtue. If we insist prematurely on separating the sheep from the goats, the goats are very likely to outvote the sheep. Fitzgerald, in all probability, is not nearly so black as he is painted. He is evidently an able man; but elected by a small plurality and with an antagonistic council, he seems less likely to do any harm than to fail in positive accomplishment. For this reason, and because he is not really in sympathy with the purposes of the new system, the Boston experiment does not start upon the most hopeful basis."

Of the men elected to the new council at the same election five were first-rate men, one was regarded as personally honest, although associating with doubtful companions; one was dangerous, and two, though not thoroughly undesirable, were not dependable. It is rather surprising to find that a city boasting of its civic achievements, as Boston is sometimes inclined to do, should elect on a ticket at large a man so dangerous to the new municipal idea as Curley.

Mayor Fitzgerald, in his inaugural address, gave utterance to some views which led to the belief that he felt the movement

toward new politics and that he would attempt to embody the new municipal ideas in his administration. Nevertheless after the expiration of ten months it must be conceded that the impression made by his inaugural address is losing force and he is not doing as well as some anticipated he would.

His weekly paper, *The Republic*, is again filling up with the advertisements of those who do business with the city. Dances are being run for the purposes of assessing city employees by means of the sale of tickets. While some of his appointments have been first rate, others of his appointments have been of a low grade, although the city has been saved from the results of them through the operation of the civil service provisions of the new charter already described. In fact, the mayor, with his wonderful facility for turning even adverse conditions to his advantage, has, so it is alleged by those in close touch with the situation, turned the rejection of his candidates to his advantage. He has nominated to important offices men whom he knew could not pass the muster of even less exacting officials than the present members of the civil service board. In this way he has been saved the shame and disgrace of such men occupying public places. At the same time he has satisfied his appointees of his good-will and intention, saying in effect to them that he had done what he could, but that the civil service board had stood in his way. In practical politics this proves almost as effective as securing the offices.

Boston's best contribution during the past year has been the application of the principle of federal union, to many, in fact nearly all the scattered efforts towards social development in the city. This has come about through the "Boston 1915" movement, the Boston Social Union (a settlement federation), the United Improvement Association, and the comprehension in the Chamber of Commerce of all the business organizations in the city. This movement will have two very important results. It will tend strongly to build up a real, organically sane and sound community life, which will inevitably express itself much more wholesomely in its political and municipal aspect. In the second place, it is bringing forward some of the rear detachments of well-meaning

**Municipal  
Co-operation**

but negative citizenship which in due time will be enough substantially and permanently to throw the balance of power in the direction of better things.

Chelsea, Massachusetts, has had a remarkable experience. The valuation of its property in 1907 was \$26,411,450. The fire of that year caused a loss in assessable valuation of \$5,539,050, and the valuation in 1908 was \$20,872,400. On April 1, 1910, this had risen to \$25,720,100, a gain of 87 per cent of the fire loss in three years. After the fire great numbers of people either left the city or planned to leave and the population was estimated at 26,000. The United States Census figures for this year show the population to be 32,456, a gain of 6,456 in less than two years' time. The city gained but 6,163 in the ten years following the census of 1890.

Chelsea's government in practical working constitutes a striking example of the prompt and efficient dispatch of city business. The application of advanced methods has obtained and harmony has been secured in the management of its affairs. The commission in charge acting as a whole decides upon all questions of policy, makes all appointments, including the members of the school committee, and appropriates all moneys. The commission, however, was appointed by the governor, and there is a wholesome demand on the part of the people that the commission be made elective, so that they will represent the electors directly.

These Chelsea incidents are cited to show the wonderful recuperative power of American communities. It is to be regretted, however, that with all the public spirit that has been shown, and there has been a great deal of it, the opportunity was not utilized of rebuilding the city upon a new civic plan. Such an opportunity does not often present itself to an eastern city; but the commission failed to utilize the opportunity, justifying its action on the ground that such a plan might be feasible in a wealthy community, but not in Chelsea, which was regarded as a poor community.

A writer in the *Boston Common*, however, asks with pertinence,

"Is the rebuilding of the city on the old plan the course of

economy? Brookline is a beautiful village, not because it is wealthy; it is wealthy because it is a beautiful city, which fact has attracted wealth to it. As to the financial incompetency of Chelsea, one is almost led to see a shadow of inconsistency in the city's policy of constructing a highly-expensive municipal building after refusing to expend money for a project which would in the end bring more real prosperity. Chelsea's experience under her present government may well serve as an example of what may be done in the way of developing business efficiency in city government, but one cannot help regretting that the opportunity for setting aloft a civic plan that would be an example to all New England, was allowed to pass. One cannot help but wonder when Massachusetts is to have a genuinely modern city built in accordance with the most advanced ideas of civic planning if she could not obtain one when she had a state-appointed commission endowed with wide powers set to the task of restoring an obliterated city."<sup>1</sup>

Although very little significance can possibly be attached to the spring elections in New England, there is this much to be said, that the issues involved have been entirely apart from national politics, and they have been determined without reference to them. In fact in most of the New England states there is really no connection between national and local politics. In most cities there is a general tendency toward improvement. It can hardly be doubted that the average citizen is giving more thought to city matters than he has been accustomed to do in the past. At the same time it must be admitted that New England communities taken at large are making less progress than their sister cities in the Mississippi Valley and in the far west.

New York's progress had already been commented upon in another connection in this review. It has been steady, substantial and encouraging. It represents the new municipal idea. In the opinion of many, New York to-day is one of the most progressive cities in the world. Professor S. D. Adshead, of Liverpool University, in a recent address on "Standards of Public Efficiency," declared himself to this effect, although he did not overlook the gravity of New York's situation, especially in the matter of congestion. In

**New England  
Municipal  
Elections**

**New York's  
Problem**

<sup>1</sup> Oswald Ryan in the *Boston Common*.

this acute observer's opinion the solution of the New York problem lies in the removal of all factories and businesses out of the restricted area of Manhattan wherever they can be carried on elsewhere; the encouragement in every possible way of the construction of more arterial lines of communication, particularly by subway, and the opening of all undeveloped and desirable building land within twenty miles of the city by constructing new lines of communication and so decentralizing the city, and at the same time, but not before, to enforce stringent and restrictive measures on the use of land in Manhattan.

Buffalo is organizing for a civic advance. The Chamber of Commerce and Manufacturers' Club has fathered and prosecuted an important investigation by a citizens' investigating committee of the methods in vogue at the City Hall, especially in the Department of Public Works. The friends of commission government have organized the Commission Government Association of Buffalo, which is carrying on an active and vigorous propaganda. The Municipal League undertakes to examine the record of public officials and to report upon them for the benefit of the electors. A Corrupt Practices Association is assisting in procuring a new state law on the subject. The Referendum League and the Direct Nominations Association are both active. There have been sundry improvements along social and political lines. The Buffalo Polish Survey conducted for six months an intensive study of the Polish population situation in Buffalo. The work was done by highly competent men and has attracted more than local attention. The Buffalo Seminar is an association of about 100 people, mostly volunteers, who have studied with much care the social conditions of Buffalo. The Buffalo Social Workers' Club has been organized. This consists of about 100 paid social workers who hold monthly dinners.

These various organizations are at the present working each in its respective field without thought of co-operation or co-ordination. It is to be hoped that in time they will see that they are parts of a greater whole and will come together in some sort of federation, as have similar organizations in Boston for the emphasizing of the community idea and the advancement of the new municipal idea in all departments of city life.



The same general observations may be made with regard to Albany, although the development there has so far been less extensive and less marked. Nevertheless, as a result of the civic revival of last spring there is a general awakening of public interest.

In Syracuse the marked events of the year have been along material lines. There have been no upheavals of popular opinion in relation to governmental methods, and no special disposition to try municipal experiments. Nevertheless, in the words of one observer:

“If I were to make any comment upon the municipal changes in this city within recent years, I should inevitably be attracted to the increase of the functions which the municipal government here is being called upon to perform. The extension of the work of the various departments into which our city government is divided, is such as to attract attention. It brings the people closely in touch with their government and is a step towards securing that interest in municipal affairs among the voters and residents of the town without which municipal government will not improve however perfect may be its framework. When municipal government performed for its citizens comparatively few functions and these having but little to do with the ordinary run of people, it was not to be expected that the “plain voter” would give time, attention and thought to the selection of men to fill public offices. To-day, however, municipal government in this city supplies water to the citizen; educates his children with kindergarten, primary and high schools; it removes his garbage; cleans his streets; quarantines his home for diseases with which it formerly had nothing to do; it examines his children and insists that they shall be in proper physical condition before it admits them to school; it compels him to submit his building plans, his plans for plumbing, his plans for electrical lighting for its approval; it insists upon sanitary keeping of his premises; it furnishes parks and children’s playgrounds and provides concerts for his amusement and it removes from him his family if he is tubercular, and in a thousand and one ways, it makes itself felt in the lives of each of the inhabitants of the city. It cannot then but be expected that the municipal government will be a vital matter to each of the voters and that these voters will take an interest in it which they did not feel when its functions were less extended.”

In general, it may be said of practically all the cities of New

York State, that a decided improvement is taking place in each one of them, prompted by a strengthening and developing public sentiment. This improvement is manifested in the aims and methods of municipal government. There is less partisanship. Corrupt practices are gradually being eliminated; a business administration of municipal affairs, having regard to the general welfare rather than to special and favored interests, is more and more becoming the rule of municipal administration. There are many evils yet to be amended, but the progress is hopeful.

In Philadelphia a taxpayer's committee on city finances has been organized with a view to ascertaining, through a temperate and impartial presentation, a final and absolute definition of the laws relating to the finances of the city. To present the matter properly to the court the numerous transactions of the city for the past three years have been examined and analyzed by able legal and expert talent. The evidence as presented as a result of this examination shows in round figures the following alleged misuse and shortage of funds:

**Philadelphia's  
Taxpayers'  
Committee**

Proceeds of bond sales for current expenses.....	\$12,500,000
Unpaid bills for 1910 incurred without appropriation.....	1,000,000
Shortage in lawful appropriations to schools.....	1,600,000
Shortage in revenue for 1910 over lawful requirements...	6,000,000
	\$21,100,000
These items total.....	\$21,100,000

In addition to this it is averred that many millions of dollars have been paid out by the city treasury for work and supplies furnished, without any contract or previous appropriation therefor, a practice most dangerous to the interest of the taxpayers, resulting in extravagant expenditures, furnishing opportunity for fraud, and which has already been declared illegal by the Supreme Court of Pennsylvania.

A case involving the facts has been argued and decided in favor of the committee by the lower court. It will be appealed to the Supreme Court, in order to have a definite and authoritative settlement of the question at issue.

Pittsburgh is in the midst of a campaign for civic reform which will require several years more to work out. It began with graft exposures upon which is based a demand for revision of the charter, already referred to, and followed by a movement in behalf of civic betterment along many lines. The voters' league made the graft exposures, and the other civic and commercial bodies at once took hold with the league in an effort to get the greatest permanent benefits from the exposures.

Wilmington, Delaware, has been passing through a very peculiar and undesirable experience. After the election in June, 1909, the Republican candidates for treasurer and for city council in one of the wards received certificates of election. Their elections, however, were contested on the ground of fraud in one election precinct where nearly all the voters were negroes. The cases were tried before the city council, which decided in favor of the Democratic candidates. This decision was concurred in by the Republican minority as respects the city treasurer, but not as to the member of council, they admitting that the frauds proved were enough to overcome the small majority that the returns had given the city treasurer, but had not been enough to overcome the larger majority the Republican candidate for council had received. The Republican incumbent appealed to court on the ground that in consequence of blunders at the legislative session of 1907 there had been no legal election in 1909. After holding the matter for nearly a year, the Supreme Court of the State, by a vote of three to two, dividing on party lines, decided that there had been no legal election and therefore those two officers are holding office on the ground that they continue because there has been no election for their successors. The court moreover expressed itself to the effect that the present councilmen are *de facto* councilmen and that so far as their acts are not disputed they may be regarded as valid.

Richmond's council has adopted an ordinance prohibiting city officials from receiving or agreeing to receive any compensation for services rendered in relation to any proceeding or other matters in which the city of Richmond is interested. This grew out of a vicious practice and

marks the beginning of an era of enlightened public sentiment on a subject of considerable importance. It is to be hoped that other cities, in the north as well as in the south, will follow the precedent thus established. A healthy sentiment in favor of municipal betterment prevails in Norfolk, where the local ring has met a number of significant reverses.

Civic conditions in Wheeling, West Virginia, have taken a decidedly favorable trend, and the city is feeling the good effect of the awakening of civic consciousness which is sweeping over the country. Two years ago it got rid of an antiquated charter granted by the Virginia legislature in 1836, and inaugurated a more modern plan of city government in a charter which made a long step towards centralization of power and reduction in the number of elective officers. A large advance has also been made by the city government in the preservation of public health, the health department being especially efficient. Added to these things, good work has been done by public movements which have resulted in the formation of the Wheeling Playground Association, the Associated Charities and the Anti-Tuberculosis League. In all these efforts the business men, both as individuals and in their organized capacity, have taken a leading part.

In Raleigh the reform ticket, as opposed to the office-holding organization ticket, was successful with a single exception. While the fight has been largely one for offices, as the office-holding crowd adopted several of the planks of the reform element, yet the successful candidates represent that sentiment in Raleigh which believes in more advanced municipal ideas. From the personnel of the successful ticket, the president of the Good Government Association being one of the successful candidates, it looks as if there would be some advanced municipal legislation prepared for submission to the next legislature, and a very material improvement in the matter of administration.

At the Cleveland primary election held May 17th, there were fifty-nine candidates for thirty offices to be filled. Of the thirty nominated only three failed to receive the approval of the Cleveland Municipal Association.

At the election in November, when these thirty candidates were voted upon, in only one instance where the association indicated a choice as between candidates was a candidate elected who was not recommended by the Association. Although the Democrats had a sweeping victory in Ohio, Governor Harmon's plurality in Cuyahoga county being 18,000, the Republican ticket, most of whom received the approval of the Municipal Association on the ground that they had shown efficiency in office and that a permanent tenure in office was especially desirable, was elected by majorities ranging from 2,000 to 11,000. Although the association does not claim the credit for all of this, its recommendations evidently carried great weight with the large independent vote in the county.

Chicago's municipal election in April last illustrated again, if that were necessary, the independence of that community. For fifteen years the Municipal Voters' League, to quote *The Survey*, has put Chicago in the lead of all American cities in the movement to emancipate city government from partisan exploitation and inefficiency. Strictly confining itself to securing the nomination of honest and capable aldermen to the city council, the league has steadily succeeded in raising the council's personnel and policy. When it began not more than one-fifth of the aldermen were regarded as either honest or efficient. For several years two-thirds of them have been reputable, and a fair proportion, men of ability. During the last five years, under the influence of the league, a majority of the aldermen have agreed to constitute the standing committees of council on the basis of efficiency without regard to party. Of all candidates in thirty-five wards only six condemned by the league were elected and twenty whom the league endorsed were victors. The council, consisting of seventy aldermen, contains forty-two endorsed by the league. Two-thirds of the aldermen pledged their support to non-partisan nominations to the council committees.

There is some difference of opinion as to whether the continued success of the Municipal Voters' League or the investigation made by the Merriam Commission is the more important event of the year in Chicago. From the broad point of view, the persistency of the success following the efforts of the league

would seem to constitute that the most important. On the other hand, disclosures of gross favoritism and waste of public funds in connection with city purchases and public-works contracts is most wholesome. The Citizens' Association has actively cooperated with the Merriam Commission in its investigation and has carried on some of the prosecutions.

In Detroit the voters gave a majority of 10,782 for the local Municipal League's civil service charter amendment. There were 16,315 votes cast for it and 5,533 against. Its **Detroit** municipal ownership amendment was not submitted to the voters because of the delay on the part of the Supreme Court of Michigan in passing upon the matter. William B. Thompson, Democrat, was elected mayor by about 5,000 votes against Proctor K. Owens, Republican. The league's attack upon Owens crystallized the opposition sentiment. Outside of the mayor, the city and county tickets were strongly Republican. The entire Republican legislative ticket was elected, and Charles S. Osborn, Republican, was elected governor by over 40,000 majority.

Milwaukee surprised the country in April last by electing a Socialist mayor and a Socialist municipal legislature. Undue **Milwaukee** significance to this must not be given, however, inasmuch as the result is the outcome of peculiar local conditions. The Democratic administration has been notoriously corrupt and inefficient and the Republicans hopelessly divided. As a consequence the people of Milwaukee have manifested, at times, a considerable degree of independence, and have turned to the Socialists for relief. While it is true some Socialists are claiming the election as a vindication of their principles in national and international politics, nevertheless the declaration that Mayor Seidel made just before assuming office, would seem to indicate that conservative counsels would prevail, and that the successful candidates appreciated the grave responsibilities resting upon their shoulders and that their duties were primarily municipal. Here are some of the things the mayor shortly after his election said:

"There will be no utopia, no millennium, none of the world antics that our opponents have charged to us. There will be no

party bosses, no one-man policy. When we decide upon a course to pursue there will be conferences with the other Socialists elected, and the best line will be followed.

"Socialism has been given a chance to show its merit. We can do that by insistent and consistent conservatism.

"I find that the great question that seems to trouble business men is what will be done in relation to the local street car situation.

"We propose to have cleaner cars, no overcrowding, streets sprinkled between the tracks, and we hope for a three-cent fare.

**Socialist Platform** We will do nothing, however, that is not for the best interest of the whole city, and when any matter relating directly to the people of the city comes up which the Social-Democrat officials believe should not be decided by themselves, there will be referendum to the people.

"Business men need have no fears. We shall do nothing contrary to good government to alienate the splendid support given us by men in all walks of life on Tuesday.

"The first step of the Social-Democrat Party will be to reassure the people and relieve their minds of any fear that our victory means an entire overturning of present business conditions. The talk of war on the business interests of the city is like the other wild tales that the old party leaders have told the people would result from our success.

"We are not planning to do anything to injure the best interests of the city. It is true that we have many plans for the improvement of conditions. We shall make the corporations pay their share of the taxes and shall improve the condition of the laboring men of the city. But we will not do anything revolutionary. That would turn sentiment so strongly against us that we would not even accomplish the good that we can by being conservative."

Six months is scarcely enough time for an administration to demonstrate its ability to make good its election pledges. At the

**Socialist Undertakings** same time the Socialists have done quite a little in the way of carrying-out their anti-election promises and platform. For instance, all the public purchasing is being reduced to a system by the establishment of a purchasing department in charge of a competent purchasing agent, and an effort is being made to put this service on as nearly a scientific basis as possible. Workingmen's homes are being provided for through a scheme of city planning and

plotting. Bonds have been issued and a site selected for a civic center. Under the new policy at least one street car franchise has been drawn and accepted by the company on terms that provide for public ownership of street car lines without a cent of cost to the city. Action has been begun by the city attorney to recover \$72,000 from the street car companies for unpaid licenses accumulated during ten years. The old, inefficient board of public works has been abolished, and in its place has been established a single commissioner. Unnecessary employees have been dismissed and their places have not been filled. Wages of the binder girls and employees of the public library and museum have been raised and conditions improved. A new policy in the matter of dealing with the corporations has been inaugurated. The administration writes franchises for the city, dictates terms and submits them to the corporations for their approval, instead of having the corporations dictate to the city. In the words of a member of the National Municipal League, they are regarded

“as more enlightened as to town plan, expert service, and business methods than any city fathers we have ever had. There is no dislike for them, and they show no indication of socialism in its objectionable forms in the city hall. They have been handicapped by the deficit of the Rose regime, but are doing very well in spite of it. They may be said to be making good to a marked degree because they are honest and economical as well as enlightened as to city affairs.”<sup>1</sup>

Des Moines held its second city election under its new charter on March 14th. The primary election resulted in the casting of about the average vote for state elections and **Des Moines** resulted in the polling of a large liberal vote favoring a wide-open town. The law enforcement element, however, had five of the ten successful candidates, and the outcome at the final election was that the more conservative element elected the mayor and two councilmen and the liberals two councilmen only. The present mayor was formerly professor of civics

<sup>1</sup> Later developments indicate that the Socialist administration is causing some disappointment, that the health department is in a bad mess, and that the favorable first impressions are beginning to wear off.



and economics in the Highland Park College, and is regarded as an able and level-headed man. He was elected by a majority of sixteen in a vote of over 15,000. Two of the old commissioners who had given good service were re-elected. The question of municipal ownership entered into the contest, the new mayor favoring immediate municipal ownership of the water-works and ultimate municipal ownership of the street railway. Both of these utilities are asking for extensions of their franchises. In the judgment of a local observer the vote and the "interest at the final election were both up to the standard of a presidential election, showing the Des Moines plan of municipal government is potential in arousing citizens to their interest in municipal affairs."

Outside the inauguration of the civil service system already referred to, Kansas City has established a library of municipal facts, which promises to become most valuable, not only to city officials, but to students of municipal affairs. A competent librarian will be placed in charge of the library. The Kansas City Public Utilities Commission has been doing very good work, considering the limited powers vested in it by the charter. The City Club has been very earnest and active in its work the past year, and is becoming recognized as an influential organization. Among other important matters that it has considered during the past year, has been the establishment of trade schools.

Mayor Brown is proving to be an honest, straight-forward official, and is giving the city a clean, business-like administration.

An innovation that he has established has been the formation of a mayor's cabinet, made up of the heads of the different departments of the city government. This cabinet holds regular meetings and discusses city business, with the result that the departments seem to be working harmoniously rather than at cross-purposes.

The Board of Pardons and Paroles, established by the new charter, is doing splendid work under the leadership of William Volker. This board has power to recommend the pardon of persons in the city prison or workhouse. Its work of placing prisoners upon their good behavior and in granting paroles, has been

attracting considerable attention. The work of looking after delinquent and neglected children is being carried on intelligently here. A special tax levy has been made for the support of the McCune Home, which will furnish that institution a fund of about \$60,000 a year indefinitely for the erection of buildings and improvement of the plant. This institution is located upon a farm of 100 acres sixteen miles from Kansas City, and is used as a home and school for the younger and more tractable wards of the Juvenile Court. Under the direction of the present judge of the Juvenile Court, Judge Porterfield, a fund of \$60,000 has just been raised for the erection of a Boys' Hotel, where working boys who receive meagre salaries will be furnished clean rooms and wholesome food. This hotel has been running for about four years, but has been inadequately housed. The matter of establishing a civic center of municipal buildings in the vicinity of the proposed new Union Station is being discussed.

At the last session of the Kentucky Legislature a bill was passed to abolish the old Louisville school board and to establish for that city a board of education consisting of five members to be elected for a term of four years, to have complete control of all the public schools. The board has power to name the superintendent of schools, to have charge of the teachers and the course of study, etc., and will also elect a business director who shall have charge of the construction and repair of buildings. These subordinates will first be elected for a term of one year and, if found fit, will then be elected for a term of four years, but may be removed by the board. It is intended to take the schools out of politics. The members of this board are voted for on a separate printed ballot without any party device, and the position of the names on the ballot will be determined by lot, and the position of the names will be changed on each succeeding hundred ballots. This will be almost an educational qualification for the voters. The Board of Trade and the Commercial Club and the Woman's Club and the alumni and alumnae of the high schools and other organizations of the city appointed about thirty delegates to select a committee of seven to nominate a citizens' ticket of competent men irrespective of politics.

The most important development in municipal affairs in Alabama cities is the growth of the movement for commission government. The question has been submitted to the voters of several cities, notably Birmingham and Montgomery, and has been endorsed by an overwhelming majority. There is a strong demand throughout the entire state for this form of municipal government. The legislature will assemble on January 1st, and it is the opinion of a great many people who are well informed on this subject that the legislature will adopt a general law for the administration of all municipalities by a commission, and it seems to be the opinion that this changed form of government will be put into effect at the earliest opportunity.

A general view of the situation for Alabama shows great municipal activity in the construction of municipal works and improvements, and the census returns show a very large increase in population. The greatest increase east of the Mississippi river is the city of Birmingham, with a percent of 245, giving a total population of 132,685.

The victory for municipal democracy in Denver was one of great significance and against enormous obstacles. The water company was defeated in its efforts to get a new franchise, though it was supported by both political organizations. A municipal system was authorized. The initiative, the referendum and the recall were adopted over the opposition of both. The Citizens' ticket was elected over those of both the old-line parties operating in combination, although \$400,000 was spent to defeat it, and it had only \$1,500 and neither organization nor poll workers. All through the campaign, in which Judge Lindsey was active and tireless, the *Denver Republican* declared editorially and with glaring headlines that if under all the circumstances the Citizens' ticket were to win it would mean that the people of Denver endorsed the truth of Lindsey's book, "The Beast and the Jungle." In the words of *The Public*:

"By confession of his local enemies, therefore, the truth of Judge Lindsey's revelations is confirmed by the people of the city.

The completeness of the defeat which the bi-partisan 'Beast' has suffered in Denver, and the intelligent discrimination of the voters, may be inferred from the fact that every referendum proposition of the 'Beast' which the citizens opposed was defeated by from 5,000 to 10,000 majority, while every one that the citizens supported was carried by from 2,000 to 4,000 majority. In securing this victory the women voters had a hand, for Denver is in Colorado where women have the suffrage and use it."

In Colorado Springs one of the most interesting developments of the year is the attitude of the commissioners towards the civil service commission. After a prolonged struggle a very comprehensive civil service ordinance was passed by the council, and took effect last March. It is now very generally felt by the city officials that the passage of this ordinance has relieved them greatly in the matter of appointments, and that they would be truly sorry to return to the old system. Although the charter has been in operation for fourteen months, there has been no occasion to make use of either the initiative or the referendum. The city council is responsive to public wishes, and in one or two cases where action was taken which caused adverse comment of weight, the council rescinded its action. There has been scattering talk of recalling the mayor. The affairs of the municipality are being managed in a business-like and efficient manner, and politics is playing a very minor part in the proceeding.

Reaction has been the characteristic of Seattle in local affairs. The administrations of Mayor Ballinger and of Mayor Miller had been clean and the administration of Mayor **Seattle** Moore, which intervened, was also clean for the greater part. The present Mayor, Gill, is an old-fashioned politician of the least desirable type. His only opponent was a French-Canadian whose mastery of our language was imperfect and whose irritability of temper and suspicious attitude made it impossible for persons having business with him as a member of the board of public works to get along with him. So unsatisfactory has been the administration of Mayor Gill that an attempt "to recall" him was undertaken, but failed for technical reasons.

Spokane is making for a new charter and a comprehensive plan of city improvements. Some idea of its progressive tendencies may be gathered from a recital of the way it has gone about securing a new charter.

**Spokane**

At an "Optimist Dinner" given by seven public-spirited citizens in January, 1909, to one hundred and fifty representative citizens, one or two leaders having been invited from the various civic bodies, labor bodies, business interests, professions, and the like, the matter of charter revision was spontaneously injected into a gathering which had been designed exclusively for the dissemination of parks and play-grounds propaganda. As a result, the chairman of the meeting, which followed the dinner, was delegated to designate ten citizens to draft amendments to the city charter, which was done in conjunction with the city council, and the amendments submitted to the voters were for the most part approved. They were designed to simplify the governmental machinery of the municipality and to fix responsibility, which theretofore it had been quite impossible to do. At the election which followed shortly, a council was elected with a majority from one party, and a mayor from the other. This resulted in a lack of co-operation and harmony between the two branches of the city government, although the differences have not been on strict party lines, and, in turn, have resulted in further agitating the public demand for a commission form of government. The Committee of Ten having completed its labors and been discharged sometime previously, the mayor, no doubt being actuated by a sincere purpose to meet the apparent trend of public opinion, appointed a Committee of Fifteen to draft a commission form charter. After this committee had gotten to work, it was found that the law provided for selection of such a committee by the voters. Therefore, September 27th was designated as the date for the election of fifteen citizens for the purpose of drafting a new charter. There are some thirty-five candidates, made up of some of the foremost men of business, the professions, labor, and of Socialism. Practically all of these candidates are pledged to the commission form charter. The freeholders elected have gone carefully about their work and the result has been the formulation of an up-to-date instrument.

The Bureau of Inspection of the Merchants' Association has watched all the city outlays where great improvements are being made and the municipal government has generally given a willing heed to the corrections which this bureau has demanded, where the contracts were not being carried out in full accordance with the specifications. This covers some very important work in the way of high-pressure fire protection system under a bond issue of \$5,200,000, a new sewer system under a bond issue of \$4,000,000, a garbage disposal plan under a bond issue of \$1,000,000 and various municipal buildings renewed, to the extent of \$8,600,000.

In the months of November and December, 1910, Los Angeles held its first election under the non-partisan primaries by which the vote was first on all nominations sent in, without any party designation on the ballot, and then, a month later, on the two highest, without party designation. The outcome was the election, by large majorities, of an entire good government ticket which gave that element absolute control of the city government for the ensuing two years. These officers have been in now nearly a year, and have made an excellent record for efficiency and uprighteousness. They have been, if anything, ultra-conservative. Those who feared radical legislation, and for that matter those who hoped for original reform legislation, have both been disappointed. It is very much like any other city government except that it is more efficient and there is absolute confidence in it. Mayor Alexander, although over seventy, is making a splendid record as an executive, and he could, in the judgment of keen observers, be elected indefinitely as long as he keeps up his present activity.

At the fall election a year ago, the voters adopted the Municipal League plan for a utilities commission of three, appointed by the mayor, who have power to make all investigations and recommend to council on all matters that cover the relationship of the utilities and the citizen. This commission has proven most effective. It reported advising the lowering of the electric lighting rate from nine cents to seven, which was adopted by council, but contested by the companies with a referendum. It went to a vote last spring and was carried by a large majority.

Last spring also the citizens voted three million and a half in bonds to construct a power-plant on the Owens River Aqueduct, which will give us immediately 40,000 horse-power, and will lay the foundations for the development later of a total of 120,000 horse-power. This power will sell for enough to take care of interest and sinking fund of the aqueduct, leaving most of the sale of the water for profit.

When it became known to the Eastern syndicate that is purchasing the aqueduct bonds that the city proposed to go into the electric business on a large scale, difficulties immediately developed in the sale of aqueduct securities, which difficulties could easily have been removed had the city been willing to surrender its power plans. Of course, this same syndicate of capitalists was deeply interested in the securities of local electric companies which might be affected by the municipal undertaking. The purchase contract or option held by the syndicate with respect to the aqueduct bonds was so drawn as to admit of their holding out on the purchase for a time with the result that the city suffered a temporary tie-up in the aqueduct work involving some loss. The banks of the city, however, came to the rescue and two of the big insurance companies took a million dollars of the securities, and work was resumed after a rather unpleasant struggle in which the city got a clear idea of what the electric companies would do if they got a good chance. The aqueduct will be finished in a year or two, and the city which now uses less than a thousand inches of water will have twenty thousand, and will sell its surplus to surrounding cities and for use in intensive farming. This opens up the chance of great undertakings.

One or two changes of importance have been undertaken by the new administration. One of these is the elimination of the loan-shark evil, which formerly was very bad, but which is now under control, with respect to city employees. The other is in the line of liquor legislation. The control of the breweries over the saloons has been terminated and drastic legislation has been put through for the control of the liquor-selling restaurants. There is a limit of 200 saloons, which considering that the city has now over 300,000 population, gives the smallest ratio of any city in the United States.

One peculiar issue was brought out with reference to the referendum during the year. When the council passed the ordinance lowering electric lighting rates, the company proceeded to get signatures on a referendum petition. The charter provision was so drawn that it was possible for them to hang up the ordinance until an election should come around, which might mean six months or a year. To fight that, which meant a difference of ten thousand dollars a month to the citizens, the Municipal League got in with another referendum petition, which would enable council to double up the referendum election with another election that was coming along immediately. Thus the city was compelled to use a referendum to defeat a delay which the unfriendly referendum of the companies might have caused. This illustrates one of the difficulties that has to be faced by the direct legislation plan.



# The Sliding Scale Method of Regulating Public Service Corporations.

By EDGAR N. WRIGHTINGTON, BOSTON,  
Vice-President Boston Consolidated Gas Company.

The service provided by our public utilities is usually furnished under one of four systems:

1. By means of a single private company without public regulation and control.
2. By two private companies operating in competition with each other.
3. By the municipality through actual ownership.
4. By a private company under public regulation and control.

Under the first system it might at first thought be assumed that there is no restriction whatever upon excessive charges as there is neither actual competition nor public regulation to limit the returns of the company.

As a matter of fact, however, although some companies have established unnecessarily high prices under these conditions, almost all of them have been satisfied with reasonable profits. These companies have realized that the good-will of the public is their principal asset, and that low prices will increase business, and, acting from motives of intelligent self-interest, have maintained reasonable charges to the public for the service which they furnish.

At the same time there has been a growing sentiment among the public that such opportunities as have been offered these companies for excessive profits, even if not exercised, are a source of some danger.

One of the first remedies advanced is that of competition. To the unthinking and inexperienced the theory is plausible enough.

**Fallacy of Competition** Competition in mercantile lines of business leads to reduced prices, why not with public service companies? One reason is because of the duplicate investment required for the competing company. The fixed

charges of a public-service company are a much greater proportion of the total expenses than is the case with most other lines of business.

Although reductions in price may at first result from the competition the investments are comparatively so large that sooner or later the two companies must come to some understanding and one company purchases or consolidates with the other. In the end the public is forced to pay the fixed charges on both investments. This payment takes the form either of increased prices, or delay in reducing prices. We need only point to the history of such experiments to prove that such is the almost inevitable result.

Municipal ownership was also at one time a popular theory. More recent experience has, however, demonstrated its fallacy, and the agitation for public ownership is distinctly on the wane. Even eliminating the frequent dishonesty and inevitable extravagance of public ownership, the income derived from charges to the public for service must be practically the same as under private ownership. The municipal plant is subject to the same expenses of manufacture and of distribution as the private plant. Taxes lost by the city are equivalent to taxes paid by the private company. Depreciation, although often ignored by the municipal authorities, goes on just the same as with private ownership.

The rate of return on the necessary investments by the city must always carry more than the ordinary interest rates at which the city bonds are placed, as municipalities are subject to practically the same business risks as are private companies.

But such ideal conditions of operation by municipalities are, in the nature of things, practically impossible of realization. The municipality cannot demand the services of the best men as managers of the public undertakings on account of the uncertainties of continuous employment through change in political control. The demands of political patronage lead to the employment of inexperienced, and, oftentimes, unnecessary employees.

Graft and dishonesty are not necessary for the failure of public ownership. Municipalities are notoriously inefficient in conducting their ordinary business even when administered honestly,

consequently we are not surprised to find that in those instances in this country where their activities have been extended to public-service undertakings, they have inevitably led to failure.

Regulation and control of a private company by public authority, if fairly and intelligently exercised, provide a means of adjusting any differences regarding rates and quality of service. There is some danger in such authority assuming administrative functions and hampering the proper conduct of the business and, where rate-making powers are given, of restricting the return on the investment to such narrow limits that capital becomes timid and the development of the business is retarded. The net earnings should not be reduced to the point at which confiscation of property might be claimed by the company, as a fair return on the amount of investment is somewhat more than that which would just escape confiscation. In the long run the most satisfactory results will be secured by a policy which allows considerable freedom to the company so long as an undue burden is not placed upon the public by reason of excessive charges. One disadvantage of this system of regulation is that such extreme power is liable to abuse and much depends upon the personal element. Moreover when the returns are fixed at a definite amount there is no incentive on the part of the company to introduce economies or improvements in the service.

Those who do not find in the four systems of regulation mentioned above a satisfactory solution of the problems involved in the relations of public utilities with the public, have been recently attracted to a method long employed in England, but having only one example in this country, namely in Boston.

This method has been applied specifically to gas companies and is called the "Sliding Scale".

The principle of the "Sliding Scale" is as follows:

A standard price of gas is established and a standard rate of dividends. Both the price and the rate of dividends are fixed on such a basis as to secure an adequate return on the money invested in the business. For every reduction in the price the company is allowed to increase correspondingly the rate of dividends which may be paid.

#### **The Sliding Scale**

In Boston the standard price for gas was fixed by an act of the legislature at 90 cents per thousand cubic feet. The standard rate of dividends was fixed at 7 per cent. For every reduction of 5 cents in the price of gas the company may, during the following year, increase the dividend rate 1 per cent.

The act provides a reserve fund for emergencies which may be set aside each year up to 1 per cent of the capital, until the fund becomes equal to 5 per cent of the capital stock. If an excess is earned above the amount provided in the reserve fund such excess is to be paid to the towns in which gas is sold in proportion to the miles of main in each.

Issues of additional stock are to be valued by the Board of Gas and Electric Light Commissioners. Before the new shares are offered to the stockholders of the company they shall be offered for sale by public auction, and no bid is to be accepted for less than the price fixed. Any stock not sold at auction is to be offered at the fixed price to the stockholders. Any stock so offered and not sold shall again be offered for sale at public auction. If the new stock to be issued does not exceed 4 per cent of the existing capital stock of the company it may be sold at auction without being first offered to the stockholders, provided it is not sold at less than par.

After ten years' time upon the petition of the company, or upon the petition of the mayor, or selectmen of the cities and towns in which the company is supplying gas, the Board of Gas and Electric Light Commissioners shall have the authority to lower or raise the standard price to such extent as may justly be required by reason of greater or less burdens which may be imposed upon the company by reason of improved methods in the art of manufacture, by reason of changes in the prices of material and labor, or by reason of changes in other conditions affecting the general cost of manufacture or distribution of gas.

Since the passage of this act the price of gas has been twice reduced, on July 1, 1906 to 85 cents and on July 1, 1907 to 80 cents. At the same time the rate of dividends has been increased from 7 per cent to 9 per cent. For the year ending June 30, 1907, the first year in which the "Sliding Scale" was put into effect, the sales were about three and three-quarter billion. The reduction

of five cents that year amounted to about \$190,000, while the extra 1 per cent of dividends which were allowed amounted to about \$150,000.

During the year ending June 30, 1908, sales were about four billion, and the additional reduction at that time, together with the previous reduction mentioned above, resulted in a saving to the public of about \$400,000. The company received an extra 1 per cent in dividends, making the rate 9 per cent, or an increase in the total amount of about \$300,000 per year for the stockholders.

**Results of  
Boston's  
Experience**

In this connection it may be mentioned that the various companies which went to make up what is known as the Boston Consolidated Gas Company, were consolidated on June 15, 1905, and between that time and the date that the "Sliding Scale" went into effect, the new Consolidated Company reduced its price of gas 10 cents per thousand feet, so that the public between June 15, 1905, and July 1, 1907, received a reduction in price of 20 cents per thousand cubic feet, this reduction being brought about by the consolidation and the "Sliding Scale".

The sales for the year ending June 30, 1910 were four billion, four hundred million cubic feet, and the saving on this amount to the public at the present price as compared with the price in June, 1905, was about \$880,000. It is evident that the proportion of the profits given to the public is increasing and will increase more rapidly than the amount of the profits given to the company.

It should also be stated that although the actual book value of the property represented by the investments of the company amounts to nearly \$25,000,000, the capitalization is only about \$15,000,000. Consequently a dividend of 9 per cent on the capital of about \$15,000,000 is equivalent to about 5½ per cent on the actual book value of the properties.

The public is interested primarily in low prices and good service. The amount of dividends paid to the stockholders of the company does not interest the public unless such payments prevent them from getting low prices.

When the payment of extra dividends is not only prohibited

unless reductions in the price are made, but increases in the rate of dividend are actually offered as a reward for reduced prices, then the public joins willingly in the partnership.

With the incentive of increased dividends before them as a result of the display of special energy and ability in conducting the business, managers of such undertakings will use every effort to introduce economies and to increase sales in order that the price may be reduced and the dividends increased. The public will receive the benefit of this increased effort in lower prices.

As far as the public is concerned nothing but praise is heard of the application of the sliding scale in Boston, as would naturally be expected when their share of the profits has actually been greater than that of the company. Besides the reductions in price which have resulted it is believed that the partnership with the public which this act creates develops that mutual goodwill and confidence which are essential in the relations of all public-service corporations with the public.

# Is a Rational Basis Possible for Telephone Rates?

By DUGALD C. JACKSON, BOSTON,

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The rates charged for telephone service in all the important American cities have grown up in accordance with expediency and as the result of the judgment and experience of the telephone officials, and it is, therefore, not astonishing that the telephone companies have become accustomed to assert that rational methods of analysis cannot be applied to test the reasonableness of such rates. Ready means of intercommunication are now so

## Local Investigations

essential a part of business and social life that it is equally natural for subscribers to view askance the efforts at telephone rate-making which depend only upon expediency or on the judgment of certain officials. Skepticism of the fairness of telephone rates fixed in that manner has led to investigations in a number of the more important American cities and states, and has produced reports like those made by the Merchants' Association of New York in 1905, the Special Telephone Commission of Chicago in 1907, the Board of Trade of New Orleans in 1908, the Travelers and Merchants Association of Baltimore in 1910, and the recent studies of the Commissions of the City of Los Angeles and of the states of Massachusetts and Wisconsin.

The activity thus stirred up seems to give promise of the general adoption of a more rational basis of charges for service. It is undeniable that the judgment displayed by telephone officials has built up their business marvelously, and has made the telephone a necessary tool of commercial and social intercourse; but the very importance thereby given to the telephone service makes indefensible any opposition to legitimate efforts to get rates on a more rational basis. Guiding principles in so complex a subject can be evolved only as the result of thorough-going statistical study of the problem.

The startling complexity of the telephone rate problem is illustrated by the introductory statement of the Commission of Engineers who in 1907 made a comprehensive report of the telephone situation in Chicago. I will quote three paragraphs from that report:

“ A telephone company in a large city must face a problem in many respects more complex than that of any other public utility corporation. The water department is called upon to sell a single commodity; namely, water, and at prices which are fixed with comparative readiness. The gas company also is called upon to sell a single commodity, metered for nearly every customer, and its conditions in dealing with customers are relatively simple. It may sell some additional by-products, as coke, tar and ammonia, but the quantities and market values of these are readily arrived at. The traction company has a more complex problem than some of the other purveyors of public utilities, but even here the price paid by the several patrons is uniform and the substantial difference between patrons lies only in the lengths of the rides which they may choose to take.

“ The telephone problem, on the contrary, involves many complexities, partially caused by the relatively large number of classes of service which the telephone company must offer to its patrons for the purpose of fully developing the telephone service of the city, and partially by the intangible character of the electric medium with which the telephone business is carried on, the delicacy of the apparatus used, and the wide differences in the manner and extent of the use of the apparatus by the various subscribers.

“ If a telephone company properly extends the telephone service in the city, it must be prepared to take care of the requirements of a range of patrons as wide as the interests of the city itself, including the largest business organizations, the hotels, the newspapers, the professional men, the small business houses, and residences of all classes. It must provide apparatus for the service of each class of patrons which will enable it to furnish the service to each subscriber at an appropriate price within his means. It is desirable for the prices to be graded so that the largest user shall not pay less than his fair share of the expense of maintaining the traffic and the remuneration to the company for its investment, and equally so that the smallest user may get his telephone service at a price which is within his means and yet is reasonably remunerative to the company for its outlay.”



There are four general principles that cannot be safely departed from when considering rates of a public-service company. These may be stated in the following words:

1. The company is granted certain privileges by the public for the purpose of enabling it to furnish readily some type of service to the people, and it should be expected to furnish service fitting the needs of the people; good of its kind, and at prices which are reasonable when judged by the conditions.

2. The company must not be unnecessarily harrassed, but must be afforded reasonable opportunity for economically transacting the business related to giving the service for which the company was organized; and it must be allowed to make sufficient returns on its investment to enable it to attract the best and fairest minds to the management, and maintain a position of stable credit with the investing public.

**General  
Principles**

3. A public service company in a new and developing country must see before it opportunity to earn returns on its invested capital which are large compared with those adequate in stable and thickly-settled regions, in order that it may secure the capital needful for developing its plant and extending its service to meet the apparent needs of an expanding but not yet stable population.

4. A new company, even in a stable country, ought to earn more than current rates of interest for its investors whose enterprise enables them to take the risks of establishing the business, but the rate of return on the investment may be expected to approach current rates of interest after the business has become profitable and is firmly established on fixed franchise rights covering a long period.

I will not here give the arguments to show the validity of these principles, or attempt to explain their significance. An acceptance of those general principles, leads as a consequence thereof to recognizing that an equitable system of telephone rates should distribute the burden of expense which must be borne by the company for operating, maintenance, depreciation and interest, between the users with reasonable consideration of the proportion of the expense which is caused by the service in each of the several classes; and the classes of service should be subdivided in such a manner that subscribers with relatively similar wants will naturally group themselves together.

The ideal method of charging for telephone service is to

charge each customer in proportion to the service he receives from the company, measured in quantity received and of the quality corresponding to his needs; and to make the charge to all customers as low as is consistent with the operation and maintenance of the property, accompanied by the payment of a fair return on the money invested. When unlimited service rates are charged, two kinds of customers, namely, business customers and residence customers, are ordinarily differentiated from each other. Each of these kinds may be grouped in various classes by arranging individual subscribers on special lines, associating two or more subscribers on a party line, providing private branch exchanges, etc., according to the needs of the customers; and the rates charged for service in the several classes may be expected to differ, on account of differences in the cost of equipment required in different classes and on account of differences in the average amounts of use of the telephone by customers in different classes.

Message rates for telephone service have decided advantages over flat rates in many particulars. Message rates manifestly make it possible to reduce the price of telephone service to the small users to the smallest fair annual charge for what they actually receive; and this is particularly true if effective and convenient means for curbing extravagant use of the service are introduced, as by the introduction of prepayment service, and convenient means for collecting accounts are provided.

The smallest fair annual charge referred to should probably be sufficient to cover a reasonable interest, taxes, depreciation and maintenance for the portion of the plant that must be provided for the use of the average of the individual users in the subscriber's particular class, added to an amount which is proportional to the average number of messages transmitted from his telephone in a year.

All legitimate expenses of the operating company must obviously be provided out of the revenue obtained from the rates, and the rates should raise only enough revenue to meet these expenses, provided the word "expenses" is used comprehensively so as to include return on the

**The Ideal  
Method**

**Expenses**

investment. The expenses may be grouped as executive (general), operating, maintenance (repairs), taxes, renewals (depreciation, etc.), and the return on the investment. The last item is sometimes referred to as "interest" and sometimes as "interest and profit". In the latter phrasing, I presume that the interest referred to must be taken at current rates for secured investments, and that any additional return required to support the solvency of projects referred to in the third and fourth of the above-mentioned general principles, may be called the "profit". A reasonable standing surplus is needed as a reservoir to maintain a parity of conditions from year to year, and if this has been drawn upon it must be replenished as earnings warrant.

If the rates by which the revenue is raised are to be put on a rational basis, there must be some better reason for the differences between the charges for different classes of service than only the judgment of company officials, however able and experienced those officials may be. These differences now rest almost altogether on expediency, what the traffic will bear as shown by the growth of the service, and a certain bulk judgment of the possibilities. To improve on this, it is necessary to obtain an intimate statistical knowledge of the traffic of each class of subscribers, the plant investment required to provide that traffic,

**Statistics Needed** the effect of the traffic on the wear of plant, the expenses of operation associated with the traffic, and other like information that telephone companies have not been in the habit of gathering or recording. The plant, the money, and the traffic statistics must be brought into association. The telephone companies have heretofore been satisfied to hold their accounting as a species of auditing capable of showing what dividends the company can pay, after leaving some surplus as the result of any year of operation, and they have failed to erect it into a statistical structure which will afford indications of the relative reasonableness of their different rates. The hesitancy of company management to enter upon full statistical records and study of its business when not compelled to do so by the influence of keen competition such as exists in some branches of manufacturing, is perhaps not unnatural but it is a hesitancy that needs to be overcome for the joint good of the public and the serving companies.

As a basis of determining the reasonableness of rates, the following factors must be taken into account:

(1) The annual cost entailed by the investment which is needed to care for the subscribers' wants, which investment depends not only on the cost of the plant required to connect the subscribers to the exchanges, but also on the amount of traffic which is handled over the subscribers' lines; and (2), the cost per message entailed in caring for the subscribers' traffic.

The property required for each class of service must be maintained day by day, and also must be replaced as it depreciates from any cause below an efficient condition; interest must also be earned upon the investment. These should not be apportioned among the classes of service directly in proportion to the numbers of subscribers in the classes, but should be apportioned in proportions depending jointly on the numbers of subscribers, the character of the plant required, and the amounts of traffic in the several classes. The annual cost entailed by the investment which is needed to pay for the subscribers' wants, therefore, depends upon two things. One is the mere fact of his taking telephone service, and therefore requiring the company to furnish equipment whereby it may be ready to serve him—the cost of which equipment is affected by the kind of line he subscribes for, as special line, two-party, private branch exchange, etc. The other is the extent of his traffic, since a large amount of service originated by a subscriber calls for a larger investment in certain portions of the plant than would be requisite to care for the wants of a subscriber with a similar line but smaller traffic thereover.

The costs over and above the return on the investment are made up of (a) an operating cost; (b) the costs of general expenses (including taxes), superintendence, advertising, current repairs, instrument rentals, messenger expense, conduit, pole and roof rentals, sublicensee expenses, and the like; and (c) the depreciation charge, including insurance against the effects of extraordinary action of the elements, and the cost of reconstruction required by legal enactments.

The investment required per subscriber in the various classes

of service is a complex quantity. For instance, each subscriber requires one substation and one drop wire, regardless of the character of service; special line subscribers each require one subscriber's telephone circuit with switch-board connection; party-line subscribers are each chargeable with a part of the cost of one subscriber's line and switch-board connection, etc.

Interest and depreciation (renewals) carry a larger influence in the affairs of a public service company than in average business affairs, particularly because the total income of a public service company is a fraction of the actual money invested instead of being a multiple thereof. It is, therefore, manifest that a detailed knowledge of the cost of producing the property required for sustaining the public service is one of the features of prime importance in the problem of arriving at rational rates. This points to appraisals of the property of the telephone companies, as done in Massachusetts and Wisconsin, since the companies themselves seldom have adequate records of either property units or property costs. The apportionment of investment and annual expenses between classes of service for the purpose of testing the reasonableness of existing rates or fixing new ones, requires the assumption of factors and the utilization of averages which the old-type telephone man may criticise, but such criticism may be captious rather than just. The whole fabric, for instance, of charges by life insurance companies depends upon careful actuarial computations founded on the use of averages and it works out advantageously for both the insurer and the insured. A careful insurer would have a profound distrust of an insurance company which failed to gather, record, and use all pertinent statistics in connection with its rate-making.

One of the difficulties of the situation is to devise a test of the equitableness of rates which, as a test, will be satisfactorily applicable to all cases. It is being urged in some quarters that cost of specific performed service shall be determining. In other quarters, it is urged that the "value of the service" to the subscribers shall be determining. The latter seems but another way of proposing to make charges according to "what the traffic will bear", when that phrase is used in its objectionable sense of taking as much as the sub-

scribers will give up. This phrase, "what the traffic will bear", however, has a meritorious significance which differs from its popularly-accepted meaning of taking all that the customers will pay. According to its meritorious and correct meaning, it signifies that the charges made for service are adjusted as between the company and each group of its customers, so that the company finds the dealings profitable with each, when the full situation is considered, and each customer receives service which, as nearly as practicable, meets his requirements and costs a price which makes the service advantageous to him, while no unjust discriminations between customers are allowed.

In passing, I will make a note that the last phrase does not involve equal prices to all customers, but does involve the treatment of all customers so that they obtain from the company relatively a fair return for their money.

It seems to me that the test of the reasonableness or equitable-ness of the rates maintained by a public service corporation is found in: (1) The effectiveness and simplicity with which the schedule classifies the customers, so that the total required income is collected in a manner which secures the same rate for all customers of a class obtaining approximately like service, though customers belonging in different classes may be subject to quite different rates because they obtain service with differences of character which essentially affect the cost per unit; and (2) the certainty with which the rates secure from each class of customers the full annual operating cost of the service in that class and such a proportion of the reasonable return on the investment as the customers' traffic can afford. It then becomes a matter of public policy to determine whether a company receiving a public grant shall be privileged to take a larger proportion of profit from one class of customers than from another, the word "profit" being used to signify the aggregate return on the investment. This is a relatively new question in public policy, and the ultimate limitations of the policy must rest with experience and the future expressed judgment of our most judicial minds. It would be a manifest injury to the nation if the policy became so circumscribed that the railroads would feel that equal proportions of profit must be earned on all parts of their systems and from

all kinds of traffic. What the effect of so circumscribed a policy would be in the case of corporations giving service within the limits of a single city or a single state like most of the telephone companies is not so clear, but it would probably be undesirable.

The cost of performing the service seems to me the most important factor in determining rates in stable and well developed territory, but its application to telephone service must be made with a cautious consideration of all the facts. Reasons for this are obvious when the problem of telephone service is carefully scrutinized. In city service, the large business users demand a celerity and accuracy (quality) for the service which adds much to its cost. Physical conditions prevent providing this fast service for one class of subscribers and not for others in intimate intercommunication therewith. But some of the latter classes, as for instance, the residence users of moderate means, may have no interest in or care for the remarkable speed and accuracy which characterizes the telephone service of many American cities. Service of a lower grade of speed and accuracy, which is less costly to produce, would equally well satisfy the desires and needs of such subscribers. A distinction should, therefore, probably be made in class rates, so that the cost of the extraordinary speed and accuracy may be placed on the classes of subscribers who demand it.

A similar condition exists in the relations of city and rural telephone service. The business subscribers of the city demand the speediest and most accurate service obtainable at any cost, but rural subscribers are usually well satisfied by a more leisurely grade of service. However, the city conditions are forced, by the demands of the city, to be spread over both the city and the closely related rural communities; and, here again, the extra cost of the speedy service presumably ought to be borne by the classes of subscribers imposing it. As the provision of the speedier service requires greater investment in rural plant than might otherwise be necessary, it is obvious that the cost of performing specific service in the suburban communities may not be a fair basis of rates in case the cost is to be put where it belongs.

The foregoing indicates that city business rates may be reason-

ably expected to be higher than residence or rural rates. A differentiation between business and residence users under flat rates has heretofore been common, and this is additionally justified by the lower average calling rate which is usually characteristic of residence subscribers where flat rates are in vogue. The relations pointed out above apparently justify an adjustment in favor of residence users of moderate requirements even when measured rates are adopted. The policy of some telephone companies apparently is in this direction.

Progress is plainly being made in the direction of rationalizing telephone rates. One of its indications is found in the syllabus of an opinion delivered in a telephone rate case by the Wisconsin Railroad Commission, which says:

“No reasonable objection can be taken to a schedule of rates based upon the actual quantity of the service rendered.”

It would be difficult to quarrel with this, provided “quantity” is construed to comprehend the number of messages or reasonable time-length and the distance of the message transmission; it being understood, however, that any comparison must rest between users needing service of equal quality. If the latter condition is not tacitly understood, the statement ought to be amended so as to read that “no reasonable objection can be taken to a schedule of rates based upon the actual quality of the service required and quantity rendered.”

As also showing the tendency toward rationalizing rates, I will quote from a recent finding of the Massachusetts Highway Commission in respect to telephone rates in the large city of Boston and its surrounding important suburban districts:

Knowing that a certain revenue must be raised, the Massachusetts Commission has pointed out:

“That the district to be covered by a given telephone rate should be the territory generally used by the great majority of the subscribers therein, rather than a much larger territory, the greater portion of which is seldom used by the majority of subscribers.

“That the company should collect its revenues for calls between more distant portions of the territory from those who make use of such service, rather than from those who use only local



service involving the use of a much smaller portion of the plant.

**Massachusetts  
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“That the suburban exchanges have of necessity so much occasion for calling into Boston and vice versa that the five-cent toll rate between Boston and suburban exchanges should be extended to cover the longest distance consistent with a well-balanced schedule and with fairness to the company.

“That business service, at least, except for essentially local service, should be placed on a measured basis; and

“That so far as it is possible to do so, the rate schedule should be so made as to furnish telephone service to the small user at the lowest yearly charge that is fair and equitable, and, on that as a basis, adjusted to meet the requirements of the medium user.”

Telephone companies still assert that no rational basis for telephone rates can be found. A few of the companies have adopted their rate schedules as the result of certain actuarial operations, but most of them have arrived at their schedules by the path of expediency and gradual modification. Few can support the reasonableness of their schedules on a foundation of facts produced from their accounting records, but I believe that this condition not only ought to be overcome, but is likely to be overcome. The willingness of the telephone companies to co-operate with supervisory commissions, in gathering, and, to some degree, in studying, cost and traffic statistics, is an encouraging indication. With accumulating statistics which give a clearer understanding of costs of giving service and the relation of speed and accuracy of service to its costs, each modification of rate schedules under the supervision of wisely-constituted commissions ought to approach closer to a rational basis. A more effective organization of cost keeping than has yet come into vogue should be insisted on. It must also be constantly remembered that traffic is a factor of the utmost importance, and traffic statistics must be made of record and carefully studied.

The telephone rate problem seems as complex as any facing the public service commissions, not excepting the problem of railroad freight rates; but telephone rates are usually made for the territory of an individual city, or, at most, an individual state, which gives ground for expecting more rapid progress in improving the basis of fixing telephone rates than can probably be reasonably expected for freight rates.

# The Street Railway Situation In Detroit.

By PAUL LEAKE,

Secretary Wholesalers' and Manufacturers' Association, Detroit.

In accepting the commission to prepare a paper on the street railway situation in Detroit, and its possible or probable solution, I realize that there are about as many opinions as there are students of the urban transportation problem. I cannot please every one, but will endeavor to give a clear, unbiased statement of one of the most complex questions in our municipal life.

To put the cart before the horse, I will state that it looks as if the people, as represented by voters at the polls, do not want a settlement of the street car question, as at the time this is written both the Republican and Democratic nominees for mayor have injected into their campaigns the street car question, and strange to say, both are leaning to the ultra-radical, and bidding for votes on the municipal ownership basis.

In the presentation of this paper it must be understood I take neither side of the question, but endeavor to place the situation before you as a citizen and a taxpayer.

To handle the question intelligently it is necessary to give a brief historical review of the transportation question in Detroit.

## **Historical Review**

In the course of evolution, the horse car gave way to the electric lines, capitalists from Cleveland, including Tom L. Johnson, invaded Detroit and sought a franchise. Hazen S. Pingree, then mayor, and afterward governor, countenanced the granting of a franchise to what was then considered an independent line under the name of the Detroit Railway Company, and a grant of rights through the streets was given until 1924. It was specified that in consideration of the privileges granted by the city that the new railroad line was to give so-called three-cent fares, in other words, a straight five-cent fare when the cash was paid, but eight tickets for a quarter good from a little after daylight until eight in the evening, when six for a quarter rules.

It was understood, however, that transfers could only be given

to other three-cent lines on a ticket fare, and if a transfer were demanded on the old-line companies, working under a five-cent franchise, a five-cent fare was demanded. In consideration of the low rate of fare, the city in the grant given to the three-cent lines, specified that the city would do all the paving between the tracks. This has cost the municipality more than \$57,000 from 1902 to date.

Single-truck cars were introduced, and with a rocking-horse motion, a hair-raising turning of curves, and a depleted foundation for the tracks, which the city was supposed to keep up, the patrons of the line of cheap transportation suffered alternately from nausea and bad temper, principally from the latter. In this way the trolley system was introduced into Detroit when the then poorly-developed storage-battery scheme proved a failure.

Inventive genius and financiers improved the situation, and in December, in fact on the last day of 1900, the Detroit United Railway was organized, with a capital of \$12,500,000. It then acquired title to 187 miles of street railways within the city limits, including the three-cent fare lines. The properties acquired by the present owners of the street railways of Detroit came from three sources. There were the Detroit Citizens' Street Railway, the Fort Wayne & Belle Isle Railway, and the Detroit Electric Railway. ,

It might be said in passing, that the primary development of a street railway system in Detroit was accomplished, as noted above, by the corporations which built the lines of the Detroit Citizens' Street Railway, and the Fort Wayne & Belle Isle systems, which have since become an integral, and one might say, the fundamental part of the Detroit United Railway.

In laying out the plan of the city, much was due to the splendid judgment of Judge Woodward, after whom our main business thoroughfare, leaving aside the Wall Street of Detroit, Griswold Street, was named.

The Judge, in laying out the plan, gave rise to the "Hub" idea, which has since been utilized by the Wholesalers & Manufacturers' Association of Detroit as a slogan of progress and prosperity; a cut having been gotten out and copyrighted, demonstrating that Detroit is "The Commercial Hub of the Middle West".

Taking the city hall as a pivotal spot, Judge Woodward laid out the city in an elliptical form, the center being the city hall. The streets reaching into what was then the country, but which is now well within the city limits, radiated from the common center of the city hall and the Campus Martius. This design simplified matters for the street railway builders and promoters. The main arteries of travel from this common center were Jefferson, Grand River, Woodward, Gratiot, Michigan and Fort. In the development of the street car service, naturally these main thoroughfares were utilized. This was done because they were the shortest distances between their terminal points and the center of the city.

The development of these main arteries of travel by the Detroit United Railway which acquired rights in the Detroit Citizens' and Detroit Electric Railways, necessitated the building of branch lines, among which were Myrtle Street, a branch of the Grand River Line, the Crawford Street, now the Greenwood loop of the Third Avenue Line. The present Trumbull Avenue line was a branch of the Michigan Avenue line. With the growth of the city, these lines were made main lines, as were the Brush and Chene Street lines.

In considering the present street car situation in Detroit, the fact must be taken into consideration that none of the so-called three-cent lines under the Pingree franchise hit any of these main radial streets, save in their entrance to the center of the city, where they were given running rights over the properties acquired by the Detroit United Railway.

According to the terms of the agreement of the three-cent lines, the Detroit United Railway has a right over the Detroit Citizens' lines until the expiration of the franchise of the latter in 1924. This being the case, the present corporation is in a position of independence, even though the franchises on the main five-cent lines have expired. In other words, the Detroit United Railway has so legally fortified itself, that even if all of its franchises were declared null and void, due to the limit of life placed upon them in the original grant, it would still have a right to enter the city over the three-cent lines unmolested until 1924.

The only reason I have thus gone into detail, is to show the

complications of the situation in Detroit; and to show how for years, the street car question has formed the principal topic of political conversation, and the main issue of the campaign, up to and including the present date.

Several honest attempts have been made to take the street railway question out of politics. One of these attempts was made in the city campaign of 1906.

Here I will inject sufficient of a personal note to state that at that time I was financial editor of the Detroit "Free Press," and personally handled most of the facts printed during the campaign. The records of all that was written is in my possession. I will now tell tales out of school, for the reason that William E. Quinby, who was then editor-in-chief of the Detroit *Free Press*, has passed into the valley of the dark shadow, but before his departure he gave me permission to print the real facts regarding the "Codd-Hutchins Ordinance" campaign.

Mayor George P. Codd, desirous, as was our present, or rather late mayor, Philip Breitmeyer, of bringing about a settlement of the street car question, and removing the same from politics, called upon the editors of the daily newspapers. He told Mr. Quinby that after nearly two years' work he had finally gotten President J. C. Hutchins, of the Detroit United Railway, to consent to submit to a settlement of the street car question to the people on a business basis. The fundamental principles of which were ten workingmen's tickets for a quarter, during five hours of the day, three in the morning and two in the evening, and a uniform fare of six for a quarter during the remainder of the 24 hours. Going over the situation thoroughly, and delving into the cost of carrying passengers, Mr. Quinby pledged the support of the *Free Press* to Mr. Codd, solely on the grounds that the mayor was at last attempting to take the street railway problem out of politics and settle it on a business basis. William B. Thompson, a Democrat who had for years served the municipality in various capacities, including alderman from the eighth ward, city treasurer, etc., opposed Mayor Codd on the ground that he, Thompson, could secure three-cent fares if selected. Mr. Thompson was victorious, but during his two years of office did nothing to bring

#### **Codd-Hutchins Ordinance**

the street railway question to a settlement. In the meantime, having supreme faith in the ultimate fairness of the people, the Detroit United Railway, under the policy mapped out by J. C. Hutchins, president of the corporation, passed dividends and turned the earnings into the betterment of the properties, including the laying of "T" rails, and heavier foundations in the streets, besides adding to the equipment of the road and re-establishing the "Monroe" shops where nearly a thousand men are employed, and old cars modernized.

Closely following the Codd campaign, in which Mr. Thompson won out on a promise of securing three-cent fares, came the financial crisis of 1907. Then it was Mr. Hutchins privately acknowledged that he was pleased at the outcome of the election, as, if Codd had won out, the cutting into the revenue which would have followed the financial crisis of 1907, would have so crippled the system as to have made it hard work for the road to make both ends meet.

This brings the street railway situation up-to-date as it were. Mr. Thompson was defeated in the race for mayor two years ago by Mayor Philip Breitmeyer, who was retired November 8th. Mr. Breitmeyer's pledge was to settle the street railway question on a business basis. Following out the line of policy, Mr. Breitmeyer appointed a committee of fifty, taking in the cream of the business interests of Detroit.

**The Committees of Fifty** Frank W. Eddy, of H. D. Edwards & Co., a director of Morgan & Wright, and an ex-president of the Detroit Club, was chosen as chairman of the committee of fifty; the vice-chairman was Frank H. Conant, one of Delamater Hardware Company's leading lights, and a recognized authority on business problems. Besides these two noteworthy men, W. C. Noack, of Noack & Gorenflo, and president of the Wholesalers and Manufacturers' Association of Detroit, was added to the committee. All of these gentlemen did yeoman work in endeavoring to solve the problem with a view of securing definite information as to the cost of running systems in other states, and in fact, regarding urban service the world over in all their details, the gentlemen of the committee of fifty gave freely of their time and patience. Men of all callings were

represented on the committee of fifty, including the clergy. Its personnel should have been a guarantee of the mayor's earnestness of purpose, because the men comprising the committee were the leading men of the community, successful in their various lines of activity, and of such strict integrity as to be above reproach.

Notwithstanding this fact, politics was again injected through the instigation of the other political party, and an independent committee of fifty, representative of the socialistic and labor elements, was formed for the avowed purpose of securing municipal ownership if possible. The appropriation of money for the purpose of paying the necessary expenses of the regular committee of fifty was bitterly opposed, and from that time on, for months a continuous stream of political twaddle appeared in the papers, one of which always played to the gallery. The *Detroit News* came out openly for municipal ownership and column after column appeared devoted entirely to that issue.

The Committee of Fifty finally succeeded in securing funds enough with which to pursue its investigations and sub-committees were appointed as follows: ways and means, statistics and regulations, appraisals, cost of service, legal, franchise, schedule, conference, extensions and rearrangements, municipal ownership, taxation and paving.

Thus the wide field opened up was covered. The sub-committees at once began their labors. Expert engineers were consulted, and the services of one engineer for appraisal purposes were engaged. In the introduction to the published reports of the sub-committees, City Clerk Charles A. Nichols says:

“For practically one year members of the Committee of Fifty and its sub-committees with their various expert assistants worked hand in hand on this task of vast importance to the half-million residents of Detroit, and the results of their labors are set forth in detail.

“The various reports of sub-committees approved by the general committee were thus made the general report of the Committee of Fifty on December 6, 1909. These reports were turned over to the mayor and upon a vote of the common council, became the property of the city.”

As a result of the pains-taking labor of the various sub-committees, what has been deemed to be the most logical solution of the street railway problem ever presented to a municipality was evolved. Briefly stated, the concrete judgment of the best business men of the city of Detroit was embraced by the Clyde-Webster Ordinance, which was submitted to the council, Tuesday, March 15, 1910, and printed in the official proceedings. After specifying the streets upon which the city railway could operate, including the existing lines and additional extensions commensurate with the growth of the city, the ordinance went into details and fully protected the rights of the citizens and taxpayers. In this ordinance, the city reserved the right through its common council and commission as thereafter provided, to alter, change and rearrange any of the routes specified. I do not give these routes, because many of my hearers are not familiar with the typographical and geographical situation of the city of Detroit. In addition to this reservation, the ordinance reserved the right to the city, through its common council upon recommendation by the street railway commission, to acquire additional lines of railway, to be constructed, maintained and operated in accordance with the further provisions of the ordinance.

This ordinance specified that all tracks should be of modern construction and firm foundations, the plan of construction and the construction itself to be subject to the approval of the street railway commission. The commission under the ordinance was further given power to order spur tracks, to be connected in such manner as might be deemed the best at or near factories and other places, where large numbers of people are employed and at other points of congested travel on which at certain hours cars might be stored ready for use when needed to relieve the traffic congestion. Under this ordinance the cost of such additional construction was to have been added to the capital value. Section four of the ordinance specifies that the company should commence construction of all additional tracks therein provided for immediately upon the acceptance of the ordinance, and said additional tracks should be completely constructed, fully equipped and in operation within eighteen months from the date of the ac-



ceptance of the ordinance by the Detroit United Railway. This period of eighteen months, however, was subject to an extension by the common council upon the recommendation of the commission, provided the latter showed that the company acted in good faith and could not, for physical reasons, keep within the letter of the contract. All of the work to be done in these extensions under this ordinance was to be with the approval and under the supervision and inspection of the street railway commission. The cost of supervision and inspecting the work of said tracks was to be paid for by the company, and charged to operating expenses. The cost to the company of these additional tracks and equipment was to be added to the capital value.

Section six of the ordinance specified that the acceptance of the same by the company should constitute a complete surrender and release of all and every one of the rights and claims of the company of every kind and manner in the streets in the city of Detroit on and after December 4, 1924.

Section seven specified that for the purpose of fixing the basis from which the returns of the company for the service rendered by it to the public should be further determined, and for the further purpose of fixing the price at which the property of the company might be purchased as thereafter provided for, the capital value of all the property of the company within the city of Detroit was to consist wholly of the value of its physical properties which was agreed to be on the first day of October, 1909, of the value of . . . . . dollars, together with the franchise value and which was agreed to be on the same date to the value of . . . . . dollars. These values are significant, and herein lies the great stumbling block against which the business men forming the committee of fifty stumbled, in striving to arrive at a solution of this serious problem. In order to facilitate matters, the street car company put to work a large force of expert clerks on an appraisal or inventory of the property of the Detroit United Railway, furnishing to the committee of fifty copies of the reports made by the Detroit United Railway experts.

The company said openly, privately and consistently that it only desired a fair settlement of the question, and was perfectly willing to leave the details of that settlement to the good judg-

ment of the business men on the committee of fifty. The corporation promised co-operation with the committee of fifty, and its sub-committees at all times, throw open for inspection its records and books, even going so far as to furnish Frederick T. Barcroft, employed by the committee of fifty, with a duplicate copy of every inventory taken by the company. This inventory took some three months to compile, keeping a force of 200 clerks busy. It embraced 40,000 typewritten pages, including blue prints, plans and specifications, every bolt, nut, bar, screw, hammer, screw-driver and piece of wire belonging to the company was noted in this comprehensive compilation.

Mr. Barcroft, on behalf of the committee of fifty, demanded that the Detroit United Railway furnish a statement of values upon the basis of reconstruction of the city properties, and while this was not contemplated in the original inventory taken by the Detroit United Railway, Vice-President and General Manager Frank W. Brooks decided to grant the request, and furnished Mr. Barcroft, as consulting engineer of the committee of fifty, with a detailed statement of the cost of reconstruction, which is as follows:

**Cost of  
Reconstruction**

Real estate. ....	\$993,294.28
Buildings .....	902,291.25
Power plants .....	2,651,137.19
Battery stations.....	429,068.45
Power distributions .....	2,010,739.50
Track .....	9,349,407.20
Rolling stock. ....	5,129,954.00
Shops. ....	984,116.94
Tools, machinery, etc. ....	981,028.73
Paving. ....	1,219,816.57
Other items .....	25,327.54
Total.....	<u>\$24,676,181.75</u>

This ordinance, the pains-taking result of the most pains-taking labors of the sub-committee of fifty, most thoroughly took care of the rights of the city, and went on to state that the bonded indebtedness of the company and the par value of the stock which had been issued should not be taken into considera-

tion, but the capital value as determined there should be added from time to time the cost of all additional tracks and equipment, provided for in the ordinance and all expenses, betterments and permanent improvements thereafter made, which the commission should approve, should be added to capital value.

It was specified that the cost of any extensions, betterments and permanent improvements made since October 1, 1909, should be also added to the capital value, the railway commission to agree with the company upon that amount, or in the case of disagreement as to the amount to be added to capital value, the disputed question should be determined by the board of arbitration, to be selected in a manner provided for later in the ordinance, which will be described by me later on. The decision of such a board of arbitration as to the value of said property was to be final.

Upon the capital value as set forth and determined by the commission, agreed with the company or decided upon by the board of arbitration, the ordinance specified that the company should be entitled to the return of interest of 6 per cent per annum on the capital invested, interest to be reckoned from the date of the effect of the new ordinance. The rate of fare of this ordinance was to be so adjusted from time to time as to enable the company to pay such income and interest and no more, and the cost of operation, maintenance and renewals.

The ordinance further specified that should the company at any time desire to sell any property owned by it, the company must first secure the permission of the commission, the proceeds of the sale thereof either to be reinvested in property owned by the company or deducted from the amount of capital invested, as determined by the commission, the decision of which shall be final. Provision was made to the effect that no action should be taken as to selling any property if the same conflicted with the provisions of any bonds governing the said properties. Subject to the approval of the commission, the company under this ordinance would have been compelled to acquire additional property to anticipate the reasonable needs of service, and the cost of such additional property was to be added to the capital value.

### **Terms of Ordinance**

Going further to protect the rights of the taxpayers, section nine of the ordinance provided that there should be no increase in the capital value of the company and no addition or further bond issue, which could be added to capital value upon which the company should be entitled to 6 per cent interest per annum, excepting for the purpose of securing funds to make extensions, betterments and permanent improvements and then not to exceed the cost thereof, and this could only be done by and with the consent of the commission and the common council. It was also specified that such stocks and bonds should be only sold at par, with the approval of the commission and the common council; however, said stocks and bonds might be sold below par, but in such case only the amount realized therefrom should be added to capital value, and draw six per cent interest per annum. Another provision of this comprehensive street railway law was to the effect that all bonds should be sold to the highest bidders, and that at the expiration of this grant, the commission and company should come to an equitable adjustment of the difference between any bonds that might have been sold below par, and the face value of said bonds, and in case the commission and the company could not agree, the matter was to be referred to the board of arbitration.

Section ten of the ordinance provided for the creation of the city street railway commission, to consist of five members to be appointed by the mayor, with the approval of the council, as soon as the ordinance should become effective. The terms of the first five members appointed were to be one, two, three, four and five years respectively, after which one member of the commission should be appointed by the mayor, with the consent of the common council, in each year, to serve the term of five years. The ordinance also specified that no member of said street railway commission should take or accept any other public office during the terms for which he should have been appointed, and that any commissioner becoming a candidate for or accepting any other public office should have been deemed to have vacated his office as street railway commissioner, and such vacancy should at once be filled by the appointment of a successor under the terms already described. The

**Street Railway  
Commission**

commission thus created by the ordinance was to have been non-salaried. The salary of a secretary and all expenses of said commission, including the salaries of whatever accountants, engineers, assistants and clerks might be necessary in the discretion of the commission, was to be paid by the company and charged to operation expenses, the entire amount of which salaries and expenses was not to exceed in any one month one per cent of the total operating expenses. In addition to the powers and duties provided for in the various sections of the ordinance, the commission was to have had the power to control the service as to quality, frequency and number of cars, including the right of fixing the schedules of service and the right to route and re-route cars, all of which was to have been approved by the common council. The commission was to supervise the methods of accounting and bookkeeping of the company, to have free access to the books of the company at all times, with the power of auditing same, to see to it that there was proper vouchering of the expenses of the company, and that their books and accounts were correctly and honestly kept, and to require from the company monthly statements of car mileage, passengers carried, gross income from all sources, operating expenses and all other expenses and such other statements and reports as they might deem necessary, and to see to it that all moneys received and disbursed by the company were properly accounted for, and to have the power to make changes in the system of bookkeeping and vouchering if such were necessary.

The commission under this ordinance was to have the power to pass upon the type of cars, schedules and the carriage of all equipments and appliances, and approval and distribution of the use thereof, subject to the approval of the common council.

The commission was to pass upon all appraisals of recommendation made by the company. It was also to decide, subject to the approval of the common council, when stocks and bonds might be issued by the company for the purpose of securing funds for additional tracks and the equipment of same, and for expenses, betterments and permanent improvements, which stocks and bonds were to be added to the capital value and upon which six per cent interest per annum was to be paid as provided for in the ordinance.

The commission was further to see to it that the property of the company was kept up to a standard required by the ordinance, and that the cost of keeping the system up to this standard was to be met from the depreciation of displacements, and renewal funds, as provided for in the law. It was to further decide at all times whether the expenses of renewal and replacements, repair, betterments and improvements, extension and expenses of the company of widening streets, strengthening the bridges and culverts, separating grades, the cost of power-houses, switches, sidings, car-houses, shops, rolling stock, cars and converting cars into another type, machinery, or other property, to be charged to operating expenses and taken out of the replacement fund and made the subject of the bond issue, and in addition to the capital value.

The commission was to have the further power to decide upon and authorize, with the approval of the common council, changes of equipment or source of power or methods of propulsion, and to decide whether the cost thereof should be charged to operating expenses or taken out of the replacement fund, or made the subject of a bond issue.

The commission under this ordinance had the power to approve of the operating expenses and replacements of the company, and to specify that there should be no unusual salaries of officials, officers, directors, agents, attorneys or employees of the company. The commission was given power to object to the amount paid to any agent, director, employee, officer, attorney or official, and if the commission and the company could not agree thereon, on the question as to the amount to be paid, the question was to be decided by the board of arbitration.

The commission was empowered, by and with the consent of the common council, to decide at the period of each adjustment of accounts with the company whether the rate of fare should be continued, raised or lowered. The commission had the power to prescribe the terms and conditions, by and with the consent of the common council, under which freight, express and merchandise on suburban cars should be allowed to run upon city tracks, to the amounts which should have been paid for such privilege. The commission was also empowered to decide at all

times as to the necessity of repaving or repairing of pavements between the tracks. It was also empowered to suggest to the common council from time to time the enactment of whatever ordinances the commission might deem necessary to insure the proper collection of all fares, and to prevent any improper use of transfers or free transportation, and to recommend to the council regulations respecting the operation of the railway and to report all violations of the ordinance by the company to the common council.

Section eleven of this model ordinance—which never saw daylight, as far as the voters are concerned, being smothered in the council until too late to be submitted at this general election—specifies that upon taking effect of the ordinance, the corporation operating the street railways in the city of Detroit should open a new set of books and keep separate the city books of the company from its suburban traffic.

Then this model law which was shelved and sidetracked by the politicians in the corporation counsel's office, goes into the question of fares. It states that the minimum rate of fare for a

#### **Rates of Fare**

single ride within the city limits in any one direction over any route of the company should be ten tickets for 25 cents, 24 hours, upon all lines within city limits, universal transfers, and including said minimum rate, the following schedule or schedules of fares was to be used:

- A. Ten tickets for 25 cents, 24 hours, upon all lines.
- B. Ten tickets for 25 cents, from 5 a. m. to 8 p. m., and 8 tickets for 25 cents, from 8 p. m. to 5 a. m., upon all lines.
- C. Eight tickets for 25 cents, 24 hours, upon all lines, with universal transfers.
- D. Eight tickets for 25 cents, workingmen's hours, 7 tickets for 25 cents during the remainder of the 24 hours, upon all lines with universal transfers.
- E. Eight tickets for 25 cents, from 5 a. m., to 8 p. m., and 6 tickets for 25 cents from 8 p. m. to 5 a. m., all lines, with universal transfers.
- F. Eight tickets for 25 cents, during workingmen's hours, and 7 tickets for 25 cents during the remainder of the day, until 8 p. m. Six tickets for 25 cents, from 8 a. m. to 5 p. m., all lines, with universal transfers.
- G. The maximum rate of fare shall be 8 tickets for 25 cents, dur-

ing workmen's hours, and 6 tickets for 25 cents, during the remainder of the 24 hours.

- H. Five-cent cash fare shall be charged for single fare not paid for by ticket.
- I. Children six years and under accompanied by persons paying fare may ride free. For two such children, one fare.
- J. Whenever the term workmen's hours are used in the ordinance, it was taken to mean from 5 to 8 a. m. and from 4:30 to 6:30 p. m.
- K. The term universal transfer was deemed to mean a transfer *to the point of destination* by the nearest available route, to be issued for each fare paid, to be non-transferable, limited to use after arrival at point of intersection of first available car passing said point of intersection. Good ten minutes.

The law further specified that all of the properties of the company within the present and future city limits of Detroit should be properly placed upon an ad valorem basis, the same as the property of any individual.

Section eighteen of the ordinance provided that all paving between the outer rails, whether single or double tracks, should be done by the company. This section embraced all lines within the city limits, including those under the original grant, the paving of which the city was responsible for.

The ordinance further created a depreciation, replacement and rolling-stock fund, and decreed that there should be set aside and placed to the credit of this fund monthly, from the gross receipts of the company, a sum equivalent to three cents for each revenue car mile for the month, and the company upon accepting the ordinance, was to agree to maintain the entire system at a standard of 70 per cent of the cost of reproduction.

It was also specified that all cars operated by the company should be of modern type, with double trucks, to be approved by the commission and to be equipped from time to time with modern appliances, such as automatic ventilators, noise-reducing appliances, etc., to add to the safety and comfort of the public, as might be approved by the commission. The new cars to be built by the company, for the additional cars provided for in the ordinance, and all other new cars were to have been approved by the commission. It is also specified that all cars were to be kept



thoroughly clean, both inside and outside, thoroughly heated, properly appointed, and the equipment to be maintained in a high state of efficiency.

Section thirty-one specifies that in case of any differences arising between the company and commission, and the common council, with regard to any of the rights thereunder, either party might require such question or questions to be submitted to the board of arbitration. The selection of this board to be as follows: The

**Board of  
Arbitration**

city to appoint its representative, the company its, each to notify the other of such appointment, together with a notice of the question upon which arbitration is demanded. The parties so notified, within ten days thereafter, would be compelled to appoint its representative and the two parties appointed should, within ten days thereafter, appoint a third arbitrator; either party failing or refusing to appoint same within ten days, the appointment was to be made by the person who was United States district judge for the eastern district of Michigan. If the two representatives were unable to agree upon a third arbitrator within ten days, they should then apply to the said judge of the eastern district of Michigan to make such appointment, and such judge should then have the power to appoint such third arbitrator. When such third arbitrator hereby should have been appointed, the three would have constituted a board of arbitration, a majority of which would have power to decide the question or questions submitted. Whenever any board of arbitration provided for in the ordinance should consider or determine any matters its decision was to be final.

Under the terms of the ordinance, which as stated before was never submitted to the people, the company bound itself to file with the city clerk a bond in the penal sum of \$100,000, that it would comply with all of the terms and conditions of the ordinance and that it would forever save to the city and protect it against and from all damages, judgments, decrees and expenses which the company might suffer or which might be obtained against said city for and by reason of the grant of the privileges to the company and by reason of any damage to life, limb or property caused by the running of cars of the company.

Section thirty-six of the ordinance specified that its acceptance by the company and the taking effect thereon constituted a surrender and termination of all grants and franchises of every kind received, acquired and owned by the corporation, which in any manner might apply to or effect street railways owned and operated by the Detroit United Railway within the city of Detroit and the company agreed by the acceptance of the ordinance to obligate itself to fully comply with all these terms and conditions.

This, in brief is the result of the pains-taking work of the best business men of the city of Detroit, and will, in my estimation, forever stand as a monument to their judgment and integrity.

I have purposely omitted going into the municipal ownership phase of the question until I had thoroughly covered the ground of the regulations proposed as a result of the labors of the committee of fifty. But it is appropriate to here give a report of the sub-committee on municipal ownership. This is self-explanatory, and is so thorough that it needs no explanation. It is as follows:

Your committee on municipal ownership, to whom was assigned the duty of investigating the practical working of the municipal ownership of public utilities and of considering the advisability of the municipal ownership and operation of the street railway of Detroit, beg to report as follows:

#### **Municipal Ownership**

Municipal undertaking in the United States is at present confined to the utilities of water, gas and electric light. These undertakings differ from the undertaking of street railway transportation in two important particulars: Amount of capital investment and number of employees required.

With the exception of a line a few miles long in Monroe, Louisiana, a town of 5,428 inhabitants, the United States has no municipality owned and operated street railway. The subways of New York and Boston are the leading instances of municipal ownership and private operation.

Both Cleveland and Chicago have, for several years, been engaged in attempts to reach a satisfactory settlement of their street railway transportation problems. Each city has had to contend with inadequate charter provisions which has necessitated a compromise. In Cleveland this compromise took the form, temporarily, of a holding company, which, while experimenting to

find the lowest possible rate of fare commensurate with good service, fell ignominiously into the hands of a receiver. In Chicago a working agreement was arranged, to hold through a period of rehabilitation and containing a "provisional purchase" clause, awaiting an enabling act by the legislature carrying a plan to finance the purchase of its street railways which would stand the test of the courts. The city, meanwhile, through a profit-sharing arrangement included in the "agreement accumulating a fund with which to make a partial payment upon the traction properties if, when the legal disability shall be finally removed, the people of Chicago are still eager to experiment with municipal ownership." These experiments in Cleveland and Chicago may be termed quasi-municipalization.

Your committee has, therefore, been unable to secure facts as to the actual working of municipal ownership excepting from European cities. The congested condition of European cities, while most undesirable from the standpoint of health or comfort, yet insures a heavy, short-haul traffic. This, with fares based on the zone system, no free transfers, low wages and inferior service, materially reduces the cost of transportation.

From information gathered by your committee on statistics, the fact is established that the wages of motormen and conductors in European cities average but eleven cents per hour, as compared with twenty-three to twenty-five cents in American cities.

Your committee found no condition attending municipal ownership in European cities which seemed desirable excepting an apparently lower rate of fare, and this made possible only through the existence of conditions which Americans would regard as intolerable.

Anxiety that municipally-managed utilities should make a creditable showing often leads to methods of accounting by which many items of expense and the interest upon the bonds issued to purchase or construct such utility are charged to the city's general interest and expense account, instead of being properly made a charge upon the earnings of the utility for which incurred.

Before any municipal undertaking may be classed as successful, two facts must be established to the satisfaction of the taxpayers:

(1) Would a rigid system of accounting, with every legitimate expense charged to the utility operated rather than to some general fund, with proper allowance for interest on the investment, depreciation, obsolescence and sinking fund leave a balance upon the right side of the municipal ledger?

(2) Is the standard of operation, service, wages, and general up-keep such that it would be satisfactory to the people of an American city?

Comparison of existing municipal street railway undertakings in foreign cities being found of little value for the purpose of our investigation, your committee has considered the subject under the following heads:

(1) What will municipal ownership of the street railways of Detroit cost?

(2) Can Detroit afford to make the investment?

(3) Is it desirable to assume the burden; to assume the responsibility of a costly experiment with no definite assurance that cheaper fare could be provided without affecting the quality of service?

As the franchise of the Detroit United Railway which expired on November 14, 1909, covered only a part of the city system,

unless an advantageous purchase of the remaining lines can be made by the city, municipal ownership can be only partial for at least fourteen years, at least not unless the city shall engage in a costly work of paralleling such lines. Two systems would mean two fares in many cases now covered by transfer.

The legal rights to own and operate a street railway, if the people so vote, is now secured to Detroit; extension of the bond limit, now also possible if voted, would insure a part of the purchase price. Unfortunately, it is a fact that the higher the percentage of the bonded debt of a municipality to the value of its taxable property, the higher the rate of interest required to market its bonds. In Detroit the amount which the municipalization of the street railway system would require would, when added to the present bonded debt, so largely increase the percentage of bonded debt to taxable property as to exclude the bonds from Savings Banks' investment.

Immediate municipal ownership of Detroit's street railways would involve:

The amount of the appraisal of the Committee of Fifty plus several million dollars for betterments and extensions, including the fifty-seven miles of new track recommended by the committee on extensions and rearrangement, which are imperative if the city is to have proper service and which the Detroit United Railway or any other company would be required to assure the city in order to secure further operating privileges. In the matter of cost must be included the heavy demand which must be met in the not distant future for the construction of a subway as outlined by the committee on extensions and rearrangement, also interest on the bonds issued to effect the purchase, a loss of taxes in 1908 amounting to \$134,842.63.

This enlarged field for damage claims against the city would be found no inconsiderable item of expense.

A comparison of Detroit's bonded indebtedness with that of other cities to-day is all in Detroit's favor, being far below that of other cities of the same class. Any plan to increase the debt of the city must take into account the normal demands certain to be made upon the taxpayers from year to year.

**Can Detroit  
Afford the  
Investment**

Detroit's tax rate this year is \$18 per thousand. In order to keep the rate down as low as this the common council and board of estimates are annually driven to the doubtful economy of cutting appropriations for expenditures wholly desirable and almost indispensable in order to prevent too great a drain upon the resources of the average taxpayer.

Under the tax rate of recent years pavements have often necessarily been allowed to remain in deplorable condition; the present tax rate, which is the cause of some dissatisfaction because more than two dollars higher than last year, is still insufficient to place the pavements in an entirely satisfactory condition. Three much-needed school building appropriations were disallowed this year and there is a generally admitted need of more play-grounds and bath-houses. The board of water commissioners contemplate extensive improvements approximating two and a quarter million dollars. While this expenditure will be spread over a period of several years, the increased water tax necessary to provide for this expenditure will increase the amount the taxpayer and patron of public utilities must pay for the privilege enjoyed.

As a municipality we are seemingly pushed to the limit of our resources to perform such primary, non-contentious municipal undertakings, as having no element of profit in them cannot be left to private enterprise.

Do taxpayers desire to assume the responsibility in the hope of securing cheaper transportation?

By placing the street railway system under municipal control a large body of municipal employees is created, each member having a vote. The management is made to reside in a body politic, subject to change at least every two years. Do these conditions indicate a fair probability that such efficiency and economy in administration and operation will prevail as will serve to reduce fares in a sufficiently large degree to warrant and render advisable the faith and credit of the city; increasing the bonded debt and tax rate?

Will not the increased expenditure add to the burden of taxation to such an extent as to react upon the industrial development of the city and drive away more population and manufacturing than could possibly be attracted to it by the benefits these expenditures were intended to secure?

In England the rapid rate of increase in taxation, largely due to increase in municipal trading, has reached an alarming stage. Statistics show that, while in 1880 the local debt of Great Britain and America was about the same, during the ten years from 1880-90 the British local debt advanced at the rate of \$30,000,000 per annum, while the American local debt increased only \$4,000,000 per annum.

In 1904-5 the national debt of Great Britain was \$91.68 per capita, the American national debt at the same time being only \$11.91 per capita, while in New Zealand and the Australian commonwealth, where municipal ownership is so largely entered into, the per capita of the public debt was, during these years, in the commonwealth, \$288.60, and in New Zealand, \$348.10.

A comparison made in 1904-5, showing the average indebtedness of 18 principal cities of Great Britain as compared with 18 of the principal American cities, shows:

Per capita debt of American cities.....	\$40.96
Per capita of British cities.....	113.62

Our form of city government is adapted primarily to put a check on expenditures. There is no machinery for a progressive business-like administration of any department. Questions of policy and of appropriations must be argued in the common council and board of estimates, and however useful such a system may be to keep the tax rate within bounds, no one will claim that an intricate business like the operation of a great railway system should be left to the decisions of bodies of men inexperienced in the particular problems involved. It is no answer to say that the management might be in the hands of a commission composed of able business men. Success in one business does not qualify a man to succeed in managing another wholly dissimilar business. Moreover, men competent to make profits cannot afford to give their services to secure profits for a city. Nor is the management of a street railway calculated to draw men into the service for the sake of honor, since the occupation is beset with difficulties and anxieties. Responsibility for life and property is in the highest degree burdensome, and the dealings with an army of employees on the one hand and with the public on the other require tact and experience which command a high price in the labor market.

With profit to the individual as an incentive to economy in administration eliminated with our municipalities as at present organized, tenure of office tried and with politics entering so largely into municipal elections, it is a matter of grave doubt in the minds of your committee as to whether the conduct of an undertaking requiring experience for efficient management, could be operated by the municipality to the profit either of the taxpayer or the car patron.

Summing up the situation as it exists in Detroit to-day, your committee believe that, inasmuch as the municipal ownership of street railways at the present time would:

- Detroit's Present Situation**
- (1) Largely increase the city's bonded debt.
  - (2) Increase the tax rate.
  - (3) Diminish the amount of taxable property.
  - (4) Increase the city's liability for damage claims.
  - (5) Benefit neither taxpayer, employee nor patron.
  - (6) So increase the tax rate as to react to the detriment of the city's industrial expansion.
  - (7) Promote increased political manipulation.

We believe: That for Detroit to engage in street railway operation would be to enter a field adapted to private rather than public undertaking.

To enter upon an experiment certain to be costly and not certain to be successful, a course most unwise, from a business standpoint, and which, in the opinion of your committee, should not be undertaken.

Respectfully submitted,

D. M. IRELAND,  
CHARLES A. DEAN,  
M. J. MURPHY,  
FRANK KENNEDY,  
WILLIAM PASHA.

*Sub-Committee on Municipal Ownership.*

I cannot refrain from remarking, before closing this paper, that political exigencies have kept from the voters the most logical solution of the street railway problem ever placed before the community. In closing, I will state that the corporation now owning and operating the street railways of the city of Detroit throughout the entire investigation of the committee of fifty and during the preparation of the ordinance acted in perfect good faith. It employed expert engineers to secure an inventory and appraisal of the physical value of the system, and compiled something like 40,000 typewritten pages of matter which it furnished the engineer employed by the committee of fifty, and at all times threw its books and records open to the investigation of the committee. I can state privately that had this ordinance been submitted to the people, carried and adopted by the common council, the street railway company would have accepted its provisions once and for all and removed the street railway problem from politics.

# The Minneapolis Gas Settlement.

By STILES P. JONES,

Secretary Voters' League of Minneapolis.

The experience of three short years has made the city of Minneapolis a well-educated community along franchise lines.

Previous to 1907, there had been little to develop a franchise sense in the community, and the franchise companies dwelt in a condition of peace and serenity regarding the future.

Four years ago it would have been possible to put through the city council without any notable public protest franchise grants affecting the local public utilities that would have very inadequately guarded the public interests. This would have been not because the city council was more corrupt than those of other cities where the people were more vigilant in this regard, or that the citizens were necessarily more ignorant. It was simply a case of an undeveloped sense of the meaning of a public-utility franchise and its value and economic significance in a large and growing community.

The real education of the Minneapolis public in a franchise way began early in 1907, when the campaign was inaugurated for a franchise agreement between the city of Minneapolis and the General Electric Company. This company is one of the concerns owned by Stone & Webster of Boston, and it practically has a monopoly in furnishing electric energy in Minneapolis.

The General Electric campaign covered about two years, and was a long drawn out and bitter controversy. The company bent

**General Electric Campaign** every energy to secure a favorable franchise agreement to replace a somewhat legally doubtful combination of odds and ends of grants made at various times to different companies which finally merged into the General Electric Company, while the mayor and part of the city council, backed by assistance from some prominent business sources, insisted upon a settlement that in full measure should protect the public interests.



It was a notable contest, with the usual invasion of high-priced experts testifying for the company, and the public representatives largely groping in the dark.

The campaign began with the repeal by the city council of all the company's job lot of ordinances and culminated in the adoption of a new ordinance which fairly well conserved the public welfare.

The ordinance as adopted failed to meet the standard made by Mayor Haynes, who had been getting educated in this regard, along with others, and he vetoed it. The friends of the ordinance were never able to muster enough votes to pass it over the mayor's veto, and matters between the company and the city have been *in statu quo* since, the company operating presumably without legal authority and making its own rates and classifications. The company has, however, voluntarily put in effect lower rates than those prevailing under the old regime, but yet above those made in a previous ordinance applying to rates only, adopted by the council and signed by the mayor. The company has steadfastly refused to accept this rate ordinance, while thoroughly satisfied with the provisions of the general ordinance vetoed by the mayor.

The main provisions of the general ordinance are as follows :

“ The term of the grant is thirty years, with full publicity of records and no discrimination as between customers in the same class; an initial rate to the city of \$33.00 per horse power, and \$65.00 per lamp for street lighting for a total of 3,650 hours; for the private consumers, 9 cents net for residence and commercial lighting for the first 52 hours, with a secondary rate of  $6\frac{2}{3}$  cents; for manufacturing purposes,  $7\frac{1}{2}$  cents for the first 52 hours, with a secondary rate of  $2\frac{1}{2}$  cents, with 10 per cent discount.

“ The city was given the right to regulate rates once a year, but it was provided that such rates should be just and reasonable and insure a fair return on the capital investment. The company was given the right to appeal to the courts. The city was granted the right of purchase as a ‘going concern,’ with no value for franchise. To make such purchase required a two-thirds vote of the council, and the city was given three years to pay for the same. It was expressly stated that the ordinance was not exclusive, and consolidation was prohibited.”

The supporters of the ordinance insisted that here was a model arrangement with the company; that in view of the right of purchase by the city and the right to regulate rates each year there could be no valid objection to the length of the franchise term; that it amounted to practically an indeterminate franchise, and that every right properly belonging to the city was well conserved.

This ordinance was adopted by a vote of 14 to 12. Mayor Haynes came back promptly with a veto. He objected to the length of the term of the grant in view of the fact that this was not an original franchise, but what practically amounted to an extension of a franchise to an established company making large profits. The mayor, in this connection, declared as a principle that frequent renewals of franchises were necessary to compel good service to the public. The right to regulate rates by the city, he showed, did not necessarily mean lower rates, as the company could secure higher rates by a proper showing to the courts. He objected as well to the ordinance in that it did not provide for a basic valuation of the plant before the franchise was granted. Mayor Haynes also insisted that provision should be made to safeguard the public against unfair contracts between the company and the Taylor Falls Power Company, the outside concern generating the power and organized as a distinct corporation, but owned by the same parties.

Mayor Haynes made this General Electric issue the keynote of his campaign for re-election in 1908, and won out by a small plurality, as a Democrat, in a community normally 10,000 to 12,000 Republican.

While the General Electric franchise remains yet unsettled, the controversy helped materially to educate the community in the intricacies of the franchise problem and to lay a foundation for the future.

A year later, in June, 1909, began the second lesson that still further perfected the franchise education of the community. This was an even more notable struggle between the contending parties, with still larger stakes at issue. Every point was strenuously contested, and every inch of ground gained by either side was secured and held only after persistent efforts.

For eight months the contest waged. Its conclusion left the mayor broken in health, while the company's chief counsel sought warmer climes to restore his shattered nerves; the chairman of the special committee having the franchise in charge retires from public life this year through sheer weariness with the exacting labors of his job, and the animosities created among the conflicting elements of the citizens over the merits of the controversy will not soon heal.

The actual settlement was a distinct victory for the city and the advanced school of franchise thought in the community. But it fell just short of being a complete triumph by the final action of the council in eliminating the right-of-purchase clause contained in the original ordinance and twice passed by the council and signed by the mayor. With this one point excepted, the radical franchise element secured practically all their demands, and the city a franchise grant that all in all may be considered a well-nigh model document.

To understand the difficulties of the situation confronting the city, it is necessary to recite a few facts of the original gas ordinance of 1870. This gave the company a grant for forty years, but added:

#### **The Gas Situation**

“That if, at the expiration of forty years, the said city shall desire to purchase said franchise and said gas works, they shall have the privilege of doing so upon the following terms, namely: That said city may purchase the franchise pertaining to its territory, and gas-pipes, works, fixtures and other property pertaining to said business at the actual value of the same, the value to be fixed by three arbitrators, who are to be chosen as follows: One by said city, one by the owners of the franchise, and the third by the arbitrators thus chosen; and the arbitrament, or award, of value made by these three, or a majority of them, shall be the price at which said city may purchase said franchise and property.

“That should the city decline to purchase at the valuation as aforesaid, then said rights, franchise and privileges are to continue twenty years longer to the said persons, their heirs, executors, administrators and assigns, with the conditions hereinbefore in this ordinance stated.”

The contention of the company was that the franchise was, in

fact, one for sixty years, and that should the city fail to exercise its right of purchase in 1910, at the end of the forty-year period, the franchise was thereby automatically extended for twenty years longer, with the old terms and conditions continuing.

With this view of the situation, the company, in June, 1909, formally submitted to the city council a proposition embodying certain concessions it would make in consideration of the waiver by the city of its right to purchase the property and franchise of the company. The city's right of purchase expired Feb. 24, 1910.

The company took the view that the negotiations it desired to begin with the city did not involve the granting of a new franchise at all, but was simply a bargain proposition—the company would concede certain things to the city and the private consumers in return for a waiver of the right of purchase—and it declared that it did not deem it necessary or advisable to discuss the respective rights of the company and the city.

There is no question that the company and the city's representatives at this time took about the same view of the situation. Neither side expected that it was facing anything more than amicable negotiations, ending with an early and easy settlement involving no change in the existing conditions, except as to price concessions. And so it seemed at the start.

The company's proposition, in brief, was that it would reduce the price of gas to the consumers from \$1.00 to 90 cents, and to the city from 90 cents to 80 cents. As a further concession, it would during the twenty-year period furnish gas free of charge to 2,112 new street lamps already installed and 300 additional lamps each year. In return for these concessions, the company asked for a reduction in the candle-power of the gas from 23 to 18 and a standard heating value of 600 B. T. U., the standard fixed by the Wisconsin Commission, and about 40 B. T. U. less than the company had been voluntarily furnishing.

Subsequent sessions between the company and the committee found the negotiations getting nowhere. The committee had no expert information to guide its course, and the company, with all the facts available, seemingly had the situation well in hand.

At this juncture Mayor Haynes brought an expert on the

scene in the person of Prof. W. D. Marks, of New York City.

**Expert  
Assistance**

He sat in with the committee for several weeks, and from the day of his appearance the aspect of the situation changed materially. The city's representatives began to see their way clearer, and the hope of settling the controversy by amicable negotiations along the lines originally laid out was gone. Both sides now settled down to a long-drawn-out struggle, with every point contested.

A little later in the negotiations, Judge F. C. Brooks was brought into the controversy as legal expert in behalf of the city. This was another master stroke by the committee. In a comprehensive opinion Judge Brooks defined the rights of the city and the company under the original franchise. This opinion cleared up some previously obscure legal questions involved and, up to this time, interpreted against the city, knocked out some props from under the company's claims, and put life and hope into the city's representatives. The city's case gained steadily from that time on.

The company slowly gave ground, but yielded nothing except under the hardest pressure, and with each concession declared that the last ditch had been reached; that there would be no further concessions. There were many of these "last ditches" before the controversy was finally settled.

Prof. Marks, an advocate of the London sliding-scale system of regulating the price of gas in municipalities, recommended the application of this system to the Minneapolis situation. He suggested a basic rate of 90 cents, with a 7 per cent dividend. Prof. Marks contended that this system would unite the interests of the company and the municipality, promote harmony all along the line, and perpetuate cordial relations between all parties concerned. The company's officials entered a mild objection on the spot, and later, following a visit to the office of the United Gas Improvement Co., in Philadelphia, owner of one-half of the stock of the company, declared unequivocally against this innovation. The wide disparity between the amount of stock and bonds made it a practical impossibility, they claimed. The capitalization at this time was about \$6,000,000, of which only \$800,000 was capital stock.

Still later, near the close of the controversy, the company changed front on this proposition and voluntarily suggested its willingness to consider Prof. Marks's plan as a means of ending the controversy. The council committee promptly entered an emphatic "no" to the company's suggestion. In fact, the committee at no time endorsed on its part the sliding-scale proposition, but if the company had shown a willing spirit at the time the matter was first suggested it is possible that a settlement might have been made on that basis.

The struggle was then resumed along the old lines. There were many weeks of laborious hearings, and a contractual ordinance was finally perfected containing the following essential terms:

"Surrender by the city of the right to purchase and an extension of the franchise for twenty years, i. e., until 1930.

"A net price of 85 cents for gas to private consumers and 65 cents to the city.

"The right of the city to regulate rates at the expiration of three years, and at five-year periods thereafter, such rates and prices, however, to be reasonable and so fixed as to afford a fair and reasonable return upon the company's capital investment, the reasonableness of such rates being always subject to review, in behalf of the company, by the courts; the term capital investment defined as "the fair and reasonable value of its plant as a going concern," no value, however, to be placed on good will or franchise, and no regard to be had to the company's capitalization.

#### **The Proposed Settlement**

"Prohibition from disposing by the company of any of its securities except in good faith and at a fair value, and for actual cash put into its treasury and appropriated to the making of betterments or extensions or to the payment of its pre-existing bona-fide bonds or obligations.

"Complete publicity of accounts, including an annual report to the city containing a statement of all assets and liabilities, the gross receipts for the year, expenditures, improvements, betterments, extensions, etc., also net earnings and dividends paid, and an inventory of all property, real and personal.

"The right of purchase by the city at the end of five-year periods, the purchase price to be determined by appraisal and the city given three years to pay the price agreed upon.

"Regulation of the hours and wages of the company's em-

ployees. This provision declared that no manual laborer should be required to work more hours in a day than should be required by law upon work done for any contract involving the employment of laborers made by or on behalf of the state, and that all laborers should receive wages that are just and reasonable, and not less than customarily paid for labor of like character and requiring like skill or experience. By virtue of the law, this is in effect an eight-hour day."

The inspiration for the last provision came from one of the aldermen of the ward in which the gas works are located, and was an expression of protest against the long hours of labor imposed upon the employees. The suggestion to incorporate this clause in the ordinance met at first with ridicule and open expressions of hostility, both on the part of the company and members of the committee. The father of the provision kept pounding away, however, and eventually the committee came to see that it might be a dangerous political proposition to turn the measure down, and it was finally incorporated into the ordinance by a unanimous vote.

This is a unique provision in a franchise grant, but significant as showing the growth of sentiment towards the new view of the responsibility of the municipality to conserve the health and the social conditions of the people. The company complied with the new requirements with commendable promptness.

The prices made to consumers and the city was the company's own proposition. Every other essential provision was forced into the ordinance by the city representatives and conceded by the company only after a spirited protest.

On several occasions it seemed that the negotiations were bound to come to a disastrous end. Three times the mayor, tired and disgusted with the attitude of the company, urged the council to abandon negotiations and proceed to condemn the property for municipal ownership and operation under the "eminent domain act." Twice the company, on its part, declared that it could go no further, and that rather than yield another inch it would prefer to sell the property to the city under the terms named in the ordinance of 1870. But there was a shrewd, and patient and long-enduring man at the head of the council

committee, and he held his committee together successfully and kept it working steadily toward the goal of an ultimate settlement that would obviate abandonment of negotiations and purchase by the city.

The company's representatives, finally foreseeing the inevitable result, laid back and allowed the committee to do its worst, reserving the privilege of refusing to accept any ordinance that the council might pass.

The first ordinance reported out of the committee included all the above essentials, including the right of purchase by the city each five years. This was passed by a unanimous vote of the council, and promptly signed by the mayor.

The company refused to accept this ordinance, making its chief objections the right of purchase and the labor clause. It explained that it would be necessary to expend a large amount of money in rehabilitating and enlarging the plant, and contended that inclusion of the purchase clause would make this task impossible on any terms that the company could accept. Rather sell to the city than concede this point was its ultimatum.

The council committee stood pat, and apparently here was a hopeless deadlock.

At this crisis a new factor entered into the contest—a committee representing some of the banks and large business interests, who were much worried over the situation, fearing an abandonment of the negotiations and the dread alternative of municipal ownership.

#### **The Entry of the Bankers**

In their view city ownership and operation of the plant was a consummation to be avoided at all hazards; and they constituted themselves a board of conciliation with the purpose to bring the contending parties together.

The first suggestion of the business men's committee to effect a settlement was for the council to drop its contention for the right of purchase. The committee agreed to this program, but was unable to make good on the floor of the council, the more radical element succeeding in pushing through an amendment providing for a ten-year purchase clause, instead of the five. The ordinance as thus amended was passed and, for a second time, signed by the mayor.



The company, however, still held out, and municipal ownership now seemed imminent. But the citizens' committee, more determined than ever to bring about a settlement, buckled down to its task again. It now presented the suggestion that there be no purchase clause included except at the end of the 20-year period. The company, on its part, consented to accept the ordinance in this shape, with the labor clause included, subject to its ability, however, to make the necessary financial deal. This ordinance then passed the council with seven dissenting votes, some who had up to this stage stood staunchly for a five or ten year purchase clause going over to the other side.

The substitution of the 20-year right of purchase for the 10-year failed to meet the approval of Mayor Haynes. The mayor here found himself in a real predicament. He felt that he could not sign the ordinance; nor could he see his way clear to veto it, as a veto might have defeated the ordinance and resulted in endless litigation and ultimate public disapproval over the delay of the day of lower gas rates. He, on his part, was perfectly ready for municipal ownership, and so was a fair minority of the council. He finally worked out of the predicament by allowing the ordinance to become a law without his signature. The company shortly made advantageous financial arrangements and accepted the ordinance, and it went into effect promptly, thus finally closing a settlement that left the property in private hands.

The city and the company then came together without much difficulty on the terms of a second ordinance prescribing regulations of service. This ordinance makes specific requirements as to candle-power, heating efficiency, pressure conditions, extensions, etc. The power to make reasonable regulations of service at any time is admittedly vested in the council. This ordinance has a special interest to the expert as representing perhaps the most up-to-date ideas as to proper service regulations. In the hands of a vigilant and fearless city inspector this ordinance is competent to safeguard the consumer's interest at every point.

The abandonment by the council of the right to purchase the property of the company at stated periods within the life of the grant is not fairly explained without some reference to the eminent domain

**The Eminent  
Domain Act**

law of 1909. This had an important bearing on this point, and was the reason assigned by some of those who failed to stand to their guns in this regard.

The eminent domain act was forced upon the attention of the legislature in 1909 by Mayor Haynes, a few of the aldermen and other patriotic citizens, who saw the necessity for the city to be in a more strategic position to deal with the gas company upon the expiration of the 40-year term. The act, in brief, gives the city of Minneapolis the right to take over the property of gas, electric and water companies for city operation, under certain imposed conditions. To do this requires a two-thirds vote of the council, ratified by a four-sevenths vote of the people at a special election. The price is to be determined by appraisal. The bonds issued for this purpose are not counted against the city's debt limitation, and the city must make rates sufficient to pay interest and maintain and operate the plant at a high standard of efficiency.

The power of condemnation contained in this act was deemed by many a sufficient corrective of any possible bad management or other lapses on the part of the company without the addition of the contractual right of purchase. With the ever present immanence of the repeal or emasculation of the act by subsequent legislatures, the mayor and others insisted that the right of purchase as a part of the contract agreement was no less a necessity on account of the existence of this eminent domain act.

One of the undoubted defects of both the electric and gas ordinances is the lack of a basic valuation of the properties as furnishing more accurate means of getting at a fair rate to consumers. The point was discussed a good deal in the course of both negotiations, but neither company was ready to concede the point, and there was not sufficient support in the city council to force the issue.

It is the general opinion that the General Electric Company will shortly again be an applicant for a franchise, and in the anticipation of that event a citizens' committee recently presented a report and recommendations for the settlement of this controversy. This committee meets the plant-valuation issue by recommending that the price in case of purchase be the actual cost of reproduc-

tion, plus 10 per cent, instead of a more complicated method of reaching the same result.

The committee recommends a 25-year instead of a 30-year grant, with privilege of purchase at the end of 5-year periods; also the elimination of the term "going concern."

The apparent discrimination in favor of the gas company as against the General Electric in the exclusion of the right of purchase is in part explained by the fact that the

**The Differences  
between the Gas  
and Electric  
Companies**

council believed itself to be in a position to impose harder conditions upon the General Electric than on the gas company. In one case the company was asking practically for a new franchise, while the other company had certain legal rights under its original grant that gave it both a moral and strategic advantage. Another factor of importance in this connection was the disposition on the part of an influential element, in office and out, to do everything possible to preclude city ownership of the gas utility.

The clause in the gas ordinance giving the city the right of purchase at the end of twenty years, the term of the grant, was a makeshift proposition put forward by the business men's committee as a final effort to effect a compromise between the contending forces. There is doubt in the minds of some, however, regarding its value or advisability from the point of view of the city's advantage. In fact, Judge Brooks, the city's legal adviser, early in the negotiations advised the committee not to include it. He declared it was to the city's advantage to leave the relations between the city and company at the end of the grant entirely open. The company at the conclusion of the twenty-year period would be without any legal rights in the city, he explained, and the city council in a position to deal with the situation wholly unhampered. He declared there was potential danger in attempting to define the status of the company and the city at the same time.

Judge Brooks's advice was either forgotten or ignored in the haste to reach a settlement that would head off municipal ownership. As a matter of fact, the municipal ownership men never for a moment expected to secure city ownership of the property at this time, nor did they take seriously the company's refusals

to accept the ordinance, feeling sure that the company would eventually accept all the terms made in the original ordinance rather than turn the property over to the city.

The mayor and the radical franchise element in the community most actively interested in the controversy were charged with deliberately attempting to provoke a situation that would end negotiations and force municipal ownership. This is far from the truth. This element, while for municipal ownership in principle, had consistently held the out-and-out municipal men in leash throughout the negotiations, holding that a proper settlement without city ownership at this time was the wiser course. But they insisted strenuously that the way be left open for ultimate municipal ownership through the right of purchase by the city at fairly frequent intervals.

An interesting legal point involved in the controversy was the value to be put on the company's franchise at the end of the forty-year period in the event that the city purchase the property under the old agreement. The company's attorneys insisted that the franchise had a large value and that the city would have to pay for it. The city attorney had coincided with this view. Judge Brooks, however, took quite a different view of the situation. In his opinion, the franchise expired at the end of the forty-year period; therefore there was no franchise to purchase. Mr. A. E. Clarke, additional counsel employed by the city to pass upon the city's legal rights, declared that the company had in effect a sixty-year franchise but that the franchise had only a nominal value at the end of the forty years.

The claim put forward by the company and some of its friends that there was an implied obligation on the part of the city to assist the company in financing its affairs by giving a liberal franchise was another interesting point brought out in the negotiations. This also was used as an argument by the General Electric company for the desired long-term franchise. The company contended that the public would inevitably share in the benefits through the better rates accompanying the lower fixed charges.

It seems only proper in concluding this paper to say a word as

to the political results. As stated before, Mayor Haynes was re-elected in 1908 almost wholly on the strength of his veto of the General Electric ordinance. He was renominated this year, and on Nov. 8th was re-elected again for his fourth term, but by a plurality of only 35 votes. Practically his only card in this contest was his militant record on the franchise questions, as his administration in some other respects has met with much just criticism. The Socialist candidate came within 800 votes of election, and, without doubt, drew largely from the element that would otherwise have supported Mayor Haynes. On a straight issue between Haynes and the Republican candidate Haynes should have won out by a large majority. The mayor's Republican opponent, a former member of the council, had supported the other side of the General Electric contention, and was believed to be generally friendly to the public utility companies.

The active interest taken by several members of the University of Minnesota faculty in the effort to secure an advantageous bargain for the city was an interesting incident of the controversy. Prominent among them were Prof. John H. Gray, head of the Economics Department, and a publicist of national reputation, and Prof. Frank M. Anderson, of the Department of History. Prof. Gray made a telling talk before the committee in which he laid special stress on the importance of thorough publicity of the company's accounts. Prof. Anderson, an active political reform worker in the local field, followed the negotiations closely all through. He emphasized especially the importance of the right of purchase by the city at frequent intervals.

# Kansas City Franchise Fight.

By J. W. S. PETERS, KANSAS CITY, MO.,

Civil Service Commissioner.

Perhaps in no American city does the citizen have more to do with actual management of municipal government than in Kansas City, Missouri. The fundamental law of the city, its charter, is submitted by referendum, as also is any amendment thereto. That the voter does not, as is claimed concerning referenda, always vote blindly in the affirmative, is proved in Kansas City by the fact that a charter submitted in 1905 was wisely rejected for good reasons, while in 1908 a new charter, modified to meet these objections, was adopted. In addition to this education and responsibility put upon its citizens and the local press by Kansas City's right to frame a charter, a policy of management of the various departments of city government by citizen boards of three citizens, each for the most part serving without compensation, has been carried into practically all of the divisions of the city's work. That such control is not lacking in executive ability, is evidenced by the beautiful and extensive parks and boulevards, which are and have been since their inception under the supervision of unpaid citizens appointed by the Mayor. In the recently inaugurated civil service department under the management of a board of three unpaid citizens, this idea of giving to the citizen business man a chance to lend a hand has been extended. The civil service board at each examination selects a committee of three citizens, expressly expert in the matter of that examination, serving without pay, to conduct the several examinations for the various classifications of the city departments.

This putting upon citizens the duty and privilege of taking actual part in municipal work and of familiarizing themselves therewith by actual experience, has fostered in the community a forceful body of expert citizens, educated in, and of necessity familiar with, the principles involved in solving the needs and meeting the obligations of a city.

**Citizens at  
Work**

It thus happened that when the Metropolitan Street Railway Company on December 16th, 1909, offered to the citizens at a special election, an ordinance granting a forty-two-year franchise extension, that did not adequately provide for possible municipal ownership and was weak in its forfeiture clause, the voters were able to understand these objections when raised, and after discussion and argument in the press and on the rostrum, repudiated the ordinance by a decisive majority of 7,097 in a total vote of 30,377, though the ordinance had been passed by both upper and lower houses of the common council, and approved by the mayor.

At the time this ordinance was submitted, all of the street railways of Kansas City were being operated by the Metropolitan Street Railway Company under the terms of what was called a "Peace Agreement" consummated when James A. Reed, now candidate for Democratic nomination for the United States

#### **A Peace Agreement**

Senate, was mayor. Under this agreement, ably fought for by the Reed administration, to correct some glaring defects in franchises inadvisedly granted during the previous Jones administration, all the then existing street railway systems, namely, the Central Electric, the Kansas City Elevated, and the Metropolitan Street Railway companies, were, by the contract itself, in the year 1903, strongly welded into one operating system, for the whole city under a franchise contract expiring in 1925. Among the salient features of the "Peace Agreement" in addition to the fact of consolidation of the several systems then existing into one, the city obtained universal transfers for a straight five-cent fare, retained the right to enforce extension of lines to a limited annual requirement, and was empowered to compel street railway companies to pave eighteen inches outside their tracks. The peace contract also provided that the street railway company should pay the city eight per cent of its gross earnings, with proviso, however, that all state and county taxes should be first paid out of that percentage, the city retaining to itself the residue for its general fund. The universal transfer straight five-cent fare element of this contract has had much to do with making Kansas City a city of homes, having ample grounds around each, and has

provided choice residential real estate on the market at reasonable rates. It is now possible to ride from the furthestmost western limits of Kansas City, Kansas, to the southern limits of Kansas City, Missouri—over seventeen miles—for five cents. The requirement that the street railway should pay the city eight per cent of its gross earnings out of which taxes should first be paid, had this effect: Before this provision was agreed upon, the street railway company continuously busied itself with lobbies and otherwise, in keeping down its tax assessments; since the eight per cent stipulation, the representatives of the city have been equally persistent with the State Board of Equalization in efforts to cut down assessments so as to make as small inroads into its eight per cent as possible on the part of the state and county. This eight per cent nets the city about \$150,000 annually, after paying city and state taxes on present valuations, but is much less than the city should receive in straight taxation were the street railway companies taxed as other properties, on anything like a proper valuation for taxation.

In 1907, in a special session of the legislature called by Governor Folk, and during the term of H. M. Beardsley, as Mayor, there was passed an enabling act giving the city the right to regulate rates and also to appoint a public utilities commission. A legislative act empowering the city to regulate rates was deemed necessary by those advocating this legislation, because it had been held by the Supreme Court of Missouri in the case of *State ex rel. v. Telephone Co.*, 189 Mo., 83, that the power to fix and regulate rates was a sovereign governmental power which the state might exercise either directly, or delegate to its municipalities, but had not so delegated, and that no municipality had the legal right to exercise such power unless specifically granted to it by the state. The authorities are agreed that a city may even without such enabling act in granting a franchise to a street railway company fix fares to be charged by it, binding both upon the city and street railway company, and this not by way of compulsory regulation, but as a condition of the franchise which becomes binding as a contract upon the company in accepting the franchise. This tendency of legislation in Missouri toward a more active control of



corporations by regulation had much to do with the street railway company's desire to obtain some sort of definite contract rights limiting the city's powers of regulation and control before later legislation in the same line might become more drastic—and it can be said that from the time of the passage of this act, the street railway company began actually to feel its way toward an extension contract.

As a lever for obtaining an extension the street railway company has always had in mind what is known as the "West

**Twelfth Street** Twelfth Street Traffic Way" problem. Connecting the stock yards and wholesale district  
**Traffic Way** of the West Bottoms with the main portion of

Kansas City, Missouri, is a wooden structure dating back to the inception of the cable railway system of Kansas City which was inaugurated in Kansas City for the first time in street railway history by Mr. W. J. Smith and Mr. Robert Gillham, his engineer. This structure is a steep viaduct running at a fifteen per cent incline from 12th and Mulberry Streets in the West Bottoms to the top of the bluff in Kansas City, Missouri, nearly half a mile; thence the car line continues east along 12th street, piercing the very center of the business district of the city. The street railway company finds that it is impracticable on account of the grade to use any other motive power than a cable on this viaduct. In order to electrify this Twelfth street line and thus harmonize it with the rest of its car lines, it is absolutely necessary to build an entirely new traffic way. In the earlier days, a tunnel was proposed for the joint use of the city and the street railway. More recently several viaduct plans have been contemplated.

In the charter of 1908 it was provided that franchise grants or extensions for more than thirty years should be submitted to a referendum and require a majority vote "of the qualified voters voting at an election held for that purpose" for its adoption. Such being the case, it seemed eminently advisable for the company to tack on to a request for a long extension some concessions in the way of financial help to the city and taxpayers in building a new viaduct. In this way the street railway would insure votes from those persons in the West Bottoms and jobbing districts desiring this means of access, and also from the

property owners who saved special taxation thereby. Henry M. Beardsley, elected Mayor in 1906, in his platform expressly opposed any such idea of tacking this proposition on to any proposal for extension, and exchanging "strings of ponies for strings of beads" and was persistent in this policy during his mayoralty term. He also showed his tendency to oppose corporate control by his fight for cheap gas and telephone rates, and regulatory provisions therefor, by his insistence on pole and wire taxes for telephones, and by his co-operation in obtaining the enabling act of 1907, giving cities general authority to regulate rates. During his term of office a method of solution of the Twelfth Street Traffic Way problem entirely distinct from any street railway proposal was formulated under his direction: This plan proposed a five per cent grade viaduct 60 feet wide and about a half mile long from Liberty Street to the bluff, piercing the face of the bluff, for use of the street railway company and light traffic, with another level running at a 2.7 per cent grade piercing the bluff lower down for heavy traffic. From the bluff where pierced,

#### **The Beardsley Plan**

branching roads were to be provided north and south along the bluff to Sixth street and Twenty-fourth street respectively, and a cut was to be made in the bluff along 12th street to Broadway. This involved an 18-foot cut on 12th street to Broadway. Under this plan the city generally was to pay a large part of the expense, and the residue to be assessed against property owners in an extensive benefit district, it being left to later negotiations to determine how much of the cost the street railway company should pay. It was the expectation that the reasonable amount to collect from the street railway company would be 40 per cent of the whole requisite cost, about \$1,000,000. These proceedings went up to the Supreme Court, which recently decided adversely to the city on the ground that money should first have been actually provided for the change of grade on 12th street and condemnation of a 30-foot strip of land in the West Bottoms from Santa Fe to Liberty streets.

This was the so-called "Beardsley Plan" and was distinctive in that it treated the problem as a transaction entirely separate and distinct from any street railway extension.

Knowing that there would not be any hope of a satisfactory extension of its franchises while Mayor Beardsley persisted in his adverse policies, the street railway company's forces in 1908 centered their influence in electing as mayor, Mr. T. T. Crittenden, a son of Ex-Governor Crittenden, and a Democrat. One fact of his campaign, showing conclusively the way the wind was blowing, was the support of Mr. Crittenden by the *Kansas City Journal*, a Republican paper, but always friendly to the street railway and other corporation interests.

The Democrats were elected on a platform expressly enunciating the practicability of 3-cent fares, and citing with approval the fights of Johnson in Cleveland, Thompson of Detroit and Whitlock of Toledo, and opposing any grant of extensions fixing rates without subjecting them to provisions of the enabling act giving power to change rates from time to time.

Only a few months after the newly-elected administration had gone into office, Mayor Crittenden and a committee consisting of himself and representatives of the upper and lower houses of the council and of the Public Utilities Commission, paid a visit to Chicago to investigate the Chicago or partnership plan, and returned enthusiastic over its method of handling street railway matters.

The opening gun was fired by Mayor Crittenden reading a letter advocating the Chicago plan at a meeting of a special "Twelfth Street Traffic Committee" consisting of representatives of the upper and lower houses and certain members of the utilities commission. This committee was afterwards in session almost continuously from about the first of June to the first of August, holding public conferences with street railway officials, and finally, a plan was agreed upon by this committee and representatives of the street railway company to be presented for adoption by the council.

Copies of this partnership plan thus formulated were scattered broadcast over the city by the street railway company and were to be had in every car. This plan, based on Chicago's partnership idea, provided that the city should have 50 per cent of the net receipts of the street railway (which Mayor Dunne, of Chicago, prophesied

### **A Partnership Plan**

before the City Club would be "nit receipts") and that the city should have representation on the board of directors. It also provided in reference to the Twelfth Street Traffic Way problem that the company should pay one-third of the entire cost of the traffic way and one-third of all damages for condemnations or grading. It was soon learned that this plan would meet with opposition. The main objections thereto were that it fixed, for municipal purchase and ownership, the value of the plant as even \$33,000,000, without proper investigation of its physical assets, and was weak in its forfeiture clauses. There were also decided objections to any partnership plan. It was then rumored, so that it reached the street railway officers, that the Republicans might possibly, for political reasons, favor a plan based not on a partnership, but on a plan reducing fares, which would give them due credit therefor before the people. Almost over one night after an interview between street railway officials and some Republican leaders, the whole partnership plan was abandoned, and an ordinance quickly passed both houses of the council, and November 1st, 1909 was approved by the Mayor, which was one of the most remarkable documents of recent years. It threw adrift entirely the partnership basis and provided for an extension of all the street railway company's franchises until

**A Forty-two** 1951, a period of forty-two years, did not provide for any possible municipal ownership until  
**Years' Extension** 1945, had a proposition for the company's paying a goodly portion of the expense for the Twelfth street viaduct but conditioned on the people voting bonds for paying two-thirds of the cost of the viaduct itself, had provisions for rates of fare—six for a quarter or twenty-four for a dollar—but so interwoven in verbiage conditioned on the bond issue that scarcely two persons could agree what it actually did mean, had a forfeiture clause with all of the sting taken out by a provision that even after default ascertained in court, the company would have three months to perform, did away with the eight per cent the city obtained under the then existing "Peace Agreement", had innocent-looking clauses that could be interpreted to mean that it might haul freight through the city streets and furnish power for every conceivable use in the city, took away the powers of refer-

endum given by the 1908 charter to the citizens in street railway matters, and by contract vested discretion in such matters until 1951 in ordinances. In a word, it practically relieved the citizen from a chance to vote on street railway matters until 1951, and by contract gave to the council, as far as possible, the right to pass on such matters.

The date for the vote on the ordinance was set for December 16, 1909, only six weeks after its sudden appearance in the political sky.

Under the registration laws existing in Kansas City, it was held that for this election, not being for an election of a city official or a bond matter, there was no provision for supplemental registration, and any voter who had moved from his precinct since the last registration would thereby lose his right to vote. The *Kansas City Star* estimated that at least 12,000 out of the whole voting population of about 57,000, would thus be excluded from expressing themselves on this proposition. The point was also raised that to fix the election within two weeks of Christmas, when business men were all busy winding up their year's work and the people busy with the festivities, was snap judgment.

The *Kansas City Star* had been consistently opposed to any extension so long in advance of the sixteen years yet to run under the present contract, and now took up the fight in earnest with a force and vitality which its 175,000 daily circulation as an independent newspaper, gave it. The *Journal*, a Republican newspaper, and the *Post*, a Democratic newspaper, advocated the franchise extension.

At a meeting held November 9, 1909, the City Club, an influential organization holding itself out as a forum for the discussion of municipal matters, having a membership of about 400 sturdy young men of intelligence, made an exception of its rule of being only a forum for discussion, and, through its executive committee, formulated a report condemning the ordinance, and appointed a committee of seven, consisting of H. M. Beardsley, Frank P. Walsh, Charles Sumner, J. W. S. Peters, W. C. Scarritt, J. D. Bowersock and J. T. Fitzpatrick, to organize a committee of one hundred citizens to oppose the extension in every way possible.

**City Club  
Action**

This Committee of 100 organized at once, with headquarters in the Midland Building, and entered upon a strenuous campaign. In this building noon meetings were held daily, and speeches pointing out the defects of the ordinance were made by able men of the community. Subscriptions were solicited and received for the campaign. Speakers were obtained and put on the stand nightly all over the city, and literature was distributed. In this committee of 100 were thirty-five lawyers, eighteen labor union men, ten prominent business men, seven real-estate men, six physicians, and others of various professions and occupations, but all substantial citizens. Prominent among them were J. V. C. Karnes, twice chairman of charter commissions and an old citizen of Kansas City. The committee's chairman was E. C. Meservey, former city counselor under Mayor Beardsley, now chairman of the Civil Service Board; treasurer, William Volker, a wealthy merchant and philanthropist, at present chairman of the Board of Public Welfare and active in all benevolent city work; and secretary, J. W. S. Peters. At first the committee had hard sledding. The Metropolitan Street Railway Company is a great power in the local financial world. This is due to its large deposits with banks, to its large floating debt carried by these local institutions and to having several of the presidents of the strongest local banks on its directorate. It had an additional advantage in the fact that the Kansas City Railway and Light Company, a New Jersey corporation, owned and controlled not only all the stock of all the street railways of the city, but also owned and controlled the electric light company with all of its ramifications of financial power and influence. It was supposed that vested interests generally on account of large Armour holdings, were favoring the franchise; and business men having notes in the banks, preferred that their opposition, even if promised, be kept quiet. Some at first even preferred to make their subscription to the fund by cash rather than by check. The Republican City Committee early in the fight sustained by a letter of Governor Hadley, came out openly in opposition to the franchise and opened up headquarters for polling purposes in co-operation with the committee of 100, which had charge of the rest of the campaign. Ex-Governor Folk sent a public letter in opposition

to the franchise, and the Democratic City Committee refused to commit itself either way.

One of the most spectacular episodes of the campaign was an oratorical contest arranged before the Commercial Club. The Commercial Club refused to commit itself as a body either for or against the franchise extension, but expressed itself as willing to hear both sides of the case presented by persons selected by the committee of 100 and the Metropolitan Street Railway Company. The Metropolitan Street Railway Company selected Hon. James A. Reed, one of the most vindictive and caustic speakers of the West, and a past master in debate. The committee of 100 selected ex-Mayor H. M. Beardsley and ex-Circuit Judge E. L. Scarritt. No tournament or joust with lances balanced ever attracted a more earnest concourse. The ample hall of the Commercial Club was packed past standing room, hundreds of disappointed citizens being unable to find room, and every thrust and parry brought pleasure or pain as it was favorable or otherwise to the side championed by each speaker—for in this franchise campaign there were no neutrals. It was a campaign in which more bitter feeling was manifest than in any political fight previously had in this city.

Judge Scarritt's witticisms in reference to placards which the street railway company had put in its cars to the effect "Vote for the franchise and 4-cent fares" brought applause that any stage actor would have envied. "The street railway company," said he, "have written in the placards that if we vote for the franchise we will get 4-cent fares. I would rather it were so written in the franchise," and then proceeded to argue that 4-cent fare was not so written in the franchise, but a garbled mass of words and conditions relating to fares, absolutely uncertain as to its meaning. Reed made an able speech until in his most caustic tone he pointed to Beardsley in reference to a franchise granted in the Jones administration when Beardsley was a member of the upper house, and said: "Where was Mr. Beardsley then, who is now speaking before you to-night in this franchise matter, when that measure was up? Like a lamb before his shearers he was dumb!" Mr. Beardsley arose in his seat and by

### **Commercial Club Debate**

the assistance of the crowd, drew Mr. Reed's attention. "Which way did I vote on that measure, Mr. Reed?" "I don't know," said Reed, "but I know you did not say anything." "I voted 'No,'" said Beardsley—and the lance of Mr. Reed fell from the breastplate of Mr. Beardsley, shattered into splinters, taking away all the effectiveness of a hundred previous successful thrusts.

As the campaign progressed, it was evident that the street railway company recognized that it was losing ground. Eighteen bankers (and it was rumored that the street railway company had borrowed \$1,000,000 from local banks to carry floating indebtedness) came out in a letter advocating the franchise as a business necessity for the company. The street railway company threatened bankruptcy if it should not obtain the extension upon which to obtain money from sale of bonds necessary to meet obligations soon coming due amounting to over \$10,000,000. The company put up a deposit of \$500,000 with three local banks as a guarantee that they would live up to their fare agreements, as they interpreted them. The officers and directors of the company came out in a letter "interpreting" mooted clauses of the franchise. Mr. Reed offered to give \$500 to any specified charity if his interpretation of certain parts of the contract was not correct, and the mayor, president of the upper house, city counselor and counsel for the public utilities commission came out in a most remarkable document, published in the daily press over their own signatures, the very day before the election, and addressed to the *Kansas City Star*, stating that they had deposited \$10,000 with the New England National Bank as a gift to the Provident Association if they were wrong in asserting that if the franchise carried, the provision for the sale of six tickets for twenty-five cents and the sale of twenty-five tickets for a dollar, was not a joker and would go into effect.

In order to protect the integrity of the ballot against possible fraud, extraordinary precautions were taken by the election commissioners. A poll was made by these commissioners of every precinct by their representatives co-operating with policemen selected by the police commissioners for that purpose, to collect data and have it

### **Anti-Franchise Campaign**



at hand for use of election judges and clerks to challenge the votes of such persons as had moved from their precincts since the last election and were therefore not entitled to a vote. Police-men were also instructed by the police commission to watch out for any possible sign of voters being bought. No money was used by either side on election day for purchase of votes, and the election was a fair one on its merits.

It is hardly worth while to go into the details of the specific objections to the franchise. It was as antiquated and out of date as a mule car in these days of electric motor power, and is, I hope, the last of its kind that will ever be presented to a modern city. The following were some of the salient defects as stated by ex-Mayor Beardsley:

“The franchise is indefinite and uncertain, runs for a period beyond reason, fixes no limits on stocks and bonds, does not provide for adequate present or future reduction of fares, fails to protect universal transfers, contracts away public ownership, and contains no adequate provision for extension of lines, or enforcement of its provisions.”

While it is hardly fair to many others to single out some of the many persons and institutions that did work in this franchise campaign, I cannot forbear mentioning a few particularly:

The two most prominent figures in the forefront of the fight in favor of the franchise, in addition to James A. Reed, were Bernard Corrigan, the street railway president, a brother of Thomas Corrigan, who was owner of the street railways of Kansas City in the horse-car days. Bernard Corrigan is a man of large means and is a political power, and a fighter, with little of the compromise make-up in his disposition. The other was Mr. John A. Lucas, the leading counsel of the Metropolitan, a suave, able lawyer, an effective advocate whether on the rostrum, before a committee, in a talk before a church society, or before a judge or jury.

The strongest force in opposition to the franchise was the *Kansas City Star*, which, daily during the franchise negotiations

**The Opposition** liberally devoted its valuable space opposing the extension, in its news columns and editorials, publishing verbatim reports of the ne-

gotiations before the Twelfth Street Traffic Way commission and of the proceedings in the houses of the council. It printed, without charge, announcements and notices of the work of the Committee of One Hundred, and gave public approval to all conspicuous features in the fight for a "Free City against the Franchise." Mr. Dante Barton and Mr. H. J. Haskell of the editorial staff having charge of such matters are, and for a long time have been, enthusiastic members of the National Municipal League, and the influence of its annual publications and findings, can be recognized in the columns of the *Star*.

Next to the *Star* as an influential institution in this fight was the City Club, which threw its full membership into the fight enthusiastically after being first aroused in a key-note speech by Frank P. Walsh, a prominent lawyer, an able orator and debater, who devoted substantially his whole time for the six weeks to work on the rostrum before crowded meetings all over the city. This club imported speakers almost weekly for its meetings during the campaign, among them Mayor Dunne and Raymond Robins of Chicago. Judge Scarritt and Hon. O. H. Dean, prominent Democrats, permitted their speeches to be printed and distributed by the Committee of 100 as an argument that the franchise was not real Democracy; and D. J. Haff, who has fought for public parks in Kansas City from their inception, and whose logical analysis, first used effectively at a tremendous stockyards meeting, was published as a campaign document, was a strong factor.

Certainly no summary of this matter would be complete without mentioning Charles Sumner, secretary of the City Club, and an active member of organized labor, who, as assistant secretary of the Committee of 100, had practical charge of all the details of the campaign. He was on duty fourteen hours a day for the full period of six weeks, refusing at the end to accept compensation for his services, though the Committee of 100 had agreed with him in advance to pay him for his help. When men not of large means will give their money and time at a sacrifice, for city service, that city is indeed far from graft or toleration of municipal robbery, whether in money, or contracts, or franchise grabs.

Since the defeat of the franchise, Mr. John M. Egan, a railroad contractor and manager of international reputation, formerly president of the Union Depot Terminal Company of this city during its negotiations for a new franchise, has been elected president of the Street Railway Company, supplanting Mr. Corrigan, and seems inclined to do all in his power to show that the street railway company desires to give good service and satisfaction to patrons, and to get out of active politics. Over 600 men are now at work daily on street paving for the company, many new cars have been purchased and are running, and more are promised. The city has a good public utilities commission, consisting of three members appointed by the mayor, instead of seven as under the Crittenden regime. With Darius A. Brown, now mayor, who was one of the active anti-franchise fighters in the franchise campaign while a member of the lower house, the matter of Kansas City's street railway situation seems safe for the present.

The lesson of the Kansas City franchise fight is: Educate the citizen by making him take a hand in municipal matters at all times, and when crises come, he will be a better safeguard for his town against assault than the stone walls of ancient days.

# Elements of A Constructive Franchise Policy.

By DELOS F. WILCOX, Ph. D., NEW YORK CITY.

For the sake of simplicity and directness I shall confine myself in this discussion to street railway franchises. The principles suggested, however, will be applicable, with due allowance for modifying conditions, to franchises under which any local public utility is operated.

So far as the discussion of past and present franchise policies is concerned, I shall confine myself for the most part to the experience of New York City, for the double reason that I have a more intimate knowledge of franchise conditions there than elsewhere, and that the franchises of New York apply to public utility services of greater magnitude than are found in any other city of the United States.

The street railway franchise policy of New York City was inaugurated about sixty years ago by "The Forty Thieves," who at that time controlled the destinies of New York by reason of membership in the board of aldermen and the board of assistants. In the first franchise, granted in 1851 to the Sixth and Eighth Avenue Railroad Companies, these gentlemen by mistake started right. They provided that the city should have the right to cause the companies' rails to be removed from the streets at any time, and furthermore, that the city should have the option of buying the companies' lines at any time upon payment of the cost of construction, plus a bonus of ten per cent. The city fathers' mistake in starting right was soon rectified, and the example set by "The Forty Thieves" in these original franchises was never followed by them or by their innumerable successors in the common council and the state legislature through whose liberality the metropolis of the American continent has been despoiled of the control of its streets.

**The Forty  
Thieves**

It turned out that at the time these original franchises were granted, the City of New York did not possess lawful authority to grant street railway franchises. In 1854, after the local authorities had attempted to make grants to several companies for the construction of lines on the important north and south avenues of the city, the legislature passed a general act confirming these grants, and conferring upon cities of the state generally the right to grant street railway franchises subject to the consent of the majority in interest of the abutting property owners. Many years later, at a time when the Metropolitan Street Railway Company was gathering together all the competing lines of old New York into one gigantic monopoly, the Court of Appeals was called upon to determine the effect of the Act of 1854, confirm-

**Act of 1854** ing the original grant to the Eighth Avenue Railroad Company. The court held substantially that what the Act of 1854 did was to confirm the privileges of the company and release it from its obligations. In this manner the judiciary effectively corrected the original aldermanic error of starting right. In 1860, however, a new act, applicable to New York City alone, was passed by which the legislature arrogated to itself the exclusive right to grant street railway franchises in the streets of the metropolis. During the next fifteen years this right was liberally exercised from legislative headquarters at Albany.

The franchise policy under which the principal streets of New York were covered by local or legislative grants, or both, prior to 1875, was fundamentally wrong in three most important particulars.

In the first place, the grants were unlimited, which, under the decisions of the New York courts, means perpetual; that is to say, the privilege granted to a private company to construct street railway fixtures in a public street without a specific limitation of the period during which those fixtures may be maintained is construed in New York as a vested right that cannot be taken away either by local or by legislative action, either with or without compensation for the physical property. While such a franchise might perhaps be condemned, the city would in that case be com-

**Perpetual  
Franchises**

pelled to pay not only for the physical property, but also the full present value of the perpetual right to occupy the street.

In the second place, the fatal mistake was made of relying upon competition in the street railway business as practically the only means of securing adequate service at reasonable rates. The state and the city absolutely failed to recognize in the charters and franchises of the various street railway companies any obligation resting upon any of these companies to extend their lines beyond the routes originally selected by the companies themselves. The rule was laid down, although by no means always followed, that every company should within a certain time construct the entire route which it had selected, but when extensions or new routes were to be built, it was left for the existing companies or other companies, impelled solely by the desire for profit, to apply for the privilege of building them.

In the third place, no public control whatever was exercised over the disposition of the companies' gross earnings. No adequate provision was made for the continual upkeep and improvement of the lines, and no provision whatever for the writing-off of the capital or any part of it out of earnings.

The results were—perpetual franchises, a multiplicity of companies, and no check upon overcapitalization.

By 1875 the people of New York had learned that something was wrong with this franchise policy, but instead of changing the fundamental principles upon which the policy was founded, they began to apply various remedies which were recommended by the political doctors from time to time. The gold cure, limited diet, bleeding and gymnastic exercises in a hobble skirt have all been tried with indifferent success. To begin with, a constitutional amendment was adopted, effective January 1, 1875, by which the legislature was forbidden to authorize the construction of a street railway without the consent of both the local authorities and the abutting property owners, or in lieu of the consent of the property owners, a determination by commissioners appointed by the general term of the Supreme Court that the proposed railway ought to be constructed and operated. This provision effectually stopped the practice of legislative grants by special acts. It also stopped the construction of street railways

for a number of years. Nine years later the legislature finally brought itself to acquiesce in the new conditions resulting from the adoption of this constitutional amendment, and passed a general

**General Street  
Railroad Law**

street railroad law providing for the incorporation of companies and prescribing the manner in which the requisite consents of the local authorities and of the property owners of the court should be obtained. By this time the prosperity of the companies had attracted the attention of the public, and there was incorporated in the new law a provision that companies thereafter organized should pay to the city three per cent of their gross earnings during the first five years of operation, and five per cent thereafter. Existing companies were authorized to extend their lines, but were required to pay similar percentages on the earnings of the extensions. Such earnings were to be estimated, however, on the basis of the company's earnings per mile of track for its entire system, old and new. This policy, in the first place, established a discrimination between the old and the new companies. The new companies, which in the nature of the case would have to build their lines in outlying and less profitable territory, were compelled to pay a considerable tax on their receipts, while the old companies which had for many years been fattening on the profits of congested traffic in the most important downtown streets, were not required to make these payments. This general policy was calculated to discourage the building of new lines or the extension of old ones into undeveloped territory. The basis prescribed for the calculation of the earnings of extensions was such as to put a premium upon the construction of extensions, if they were to be constructed at all, by new companies organized as dummies of existing ones.

In 1886 the famous Cantor Act was passed, which required the sale of all new franchise grants in New York City at public auction. The practical effect of this act was to induce rival interests to bid against each other until a proposed franchise would be struck off at a prohibitive rental, with the result that the line would not be built at all, or at least not until after several years of financial floundering and a final readjustment and reduction of the percentage payments agreed upon. Two of the cross-

town lines were at different times bid in for thirty or thirty-five per cent of the gross receipts, but when they were struggling finally to get into operation about ten years later, the city, under authority of a special act of the legislature, compromised with the companies by reducing their percentage payments in excess of the minimum required under the railroad law, in one case to one-half of one per cent, and in another case to one-fifth of one per cent. In still another case, when two or three rival factions in the political and traction world were bidding against each other for an important system of routes in The Bronx, the bids were run up to several thousand per cent of the gross receipts. At this point the city comptroller was conscience smitten, being in doubt as to his right to strike off the franchise at such an exorbitant price. Accordingly, after some litigation and delay, the franchise was awarded to the People's Traction Company at a rental for the first five years of operation of ninety-seven per cent of its gross receipts, in addition to the three per cent required under the railroad law, and for the period commencing at the end of the first five years of operation and continuing into perpetuity, of ninety-five per cent of its gross receipts, in addition to the five per cent required under the railroad law. It is needless to say that this company's lines have never been built. We are even in a position to say with approximate certainty that this franchise, granted some fifteen years ago, is now dead. The kind of certainty referred to is moral rather than strictly legal certainty, for in the present condition of the New York Railroad Law there is no such thing as legal certainty until the Court of Appeals has finally and definitely spoken upon the particular point in question. Even then, doubt may arise at a later time when the highest court affirms without opinion a decision of the lower court wholly inconsistent with an earlier decision of the higher court supported by a well-reasoned opinion.

By 1897 public opinion in New York had become sufficiently enlightened to put into the charter under which old New York, Brooklyn and various outlying municipalities were consolidated into Greater New York, certain provisions quite inconsistent with some of the franchise policies theretofore established. A



**Limited  
Franchises**

limit was placed upon the duration of franchises. Original grants could no longer be made for a greater period than twenty-five years, with a provision for renewals, not to exceed twenty-five years in the aggregate, upon a revaluation of the franchise. The charter also provided that any franchise grant might contain a provision either for the reversion of the grantee's property to the city without cost at the expiration of the franchise, or for the purchase of the property at a fair valuation at that time. Although the charter did not confer upon the city any specific authority to acquire and operate existing street railway lines, it did provide that any utility acquired by reversion or purchase under the terms of a franchise thereafter to be granted might be operated by the city. In place of the old law requiring the sale of franchises at public auction, the charter required that the value of any particular franchise and the conditions upon which it was to be granted should be determined by the Board of Estimate and Apportionment. Other important franchise provisions of the charter related to procedure in making grants, and are of no particular interest in this discussion.

Two years later, in 1899, the special franchise tax law passed, under the provisions of which the companies' fixtures in the streets and its intangible rights were defined as real estate, to be assessed annually by a state board and to be taxed at the same rate as other real estate. A provision was inserted in this law, however, authorizing the companies to subtract from their franchise tax all payments made to the city on account of any other form of special tax. Under these provisions, not only the gross receipts tax established in 1884, but even the rentals paid by the companies for using the big bridges over the East River are subtracted from the special franchise tax. The obvious purpose of this provision was to equalize conditions among all the companies, old as well as new. The special franchise tax has involved, I believe, in every instance heavier payments than had been made by any of the companies under preceding laws and franchises. The city, however, has refused to accept this equalization, and in recent years has followed the policy of compelling companies

**Franchise  
Tax Law**

acquiring new street railway privileges to contract away their lawful right to subtract the percentage payments and other compensation required, from their special franchise tax.

Under these various schemes for fixing the relations between the street railway companies and the public, things went from bad to worse, until in 1907 the public service

**Hughes Law** commissions law was established, upon the theory that the state should assume definite and specific supervision of the rates charged, the equipment provided, and the service rendered by the various companies operating within its limits. This law was grafted upon the jumble of already existing legislation, a large portion of which passed under the pseudonym of the "railroad law." No franchise policies were reversed by the establishment of the public service commissions, and no franchise laws were repealed. The people of the state set out to try a new and additional remedy by means of which, without regard to the perpetuity of the companies' rights, and in spite of the absence of specific provisions in their franchises, adequate and safe service at reasonable rates was to be wrung from the street railway companies by means of uniform accounting, publicity and intimate supervision.

In spite of all the remedies that have been tried, the street railway franchise situation in New York City remains in an utterly chaotic condition, founded upon principles that are fundamentally faulty and that foredoom public regulation to failure, or at least to partial and halting success, unless they can be supplanted by radically different principles.

The policy of New York with regard to rapid transit franchises offers a gleam of light in a situation that would otherwise be enveloped in moonless and starless night. Away back in 1875 the congestion of population in lower Manhattan had already for a score of years impressed upon the enlightened people of the city the desperate need of rapid transit. Out of this need grew the recognition that rapid transit was a public function to be initiated by the city itself, primarily for the relief of intolerable social and economic conditions rather than as an enterprise out of which private capital could extract profits. Accordingly, provision was made for the appointment of commissioners by

the mayor to determine upon the necessity of the construction of rapid-transit lines, to lay out the routes along which they should be constructed, to formulate and prescribe the plans of construction and the conditions of operation, to organize companies for the purpose of constructing and operating them, and to turn over to these companies all the rights and privileges necessary

**Rapid Transit  
Legislation**

to bring about the fulfilment of the purposes for which they were incorporated. Under this early legislation, the state recognized the principle that rapid transit at least is a public function to be undertaken on the initiative of the public authorities. It failed, however, to limit the terms of the franchises granted, to recognize the principle of monopoly operation or to preserve the control and direction of rapid transit development continually in public hands. When the elevated railroads had become inadequate to meet the demands for rapid transit on Manhattan Island, the city undertook to develop subways. A new rapid transit commission was appointed, with authority to lay out routes and to grant franchises for subway construction and operation, but the enormous expense involved in subway building and the experimental character of the project interfered to prevent private capital from volunteering to accept and exercise the privileges offered as it had done in the case of the elevated roads. Accordingly, under the stress of the increasing demand for better transit facilities, the people voted for the municipal construction of subways, and finally, after long delay, and in spite of enormous difficulties, a subway was actually constructed and put in operation. The timidity of the city, however, and its failure to recognize frankly the public nature of the function to be performed, impelled it to seek the assistance of private enterprise to the extent of the equipment and operation of the new transit line. It might almost be said that both in the case of the elevated roads and in the case of the subway, the city gave away rights and privileges just as far as it could induce anybody to take them. The subway was leased in advance of construction for private operation for a period of fifty years, with a renewal of twenty-five years upon a readjustment of the rentals. This lease was given without imposing upon the operating company any obligation what-

ever to construct or operate any extensions of the original line or to exchange transfers with the city or any other company operating extensions or connecting lines, but provision was made for the amortization of a portion of the construction cost during the period of the lease.

The result is that with transit needs again crowding upon transit facilities, the city has to resort to the doubtful expedient of providing for a competing subway, or of making such extensions of the existing subway system as will be acceptable from time to time during the next sixty or seventy years to the private company now in control. It is not a pleasant dilemma to face.

The rapid transit plan of 1875 recognized the necessity of public initiative and stopped there. The rapid transit plan of 1894 recognized the necessity not only of public initiative, but of construction and ownership of the subways by

#### **Act of 1909**

the city, but stopped there without insisting that the city should maintain continuous control of the development of the system which had been built with its own money. At last, by the bitter experience of more than thirty years, the people of New York were pushed another step forward in 1909. In that year the Rapid Transit Act was amended so as to make possible the construction of subways and elevated roads under indeterminate franchises, the right being reserved to the city to terminate such grants at any time after the expiration of ten years from their original date, upon the purchase of the property. The price to be paid for the property in case of the termination of the grant was not to exceed the cost of construction plus a bonus of fifteen per cent. If the termination of the grant was delayed, the purchase price was to decrease gradually, until at the end of a definite period to be specified in the franchises, the railroads would revert to the city without cost, except for the equipment, which the city would be under obligation to purchase. During the period of operation by a private company, the gross receipts of the railroad were to be devoted, first, to the payment of operating expenses, taxes and reserve and amortization charges; second, to the payment of an annual allowance not exceeding six per cent upon the capital actually invested by the company, and third, the net profits were to be divided equally

between the city and the company. The 1909 amendments also provided for the construction of rapid transit lines with funds secured by the levy of special assessments upon property specially benefited.

Although no rapid-transit grants have yet been made under the indeterminate franchise, and no lines have been constructed on the assessment plan, there has at last been established in the rapid transit law a recognition of several of the most important fundamental principles of a correct franchise policy. It is for this reason that I have referred to rapid transit development preliminary to the elaboration of my suggestions for a constructive street railway franchise policy.

In making suggestions for a model street railway franchise, we must stipulate at the beginning that existing perpetual, unlimited or indeterminate grants and grants expiring at different times should be terminated either by purchase, by condemnation, by forfeiture, or by negotiation. It is certainly impossible to inaugurate a correct franchise policy without being in a position to make this policy apply to existing lines.

We may start off, therefore, with the assumption that neither the city nor the state should show any mercy to forfeited or forfeitable franchises granted years ago in the days of dense darkness and corruption.

A constructive franchise policy must recognize the following objects to be attained:

- A Constructive Policy**
1. Adequate and continuous service.
  2. The protection of the capital invested in the business.
  3. The permanent upkeep of the property at the highest practicable standard of efficiency.
  4. Extensions of service as needed.
  5. Reasonable and uniform rates.
  6. Unity in operation, subject to public supervision.
  7. The gradual amortization of the investment out of earnings.
  8. Continuous and effective control of the streets by the city, through the right at any time or at reasonable intervals to take over the lines and operate them or transfer them to other agents.

I believe that the fundamental characteristic of a model fran-

chise would be the terminable nature of the grant. I do not favor the indeterminate franchise in its Massachusetts form, under which the public authorities have a right to revoke the locations of a street railway company without making any provisions for the purchase of the property. In practice, an indeterminate franchise of this nature is almost necessarily a perpetual franchise, except in the case of particular streets where new traffic conditions require the transfer of surface lines to other routes or to subways. The form of the indeterminate franchise which I favor would permit the city at any time after a certain initial period or at frequent intervals after such period to terminate the grant upon taking over the entire property of the company at a price to be determined by the cost of construction less the amount of the amortization fund already accumulated. This provision for purchase should not, however, apply to the revocation of locations on specific streets not integral and necessary portions of the company's route where such revocations are made necessary by changes in traffic conditions. In case of relocations, however, of any portion of the route, the net cost of the changes should be added to the capital account and become a part of the purchase price unless amortized before the city takes over the property. The purpose of the indeterminate franchise as here outlined is threefold. In the first place, it provides for continuous public control of the city's street railway policy. The desirability of municipal ownership and operation is a mooted question, but it can hardly be disputed that this generation ought not to attempt to foreclose the question against reconsideration and resettlement by generations to come. The indeterminate franchise leaves the city in full possession of its powers, so that its policy with reference to municipal ownership may be determined from time to time as future exigencies require. In the second place, the indeterminate franchise opens a way for the unification of street railway systems where competition still lingers. Where there are several operating companies under the indeterminate franchise as here described, the city would be able to bring about the consolidation of all lines by taking them over for a new company to operate, or by causing the transfer to one of the existing companies of

the lines of all the other companies. The advantages of unity of operation both from the standpoint of the public and from the standpoint of those responsible for rendering street railway service are too well recognized to require discussion here. In the third place, the indeterminate franchise even where operation is already unified and where the city does not desire to establish municipal ownership, would permit the city to transfer the entire system to new agents whenever the company already in control proves unable or unwilling to adjust itself to the conditions of intelligent and humble service. I may add that I think it would be fair to provide that in case the city terminates the franchise for the purpose of transferring the property to another private company, a bonus of ten or fifteen per cent should be paid in addition to the price for which the city can take over the property for municipal operation. This principle has been recognized in the Chicago settlement franchises.

In my judgment the intimate control of the street railway service demanded by modern conditions can be made most effective

**Disposition of Earnings** by the inclusion in the franchise contract of certain definite requirements in regard to the disposition of revenues. Particularly if the purpose of such intimate control is to compel adequate service at reasonable rates, the maintenance of the property at the highest practicable standard of operating efficiency, and the gradual writing off of the capital invested, it appears absolutely necessary to stipulate the general rules which shall govern the company in the use of its gross earnings.

I would therefore stipulate that out of street railway revenues there shall first be paid whatever may be necessary to meet operating expenses in the broadest sense of that term. I would include in operating expenses such taxes as may be levied against the company or its property under the laws of the state. I would include specific provision for the insurance of the car barns, power houses and rolling stock against destruction by fire. I would include specific provision for the maintenance of an accident fund, out of which shall be paid the claims of tort creditors as well as the necessary legal expenses of the company in settling or defending damage suits. To meet this particular class

of expenses requires from three or four to eleven per cent of the gross earnings of the various surface street railway systems of New York City. Under present conditions of street railway operation not less than eight per cent of gross receipts should be set aside for the accident fund, at least until experience in the case of a particular railway proved this allowance to be unnecessarily large. Inasmuch as the cost of accidents is a legitimate charge against operating expenses during the year in which the accidents occur, and inasmuch as the companies are, on the average, perhaps two years behind in the settlement of personal-injury claims, I think it is desirable that there should be set aside from earnings a sufficient amount to keep the balance in the accident fund approximately equal to the estimated liabilities of the company on account of accidents that have already occurred, but for which settlement has not yet been made.

“Operating expenses,” in the broadest sense of the term, includes the expenditure for maintenance and repairs of a sufficient amount to preserve the integrity of the property represented by the capital invested. It is obvious, however, that an operating street railway system cannot be maintained at one hundred per cent of its reproduction value. Rails that have been in constant use for ten years may still be as good for immediate service as they were when new, and cannot be discarded, in spite of the fact that their life is half gone. It is estimated that the highest practicable standard of maintenance would keep a street railway property up to from seventy to eighty per cent of its reproduction value. I would, therefore, stipulate in the franchise contract that the plant should be maintained at a definite standard, say seventy-five per cent of its value when new. In order to compel the operating company to maintain this standard, I would provide for a general maintenance and depreciation fund. Approximately twenty per cent of the gross revenues of the railway should be put into this fund from year to year, and such portions of the fund as cannot profitably be expended on current maintenance and renewals, should be permitted to accumulate for future use. This fund should be sufficient to provide for depreciation of every kind, including obsolescence, inadequacy, age and deferred maintenance, excepting only the depreciation allowed from the one



hundred per cent standard of a new plant to the seventy-five per cent standard of an old plant maintained at its maximum efficiency. This last item of depreciation is sometimes called normal wear. It represents the necessary shrinkage of the property provided at the start by the original investment. This shrinkage is something that cannot and need not ever be restored. It should be taken care of not by a depreciation fund, but by the early amortization of a portion of the capital. While it seems desirable to insert in the franchise contract specific percentages of gross revenues to be set aside for the various funds, provision should be made for the readjustment of these percentages from time to time if such readjustment seems necessary in the light of experience.

After providing for the payment of operating expenses of every kind and nature as hereinbefore described, the franchise should authorize the company as the next draft upon revenues, to withdraw a sum sufficient to pay a reasonable minimum return or, say, five or six per cent upon the amount of the capital actually invested. The amount of the investment, so far as the franchise is concerned, should not be determined by the aggregate par value of the stocks and bonds of the company outstanding at any particular time. The regulation of nominal capitalization may well be left to the state authorities. The local franchise should make definite provision, however, for determining from time to time the capital value to be carried on the company's books as the basis for the semi-guaranteed returns upon investment, and as a basis for the purchase price of the property if the city should at any time determine to take it over. Suffice it to say at this point that the capital upon which the company is allowed a fixed annual return should represent the cost of construction, including the element of preliminary and organization expenses and all other elements legitimately entering into such cost in its most comprehensive sense.

After the earnings of the road have paid a fixed minimum upon capital invested, the next item to be provided for is the amortization of the capital itself. In the first place, immediate provision should be made, if possible, for the amortization of twenty-five per cent of the

**Amortization**

capital, representing that portion of the property which will be worn out in approximately ten years after the commencement of operation, never to be restored. Theoretically, this portion of the capital should be amortized within the first ten years of operation, but inasmuch as in the case of an entirely new road the earnings of the property during the first few years may be comparatively scant, it will not be possible in all cases to follow this rigid rule. Regular payments to the amortization funds should be made in the shape of a certain percentage upon the capital invested rather than as a percentage of gross receipts. It would require the payment of approximately two per cent a year, with the fund accumulating at the rate of four per cent per annum, to provide for the retirement of twenty-five per cent of the capital at the end of ten years. While it may not be possible in some cases to set aside this full amount in the early years of operation, there is no reason why this amortization charge should not be made before the investors are permitted to earn anything more than the fixed minimum rate of profits. After the accumulations in the amortization fund have become equal to twenty-five per cent of the original investment, provision should be made for the permanent writing-off of that portion of the company's capital account, and thereafter the allowance for interest on investment should be based upon the capital as so reduced. What further provision shall be made for amortization after the capital has been brought down to correspond with the permanent status of the property, will depend upon the controlling theory as to the permanent capitalization of utility plants. To my mind, it is of as much importance that a street railway system under private operation should be paid for as that a waterworks plant under municipal operation should be paid for. It seems to me to be a desideratum in the case of all public utilities, whether municipally or privately owned, that provision should be made for the amortization of the entire capital out of earnings within a period of from twenty-five to fifty years. The increasing burden of municipal debt, even though city bonds are retired when due, practically prohibits the acquisition by the city of public utilities whose capital account has been steadily increasing from the day they were first constructed. The legitimate burdens of the future

in a growing city are always greater than the burdens of the present. Every new utility should pay for itself within a generation or two, so as to prevent the heaping-up of burdens on the shoulders of the citizens of the future. When an energetic young man goes into debt to buy a farm, he is not satisfied to pay interest indefinitely on the amount of his mortgage. He considers it a matter of plain business sense and patriotic duty to pay off the mortgage so that he and his children after him will actually own the farm. In like manner, the city that is guided by common sense and regard for its future will see to it that the public streets and all the fixtures in them are paid for as soon as possible and relieved of the enormous burden of debt that is originally laid upon them, by the issuance of municipal bonds and public-utility securities.

The amortization fund provided for in street railway franchises should be put into the hands of trustees, with authority to invest in the stocks and bonds of the company wherever that is possible, and otherwise in approved outside securities bearing interest or paying dividends at not less than a specified percentage.

After providing for operating expenses, interest on investment and amortization charges, the franchise should provide for the accumulation of a contingent reserve fund for the purpose of taking care of any deficits which may occur in lean years in respect to any of the obligations already provided for. Into this reserve fund should be paid perhaps one per cent of gross revenues, until the accumulations of the fund reach a maximum of, say, five per cent on the amount of capital invested in the property.

Any balance of gross receipts remaining in the treasury of the company at the end of any fiscal year, after operating expenses, return on capital and amortization and contingent reserve charges have been paid, should be treated as net profits, and should be divided in some equitable proportion between the company, the city and the employees of the road. I would provide, however, that the city's share in the net profits, whatever that share may be, should be turned into the amortization fund, in addition to the regular payments to that fund, so as to hasten

the time when the capital can be written off and the street railways can be operated either as a municipal or as a private enterprise without the burden of fixed charges. Careful students of public utility problems are pretty well agreed that franchise utilities should not be operated for the purpose of bringing into the city treasury a revenue for the relief of the general taxpayers.

As a tentative basis for the division of net profits, I would suggest that fifty per cent be assigned to the city to be used as I have already indicated; twenty-five per cent be turned over to the company as an additional return upon investment, and twenty-five per cent be turned into an employees' benefit fund. I would provide for the distribution of this fund by trustees according to plans devised from time to time to encourage and reward efficiency, economy and care in the operation of the road. At the present time, without taking into account the grave dangers and the enormous losses attendant upon street railway strikes, we find all too many cases where the employees, falling victims to petty temptation or attempting to imitate on a small scale the speculations of the man higher up in the street railway business, "knock down" fares or neglect to collect them to such an extent as to cause a serious direct loss to the company and an indirect loss to the public, which must depend upon the earning power of the road for the maintenance of adequate service. It is certainly of the utmost importance to the city in the granting of a street railway franchise to a private company, that all possible provision shall be made to insure the loyalty and efficiency of the employees. The distribution to the employees of a share of the net profits of the business according to some wise plan, based on the recognition of special merit, would, I am sure, redound to the common benefit of the public and the investor.

No street railway franchise contract is adequate unless it reserves to the city the right to require from time to time the construction of extensions as needed. The proper development of the local transit system is so important a factor in the social, economic and political welfare of a city, that the right to initiate and control this development

### **Division of Net Profits**

### **Extensions**

in accordance with the demands of public policy should never be surrendered by the municipal authorities. The arbitrary right to compel extensions wherever desired might be abused by an ignorant or reckless city government. It is probably necessary, therefore, that provision should be made for an appeal as to the necessity and reasonableness of a proposed extension from the order of the local authorities to a state commission or to the courts.

The procedure in cases where extensions are ordered should be very carefully worked out, so as to prevent impossible requirements on the one hand, and unreasonable delay and litigation on the other. In order to relieve the situation where extensions are needed which a company could not in justice be required to build at its own expense, the city should reserve the right to require the company to operate extensions constructed by the city on the assessment plan, or by the property owners specially interested in securing the extensions.

In order to assist the company in making betterments and building extensions, the franchise should permit the temporary use for these purposes of the cash accumulated in the accident, depreciation, reserve and amortization funds, provision being made for proper bookkeeping and for the replenishment of these funds whenever necessary by the issuance of new stocks and bonds. It is obvious that if the books are kept properly, no harm can result from such use of cash accumulations, and considerable advantage will be gained by the avoidance of delay and brokerage charges incident to the retirement of old securities and the issuance of new ones in place of them.

In a street railway franchise drafted in accordance with the principles here proposed, I would provide for flexible rather than arbitrary rates. It is highly desirable that

**Rates of Fare** every urban community constituting a single unit of street railway operation, should have uniform rates of fare, with universal transfers, subject to reasonable regulation. The particular rates to be charged, however, should be determined by the necessities of the case. There is no reason to believe that unless possibly in the very largest urban territories, a higher rate than five cents for adults, with half fare for child-

dren between the ages of six and twelve years, would be required. We should not flinch, however, from the fixing of a rate that will meet the requirements of a constructive street railway policy as here outlined. It might be desirable to incorporate in the franchise a sliding scale of rates to be readjusted automatically, in a manner similar to that set forth in the settlement ordinance that is now being tried out in Cleveland.

Continuity of operation is so fundamental a requisite in street railway service, that every necessary means should be taken to insure it. On this account the relations between

**Arbitration** the company and its employees whenever they are such as to threaten interruption or disintegration of service, become a matter of paramount interest to the city. I would therefore stipulate in the granting of any street railway franchise that the company shall bind itself to submit any questions of dispute arising between it and its employees to arbitration when requested to do so by the city.

There are two methods of determining the price at which a public utility may be taken over by the city or its licensee. According to one method, the property is appraised at the time of purchase. According to the other method, the value of the property is agreed upon in the franchise itself or at the time of construction. The uncertainties attendant upon appraisal at some indefinite time in the future are so great that I believe the city's interests will in general be better conserved if the purchase price is based upon the cost of construction less the amount of capital amortized, than by any other plan.

It seems to me, therefore, that when a street railway franchise is granted, a definite valuation should be agreed upon for the existing plant, or in the case of a new system,

**Capital Account  
and Purchase  
Price**

careful provision should be made for the determination of the cost of construction at the time the railway is built. The approval of the city should be required for all construction contracts, and the proper city department should have supervision both of plans of construction, materials used, and the actual performance of the work. No leeway should be given for padding the construction account. Every extension or betterment should be

treated as original construction, and the actual cost, audited and approved by the city authorities, should be added to capital account, provision being made for the payment of interest on additional investment and for amortization charges, the same as in the case of original construction. If the franchise is a renewal grant, and a valuation can be agreed upon that takes into account the necessary diminution of value through normal wear, it will not be necessary to make provision for the amortization of that portion of the original investment represented by the part of the property that has disappeared, never to return. In most cases, however, under existing franchises the companies have made no provision whatever for the amortization of this or any other portion of their capital account.

I am convinced that in order to get a scientific street railway franchise policy actually established, a city may well afford, if necessary, to accept a valuation of an existing plant, properly maintained, that would include this element of capital representing property that has disappeared. Under such circumstances, the same provision would have to be made for amortization as if the plant were new.

In closing this paper, I desire to quote a brief passage from an article by Mr. Charles V. Weston, President of the South Side Elevated Railway Company of Chicago, published in the Electric Railway Journal of October 14, 1910. I have been particularly impressed with the remarks I am about to quote, for the reason that they seem to indicate a recognition on the part of a practical railroad man of the necessity for the application of at least one of the fundamental principles which I have outlined. Mr. Weston says:

“Referring specifically to the matter of speculation, if the street railways are to be recognized and tolerated as legitimate business enterprises, in which the owners and the people have a mutual and equally important interest, these enterprises must be permanently removed from the field of stock manipulation, which has for its sole purpose the drawing out of the people’s money in payment for that which does not represent intrinsic value.”

# The Grafter at Work in American Cities.

By HAROLD J. HOWLAND, NEW YORK,

Of the Editorial Staff of "The Outlook."

A distinguished traveler recently returned from making the "grand tour" through the countries of Europe. The high official position which he had formerly held, combined with the still more powerful factors of his own personality and achievements, made him the sought-for guest of the most influential and the most intelligent in every country through which he passed. On his return to America he said: Everywhere I went in Europe I was impressed with two contrasting views of our country which were widely held. The first was admiration of the United States as the land of freedom and equality and opportunity, the land where every man has a chance to show what is in him and to develop to the limit of his capabilities. The other was distrust of the future of the United States because it is the land of graft.

This European view of the two sides of our national shield is essentially true. We have achieved the highest development of democracy and popular rule that has been achieved by any great nation in the world's history. But unless we shall succeed in effacing from our national life the stains of graft and corruption, we may well find ourselves face to face with the harsh question, Can our boasted democracy endure? No more serious problem confronts us; none which we have greater need to solve.

The flattering invitation of your committee to address you suggested the preparation of a "strong paper on the grafter at work in American cities." But I conceive that it will be more in accord with the purposes of the National Municipal League if the strength is not that which is stirred up by the muck-rake and which makes an assault, as it were, upon the mental nostrils. The strength should consist, it seems to me, in a frank facing of the facts and an honest attempt to deduce from the conditions which confront us some of their underlying causes.



Graft has been declared by that veteran "practical" politician, George Washington Plunkitt, of Tammany Hall, in a pronouncement from his rostrum on the boot-black stand in the New York County Court House, as being of two kinds, honest graft and dishonest graft.

**Definition of Graft**

"There's all the difference in the world between the two. Yes, many of our men have grown rich in politics. I have myself. I've made a big fortune out of the game, and I'm gettin' richer every day, but I've not gone in for dishonest graft—blackmailin' gamblers, saloon keepers, disorderly people, etc.—and neither has any of the men who have made big fortunes in politics. There's an honest graft, and I'm an example of how it works. . . . Just let me explain myself. My party's in power in the city, and it's goin' to undertake a lot of public improvements. Well, I'm tipped-off, say, that they're going to lay out a new park at a certain place.

"I see my opportunity and take it. I go to that place and buy up all the land I can in the neighborhood. Then the board of this or that makes its plan public, and there's a rush to get my land, which nobody cared particularly for before.

"Ain't it perfectly honest to charge a good price and make a profit on my investment and foresight? Of course it is. Well, that's honest graft."

Plunkitt of Tammany Hall's distinction between varieties of graft is interesting, because it is a distinction characteristic of an age that is passing, not only in the political world but in the business world. Dishonest graft is that kind of exploitation of the community, indulgence in which may get you into jail; by honest graft you may get rich at the expense of the community without living in terror of the law. So in the business world, in the era out of which we are growing, honesty was often measured less in terms of loyalty to the spirit of the moral law than in terms of observance of the letter of the penal code. But we are changing all that; and the measure of our establishment of a new standard of conduct in political and in business life is the measure of our progress toward a satisfactory answer to the crucial question, Can our democracy endure?

Plunkitt's distinction no longer distinguishes. Graft is graft whether it has outrun the enactments of the penal code or no.

Nevertheless there are different kinds of graft, differing not only in their methods, but in their causes and in the remedies by which we must seek to eliminate them. But before we can intelligently consider them, we must define the word graft, which in the political sense is so new that it has hardly yet reached the dictionaries.

Graft is the use of public office for private gain. (The word has also a secondary meaning, the gain which comes from such use of public office, but the primary meaning is the more important one and it is the one in which I shall use the word here.)

Graft is the use of public office for private gain; and it is, broadly speaking, of two kinds. In the one kind, the gain is in the form of money, in the other in the form of privilege. The two kinds are often found intertwined, and of course the ultimate purpose of what may be called privilege graft is the gaining of money; but I think a very real distinction may be made, nevertheless, between the kind of graft in which the community's loss is direct, in money from the treasury, and that in which its loss is indirect, through privilege improperly and unfairly granted.

Money graft is a common feature, not only of city governments but of every-day business, and indeed family life. The cook who gets a rake-off from the butcher, the chauffeur who gets a commission from the automobile repair shop, the pressman who mysteriously finds himself unable to get results with any brand of printer's ink but that of a certain maker, the buyer who accepts anything from simple entertainment to elaborate presents (or indeed a regular commission) from selling agents—all these are grafters, betraying their employers' interests for the money there is in it.

An abundance of this petty kind of graft has been disclosed by the investigations of the Bureau of Municipal Research in New York City. At the budget exhibit held in New York recently there was a "junk" table on which was displayed a motley collection of articles ticketed with the prices which the city formerly paid for them and the prices it now paid under a strict system of inspection. The differences in the two sets of prices measured the reward of the grafters

### **Two Kinds of Graft**

### **Money Graft**

who were feeding at the public crib. Tin dippers charged at \$2.00 a dozen, when their true value was sixty cents a dozen; wiping cloths charged at \$20 per hundred pounds and really worth \$7, just over a third of that price; galvanized boat cleats, worth 30 cents apiece and charged at \$2.60 apiece, twelve times their value; iron valve wheels, worth six cents each and sold to the city, (or would have been in the old days when Tammany was in undisputed sway) for \$1.50, twenty-five times their value. A claim of \$520 for a month's rent of a motor car; the furnishing to the city of oats so musty and unwholesome that horses will eat their bedding before they will touch them; claims against one city department for coal at the rate of 100 tons per binful when the bins into which the coal was delivered held only 50 tons each; the rejection by the inspection department of 200,000 pounds of meat, 13,000 pounds of poultry and over 500,000 pounds of forage, all of which had been passed by the departments which ordered them: these are isolated examples, taken from an astonishing number of others, of the money graft to which the citizens of New York City have been subjected, and the bills for which they have uncomplainingly (because unconsciously) footed when they paid their taxes.

In Boston, as a result of the researches of the Finance Commission, the president of the common council was convicted of approving a bill for \$200 for books which were never delivered, and an alderman received a sentence of two years for raising the amount of a bill and pocketing the surplus. And in Chicago the Citizens' Association charges that a foundry company received \$30,000 more than the regular market price for waterworks castings purchased in 1908 and 1909.

Another form of the same kind of graft is in the purchase not of things but of labor. Payrolls padded with unnecessary or useless employees, the acceptance of ridiculously scanty days' work in return for full pay, and the creation of sinecures for favored individuals rob the treasury of the community as surely as if the coin were made off with by a thief in the night.

In Chicago, an investigation of the sewer department showed that the average cost of cleaning catch-basins was more than two

and one-half times what the same gangs of workers demonstrated that they could make the average cost if they tried, and nearly three and one-half times what several gangs showed that they could do the work for. From Springfield, Illinois (though this is outside the realm of municipal government, it is the same kind of graft that could be found in many a city), investigation showed that a blacksmith sixty years old was on the payroll as a stenographer at \$3 a day, although he was in Springfield only twice during the session; that thirteen men were paid salaries for raising and lowering windows in the two legislative chambers; and that one employee received three dollars a day for winding a clock once a week. And this is the same legislature which elected William Lorimer to the United States Senate. One more example from New York City. In 1907 it cost the city to keep the Bronx Borough Hall more or less clean \$19,707.25. A private company offered to clean the building as well as it was then being done for \$1,800, or to keep it really clean for \$3,600—to do the work as badly as it was then being done at less than one-tenth the cost, or to do it well for less than one-fifth the cost.

Another, and perhaps a more serious, form of money graft is that involved in contracts for various kinds of work to be done for the city. This may take the shape of letting a contract to a favored contractor at a price higher than the proper cost of the work to be done, or of paying for work either not done or done in a way that is not in accordance with these specifications. A borough president in New York City and two contractors were recently indicted, the former for auditing false bills for work on bridges, and one of the latter for contracting to make certain bridge repairs with new concrete and then merely putting a coat of "whitewash" over the defective parts; the other for putting in a bill for work on sewers which was not done at all.

In Schenectady an electrical contractor was convicted of contracting to make certain repairs to the jail and then rendering false bills for labor which was not employed and material which was not used. An investigation in Chicago showed that \$45,000 had been paid for the excavation of shale rock in the construction of a sewer where no rock was.

The last type of money graft is the "honest" graft of Senator

Plunkitt, in which the city pays exorbitant prices for land for parks, sites of public buildings or what not because somebody "guessed right" as to where the park or the school house or the play ground or the aqueduct was going. The Bureau of Municipal Research has unearthed case after case in which the city has paid much more than the ruling prices for land for city uses. And it is interesting to notice how often the one who has "guessed right" and made the big profit on what Senator Plunkitt calls his "investment and foresight", has been more or less closely connected with the ruling powers of Tammany Hall.

So much for money graft.

Privilege graft is the second grand division of our subject; and privilege graft divides itself again into two kinds: Graft, the purpose of which is to secure the privilege of breaking the law with impunity, and **Privilege Graft**, the purpose of which is to secure some privilege not illegal once it is granted, but none the less detrimental to the common interests of the community.

The first kind of privilege graft (which by the way is the "dishonest graft" of Senator Plunkitt) is the rock on which the administration of the New York police force is threatened with constant shipwreck. The system of protection sold by the police to saloon-keepers who violate the laws against Sunday liquor selling, to keepers of disorderly resorts and gambling houses, and even (it is a matter of common rumor) to pickpockets and other common criminals has time out of mind been the insidious enemy against which every police commissioner has been forced to fight a well-nigh hopeless battle. Only a few weeks ago, while Mayor Gaynor was recovering from the attack which had been made upon him, the acting mayor brought to light "wide-open" conditions in respect to vice and gambling, which, upon the mayor's return to duty, forced a complete reorganization of the police administration. And anyone familiar with past history would find it hard to believe that this prevalence of open vice could not be explained in large measure by an underground current of police graft.

But it is in San Francisco that the wildest orgy of every conceivable kind of graft—"honest" and "dishonest", money and

privilege, legislative and administrative—has been disclosed. There the lid has been not only lifted but hurled away, showing the riot of corruption in all its astounding details. The revelations there are not exactly matters of current history, except in the fact that the city has recently rejected the man who almost paid with his life for his temerity in aiding the disclosures and

**San Francisco's** in prosecuting the men responsible for the cor-  
**Graft Career** ruption, and in the fact that the punishment of  
 the men higher up in the saturnalia have been

thwarted by a community which apparently prefers business to decency, commercial tranquillity to the disturbances of municipal house-cleaning. But the tale, several years old as it is, is too enlightening not to be recalled. George Kennan, one of the most careful and thorough of investigators, writing in McClure's *Magazine*, told how the report of the grand jury showed that "the administration made a business of selling immunity to gamblers, prize-fight promoters and keepers of brothels; that the great house of prostitution at 620 Jackson Street was virtually a municipal institution; that the police were giving protection to notorious criminals and taking money therefor; that the municipal boards were blackmailing law-breakers and compelling honest men to pay tribute; that the work of the city was given to dishonest contractors who divided their illegal profits with the officials who permitted them to steal." "The brothel at 712 Pacific Street," Mr. Kennan continues, "paid for protection . . . about \$23,000 a year; and the 'Municipal Crib', at 620 Jackson Street, about \$40,000 a year. . . . The gamblers of Chinatown paid for protection a spot-cash premium of \$18,000, and a regular tribute of \$1,000 a week, or \$70,000 for the first year. The pool-sellers of the city paid \$20,000 a month during the racing season, or about \$120,000 a year, and . . . the Prize-Fight Trust bought protection at \$20,000 a year."

The mayor and the boss who stood behind him invented other ingenious methods of intimidation and extortion. The mayor became a secret partner in a wholesale liquor firm and used his power over the police commission to make saloon keepers use the company's whiskey. The saloon licences had to be renewed every three months, and as many of the places were constantly

violating municipal regulations by selling drink to minors, by maintaining side entrances, or by affording facilities to gamblers, bunco-men and thieves, it was easy for the police commissioners to blackmail them into buying the "administration" whiskey. By the same means the mayor and his confederates forced saloons and houses of ill-fame to sell or use the champagne of the Hilbert Company (the concern in which the mayor was a partner); the beer of Fire Commissioner Wreden; the cigars of Police Commissioner Drinkhouse, and the saloon crockery of Police Commissioner Poheim and O'Grady; and upon all this merchandise they received a commission.

Here we see the "dishonest" graft, repudiated by Plunkitt of Tammany Hall, in its full flower—the most complete development of that privilege graft which consists in buying the right to break the law. When we look at the gains made by the dishonest officials who favored (or blackmailed) their partners in the graft, it looks very much like another form of money graft. But it should be remembered that in these cases what the community loses is not primarily in money (although every cent paid for graft undoubtedly comes ultimately out of the pockets of the public, by however roundabout a road) but in decency and orderliness, in morality and that righteousness which not only exalteth a nation but without which no community can achieve its highest destiny.

In San Francisco, too, have been revealed equally cynical and no less highly-developed examples of the other kind of privilege graft. The boss, Abe Ruef, when he had elected his mayor and so secured control of the municipal administration, became a sort of municipal dictator. If a business firm or corporation wanted a contract, a theater permit or a spur-track privilege, it went directly to Ruef, engaged him ostensibly as legal counsel, and paid him either a lump sum for a specified transaction, or a regular salary of from five to twelve thousand dollars a year as general counsel. These fees he divided with the mayor, who manipulated matters in the administrative boards. Later when the machine got control of the board of supervisors as well, Ruef's services as counsel were sought by wealthy and powerful corporations. To quote again from George Kennan:

“ The Home Telephone Company and the United States Independent Telephone Company wanted a chance to compete with the Pacific States Telephone Company, which was then in undisputed possession of the San Francisco field; the street-car company known as the United Railroads sought to get a franchise which would give it the right to use overhead electric trolleys instead of wire cables; the San Francisco Gas and Electric Company desired an ordinance which would authorize it to charge consumers of gas eighty-five instead of seventy-five cents per thousand feet; and a group of real-estate speculators who were incorporated as the Parkside Realty Company wished a franchise for a street railway which would give the public access to their suburban property.

“ All of these corporations proceeded at once to engage Ruef as special counsel; and as the ordinances or franchises which they wished to obtain would be immensely valuable to them, they did not hesitate to offer him tens of thousands and in some cases hundreds of thousands of dollars for his services and ‘influence.’ The Pacific States Telephone Company paid him to help keep rival companies out, and the Home Telephone Company paid him for helping to get a franchise that would enable it to come in. He took large ‘fees’ from both, and then betrayed and threw overboard the one from which he had received least. The Gas and Electric Company paid him for the eighty-five-cent gas ordinance, and the United Railroads and Parkside companies made deals with him for their franchises. By the terms of the bargains that he made with these corporations, he received from them, in the aggregate, nearly half a million dollars, and this sum he shared with the mayor and the board of supervisors. The money was paid to him ostensibly as a lawyer, and for legal services; but, inasmuch as every one of these corporations already had its own attorney, the thing really purchased was favorable action of the mayor and supervisors on measures pending before them.”

In San Francisco the corrupters of municipal life pushed the business of grafting to its farthest limits. Where in other cities one kind of graft or another, or perhaps two or three kinds, have satisfied the greed of dishonest officials, in San Francisco every variety known to man and some new varieties invented for the occasion were boldly practised. A handbook of “ The Complete Grafter ” might easily be compiled without stirring outside the city.

The variety of privilege graft which we are now considering, however, is not confined to large cities. In Columbus, Ohio, a



former member of the city's board of control has been sent to the penitentiary for accepting a bribe from the representative of a paving company. In Ashtabula, Ohio, the oldest member of the city council was convicted of soliciting a bribe from the manager of a gas company in connection with a gas ordinance. Three members and three former members of the city councils of Rockford, Illinois, have pleaded guilty of accepting bribes for the passage of an electric lighting ordinance. The mayor of Lawrence, Massachusetts, has gone to jail for participation in a conspiracy to bribe members of the board of aldermen.

And so the story goes, rising again to melodramatic heights when we reach Pittsburgh. In the one branch of graft in which that city seems to have specialized, its achievements rival those of San Francisco.

An able and public-spirited voters' league, in co-operation with a high-minded and fearless mayor, has uncovered an elaborate system of the sale of privilege by the common and select councils of the city. The ring-leader of the grafting combination in an unguarded confession to a detective, who was posing as a paving contractor and offering to buy the privilege of supplying the city with his particular type of pavement, declared that only six members of the two councils did not take money for their votes. These six honest men he sneered at as "easy marks" and at the same time he denominated most of the grafting councilmen as "hoodlums", who sold their votes for anything they could get—five dollars or even a single dollar. But the controlling combination had an unbreakable grip on legislation, and their rates of pay were far from being on so petty a scale. The grafting operation which the investigation brought to light was the sale to six of the leading banks of Pittsburgh of the privilege of acting as depositaries of the city's funds—a privilege of great value, for the city's daily balances sometimes amount to \$9,000,000, and in addition the city has at times sold, far in advance, bonds for public improvements and kept the money for long periods idle on deposit in the banks. For the coveted privilege the six banks paid \$102,500, of which five councilmen received from \$11,000 to \$15,000 each and others on the fringe of the combination other sums far smaller and varying according to each man's price.

The accomplishments of the Voters' League, Mayor Guthrie, and the district attorney's office in investigating this graft system and prosecuting the participants in it has been summed-up in tabular form by Charles Edward Russell in the *Cosmopolitan*. His summary is dated June 1, 1910. It reads:

Total membership Select and Common Councils, 1908....	155
Accused of grafting.....	105
Exonerated by grand jury.....	2
Indicted .....	98
Confessed .....	53
Councilmen tried and convicted.....	6
Members awaiting trial .....	42
Members that are fugitives.....	3
Bankers indicted .....	7
Bankers that pleaded nolo contendere.....	5
Middlemen indicted .....	2
Jury-fixers convicted .....	2

Here my survey must end. It is lamentably far from being a comprehensive presentation of the subject; it is only an attempt to make a sketch, in broad outlines, of the grafter at work in American cities. It only remains to suggest some of the causes which underly the phenomena which are apparently so widespread.

The tap root of the graft evil, obviously, is the perverse desire, common to men everywhere and in all times, to become rich without labor, to get something for nothing.

#### **The Tap Root**

But that desire is equally one of the roots of so many other evils that we are very little further along when we recognize it as the fundamental cause of graft. And if we look upon it as the one cause whose elimination we must aim at, if we expect to wait for the destruction of graft until we have cured men of greed and covetousness, we may well despair of the Republic. No; recognizing that fundamental cause we must look for the collateral conditions which make it possible for men to exploit the community to serve the ends of their own cupidity, and at those conditions we must aim our regenerating efforts. What are some of those conditions?

A lack of business methods in the administration of the muni-

icipal units which we are gradually coming to realize are not states in little but business corporations in the large. And the business which we need in our city governments is not that whose lack of ideals is suggested in the cynical phrase, Business is business, but that which seeks as its ideals economy, efficiency and public service.

A second cause, it seems to me, lies in the retention in most American cities of comparatively large legislative bodies—boards of aldermen, common councils, boards of control—whose members are elected by wards. The smaller the unit area of representation, said the mayor of a great American city the other day, the smaller the man who will normally be chosen to represent it. And the phrase “ward politics” has become a synonym for conditions from which can be expected little that is enlightened or productive of the public welfare. The usual Board of Aldermen is bad enough; but when we have two chambers in the municipal legislature as in Pittsburgh conditions are ripe for just such corruption as flourished there.

### **Large Legislatures**

A third source of misgovernment and consequently of opportunities for graft is to be found in the denial to municipalities of home rule. Where a city's charter is made by a State Legislature, and its smallest details altered and revised at the whim of the legislators, regardless of the wishes of the people of the city, the city is deprived of responsibility for its own government. And the evils of irresponsible government are many and grave. Especially is there danger where the state legislates on such a matter as the liquor question without consulting the convictions or prejudices of the municipal community. If, for instance, as in New York City, a state law requires saloons to be closed on Sunday while a large fraction of the community wish to be free to buy liquor on Sunday, the invitation to violation of the law, accompanied by inevitable graft, is irresistible.

A fourth cause is lax or no regulation of public service corporations. The indispensable basis of every public service business is privilege—privilege which is perfectly legitimate when granted by the community with proper safeguards and provision for adequate returns in service and compensation. Under a sys-

tem which guarantees those safeguards by strict regulation dishonest city officials have nothing to sell to public service corporations, there is no illegitimate privilege which the corporations can buy. And away goes the most subtle and dangerous form of privilege graft.

The last source of graft in municipal government lies in politics. Where the political boss is, not far away is the possibility if not invariably the actuality of graft. The system which makes men in voting on their problems of city government divide along the same lines as in state and national politics is not only absurd in theory but evil in its results in practice. Corrupt politics and corrupt business too often find it to their mutual advantage to unite to produce corrupt municipal government. And anything which helps to purify politics, to destroy the machine, to eliminate the boss will help to abolish graft from our city governments.

Graft is perhaps the most dangerous evil of our American democracy. But the remedy for the evils of democracy, says de Tocqueville, is more democracy. We shall do most to eradicate this evil of our democracy by striving for more genuine, more fundamental, more wide-spreading popular rule.

# The Correlation of Financial and Physical Statistics of Cities.

By W. F. WILLOUGHBY, Ph.D.,  
Assistant Director of the Census.

The keeping by cities of accurate and logically-classified records of their financial transactions, and the publication of such records in proper form, is urged by all persons interested in improving municipal conditions, not merely in order that the public may have information by which to judge the character and magnitude of municipal operations, but in order that the city officials themselves, as well as the public, may have the data by which to determine how municipal affairs are being managed.

It is, of course, desirable that each city should know from year to year what are the amounts of its receipts and expenditures by items and its obligations apart from any specific use being made of these figures other than to let the city officials and the people generally know how the city stands financially. If real progress, however, is to be made in the way of improving the organization and business methods of the city, in securing greater efficiency and economy and in having the activities of the city directed in the most desirable channels, these financial figures must be brought into correlation with the physical facts to which they relate. If financial records and statistics of cities are thus to serve the full measure of their usefulness they must be of such a character that they will furnish a basis for passing judgment upon the extent to which the value received for expenditures made is adequate

The case for this correlation of financial and physical statistics of cities has been excellently stated by Mr. A. P. Folwell, editor of the "Municipal Journal and Engineer," in an editorial which appeared in that journal, September 21, 1910, under the title of "Municipal Records and the Census":

"A superintendent of water or lighting who does not so keep

his records as to know absolutely whether his department is operating at a loss or a profit cannot be expected to greatly improve its financial status. Next in importance

**Need for Physical Statistics** is the wisdom from learning from other similar departments, by comparing their results and finances with those of his own, and this in detail and not in final results only. That one city spends \$5,000 a year on street cleaning and another \$10,000 conveys no information of value. How many miles of a given class of pavements are cleaned? How often and how thoroughly? How much material is removed? What is the cost per mile and per cubic yard in terms of days of labor? These and similar questions must be answered before a comparison can be made which will serve any useful purpose. What does it cost per mile to maintain pipe sewers, and what those which can be entered for cleaning? Every city should be able to learn from its officials the answers to such questions concerning its own property, utilities and activities. But it is unfortunately true that a great many do not know how many miles of sewers they own, how many yards of each kind of pavement, or even the total cost of maintenance of either. 'Amount appropriated,' 'amount expended,' and 'balance' might just as well constitute the entire report of some department heads, so far as real information is concerned; and cases have been known where even these three items would not check."

To meet the requirements of good administration it is thus evident that three classes of statistical data, two of which consist of original data and one of derived data, must be had regarding municipal operations, viz: (1) financial statistics, (2) physical and operation statistics, and (3) a correlation of the two so as to give results expressed in such terms or units of measurement as will most clearly reveal cost or other factors by which the real efficiency and economy with which city affairs are administered can best be determined.

It is unnecessary for me to dilate to any extent upon either the necessity for securing data of the first class or the extent to which such information is now being secured. Practically all cities are now paying constantly increasing attention both to the matter of recording

**Interest in Financial Statistics**

ing their financial transactions in conformity with the most approved principles of accounting and of giving the facts brought out by such records to the public in a more

complete and easily comprehensible form. The Bureau of the Census hopes that its work of compiling and publishing annual volumes of statistics of cities having a population of 30,000 and over, which work dates from the year 1902, has contributed something towards fostering this increased interest. Especially has the Bureau, through the full discussion presented in its reports of accounting terminology and other features of accountancy as applied to government operations, sought to promote the adoption by the cities of improved financial methods and uniformity of practice. As far as in its power lay it has thus sought to standardize the whole matter of municipal bookkeeping and reporting. In this effort it has always been powerfully aided by the National Municipal League and other organizations. Indeed, as is well known, the inception by the Federal Government of the work of collecting and publishing municipal statistics is due to the National Municipal League and the classification of receipts and expenditures adopted by the Bureau is substantially the one recommended by the league.

As regards the second class of statistical data, the Bureau almost from the outset of its work recognized that if it confined its reports strictly to the field of financial statistics it would largely fail to give to the public the information regarding municipal statistics that was urgently demanded. It is almost if not quite as desirable to know the number of teachers and pupils as the amount expended on schools, and the number of policemen as expenditures for police protection. The Bureau has, consequently, steadily increased the scope of its work in the direction of securing information descriptive of the physical properties of cities, personnel and other factors of municipal activities showing the operations concerning which the financial facts recorded relate. The development of this phase of its activities finally reached such a stage that the inclusion of the data collected in the regular census volume of statistics of cities is no longer possible. To do so would unduly expand the bulk and complexity of that report. It has consequently been decided that, beginning with the reports for the year 1909, the Bureau will issue two series of reports on statistics of cities, the one devoted to financial statistics proper

### **Separation of Statistics**

and the other to statistics of physical properties, their operation and personnel.

The prime necessity for this separation arises from the fact that if statistics of the second class are to be of real value they must concern themselves with the details of the subject covered, and be technical reports in the highest sense of the term. The planning and carrying through of inquiries on such a scale is an undertaking of such magnitude and complexity that it would be folly to attempt to cover all phases of municipal activities at one time. The Bureau has accordingly outlined for itself a program which contemplates taking up the different fields of municipal activities *seriatim* so that all will be covered in a five-year period. In the case of financial statistics it is practically imperative that the record should be a continuous one from year to year. No such necessity exists in the case of physical statistics. Here data permitting of comparisons from five years to five years serve almost every purpose. But whether this be so or not the subject is one in which quality and completeness for one field is preferable to quantity and incompleteness in respect to a number of fields. The field that has been selected for consideration in the first of this new series of reports is that of sewers, refuse disposal and highways, and work on this investigation is now in active progress.

I have devoted considerable time to this discussion of the physical statistics of cities and the plans that have been formulated by the Census Bureau for securing such statistics since it is evident that no proper correlation of two factors can be had until the two factors themselves are available. This then is the first fundamental point that we who are interested, not merely academically in the matter of municipal efficiency, but practically in promoting such efficiency in specific cases, must grasp; that in the same way that every possible effort has been made to encourage cities to keep their financial records in proper form, so they must now be urged to keep correspondingly-accurate and logically-arranged records of their physical properties and transactions. Mr. Folwell, in the editorial from which I have quoted, points out how far from satisfactory are the practices of most cities in this respect. It is manifestly impossible for an indi-



vidual city accurately to correlate its financial and physical statistics with a view to figuring costs and much more so for the Census Bureau to present statistics comparing city with city until the primary data regarding both factors are available in at least a fairly satisfactory form.

This being so, the query might well be made whether the Census Bureau is justified in going to the expense that is involved in its undertaking when the results are certain to fall so far short of what is desirable. The only answer to this is that the Bureau, constituting as it does the only central official agency for securing information regarding cities, believes that it has as one of its prime duties that of sparing no pains to promote the establishment and maintenance by the cities of systems by which the original data that it is the function of the Bureau to collate may be rendered available in the best possible form. It is impossible to estimate the good that has been done in this way by the Division of Vital Statistics of the Bureau in securing the adoption by the states and cities of the country of proper methods for the registration of births and deaths. Had it not made this effort a very essential part of its work, the reports it now issues on vital statistics would be of far less value than they are. In the same way the Bureau can only hope to improve greatly the statistics of cities by doing what it can to improve the character of the primary data as secured by the cities themselves which it has to use in its compilations.

Agitation of the question by the Bureau, and by such bodies as the National Municipal League, can do a great deal, but tangible results can only be expected by actually attacking the problem. This the Bureau has done in its investigation of sewers, refuse disposal and highways which is now in progress. Although the schedules and instructions for this investigation were only adopted after most careful study and consultation with experts outside the government service, it is certain that their practical use will reveal many defects which no amount of office study could develop. By constantly incorporating improvements as brought to light in this, and the schedules to be drafted for the other fields, there ought gradually to be evolved a physical statistics data scheme that will not only be reasonably satisfactory but of a

character tending to standardize practice so as to permit of inter-city comparisons.

In thus attempting to point out what it is believed the Census Bureau can do in furthering this movement for the securing of the data which are absolutely necessary if real progress is to be made in improving municipal administration a great mistake would be made by me if I have left the impression that the most important results can be accomplished by the Bureau. On the contrary it cannot be too emphatically stated that primarily the task of securing these data rests upon the cities individually. The Census Bureau can be a promoting agency, a clearing-house or a bureau of standards if the cities will permit it, but the real work must be done by the cities themselves.

Another possible false impression that I wish to correct is that as yet nothing has been done by the cities of the United States in the way of recording and publishing statistics regarding their physical properties and operations, or that no data is now available by which a correlation of financial and physical statistics of cities may be attempted. An examination of reports of municipal officials would undoubtedly reveal many instances where information of this character is presented. The value of these data, however, is largely circumscribed by the fact that they are buried, so to speak, in reports of the different officials so that they are not readily available to others than the persons who compiled them and that they do not rest upon any uniform basis.

The Census Bureau itself, moreover, has always recognized the necessity for correlating financial and physical statistics of cities and has actually attempted such correlations in a few cases. In the report for 1907 it thus, in presenting statistics of municipally-owned water-works, has shown the earnings, expenses of operation and interest on investments on the unit of 1,000,000 gallons of water supplied to pipes; and in giving statistics relating to the police department has figured the average expense of the department per regular police employee. Similarly for the fire department, expenses per regular fireman and per employee, including office force, mechanics, etc., were computed. The cost of refuse collection and disposal for cities of over 30,000 inhabi-

tants was shown according to the units average total cost per ton collected, average net cost per ton collected and total cost per capita of population. The expense of repairing streets in 1907 and the average of the same expense in 1903, 1905 and 1907 were computed per 100 square yards of improved streets. Payments for street lighting were shown per acre of land area and per capita. The price per lamp per year for each class of lights was also reported. The expenses of street cleaning were shown by the units 1,000 square yards subject to regular cleaning; 1,000,000 square yards cleaned once and per capita, and the expenses of street sprinkling by the units square yards subject to sprinkling and per capita.

It is an open question whether in view of the character of the data with which it had to deal it was justified in attempting such direct statements bearing upon unit costs. Here too, however, the motives of the Bureau were to make a beginning and seek in this way to arouse interest in, and emphasize the importance of, data of this character.

It cannot but be remarked that this paper has had to deal almost exclusively with the nature of the problem of the correlation of financial and physical statistics of cities rather than with an actual exposition of such correlation. It is always pleasanter to deal with results than with what must be done in order to secure results, and no one regrets more than the writer that conditions are not such as to make it possible for him to undertake the more pleasant task. The fact is, however, that we are but on the threshold of work in this field. It is, however, encouraging that the period is past when it is necessary to urge the desirability of securing information of this character. The subject of cost keeping is in the air and is receiving an enormous amount of attention by both private and public bodies.

All this activity leads me to propound the very important question whether the time is not now ripe for the inauguration of another form of correlation or possibly to employ a more accurate term co-operation. There was a time antedating the date of the organization of this League when the great municipal problems were essentially political or constitu-

tional. The rapid development of municipal activities and the increased complexity of urban life brought about a condition of affairs where the charters, organic acts or other fundamental laws governing the organization, powers and duties of cities were thoroughly inadequate to meet the needs of the situation. At the same time the study of political science and public law had not reached the stage where there was anything like a common agreement in respect to the principles that should be followed in determining the political status of municipalities, the character of their organization, or the relationship that should exist between these bodies and the state. At this period it was both natural and desirable that attention should be concentrated almost wholly upon the political aspects of the municipal problem. Intense interest in this matter was displayed. University after university inaugurated courses on government and developed group after group of professors and students specializing in the field. The results of their studies were given to the public in scores of books, many of great value. The outcome was that public opinion was fairly organized and the demand for organic changes in respect to the status, duties, and powers of municipalities became one that could not be resisted.

With this position reached the movement passed from one of dealing with generalities to one where the formulation of specific measures became the point of real importance. It is one thing to point out that action in a certain direction is desirable and quite another to actually formulate the plans by which this progress is to be achieved. To the National Municipal League belongs the credit of grasping at the opportune time the importance of this distinction and of courageously undertaking the task of drafting the document by which the reforms so long advocated in general terms might actually be accomplished. The publication of its Municipal Program marks an epoch in the history of municipal reform in the United States and has exerted a profound influence in bringing about improved conditions.

With opinion organized, concretely expressed in large part in a formal document, and actual progress well under way in respect to the accomplishment of the program formulated, the problems of municipal reform entered upon a new phase, that of improv-

ing municipal administration as distinct from municipal organization. I think that I need have no hesitation in stating that to-day business organization and administration holds the field formerly occupied by political organization. Fortunately this change coincided with and indeed constituted a part of the great general movement that is now in full swing, as regards both public and private corporations, for the reorganization of methods of administration with the view to putting the practical conduct of affairs upon a more economical, efficient and honest basis. Here too the stage of discussion of general principles has been passed, and the task that actually confronts those interested in the improvement of municipal government is that of devising the ways and means by which the ends all agree are desirable may be best obtained.

This being so, the writer desires to bring before the National Municipal League the question whether the time is not now opportune when the League should undertake the same valuable work in organizing and expressing in positive form the best thought regarding the business organization and administration of municipalities that ten years ago it performed for the political organization and government of these bodies. The subject is not merely one of importance. It is vital in that the movement for municipal reform has reached that point where little or no further progress can be made except as action in this field is taken. Furthermore, efforts are now being made on a large scale in this direction. All of the members of the League are familiar with the exceedingly valuable work that has been and is being done by the Bureau of Municipal Research in New York and kindred bodies in other cities, by the Merriam Commission in Chicago, the Finance Committee in Boston, not to speak of the work done directly by the finance and other departments of a large number of cities. The city of Milwaukee is the latest municipality to attack this problem. It has employed a corps of experts who have the duty not merely of recommending but of assisting in the practical installation of the best methods of administration that they can devise. Among the points to which special attention will be directed is that of providing a system by which,

**Need of Definite  
Program**

through the correlation of the financial and physical statistics of the city, cost measured by proper units may be determined. The technical associations such as the American Water Works Association, the Association of Municipal Electricians, etc., are also paying more and more attention to the problems here presented. Finally should be mentioned the monumental task of examining into all of the detailed methods employed by the Federal Government in the administration of all of the services coming under its jurisdiction with a view to adopting improved methods that is now under way. That the Bureau of the Census desires to do what it can in this same field needs hardly to be mentioned.

At present each of these bodies is working independently of the others; only in a casual way can they profit by the work of each other. No efforts are being made to correlate their activities. Nothing is consequently being done in the way of attempting to work out methods that might as far as practicable be adopted generally by cities, and administrative practices and procedure thus be standardized. It is impossible to state how far such action is feasible, but it would certainly appear that as regards the features to which this paper specially relates—the correlation of financial and physical statistics and the working out of elements of cost expressed in proper units, uniformity of practice should prevail.

To the writer of this paper it thus seems that the one step now most urgently demanded is that of the establishment of means by which all of the persons actively concerned or interested in this work might be brought together in order that, on the one hand, they might compare notes and avail themselves of the studies and experience of each other, and, on the other, strive to agree upon and definitely formulate principles, practices and procedure that should find expression in the business organization and administration of all cities desiring to conduct their affairs upon the most efficient and economical basis possible. Is there any body which more logically should assume the responsibility for inaugurating such a movement and have general direction over it when once in existence than the National Municipal League?

If the idea here expressed is favorably received the members of the league should recognize that their organization is under-

taking no light task. A managing committee, in which each of the important bodies and cities actively interested in the work should have representation would have to be created. This committee would have to hold meetings with more or less frequency, perform a large amount of work in the way of prosecuting studies, assembling documents, comparing methods, drafting reports, forms and regulations, etc. It would be very desirable that it should be in a position to employ specialists and experts from time to time as one branch of municipal administration after another is taken up for consideration and report. The expenses incurred by the members of the committee in attending the meetings of that body should be met as well as those for clerical assistance and supplies. If the work is properly done a very considerable sum of money, running into the thousands of dollars, will be required. In view of the readiness with which public-spirited persons have responded in the financing of the work of Bureaus of Municipal Research and other similar undertakings there ought not, however, to be much trouble in meeting this requirement. As long as tangible results of value can be definitely promised and exhibited the money for continuing the work will be forthcoming.

It may seem that I have wandered rather far afield in broaching and devoting so much attention to this subject. In point of fact, however, I am doubly justified in doing so, first because no proper correlation of financial and physical statistics can be had until in some way the cities have radically improved their present methods of administration and record keeping and, secondly, because in the same way the Bureau of the Census can only hope to improve to any great extent its present reports on statistics of cities by having the cities themselves improve their methods of bookkeeping and administration, and reduce them as far as possible to a common basis.

# Budgets and Balance Sheets.

The Practical Application of Sound Accounting Principles and Methods to Municipal Book-Keeping

By HARVEY S. CHASE,

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If we look through the proceedings of the League for the past ten years, we shall find many papers and discussions upon questions related to municipal accounting. If these

## Historic Documents

are noted carefully from year to year, it will be found that there has been a steady progression from the original and somewhat crude classification, which appears in the earlier volumes, down through the development of the past ten or twelve years, until we have to-day the standardized classifications which are applied throughout the country by the United States Census Bureau. These standards have been adopted, so far as the laws permit, by the various States which have uniform municipal accounting bureaus; these States being Ohio, Massachusetts, New York, Indiana, and various others. I bring to your attention a well-thumbed copy of the City Auditor's report for the year 1900 of the City of Newton, Mass., in which appeared for the first time in this country a "uniform" classification of municipal accounts. This document is now historic and in it is given full recognition of the National Municipal League's efforts to establish a standard, to which all the cities of the country could conform ultimately. These efforts were then being put forth by the League's committee upon "Uniform Municipal Reports and Accounts." Continuing our examination of the League's proceedings, it will be noted further that most, if not all, of the papers heretofore given before the League on this subject have been devoted to the classification of appropriations and sub-appropriations authorizing municipal expenditure.

I wish in the present paper to go a considerable step beyond these questions, and point out what seems to me, after long experience in municipalities in various parts of the country, to



be a fundamental necessity in the installation of sound accounting systems in our municipalities, including both cities and towns. This essential feature which I wish to bring to your attention to-day is a counterpart of what is fundamental in all classes of commercial accounting, although the aim of and therefore the requirements upon commercial accounting systems differ in important particulars from those of municipal accounting. These differences have been enlarged upon many times by city comptrollers and others, and I will not attempt to emphasize them here.

On the contrary, I desire in this paper to emphasize the *likeness*, in certain fundamental aims, of both municipal and commercial systems of accounting. You are familiar with the primary distinctions of commercial accounts, "capital" and "revenue"; that is to say, the distinctions between those classes of accounts which have to do with "assets and liabilities" and those classes of accounts which have to do with "income and outgo." The one represents properties, actual cash, and securities belonging to the organization, together with the debts owed by the organization, as well as its capital stock liabilities. The other relates to earnings which have come in during a certain period or have accrued during that period, together with expenses which have been paid out during that period or have been incurred during the same period.

It has been said frequently by persons actually engaged in governmental accounting that the likeness which I am endeavoring to demonstrate to you does not exist.

### **Capital and Revenue**

In fact, to quote the words in a recent address by a certified public accountant familiar with ordinary methods of governmental accounting, such a relationship ought not to be considered at all! This gentleman said, "the considerations of 'capital' and 'revenue' which characterize the accounts of all private undertakings are conspicuously absent in the accounts of cities, and in fact in all public accounts, and accordingly neither the 'balance sheet' as commercially understood nor its inseparable companion, the 'profit and loss' account, finds any place in the reports of public finances."

I wish to make immediate and emphatic objection to this state-

ment. My experience among cities both large and small and in various parts of the United States during the last fifteen years has led me to certain conclusions from which I find myself unable to escape, and one of these conclusions bears very closely upon this matter of "capital" and "revenue" in municipal accounts. In fact, it appears to me that we do have, and must necessarily have, in city affairs the same distinction in classes of accounts which are represented by the titles "capital" and "revenue" in commercial affairs. It will be found impractical to install sound accounting methods in municipalities, in my opinion, unless these distinctions are recognized, whatever be the titles given to these different classes of accounts. The word "capital" is not a satisfactory term to apply to municipal accounts. For this reason I have coined and used the word "non-revenue." The term "revenue," however, and "revenue account," used in very much the same sense as a "profit and loss" account is used in commercial affairs, is one of the most essential features of a proper installation of sound methods of accounting in cities. Of this I am fully convinced, and for this reason: As the authority I have quoted says, "The question of 'gain' or 'profit' finds no proper place in municipal accounts."

**Surplus or  
Deficiency**

true but the question of *surplus* or *deficiency* of revenue is an exceedingly important item in such accounts. This question, Whether or not the revenue pertaining to the fiscal period is in excess of the expenditure which that revenue is supposed to meet, is one of the fundamental questions which a proper system of accounts in a municipality should exhibit, and should exhibit so clearly as to be without question. The corollary of this statement is evident. If the current revenue has not provided for the current running expenses of the city, then borrowed money must be used to supply this deficiency, and such borrowed money can be liquidated only out of future revenues. Thereby such deficiencies of the present become unwarrantable burdens upon the taxpayers of the future.

I have examined city after city in which, owing to the crude methods of accounting in vogue, the municipal officers year after year permitted the expenditures to exceed the revenues available, and thereby municipal debts have piled up. These debts,

being complicated by and mixed with other debts which have been issued for public improvements and similar purposes, have been almost inextricably confused in the accounts, and it has been beyond the capacity of the officers to determine whether, or by how much, the city was running behindhand annually. In fact, as may be readily imagined, a considerable number of municipal office-holders do not sincerely desire that the public shall know how much to the bad their expenditure is carrying the city. They prefer that the finances of the city should run along as best they may until their own terms of office have expired. "After us, the deluge," is too frequently the motto of political office-holders.

Even if these officials are honest, and do desire to exhibit the actual conditions to the public, they find themselves handicapped by unsound methods of accounting based on mere cash accounts, which, under provisions of law, are the prevailing methods of accounting in municipalities to-day.

With laws and legal requirements we must of course comply, but, wherever these requirements are not in accord with sound accounting principles, it is evident to us, as professional accountants, that in due time these laws must be changed. We should look at these matters from a point of view which will give us a broad survey of the whole field of municipal necessities. Laws are by no means perfect, and they are especially deficient along accounting lines for the reason that, in general, laws are drawn and are amended by members of the legal profession who, as a rule, have little knowledge of and less patience with accounting requirements. We cannot avoid recognizing the fact that, as accountants, we must insist, always, of course, with tact and patience, and must continuously insist that the statutes shall recognize accounting requirements and that from time to time they must be changed by amendment and repeal until sound accounting principles shall be matters of law as well as matters of necessary business procedure.

My experience in city after city has led me step by step to conclusions which I am endeavoring to place before you to-day, and, in order that we may start properly and that you may get a correct understanding as to what I mean by "revenue" accounts

and their application in municipal book-keeping, I will now refer to the large charts here upon the wall.

These charts have been prepared for the purpose of illustrating on a scale comparable with the revenue expenditures of a city like New York the entries necessary to establish proper methods of revenue accounting in the books. In order not to complicate

**Explanation of Schedules** the matter, which is sufficiently complicated at best, only those entries have been illustrated

which are fundamentally necessary in order to establish the simplest form of a monthly balance sheet. The amounts set forth on the charts correspond closely enough to the actual expenditures of the city of New York in a recent fiscal year, but no emphasis whatever should be laid upon these figures or any of them. I wish to lay stress solely upon the form and the methods of making the entries and the corresponding ledger accounts which are thereby set up in books and which give automatically a correct balance sheet at the end of each fiscal period simply by taking off a trial balance of the general ledger.

*Schedule 1* is a title-page merely.

*Schedule 2* exhibits a journal entry debiting "Revenue Account 1910" and crediting "Appropriations Account 1910" with \$130,000,000.00, representing the expenditures authorized to be made from taxes and all other revenues during the fiscal year. This journal entry is given in detail under the standard classification established by the Bureau of the Census, and applied by it to the annual reports of all cities throughout the country as published in the Census bulletins. These detailed appropriations will be set up in a subsidiary ledger, appropriation ledger; and this subsidiary ledger will be controlled by the "Appropriations 1910 Account" in the general ledger.

## SCHEDULE 2.

*Journal.*

January 1, 1910.

Annual budget for the year 1910. Estimated by the Board of Estimate and Apportionment and passed by the Board of Aldermen. Required to pay the expenses of conducting the public business for the ensuing year.

Revenue account 1910.....	\$130,000,000.00	
To appropriations 1910, viz.:		
General government.		
Mayorality .....		\$75,000.00
Board of aldermen and city clerk....		240,000.00
Department of finance.....		1,300,000.00
Etc., etc.....		200,000.00
Protection of life and property:		
Police department.....		15,000,000.00
Fire department .....		7,200,000.00
Etc., etc.....		2,500,000.00
Health and sanitation:		
Department of health.....		2,100,000.00
Etc., etc.....		1,200,000.00
Department of street cleaning.....		6,900,000.00
Bureau of sewers.....		150,000.00
Etc., etc.....		500,000.00
Highways:		
Department of bridges.....		600,000.00
Bureau of highways .....		650,000.00
Etc., etc.....		2,300,000.00
Charities and corrections:		
Charitable institutions .....		4,000,000.00
Department of public charities.....		2,400,000.00
Department of correction .....		1,300,000.00
Etc., etc.....		2,000,000.00
Education:		
Department of education.....		30,000,000.00
College of the city of New York.....		500,000.00
Etc., etc.....		750,000.00
Recreation:		
Department of parks .....		3,000,000.00
Etc., etc.....		400,000.00
Miscellaneous:		
Etc., etc.....		935,000.00
Municipal industries:		
Department of water supply, gas and electricity .....		6,000,000.00
Municipal indebtedness:		
Interest on the city debt .....		23,000,000.00
Redemption of the city debt.....		9,000,000.00
Instalment payable.....		5,800,000.00
		<hr/>
		\$130,000,000.00

*Schedule 3.* The accounts in the general ledger are exhibited as they would appear after the journal entry on Schedule 2 has been posted. There is also given as an illustration of the subsidiary "appropriations" ledger one account—Mayoralty.

## SCHEDULE 3.

*General Ledger.*

## REVENUE ACCOUNT 1910.

1910 Jan. 1	To appropriations 1910	J	130,000,000.00				
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## APPROPRIATIONS, 1910.

				1910 Jan. 1	Appropriations for the year	J	130,000,000.00
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*Appropriations Ledger.*

(Subsidiary.)

## MAYORALTY (as illustration).

				1910 Jan. 1	Appropriation	J	75,000.00
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*Schedule 4* exhibits a journal entry establishing the credit to "revenue account 1910" and setting up on the other side as an asset the tax levy of 1910 and the "estimated other revenue" as established by the budget-making body. There is further established by credit entry a "reserve for abatements" account. A reserve account of this nature is fundamentally necessary in municipal bookkeeping, in order that provision may be made for abatements of taxes and other losses of taxes which always occur in municipal finances. If such abatements and losses are not properly provided for by the tax levy itself, they must be made up by additional borrowings, which must become burdens upon the revenues and tax-payers of the future.

SCHEDULE 4.

*Journal.*

CREDIT TO REVENUE FROM TAX LEVY AND OTHER RECEIPTS TO BE COLLECTED.

Tax levy of 1910.....	\$110,250,000.00	
Estimated other revenue .....	30,000,000.00	
To revenue account 1910 .....		\$135,000,000.00
To reserve for abatements (overlay)....		5,250,000.00

*Schedule 5* shows the condition of the general ledger accounts after this journal entry. It will be noted that the "Revenue Account 1910" now stands with a credit balance of \$5,000,000.00.

SCHEDULE 5.

*General Ledger.*

TAX LEVY OF 1910.

1910 Jan. 1	Tax levy of 1910	J	110,250,000.00				
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ESTIMATED OTHER REVENUE 1910.

1910 Jan. 1		J	30,000,000.00				
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REVENUE ACCOUNT 1910.

1910 Jan. 1	To Appropriations 1910	J	130,000,000.00	1910 Jan. 1	Taxes levied	J	105,000,000.00
					Estimated other revenue		30,000,000.00

RESERVE FOR ABATEMENTS (overlay).

				1910 Jan. 1	Taxes levied	J	5,250,000.00
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*Schedule 6* exhibits a monthly warrant for the expenditures under all of the appropriations from revenue. The total amount is charged to "Appropriations Account 1910" and credited to "Audited Vouchers Payable" or to "Warrants Registered," or whatever the title of the liability account may be.

## SCHEDULE 6.

January 31, 1910.

## MONTHLY WARRANT FOR THE EXPENDITURES OF CURRENT MONTH.

## Appropriations, viz.:

## General government:

Mayoralty appropriations.....	\$8,398.42
Board of aldermen and city clerk.....	19,457.39
Department of finance.....	140,023.17
Etc., etc.....	12,452.72

## Protection of life and property:

Police department.....	1,182,933.75
Fire department.....	794,110.98
Etc., etc.....	23,182.72

## Health and sanitation:

Department of health.....	183,731.44
Etc., etc.....	43,079.21
Department of street cleaning.....	508,499.62
Bureau of sewers.....	12,402.71
Etc., etc.....	9,664.37

## Highways:

Department of bridges.....	46,982.42
Bureau of highways.....	49,484.11
Etc., etc.....	17,015.48

## Charities and corrections:

Charitable institutions.....	518,972.48
Department of public charities.....	287,441.82
Department of correction.....	145,732.45
Etc., etc.....	18,941.03

## Education:

Department of education.....	2,893,487.32
College of the city of New York.....	42,347.84
Etc., etc.....	39,745.29

## Recreation:

Department of parks.....	306,721.42
Etc., etc.....	16,237.87

## Municipal industries:

Department of water supply, gas and electricity.....	482,732.14
Etc., etc.....	29,205.99

## Municipal indebtedness:

Interest on the city debt.....	2,434,182.18
Redemption of the city debt.....	742,842.83
Instalment payable.....	400,000.00
Etc., etc.....	14,102.05

\$11,424,111.82

To audited vouchers payable (or warrants registered) .....

\$11,424,111.82



Schedule 7 shows once more the condition of the general ledger accounts after this entry.

SCHEDULE 7.

General Ledger.

APPROPRIATIONS.

1910	Warrant for January	11,424,111.82	1910	Appropriations for year	130,000,000.00
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AUDITED VOUCHERS PAYABLE (OR WARRANTS REGISTERED).

			1910	January War- rant	11,424,111.82
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Appropriations Ledger.

MAYORALTY.

1910	Warrant for January Balance	8,398.42 66,601.58	1910	Appropriation	75,000.00
		<u>75,000.00</u>		Balance	<u>75,000.00</u> <u>66,601.58</u>

Schedule 8. A series of journal entries relating to cash. For simplicity these entries are made by the journal instead of being entered, as they would be in practice, through the cash-book directly. Cash is charged with collections on account of tax levy and is also charged with collections on account of other revenues (licenses, fees, etc., etc.). Again, for simplicity, no cash balance at the beginning of the period is set up in these accounts, although of course there would be, naturally, various classes of cash balances at the beginning of the period.

On Schedule 8 also "Audited Vouchers Payable" account is charged and cash is credited with the actual payments of warrants or bills and pay-rolls made by the treasurer's or chamberlain's office during the month. Further, we suppose that various taxes have been abated, and "Reserve for Abatements" is charged, and the tax levy credited with those items which have been allowed by the proper officers in accordance with the requirements of law.

## BUDGETS AND BALANCE SHEETS

## SCHEDULE 8.

*Journal.*

## CASH RECEIPTS FOR MONTH.

Cash .....	\$18,762,491.31	
To Tax Levy 1910 .....		\$18,762,491.31
Collections of Taxes.....		
<hr/>		
Cash .....	\$2,489,472.28	
To Estimated other Revenue .....		\$2,489,472.28
Collections of Other Revenue .....		
<hr/>		
Audited Vouchers Payable .....	\$9,887,065.72	
To Cash .....		\$9,887,065.72
Payments of Warrants, or Audited Bills and Pay-rolls .....		
<hr/>		
Reserve for Abatements (overlay).....	\$896,743.21	
To Tax Levy 1910 .....		\$896,743.21
Taxes Abated .....		

*Schedule 9* sets forth the condition of the ledger accounts after these entries have been made.

## SCHEDULE 9.

*General Ledger.*

## CASH.

Receipts	18,762,491.31	Payments	9,887,065.72
"	2,489,472.28	<i>Balance</i>	11,364,897.87
	<u>21,251,963.59</u>		<u>21,251,963.59</u>
Balance	11,364,897.87		

## VOUCHERS PAYABLE.

Cash	9,887,065.72	January War-	
<i>Balance</i>	1,537,046.10	rant	11,424,111.82
	<u>11,424,111.82</u>		<u>11,424,111.82</u>
		Balance	1,537,046.10

TAX LEVY 1910.

Tax Levy 1910	110,250,000.00	Cash	18,762,491.31
		Abatements	896,743.21
		Balance	90,590,765.48
	<u>110,250,000.00</u>		<u>110,250,000.00</u>
Balance	90,590,765.48		

ESTIMATED OTHER REVENUE.

	30,000,000.00	Cash	2,489,472.28
		Balance	27,510,527.72
	<u>30,000,000.00</u>		<u>30,000,000.00</u>
Balance	27,510,527.72		

RESERVE FOR ABATEMENTS (overlays).

Abatements	896,743.21	Tax Levy	5,250,000.00
Balance	4,353,256.79		
	<u>5,250,000.00</u>		<u>5,250,000.00</u>
		Balance	4,353,256.79

Schedule 10 exhibits an entry illustrating what is frequently done in municipalities throughout the country, although it is opposed to all considerations of sound accounting and should be prohibited by law. Such action is prohibited by law in various cities, and such action could not be taken in the city of New York. This is, however, the essential point which I desire to bring out, and therefore this entry has been made as set forth.

SCHEDULE 10.

Journal.

Revenue Account 1910 .....	\$10,000,000.00	
To Appropriations 1910.....		\$10,000,000.00

Additional appropriations made subsequent to original levy. Not provided from any specific source—"Money in the Treasury not otherwise appropriated," or other phrase of this nature having been used in the order, or no phrase at all—no provision of revenue at all—frequently.

## BUDGETS AND BALANCE SHEETS

## General Ledger.

## REVENUE ACCOUNT 1910.

Appropriations	130,000,000.00	Taxes levied	105,000,000.00
Additional Ap- propriations	10,000,000.00	Estimated Other Rev- enue	30,000,000.00
		<i>Balance</i>	5,000,000.00
	<u>140,000,000.00</u>		<u>140,000,000.00</u>
Balance	5,000,000.00		

## APPROPRIATIONS 1910.

Warrant for January <i>Balance</i>	11,424,111.82	Appropriations	130,000,000.00
	128,575,888.18	Additional Ap- propriations	10,000,000.00
	<u>140,000,000.00</u>		<u>140,000,000.00</u>
		Balance	128,575,888.18

*Schedule 11* exhibits the totals of the debit and the credit entries in each of the ledger accounts, and also exhibits a trial balance or balance sheet of the accounts as they stand on the general ledger after the entries above set forth have been made. The "deficiency of revenue," \$5,000,000.00, is exhibited on this trial balance.

## SCHEDULE II.

## TOTAL FOOTINGS OF LEDGER ACCOUNTS.

	<i>Debit.</i>	<i>Credit.</i>
Cash .....	\$21,251,963.59	\$9,887,065.72
Tax levy 1910 .....	110,250,000.00	19,659,234.52
Estimated other revenue .....	30,000,000.00	2,489,472.28
Vouchers payable .....	9,887,065.72	11,424,111.82
Appropriation balances unexpended .....	11,424,181.82	140,000,000.00
Reserve for abatements. ....	896,743.21	5,250,000.00
Revenue account 1910.....	140,000,000.00	135,000,000.00
	<u>\$323,709,884.34</u>	<u>\$323,709,884.34</u>

## TRIAL BALANCE.

Cash .....	\$11,364,897.87	
Tax levy 1910.....	90,590,765.48	
Estimated other revenue .....	27,510,527.72	
Vouchers payable .....		\$1,537,046.10
Appropriation balances unexpended .....		128,575,888.18
Reserve for abatements .....		4,353,256.79
Revenue account 1910 (deficiency).....	5,000,000.00	
	<u>\$134,466,191.07</u>	<u>\$134,466,191.07</u>

## COMMENTS.

Frequently, in cities of moderate size, and even in cities of large size, appropriations are made without proper provisions for new sources or revenues to meet the expenditures under such appropriations. We desire to make evident in these charts the necessary result of such action by city councils or other appropriating bodies. Hence this journal entry, which supposes that the appropriating body in this case has made additional appropriations to the extent of \$10,000,000.00, without providing additional revenue therefor. The journal entry would then be "revenue account 1910" debited with \$10,000,000.00, "appropriations account 1910" credited with \$10,000,000.00.

The condition of the general ledger accounts is shown lower down on Schedule 10, and it is seen that by this entry the "revenue account 1910," which prior to this entry had a credit balance of \$5,000,000.00, now has a debit or "deficiency" balance of \$5,000,000.00.

This is the point that I wish particularly to emphasize. It is the fact that in a very large number of our cities in all parts of the country action is frequently taken by appropriating bodies similar to that set forth above. The methods of accounting heretofore in vogue, however, do not exhibit the deficiencies of revenue thereby created. My point is that the accounts *should* exhibit such deficiencies automatically and promptly, so that proper remedial action may be taken by the municipal government and further unsound financing be avoided. The importance of this matter can scarcely be exaggerated. The lack of such exhibits is the reason, in my opinion, for the extension of municipal debts

which has been going on in most of our cities far beyond the amount represented by public improvements, or other additions to the properties (fixed assets) of the city. This deficiency of revenue demonstrates that the accounts of every municipality should be so devised that deficiencies of this nature should be shown automatically and without concealment. This is the argument which has caused me to have these charts prepared and to make this statement to you.

The importance of this matter is well shown in the city auditor's printed statement of the city of Lynn, Mass., of which you now have copies. Turning to the first page of **Lynn Balance Sheet** that statement, in the upper left-hand corner in the current assets, you will note the deficiencies of various years set forth. You will please note that the deficiency of revenue 1908 is stated as \$78,386.21, while the deficiency of revenue 1909 is given as \$8,692.18. There is a difference between these two deficiencies of \$70,000.00, which means that \$70,000.00 less of borrowed money from long-term bonds was expended for running expenses in the year 1909 than was expended in the year 1908. The only reason why as much or more money was not expended in 1909 arises from the fact that in the latter year these printed balance sheets were presented to the city council monthly, and these prospective deficiencies were clearly evident, whereas in the year 1908, before the new methods of accounting were installed, there was nothing in the monthly statements which could exhibit this important fact to the city government. Here is a saving of \$70,000.00 or more a year to future taxpayers in the city of Lynn, which would undoubtedly have been an additional burden upon them, had it not been for this monthly statement, published as now exhibited to you.

It will be noted further that the deficiency of revenue 1910 (if appropriations are fully expended) is expected to be \$9,772.21. This deficiency has been caused by bonds issued for revenue purposes shown on the opposite side of the account, amounting to \$10,000.00. The deficiency would be exactly \$10,000.00, had it not been that minor revenues have come in during the year to date, which diminish the deficiency to the amount stated in the balance sheet.

There are many other matters in this Lynn balance sheet which are interesting, and perhaps I should explain to you in the first place, turning to pages 2 and 3 of the statement, that the items set forth upon those pages are accumulated in the total set down in the lower right-hand corner in the last column but one, representing the balance of appropriations not yet expended at the date in question, September 30th. The item \$353,586.73 on page 2 is made up of all the complication of accounts on that page, but it is exhibited in the balance sheet on page 1 as only *one* of the many items of liability. In addition to this item there are, as you see, a large number of other liabilities which are legal claims against the corresponding assets on the other side, and it is only when all of these liabilities are properly set upon the balance sheet in this way, contrasted with the available current assets, that we may know whether or not there are deficiencies of revenue and how much those deficiencies amount to.

I think you will see clearly, if you give careful attention to this division of the balance sheet, the fundamental nature of the methods of accounting which I have described and the reason for the insistence which professional accountants should lay upon such an installation of ledger accounts as will give, without possibility of concealment, the true conditions of the finances of every municipality at least as often as once a month.

# The Standardizing of Municipal Accounts and Statistics in Massachusetts.

By CHARLES F. GETTEMY, BOSTON,  
Director, Bureau of Statistics, Commonwealth of Massachusetts.

It is not my purpose on this occasion to take up your time with a review in detail of the progress of the movement for the standardizing of municipal accounts in the United States, originating as it did with this organization. Merely by way of introduction, however, to what I have to present with regard to Massachusetts, I may be permitted to recall the fact that Ohio was the first state to take comprehensive action toward securing uniformity in municipal accounts and reports by the provisions of the law passed in 1902 establishing a bureau for the inspection and supervision of the accounts of cities, counties, townships, villages, and school districts. Massachusetts followed in 1906 but with a much milder act, involving no supervision by the State over either local finances or accounting methods and providing only for a return to the Bureau of Statistics by the accounting officers of cities and towns of a statement of their finances upon a uniform schedule to be supplied by the Bureau. Since then the growth of the general movement throughout the country for reform in municipal accounting systems has been noteworthy. Indiana, at the session of her legislature in 1909, adopted an act following closely the Ohio law and in some respects perhaps more complete in its ramifications and requirements; and New York, Iowa, Washington, West Virginia, Wisconsin, Rhode Island, and possibly other states have enacted legislation embodying either modifications of the Ohio law, which represents the extreme type of state supervision over municipal accounts, or the less drastic features of the Massachusetts plan.

In Massachusetts we are still very strongly influenced by traditions of local self-government which have grown up through generations of attachment to the town meeting, and anything which savors of ostensible state supervision over local affairs is



likely to be viewed with considerable jealousy, perhaps more so than in the newer communities of the region beyond the Alleghenies where the traditions of the oldest commonwealths date back as yet scarcely a hundred years. The Commonwealth acted upon this theory of local responsibility when it undertook to work out a program of accounting reform for its cities and towns. The state does not, therefore, under the present law, exercise any supervision or control over either municipal accounts or financial methods, being thus far content to act as an adviser to local officials and communities.

It may be, indeed, that we shall not see proper accounting reform in some communities in Massachusetts without drastic legislation, and it may be that the time will come when the state will see fit to adopt a paternal attitude toward its cities and towns in this matter and require them to submit their accounts to a periodical state audit with a view to protecting their citizens and taxpayers from the inefficiency of their own locally-chosen officials. But the immediate prospect is that we shall continue for the present to move along the lines of least resistance, making progress year by year and step by step, trying to avoid friction between state and municipality, and cultivating mutual relations of assistance and good will. This opinion is substantiated by the attitude of our last legislature, which passed an act upon my recommendation, giving the Bureau of Statistics authority to audit the accounts of municipalities and to install accounting systems *upon petition of the local authorities*, the cost to be assessed back upon the city or town. Another act provided for a simple but comprehensive method of handling town finances and establishing the office of town accountant with functions similar to the auditor in cities; and this act is also effective only by vote of the town. I have no doubt that numerous towns will, of their own accord in the near future, vote to take advantage of this legislation, and that as soon as its benefits become manifest in a few towns, many others will become convinced of the desirability of following their example; and the Bureau will be kept busy for some time to come in responding to these demands for help, without being sensibly embarrassed in its efforts to reform

accounting systems by the absence of such elaborate compulsory legislation on the subject as has been passed in other states. We are, in this matter, in the forefront of a great movement which is gaining headway rapidly and whose concrete results in the form of the statistical information it will furnish, will, ere long, be accepted as absolutely necessary to that efficient administration of public affairs which the people are coming to increasingly demand. If this be a correct appreciation of the momentum already achieved, are we not justified in anticipating for this cause a spontaneous, normal growth without having recourse to forcing processes?

The Massachusetts act, therefore, while a recognition of the necessity for municipal accounting reform, was, at the time of its passage in 1906, based upon the theory that any needed changes in methods would, in the long run, prove most effective if our public officials could be brought to make them in a measure voluntarily, after they themselves had come to appreciate their importance, rather than to attempt to force such changes prematurely upon municipalities unwilling or unable to comprehend the need of reform in their accounting methods. Hence, instead of meeting the question in the manner which was theoretically most logical, namely, by providing for the general installation of a uniform system of municipal accounting throughout the commonwealth, with incidental returns for statistical purposes to a central bureau upon a schedule based upon the accounting system, the legislature simply made provision for furnishing municipal accounting officers with a schedule which was to be uniform for all cities and towns. No preliminary effort to install uniform classifications or methods in the keeping of accounts, as a prerequisite for the presentation of statistics on a uniform basis, has consequently been attempted by the bureau.

But to devise a schedule which would be scientific in its conception and, at the same time, capable of securing classified information upon a uniform basis from the existing heterogeneous and inaccurate "systems" of municipal bookkeeping, which, like Topsy, had "just growed," and the character of which was reflected in poorly-arranged, uninforming, and sometimes inac-

**Voluntary  
Uniformity**

curate auditors' and treasurers' reports, was a very difficult matter; and it imposed a task of considerable responsibility and magnitude upon the bureau which was charged with it. We have been obliged, under the circumstances, to take the records of cash transactions in the defective form in which they have been frequently found to exist in our cities and towns, and, under these unpropitious conditions, to re-arrange and classify them to the best of our ability, in accordance with principles now generally accepted by students of municipal administration and public accounting problems.

The first published report embodying the results of the work of the Massachusetts Bureau of Statistics in this field was issued in September, 1908. The experience acquired in its preparation demonstrated the necessity for devising a comprehensive plan of classifying municipal accounts, more carefully thought out than had been done up to that time, and accompanied by proper explanatory statements for the benefit of both local officials and the public, and until this was completed, it was impossible to make appreciable progress in the work of intelligently editing the schedules as returned by local officials and putting them into condition fit for tabulation. This has involved, as an essential of the process, the devising of a comprehensive, standard terminology with proper definitions, which has resulted, in the very nature of the situation, in the use of terms and expressions which, in some cases, may have a new and unfamiliar sound to the public ear. But the development of a terminology and, indeed, the occasional invention of new words is an element in the evolution of every science, and if municipal finance, with its accompanying accounting problems, is to be dignified by recognition as having a scientific basis and given the position to which it is entitled as a branch of political science, the necessity of its finding expression in terms to a certain extent peculiar to itself cannot be avoided. It need scarcely be urged that it is of the utmost importance that this nomenclature be popularized as speedily as possible and that its definitions be formulated with clearness and exactness.

This is not the place for a discussion of classifications and terminology; but I may perhaps be permitted to cite a single

**Massachusetts  
Terminology**

instance from Massachusetts experience which will illustrate as strikingly as anything I can think of, the significance and potentiality of what may be called the statistical point of view in treating the subject of municipal finances. This is the disclosure of the misleading character of the debt statements of our municipalities when based, as they are quite likely to be, upon the narrow definition of "net indebtedness" laid down by Massachusetts law. The general statutory authority for the incurring of debts by cities and towns in Massachusetts limits the amount to which a city may become indebted to "two and one-half per cent on the average of the assessors' valuations of the taxable property therein for the three preceding years, the valuation of each year being first reduced by the amount of all abatements allowed thereon previous to the last day of December in the year preceding said assessment";<sup>1</sup> and it is provided that "a town shall not become indebted in an amount exceeding three per cent on the last preceding valuation, for the assessment of taxes, of the taxable property therein."<sup>2</sup> This is what is commonly called the "debt limit" and the theory of the law was, of course, that the cities and towns of the commonwealth required some such salutary check upon their borrowing propensities.

But the law recognized certain forms of debt, which it specified should be excluded in reckoning the debt limit, such as water debt, debt incurred for municipal lighting purposes to an amount not exceeding, in a town five per cent and, in a city, not exceeding two and one-half per cent of the last preceding valuation, temporary tax loans, and temporary loans for grade crossing abolition purposes. And from time to time, a sympathetic legislature has harkened to appeals of cities and towns for exemption, for some special reason, from the operation of the general law and has granted permission to borrow "outside the debt limit" for purposes which it was the intent of the statute should be provided for within the debt limit.

Now it is rudimentary to say that the net debt of a municipality is found by deducting from the total funded or fixed debt

<sup>1</sup> Revised Laws, chapter 27, section 3.

<sup>2</sup> Revised Laws, chapter 27, section 4.

the amount which has been set aside in sinking funds to pay the debt when due; and it is hardly necessary to indicate that funded or fixed debt does not include tax loans, temporary grade crossing loans, or outstanding warrants or orders, since such obligations are presumably offset by assets, that is, tax loans by uncollected taxes, temporary grade crossing loans by revenue due from the commonwealth or corporations, and warrants or orders by cash on hand. But the statutory definition of "net debt" in Massachusetts is not so simple. Within the meaning of our law the term "net indebtedness" includes "the indebtedness of a county, city, town or district, *omitting debts created for supplying the inhabitants with water and other debts exempted from the operation of the law limiting their indebtedness*, and deducting the amount of sinking funds available for the payment of the indebtedness included."<sup>1</sup> It will thus be noted that the statutory net debt in Massachusetts is quite different from the real net debt, since in determining the former the funded or fixed debt from which the sinking fund must be subtracted does not take into account either funded water debt or, under certain circumstances, a portion of municipal lighting debt, nor indeed any other loans that may be specially exempted from time to time by the legislature from the debt-limit law.

It is, therefore, obvious that a statement of net debt which is confined to a figure which includes only those obligations embraced within the scope of the so-called "net indebtedness" as narrowly defined by the statute, excluding as it does such an important single item of funded debt as water debt, can hardly be said to tell the whole story of the debt burden. According to the Standard Dictionary, a debt is "that which one owes to another," or "the obligation resting upon one person to pay or perform something that is due to another." The simplest definition of a municipal debt is—any obligation, or, using the term in a broad, collective sense, all the obligations which a municipality is bound at any given date to pay; and, generally speaking, it may be said that there is tangible, documentary evidence, in the form of bonds or notes bearing interest, of such debts. The fact

<sup>1</sup> Revised Laws, chapter 8, section 5, clause 12.

that a debt may legally, or even by specific authority of law, be incurred outside the debt limit, so called, does not make it, on that account, any the less a debt. Because, therefore, a debt is a debt, whether it be laid within or without the debt limit, the Massachusetts Bureau of Statistics has undertaken to gather and tabulate debt statistics independent of mere statutory definitions and has presented for the first time in a report recently issued, tables which show, for the 33 cities and the 65 towns having a population of 5,000, the real net debt derived by deducting the amount of the sinking fund from the *total* funded or fixed debt (including water and other bonded debt not reckoned in calculating the debt limit). Tables are also presented for the first time showing the *total* outstanding indebtedness at the close of the fiscal year, *classified according to the character of the obligation*. These latter form a comprehensive exhibit which includes not only the funded or fixed debt, but temporary loans, (such as money borrowed in anticipation of taxes, grade-crossing loans, etc.), as well as unpaid warrants and orders, which, though represented by cash on hand, must be treated as a liability. Objection may perhaps be made to treating loans in anticipation of taxes as, in a proper sense, debt, yet, being annually recurrent, there is always, in practically every city of the state and in most of the towns, an outstanding debt composed of these temporary interest-bearing loans, which may no sooner be paid off than new loans of a similar kind are negotiated; indeed, we find that of the total interest burden of our 33 Massachusetts cities in 1907, \$9,268,827, nearly 6 per cent, or \$550,212, was for interest on temporary tax loans. The total outstanding indebtedness for the 33 cities for 1907 was \$191,901,845, classified as follows:

Loans for General Purposes .....	\$136,968,495.60	
Loans for Public Service Enterprises.....	47,217,050.00	
Loans for Cemetery Purposes.....	202,200.00	
Temporary Loans:		
Tax. ....	\$6,863,616.46	
Other. ....	348,000.00	
		7,211,616.46
Warrants or Orders Outstanding.....		302,483.38
<b>Total.....</b>	<b>\$191,901,845.44</b>	

Of the total outstanding indebtedness, \$184,729,745 was funded or fixed debt, from which, deducting sinking funds, we find the net debt of the 33 cities for the year under consideration to be \$131,243,203.

Included in the term "Loans for General Purposes" are not only loans issued ostensibly for "general" purposes but likewise all loans whether specified as for school, fire, police, etc., purposes, since these could not be shown separately by figures which would be comparable. We have also felt constrained to include with general loans in the tabulations published this year *all sums borrowed from trust funds* without differentiating between amounts thus obtained for which notes or other evidence of indebtedness have been given and amounts which have been merely taken and used without this plain requirement of ethics, if not of law, being complied with. In the form in which debt transactions have hitherto been reported to the Bureau, it has not been deemed prudent to undertake an exact presentation of the facts in such cases in the current report; but as the cities and towns are now (1910) being asked to make returns regarding trust fund transactions on a schedule specially prepared for the purpose, we anticipate being able to do this in the future.

The difficulties with which the Bureau has had to contend in the effort to compile comparable statistics of city and town finances under the conditions found to exist in most of our municipalities can scarcely be appreciated by any one unfamiliar with them; as was said in our first report "to undertake the examination, classification, and consolidation into comparable form of the receipts and disbursements of 354 municipalities, hardly any two of which kept their books of accounts on the same basis, was to plunge into a veritable statistical jungle." In the course of the field work and office editing which is necessary to put the schedules into proper condition for tabulation, comparison, and analysis, instances in which departmental accounts cannot be made to balance so as to check up with the treasurer's cash as given in the published reports are of common occurrence, while trust fund transactions which are independent of the city or town treasurer's jurisdiction furnish an element of complication fre-

quently requiring much time and ingenuity to adjust satisfactorily. In many, if not a majority, of our Massachusetts towns, each department keeps its own accounts and neither the town treasurer nor any other one person has a record of the purposes for which all town money is spent, so that the co-operation of numerous officials is frequently necessary in order to furnish the information desired for a complete statement of the town's finances. Again, there is sometimes conflict of opinion as to whose duty it is to make out the Bureau's schedules; thus the treasurer or auditor passing out of office, being no longer a town official, is apt to be indifferent as to his duty to make out a return for the past year, while his successor, a new man, pleads insufficient familiarity with the accounts to do so. This is also an indictment of existing methods or lack of methods; obviously accounts should always be in such form that a citizen deemed to be of sufficient intelligence to keep the town books should be able to tell what they mean, and hence be able to make returns to the state bureau.

Many of our town officials do not seem to understand why the information which the Bureau of Statistics undertakes to gather and publish cannot be obtained from town reports, and our schedules are sometimes returned in blank accompanied by a copy of the town report with the ingenious suggestion that we make our compilations from that document. If we were dealing with each town separately, this would be difficult enough, as many of our local officials fail to render an accurate and intelligent accounting to their own citizens, such as ought to be required of them irrespective of the demands of a state department; but since one of the principal purposes of our work is to compile the financial data of our cities and towns upon a basis which will make them as nearly comparable as possible, it ought to be understood that no headway whatever can be made by attempting to rely wholly upon official documents. A common characteristic of these reports is a list of names of persons or firms to whom money has been paid, but with not the slightest clue as to what the expenditure was for. If these documents are any reflection of local public opinion, the people in some of our cities and towns would seem to be vastly

#### **Use of State Schedules**



more interested in being informed as to what various individuals get out of the public than they are in the really important question as to what the public gets out of the individual who renders it service or sells it supplies.

The blanks on which the returns for 1907 were to be entered, were mailed simultaneously to the accounting officers of the 354 cities and towns of the commonwealth on April 3, 1908. It was not until July 27, 1909, over fifteen months afterwards, that the last city schedule was returned to the bureau. The last of the towns of over 5,000 inhabitants to make return did not do so until August 31, 1909, sixteen months after the schedule had been sent out, and repeated proddings by letter or visit of a special agent were necessary to accomplish even this belated result. The returns having been received by the Bureau had then to be subjected to examination and verification, and this necessitated in turn more or less additional correspondence and, in the case of 30 of the 33 cities and 62 of the 65 large towns, a personal visit by a special agent, since it was impossible to tabulate the returns as made even by accounting officers who were most anxious to meet the requirements of the law but who had failed to properly classify their entries on the schedules. To make these visits and personal examinations of the accounts, frequently involving the travel of long distances, calling upon town officials at their homes or places of business and awaiting their convenience for interviews after hours, the Bureau had, during the greater portion of this period, the services of but two agents, and a part of the time of only one.

Under the circumstances described two years have elapsed between the publication of our first and second reports, and the latter now issued in the autumn of 1910 comprises the data for approximately the calendar year 1907. That the practical value of these statistics to administrators and students of municipal affairs would be greater if they were more timely is not to be disputed; but this is a defect which public opinion and legislation must be trusted to ultimately remove. We have faith to believe that it is only a question of time when municipal officers who are either incompetent or indifferent to their responsibilities will be aroused by the citizens and taxpayers, perhaps rudely, from their

slumbers; and that competent, hard-working officials, who themselves have long since seen the necessity for reform in accounting methods, but who have preached it in vain, will find substantial encouragement in an awakened and enlightened public sentiment. Meantime, we are obliged to concede that we must rely for the desired data primarily upon appeals to the public spirit of local officials and their willingness to comply cheerfully with the laws of the commonwealth. The roll of Massachusetts cities and towns whose local affairs are in the control of citizens of the type last mentioned is happily already considerable, and the list of those who are beginning to appreciate the significance of this work in its relation to efficient public service by undertaking a revision of their accounting methods is perceptibly increasing.

The returns from the cities and towns upon which our first report, covering the year 1906, was based, were furnished to the

**Progress of  
the Work**

Bureau on a schedule which, compared with that sent out in 1910 to be used in reporting the financial transactions of 1909, was, it must be admitted, exceedingly crude. It was not altogether unnatural that this should be so, since the Bureau, having had imposed upon it a venture in a new and untrodden field of inquiry, could have at the outset none of the knowledge which can come only through practical experience in dealing with actual conditions; and in the collection of the information which it sought to secure, statements of local officials and published figures in city and town reports could not, with the limited equipment of the Bureau for the new work, be subjected to that careful examination, verification and editing which has since been found essential. The preparation of schedules and the translation of data after they have been obtained into intelligible tabulations have of necessity been matters of evolution; and because of this fact, involving numerous changes in both classification and method, comparison between the statistics of the reports for 1906 and 1907 cannot fairly be made.

The chief merit of our first effort to present comparative statistics of the cities and towns of Massachusetts was, therefore, not so much the value of its statistical presentations as the opportunity it afforded of arousing the civic conscience of the

cities and towns of the commonwealth. This influence, actively at work during the past two years, has found concrete expression in the action of various city governments and town meetings which have called for an expert audit of accounts—in some instances the first ever undertaken in the history of the municipality—and accompanied by a recommendation that a new system be installed in accordance with the classifications prescribed by the Bureau of Statistics. Such an examination or audit, in various degrees of completeness, has been made of general or departmental accounts by public accountants employed for the purpose, or by investigating committees, in the cities of Everett, Gloucester, Haverhill, Lawrence, Lowell, Lynn, New Bedford, Quincy, and Worcester, and in Boston by the Finance Commission; and in the towns of Billerica, Braintree, Cohasset, Framingham, Newbury, Peabody, Reading, Revere, Rockland, Southbridge, Swampscott, Wakefield, Watertown, Wayland, and Whitman, while in Townsend and perhaps other towns the by-laws have been amended so as to require the treasurer to classify his accounts, as far as practicable, in conformity with the schedules of the Bureau of Statistics. We would not have it inferred that this is a complete list of municipalities in Massachusetts which have taken steps toward a reorganization of their accounting systems, either by definite action of the city government or town meeting, or by the initiation on the part of progressive citizens of a movement in behalf of a reform in local financial methods, but the cities and towns mentioned are fairly representative of the awakening that is undoubtedly taking place on this important subject in our Commonwealth; and the demand upon the Bureau of Statistics for information and assistance by letter and personal visits is continuous and increasing.

Reference has been made to the tendency of legislation relative to municipal accounting and financial reform in Massachusetts thus far to follow the line of least resistance and, while furnishing cities and towns ample authority for the introduction of more scientific methods of treating this subject, to refrain from subjecting them to compulsory, statutory requirements, coupled with provisions for enforcing the law. An exception must be made to

**Certification of  
Town Notes**

this statement, the last legislature having made a radical departure in one important respect from the consistent pursuit of its policy. This was in the enactment of a law requiring all town notes issued on or after the first of January, 1911, to be certified by a state officer, and since the Bureau of Statistics has come to be regarded as the central office for information in regard to municipal matters in Massachusetts, this duty was placed upon the head of that department. The law was the direct outcome of the lamentable experience of the town of Framingham, whose town treasurer was found, about a year ago, to have been guilty of forging town notes to an amount, in the aggregate, of several hundred thousand dollars. The disclosure directed public attention to the fact that no adequate safeguards were thrown around the issue of municipal securities by law, although two or three banking institutions in Boston had built up a considerable business in certifying notes and bonds. Governor Draper, in his inaugural address to the legislature in January last, accordingly made the following recommendations:

I suggest that some plan be adopted requiring the registration and certification in the office of the Bureau of Statistics of all town and city loans. This arrangement should be most carefully thought out and made as thorough as possible, and yet the system should not be too expensive. A proper charge for all registration and certification of the loans should be made to the towns and cities having it done. I believe the registration and certification of such loans would cause them to sell at a higher price, so that the charges for having it done would be no hardship to the municipalities, while it would be of material advantage to investors.

The legislature, following its traditional custom to proceed slowly in enlarging the field of state supervision, placed its approval upon the principle involved in this recommendation, but confined its operation specifically to *town notes*; that is to say, bonds issued by towns as differentiated from notes are not embraced within the scope of the act, nor are either the bonds or notes of cities.

In accordance with the terms of the new law, no note issued by a Massachusetts town on or after January 1, 1911, will be legal

unless made upon one of the blank forms which are to be furnished town treasurers for the purpose. Pursuant to the requirements of the act, therefore, a book of engraved blank notes will be furnished by the Bureau of Statistics to the treasurers of each of the 321 towns in the Commonwealth, each note being serially numbered and attached to a stub, on which the treasurer will be required to enter certain information to be kept as a permanent record of the transaction—such as the date of the town meeting authorizing the loan, the purpose of the loan (whether in anticipation of taxes or for some other object), the total amount of the loan authorized, the amount of previous issues of the loan, the amount of the note, the date of issue, the balance of the loan unissued, the person to whom the note is payable, the place of payment, the date the note is due, the rate of interest, and a statement as to how the interest is made payable (*i. e.*, whether annually, semi-annually, or discounted). A blank form will also be furnished on which the town clerk must certify the exact text of the vote of the town meeting authorizing the loan; also that of the persons who sign the note as treasurer and selectmen are, in fact, the treasurer and selectmen duly qualified to act as such.

When the treasurer wishes to issue a note, he will use one of the blank forms furnished by the Bureau of Statistics, which, after being carefully filled out, he must transmit, together with the town clerk's certification as provided for, to the Bureau. The receipt of the note by the Bureau will then be acknowledged by letter to the town treasurer, the town clerk, and each of the selectmen whose names appear on the notes as the signers thereof, and they will be requested to return certificates identifying their signatures to the note. If the Director of the Bureau of Statistics, upon examination, finds that the note appears to have been duly issued in accordance with the vote of the town and to have been signed by the duly qualified officials thereof, he will so certify on the face of the note. The note will then be returned by registered mail to the treasurer of the town. In accordance with the law, there will be charged for the certification of each note a fee which, it is intended, shall be sufficient to cover the cost of furnishing the forms and incidental ex-

penses of certification.<sup>1</sup> All official papers pertaining to the issue will be open to inspection to any interested person at the office of the Bureau of Statistics in the State House. One incidental provision of the act, important in connection with the Bureau's statistical work, is the obligation imposed upon town treasurers to notify the Director of the Bureau immediately whenever any note issued shall have become due and paid and to state the source from which the money to pay the same was obtained. A town treasurer violating any of the provisions of the act is made liable to a fine of from \$100 to \$500.

The functions of the Massachusetts Bureau of Statistics are, as its name implies, primarily statistical, and we do not propose to lose sight of this fact. We have found, indeed, that it is impossible to compile reliable data relating to municipal finances without thorough reform in accounting and budget-making methods; but while bearing in mind that accounting and budgetary reform are essential to and lie at the very foundation of any plan of trustworthy municipal statistics, we should not fail to remember that the public as a whole cannot be expected to concern itself greatly with bookkeeping technique. Even excellent accountants are too often unable to see beyond their books and have not the imaginative faculty needed to enable them to select the essential facts for presentation to the public, which wants to know—or ought to want to know—what the sources of municipal revenue are and how and for what purposes its money is being spent; and this information it cannot get from reports, however accurate, which are little more than mere transcripts of cash accounts accompanied by no effort to arrange and group the figures in such manner as to give them real significance. City and town officials should, therefore, not only know how to keep books and records accurately and systematically, but they ought, also, in order to round out their capacity for usefulness to the people, to possess the qualifications of being good reporters.

However charitable a view we may wish to take in explana-

<sup>1</sup> This fee has been fixed at a flat rate of \$3 for each note certified without regard to the amount of the note.

tion of conditions which may reflect merely the result of generations of indifference, it is plainly apparent, by all the signs of the times, that the people do not propose to be governed much longer by the spirit of *laissez faire* in their municipal affairs. Not better accounting methods alone, therefore, but the galvanizing of the bookkeeper's figures into living object lessons that will make for a better and broader civic life—this is the real purpose of the statistics of municipal finances we are collecting and compiling in Massachusetts.

# A Comparison of the Forms of Commission Government in Cities.

By ERNEST S. BRADFORD, WASHINGTON, D. C.

The number of cities governed under the commission form has greatly increased during 1910. Any form of administration which has been adopted or approved by a hundred municipalities merits the respectful consideration of every student of city government, and particularly the members of the National Municipal League. In November, 1909, fifty cities were reported as operating or ready to operate under the system which has received the name of the "commission" form; to-day between ninety and one hundred cities have it in force or have voted to adopt it, and as many more have the matter under consideration. If a new name continues to be added to the list each week it may not be long before a majority of our American municipalities will be governed by a small board, elected at large and exercising adequate power under certain restraining "checks", while New York, Chicago, Boston, and other centers of population will be actively discussing proper methods of applying the system to metropolitan conditions.

During 1910, cities have secured commission charters or states have passed general acts permitting municipalities to adopt the board form as follows:

Kentucky, Illinois, South Carolina, and Louisiana passed acts under which the cities of Newport (Ky.), Columbia (S. C.), and Shreveport (La.), have already voted to operate.

## **Commission Governed Cities**

In Kansas, the cities of Topeka, Coffeyville, Parsons, Pittsburg, Marion, Cherryvale, Iola, Wellington, Emporia, Abilene, Newton, Girard, Neodesha and Caldwell, installed the plan or decided to do so.

Eight additional cities in Texas took advantage of a state law permitting any municipality of less than 10,000 to adopt it by a



majority vote of the electors—Kennedy, Aransas Pass, Harlingen, Barry, Lyford, Port Lavaca, Marble Falls, and Terrell.

In Iowa, Keokuk and Burlington began operating and Sioux City, Marshalltown and Fort Dodge voted to also follow the example of Des Moines and Cedar Rapids.

In Oklahoma, McAlester, Muskogee, El Reno, Bartlesville, Sapulpa, Miami and Duncan are now included.

Vermillion (S. D.), Mankato (Minn.), Eau Claire (Wis.), Tacoma (Wash.), Lynn (Mass.), Modesto and San Luis Obispo (Calif.), and High Point (N. C.), are recent acquisitions. Hattiesburg, Miss., began operating during the present year, although it voted in 1909. In Oakland (Calif.), the board of freeholders have already reported a commission charter, which will be voted on shortly, and if accepted by the city, will go to the state legislature for its approval early in 1911.<sup>1</sup>

From this enumeration have been omitted several cities in Tennessee, one in Missouri, one in California, three in Texas, one in North Carolina, and one in Massachusetts, which, although found in some published lists, cannot properly be classed as commission cities. (The full list of cities which up to November 15, 1910 had installed or voted to install the commission form is found on the last three pages.)

In those cities where the plan has been in operation for several years,<sup>2</sup> its inauguration has been followed so uniformly by more or less marked improvements in the various fields of municipal activity as to impress even its opponents. Legislative committees opposed to the plan in advance, keen newspaper men, doubting anything which purports to really change the usual bad municipal conditions, earnest but skeptical lawyers and students of government, and hard-headed business men, have all visited Galveston and Houston and Dallas, Des Moines, Cedar Rapids, Leavenworth and other commission cities, only to be convinced against their will of the improvement wrought and to go home to advocate the adoption of the system in their own towns. It would be interesting to enumerate in detail the results in each city, but such is not the purpose of this paper. It is suffi-

<sup>1</sup> Adopted by City of Oakland in December, 1910.

<sup>2</sup> For dates of beginning operation in each city, see pp. 278-280.

cient here to note that a study of the plan during the past three years, including correspondence with cities, a careful analysis of their charters, and personal visits to the most important—Galveston, Houston, Des Moines, Cedar Rapids, Huntington, W. Va., Keokuk, Memphis and others—interviewing citizens of all types in these cities, attendance at meetings of the commissions, and examination of records and annual reports, warrants the conservative statement that since the introduction of the commission form there has been a marked increase in efficiency in municipal finance and in the care of streets, including paving and lighting; progress in the administration of the police and health departments, though to a less degree than in finance and engineering; and a more satisfactory operation of municipal utilities and regulation of public-service corporations than under the aldermanic plan. There appears to have been in the commission cities, some improvement in almost every field of municipal activity, though differing in different localities. There can be no question that the plan has also greatly aroused public interest in municipal affairs, has inspired the people with a heretofore unknown confidence in their local governing body, and seems to be promoting that comprehensive view of the urban center and its needs which is manifested in the beginning of a "city plan" for Dallas, Cedar Rapids and other municipalities. Too much should not be claimed, however, for the commission system, in view of the short time during which it has been in effect. Neither this nor any other form of organization for cities will solve all the problems that arise in connection with municipal government. It does not supply intelligence to voters, nor wisdom to officials. It does not eliminate danger of misgovernment, nor insure against financial extravagance. The system is only half of the solution—the *men* (voters and officials) constitute the other half. Under the small board plan there is no less need of honest and vigorous *citizenship* than heretofore: its advantage is that it supplies a better *form* of government.

But this is outside of the scope of the present discussion and we must pass to a consideration of the features found in the many commission charters and state laws, their analysis and comparison, and a discussion of their respective excellences and de-

fects. Let us examine the charters of Galveston, Houston, Austin, Dallas, Fort Worth, Wichita, Haverhill, Gloucester, Lynn, Berkeley (Calif.), Huntington (W. Va.), Lewiston (Idaho), and other cities, including the recent charters of Tacoma and Oakland (Calif.); the state laws of Iowa, Kansas, North Dakota, South Dakota, Wisconsin, Minnesota, Mississippi, and other commonwealths, not forgetting the recent acts of Kentucky, Illinois, South Carolina and Louisiana. An attempt has been made to distinguish between those elements which are merely incidental and those which, from their importance and their presence in all the commission charters and laws, may be considered as properly characteristic and fundamental.

I. The first feature which appears from even a cursory examination of the commission laws and charters is the small number of members of the governing body.

The usual number of members of the commission is five, that being the number in the boards of Galveston, Houston, Des Moines, Dallas, Cedar Rapids, and in most of  
**The Small Board** the cities of Texas, Iowa, and the Dakotas. Three is the next most common number, occurring usually in the smaller cities; particularly under the Kansas law for cities of the second class (of less than 15,000 population); in Iowa, for cities of between 7,000 and 25,000 population; and in the Texas general act which applies to cities of less than 10,000 population. The Wisconsin law makes three the number of the commissioners for all cities which may adopt the plan. The New Mexico law allows from three to five commissioners, while the Mississippi statute provides "three or five". Huntington and Bluefield (West Va.), and Palestine (Texas), have a board of four, including the Mayor. Fort Worth (Texas) has six; Lewiston (Idaho), seven, and Highpoint (N. C.), nine commissioners. The following table summarizes the provisions in the various cities on this point, forty out of eighty cities tabulated having a commission or council of five:

NUMBER OF COMMISSIONERS.<sup>1</sup>

Three.	Four.	Five.
Denison, Tex.,	Palestine, Tex.,	Galveston,
Greenville, Tex.,	Huntington, W. Va.,	Houston,
Marshall, Tex.,	Bluefield, W. Va.,	Dallas,
Barry, Tex.,	Sapulpa, Ok.	Austin,
Harlingen, Tex.,	Enid, Ok.	Waco,
Kennedy, Tex.,		Corpus Christi,
Aransas Pass, Tex.,		Muskogee, Ok.,
Lyford, Tex.		Memphis,
Port Lavaca, Tex.		Haverhill,
Marble Falls, Tex.		Gloucester,
Terrell, Tex.		Lynn,
Miami, Ok.		Colorado Springs,
Duncan, Ok.		Grand Junction, Colo.,
McAlester, Ok.,		Berkeley, Calif.,
Bartlesville, Ok.,		San Diego, Calif.,
Baker, Ore.,		Oakland,
Kansas Cities of 2d class		Tacoma, Wash.,
(13 cities),		Kansas Cities of 1st class
Iowa Cities of		(7 cities),
7-25,000 (3),		Iowa Cities of over
Wisconsin (1).		25,000 (4),
		North Dakota (3),
		South Dakota (7),
		South Carolina (1),
		Kentucky (1).
Six.	Seven.	Nine.
Fort Worth, Tex.	Lewiston, Idaho.	High Point, N. C.

The number of members which a working board should have is based upon two main considerations,—the number which can be well elected by voters at any one time and the natural limit to the efficient number of any working board.

Of these, the first is most important. Our American ballots are overloaded with the names of candidates: so many offices are to be filled that it is impossible for any one but a politician to inform himself as to the merits of each of the aspirants for the many places to be filled. The multiplicity of elective offi-

<sup>1</sup> The Minnesota law contains no provision as to the number of commissioners; New Mexico provides 3-5 commissioners; Mississippi, 3 or 5.

cers drives men into voting straight party tickets, a cross at the head of the column which contains a familiar name or two being an easy relief from wading through the long list below. A natural remedy is to reduce the number of names on the ballot. Why should not five men represent a city more ably than twenty? It is not the number but the acts of the council which determines whether or not it is truly representative. In the past, it has been assumed that merely allowing the people to vote for their officers will ensure democratic government; it is now recognized that democratic government means government in accordance with the wishes of the people and that the people must therefore be given easy means of control of their officials. One method of control is to provide for elections at any time that a real need arises instead of only at stated intervals; the "recall" is merely the privilege of electing a new and better official sooner than usual. Another method is to allow the people to vote directly on measures as well as on men, heretofore, the two ideas have been tied together, and the only way to secure one or two needed laws was to vote for the men who stood for these laws but who also possibly stood for others not so desirable. Another and very simple method is to reduce the number of elective officers to a reasonable number, small enough so that the elector may know something of each man for whom he votes. The "short ballot" is very important,—much more important than is recognized by many, and so simple that it should be instantly welcomed as a great addition to the list of effective methods of securing good government.

Present electoral methods in cities are open to valid objections, which have been set forth clearly as follows:<sup>2</sup>

**Present Electoral Methods**

The usual ballot "submits to popular election offices which are too unimportant to attract or deserve

<sup>2</sup>"The Short Ballot Principle,"—and other publications of the Short Ballot Organization. The officers of this organization are: President, Woodrow Wilson, Princeton, N. J.; Vice Presidents, Winston Churchill, Horace E. Deming, Ben B. Lindsey, Wm. S. U'Ren, Wm. Allen White, Clinton Rogers Woodruff; Sec'y and Treas., Richard S. Childs, 383 Fourth Avenue, N. Y. City. The object of the organization is to explain "The Short Ballot" principle to the American people.

public attention; it submits to popular election so many offices at one time that many of them are inevitably crowded out from proper public attention; and it submits to popular election so many offices at one time that the business of making up the elaborate tickets necessary at every election makes the political machine an indispensable instrument in electoral action. Many officials therefore are elected without adequate public scrutiny and owe their selection not to the people but to the makers of the party ticket, who thus acquire an influence that is capable of great abuse."

The "short ballot" principle is, "first, that only those offices should be elective which are important enough to attract (and deserve) public examination; and second, that very few offices should be filled by election at one time, so as to permit adequate and unconfused public examination of the candidates." The value of these suggestions is evident and their statement is so terse that it is only necessary to quote them for their acceptance. While not covering the entire field of popular control—what series of propositions ever did?—the short ballot principle is of great moment, and its adoption by many of our foremost publicists and citizens is evidence of its correctness. It is one of the important features of the commission form in cities.

The foregoing principle is further emphasized by the fact that the number of members of the municipal governing body should be also within the natural limits of efficiency for an executive board. The greater the number of members, the less the responsibility of each. In large boards of directors and committees it is frequently the fact that many members are absent. The point at which the individual ceases to consider that his membership in a group is important varies in different cases, but may be said, from experience in many fields of collective activity to be, for active managing bodies, at or below seven, certainly below ten. The work of city governing is mainly administrative and managerial, and therefore a small number is desirable. Most of the cities have shown preference for an odd number, and for three or five rather than a more numerous board. In Huntington and Bluefield, the desire to have the two large parties equally represented on the board led to the choice of four as a number evenly divisible.

Prompt action is one of the possibilities realized under a small commission. Three instances may be cited from Cedar Rapids. A well-known real-estate agent, and a former member of the city council for years, wished recently to get a plat of the new subdivision approved for his firm; it took one day to get it. Under the old plan it would have required six months; at least that was the time taken to get through his last previous plat. A local independent telephone company wished to secure a new franchise allowing it to put its wires under ground and to make certain reconstruction; this franchise was introduced (under the old regime) in May of one year and was reported out by the committee in March of the next year. Such delay is impossible under the present system. The Douglas Starch Works wished to have an unimportant street vacated. Application was made to the council, and approved the same day. Similar incidents have occurred in many cities. The board is small enough to act without delay.

The small council or commission is thus best, both from the viewpoint of the voters who must select, from that of the board itself, which must administer, and from that of the citizens whose welfare demands prompt action from municipal authority.

The general considerations tending toward a small board, are further modified by the number of functions to be performed by the municipal governing body.

**Division into Departments**      The various duties naturally group themselves into four or five departments. Supervision and general oversight has been given, in most cities, to the mayor-commissioner, while finances, police and fire matters, and streets, are well marked divisions to each of which a commissioner has been almost uniformly assigned. The fifth commissioner has been given charge of light and water, or water-works and sewerage, or some other residual, but important, field of activity. Galveston has besides the mayor-president, commissioners of finance and revenue, police and fire, streets and public property, and water works and sewerage. The charters of Dallas and Ft. Worth and the laws of North Dakota and South Dakota accept the same divisions. Houston divides its municipal administration into finance and revenue; police and fire; streets, bridges

and public grounds; and water, light and health, beside the mayor, who has general oversight. The Iowa law places the mayor in charge of public affairs, while the other departments are accounts and finance, public safety, streets and public improvements, and parks and public property. Where there are only three commissioners, duties are consolidated; in the Kansas law for cities of the second class, the mayor is given charge of police, fire and health, and the other two members have finance and revenue, and streets and public utilities, respectively. The new charter of Tacoma, Wash., well drawn on the whole, places the mayor in charge of public affairs, health and sanitation; and provides, besides, for the departments of finance; public safety; public works, streets, improvements, and property; and light and water. The Kentucky law, passed in 1910, and applying as yet only to cities of the second class, provides for departments of public affairs (in charge of the mayor), public finance, public safety, public works and public property. High Point, N. C., with a commission of nine, has besides the mayor, commissioners of finance and revenue, police and fire, streets and cemeteries, water works and sewerage, public buildings and property, lights and lighting, a purchasing commissioner and an auditing commissioner. San Diego, Cal., separates the police from the fire department, allotting its five commissioners to finance, ways and means; police, health and morals; public streets and buildings; fire and sewers; and water.

In place, then of the usual council, consisting sometimes of two bodies and containing from ten to fifty or more members, there is substituted a single board of five or three. This small board comprises, in most cases, all the elective officials chosen in the city. Officers, such as city engineer, assessor, treasurer, and others of that nature, elected under the aldermanic plan, are appointed by the commission. Only in a few exceptions are officers other than the commissioners elected, not counting school directors, boards of education and library trustees which are so generally put in a class by themselves at elections.

In this new small council the mayor appears merely as the chief member and presiding officer. In most cases his veto disappears. He is but one of the five, and votes as one. Whether



the new body be called a board of commissioners, as in Galveston, Dallas, Fort Worth and the Kansas cities, or a council, retaining the old name with the new provisions, as in Des Moines, Colorado Springs, Tacoma and elsewhere, the substance is the same. It is a small board, easier to elect, and after election, easier to hold responsible; and more prompt in action. Large bodies move slowly. The danger of too rapid action is obviated by transferring the power of veto to the voters as a whole, by means of the referendum; vigor and expedition in dealing with the many administrative details of city government are better supplied by a small board with few members.

II. The second feature of all the forms of commission government is the abolition of wards as election units. Each commissioner is voted for by all the electors, not merely those from one ward, and is responsible to the entire city rather than to a section of it. The elective principle is retained but made to apply to a larger unit.

Every commission charter and law has this provision, either specifically stated or enforced in actual practice. The commissioners are to be elected "at large", in the Tacoma and other late charters, as well as in those of Houston and the other Texas cities which adopted the plan among the first. "By the qualified voters of the whole city", is the provision in Huntington; the commissioners "may be residents of any part of the city", says the Haverhill charter. This element of the commission plan is not confined, it is true, to cities which have the commission plan; Boise, Idaho, for example, while not strictly a commission city, provides for the election of a board of five "on a general ticket". Some other cities have incorporated this provision in their charters; but it is a characteristic of the commission form.

From the side of the voters, the board members are more truly representative than formerly; each voter wields more power, since he directly votes for all five, instead of for only one or two of twenty councilmen. Better men can be elected, too, when all the voters make the selection; the influence of a bad ward is less when lost in the mass of other votes than when it can crystallize

**Election at  
Large: A Re-  
Definition of  
Representation**

by electing a bad ward alderman. Better known men are selected and men of broader outlook and larger caliber. After election, the commissioners are responsible to all the citizens, and will naturally expect to care for the interests of the city as a whole. The trouble with the system of ward representation is that the individual ward receives attention—at least, those wards with aldermen most efficient in “trading” and arranging “deals” with fellow members—but the interests of the city as a whole suffer. “To secure one more electric light in my ward,” said a former councilman, “it was necessary to agree to vote for one more arc in each of the other seven wards.” So the city installed and paid for eight arc lamps where only one was needed. The same is true of sewer extensions, new street paving, grading, water mains. Des Moines, Houston and nearly every city which had the ward system, offered flagrant examples of this vicious system of “part representation”. Now the commission form changes all this. The entire body of voters chooses the board of five and know who the men are for whom they are voting.

The danger of having most or all of the commissioners elected from the same ward or section has not materialized in the cities which have adopted the election at large. Des Moines, divided by the Des Moines River, into East and West sides, elected for its first commission two from one side and three from the other; and there has been no attempt discernible on the part of the West side councilmen to unduly favor their part of the city. They are accountable to the entire city and therefore act for the whole city. In Cedar Rapids, similarly divided by the Cedar River, only one alderman (commissioner) was chosen from the West side, but he states that he has had no difficulty in securing adequate provision for the needs of that section. Bohemian-Americans, constituting probably a fourth of the population of Cedar Rapids, have not a member of their nationality on the board of commissioners, yet persons of Bohemian parentage have been appointed to places in the city government, on their merits, and their section of the city has received its share of appropriations for paving, water mains and street lighting. One of the first things done by the new commission in Cedar Rapids was to extend sewerage and water connections to a large Bohemian Catholic

church, which had never been able to secure them under the former council. Nor has there been favoritism as to wards in Houston or Galveston or Huntington or Leavenworth or Wichita or Lewiston or Dallas, so far as can be learned. The fact that every voter in the city is a constituent of each commissioner tends to correct any danger from possible over-representation of any one section.

If election at large rather than by wards tends to result in the choice of better councilmen (commissioners), the payment to them of reasonable salaries makes it possible for them to give to their municipal duties their entire time or such part of their time as may be required, without too great financial sacrifice. Whatever the case in England and Germany and France, American municipal directors must be paid. Whether they should give their entire time or not is more of a question. The salaries provided in the various state laws are usually arranged on a sliding scale, varying with the size of the city to be governed; the charters specifically provide, in most instances, the amount to be paid. The range of salaries is considerable; the usual provision is for an annual amount, to be drawn in monthly installments. A comparison of the salaries of city commissioners (or councilmen), including the mayor, would be of interest, but is of minor moment and is omitted here in order to present more important features.

In all Texas cities the term of the commissioners is two years as is the case with the Iowa law, the Kansas law for cities of the

**Term of Office** first class and the charters of Lewiston (Idaho), High Point (N. C.), and Haverhill (Mass.). The Kansas law for cities of the second class provides for a three-year term, one commissioner being chosen each year. The term of office of the commissioners of Huntington, W. Va., as well as of members of the Citizens' Board, which is provided as a check, is three years. Under the laws of North Dakota, South Carolina, Memphis, and Bluefield, W. Va., the term is four years, while in South Dakota the term is five years and in Wisconsin, six years for mayor and four years for each of the two councilmen. In Berkeley, Calif., the mayor and auditor are elected for two years, while every two years two councilmen and two school directors are elected for a four-year term, there being a

mayor and four councilmen besides the auditor. In Mississippi and Minnesota there is no provision as to term or method of election further than to specify election at large.

The continued re-election of commissioners has lengthened their actual term in office in several cities, particularly in Galveston and Houston.

All of the commissioners are usually elected at the same time, but there are exceptions, as already seen. In Marshall, Texas, two commissioners are elected one year for a two-years' term, and the next year the chairman (mayor) and city secretary for a two-year term. In Lewiston, Idaho, the mayor and three councilmen are elected each odd year for two years; and in each even year the other three councilmen for two years. In Bluefield, W. Va., two (of four commissioners) are elected for four years; two years later, the other two are elected for four years. Similarly in Grand Junction, Colorado Springs and Tacoma, and in the laws of North Dakota and South Carolina, the mayor is elected with two commissioners every four years for a four-year term and the other two commissioners elected two years later for a four-year term. Under the Wisconsin law the mayor holds office for six years and the two commissioners for four years each, one being elected each alternate second year. In South Dakota one commissioner of the five is elected each year for a five-year term. In Kentucky, the mayor is elected for four years and the other four commissioners for two years each; two years later, a police judge is elected for four years and the four commissioners for two years again. In Haverhill, the mayor, two aldermen and two members of the school committee are elected each even-numbered year for two years, while the two other aldermen and the two other members of the school committee are elected each odd-numbered year for the same length of term.

The qualifications for commissioners range from the provisions of the Texas cities, requiring each member of the governing board

**Qualifications and Restrictions of Commissioners** to be a citizen of the United States, a qualified voter, a resident of the city previously for a certain number of years (in some charters, of twenty-five years of age, a property owner, and not in arrears for taxes, and in one instance, not a stock-

holder or director of any public-service corporation having a city contract or franchise), to that of Grand Junction, Colo., where the only provision is that the commissioner shall be a qualified elector. In such a limited space as is here available, it is not practicable to discuss the subject in detail, nor is it of great relative importance.

The requirements demanded of the commissioners besides the prescribed qualifications, include frequently the giving of a bond and prohibit the holding of more than one office or of any office the compensation of which has been increased during the commissioner's term. The most definite and drastic provision and one found in the majority of the commission charters, is that prohibiting a commissioner or councilman from having any financial interest in city contracts. The receiving of free passes, tickets or gifts of substantial value from public service or other corporations is also prohibited in many instances. These are no essential part of a commission charter but are usually present.

As to whether the commissioners should be required to give all their time to their municipal duties, or only part time, there is a decided conflict of opinion. Sentiment in Galveston strongly favors requiring only part time, since very able men can be secured as commissioners, if they can be allowed to devote only a small share of their attention to city business.

On the other hand, Houston, Des Moines and other cities require the entire time of their council members (commissioners). This provision, in connection with longer terms of office, may tend to make municipal commissionerships become a profession, since an able man cannot afford to leave his business and devote all of his time to city affairs if he is likely to be retired at the end of two or four years. The commissioner becomes more experienced and valuable the more time he gives to the work and the longer he is a commissioner. The tendency is strongly in the direction of longer terms and with the advent of the commission plan generally throughout the country, a new and valuable field of governmental service will be established, as in Germany, of which men will make a vocation, and which will take the principal part of their energy and time.

**Should Commissioners Give their Entire Time?**

The municipal business of most small cities does not need the services of five men or three men for seven or eight hours each day. Part time is now the rule, and is possibly best. The present council system offers an extreme example of service for part time only; night sessions are usual, and meetings often only once a month. Much more attention may well be required and still not all the day of the municipal director be occupied in the care of city business.

If the larger city were fairly sure of being able to elect some of its best business men to its governing board, as in Galveston, it could be provided that members might be elected at a low salary to give part time, or at a high salary to give all of their time, that point to be settled at the time of nomination. If the voters preferred Mr. A, a most capable bank manager or manufacturer, who was willing to give part of his time at \$3,000 a year, rather than Mr. B, a less able man, though capable, at \$6,000 a year, to give all of his time, let them so indicate on the nominating ballot. Besides the names of candidates, columns for "time required" and "salary", opposite each name would appear on the ballot, in that case. This plan would not shut out the first-class business man, whose experience would be most helpful to the city, but who cannot afford for four or five thousand dollars a year to devote all of his energies to the city's affairs while he can make several times as much in his own business.

The present time requirements in commission cities are as follows:

## TIME REQUIRED OF COMMISSIONERS.

*Date of grant of charter or passage of state law in parenthesis.*

Entire Time.	Part Time.	No Provision.
Houston (1905), <sup>a</sup>	Galveston (1901), <sup>a</sup>	Austin (1909),
Dallas (1907),	Marshall, Tex. (1909), <sup>f</sup>	Palestine (1909),
Ft. Worth (1907),	Corpus Christi (1909),	Waco (1909),
Greenville (1907),	Denison (1907), <sup>g</sup>	Lewiston, Ida. (1907),
Grand Junction,	High Point, N. C.	Memphis (1909),
Col. (1909),	(1909), <sup>g</sup>	Gloucester (1908),
McAlester, Ok. (1910),	Colorado Springs (1909), <sup>h</sup>	Haverhill (1908),
Kansas (Cities of 1st	Tacoma (1910), <sup>h</sup>	Lynn (1910),
class), <sup>b</sup>	Huntington, W. Va.	Colorado Springs (1909),
Iowa (1907), <sup>a</sup>	(1909), <sup>1</sup>	Berkeley, Calif. (1909),
New Mexico, <sup>4</sup>	Bluefield, W. Va.	San Diego, Calif. (1909),
Wisconsin (1909). <sup>1</sup>	(1909), <sup>1</sup>	Kansas (Cities of 2d
	Muskogee, Ok. (1910), <sup>g</sup>	class) (1909), <sup>k</sup>
	Oakland, Calif., <sup>n</sup>	Minnesota (1909), <sup>1</sup>
	South Carolina (1910). <sup>g</sup>	North Dakota (1907), <sup>m</sup>
		Mississippi (1908), <sup>1</sup>
		South Dakota (1907), <sup>1</sup>
		Louisiana (1910).

Summary—6 charters, 3 11 charters and one 11 charters and 6 state  
state laws—in all, 22 cities. state law—in all, 12 cities. laws—in all, 37 cities.

<sup>a</sup> All the commissioners, including the mayor, give their entire time.

<sup>b</sup> In cities of over 60,000 population all the commissioners give their entire time; in cities of 30,000–60,000, mayor gives at least 6 hours a day; applies to cities of Leavenworth, Topeka, Wichita, Kansas City (Kans.), Hutchinson, Pittsburg and Emporia.

<sup>c</sup> Applies to Des Moines, Cedar Rapids, Sioux City, Keokuk, Burlington, Marshalltown and Ft. Dodge.

<sup>d</sup> Commissioners "shall not be otherwise employed."

<sup>e</sup> Mayor, 6 hours a day. No provision as to other commissioners; they are supposed in actual practice to give an hour a day.

<sup>f</sup> Mayor, entire time; other commissioners, as much time as necessary.

<sup>g</sup> As much time as necessary.

<sup>h</sup> Regular office hours.

<sup>1</sup> Public office and stated hours.

<sup>j</sup> No provision in its law, but only part time in practice. Applies to Pierre, Huron, Yankton, Rapid City, Dell Rapids, Sioux Falls and Vermillion.

<sup>k</sup> Applies to thirteen cities.

<sup>l</sup> Applies to one city.

<sup>m</sup> Applies to three cities.

<sup>n</sup> Charter framed, but not yet approved by legislature.

III. The most vital and effective element in the commission form of government is not the small number of the governing body, as important as that feature is, nor the election of the members at large, helpful though that provision is proving to be, but the amplitude of the powers conferred upon the commission, the assignment of each commissioner to a department, and the sufficiency of the checks provided to assure popular control. These

**Powers of the Commission** third, fourth and fifth elements, as they have been numbered here, are so basic in their nature, that though they do not at first seem of unusual moment, they prove upon examination to include the first and second features, already noted, and to comprise the essence of two broad principles, which are both present in the term "responsible authority." This connotes at once power and accountability,—the capacity to accomplish and the possibility of a penalty for a failure to accomplish. Election at large is simply a kind of check beforehand,—a method of insuring the choice of men who will represent the city as a whole, rather than a number representing a multiplicity of parts. Provision for a small board is the same sort of prior restriction in order that voters may choose a few officials intelligently rather than select, without thought, a larger number. These are but parts of the second half of the equation,—methods of enforcing responsibility by determining in advance the conditions of choosing public servants. These prior checks have been considered; it will be in order in a later chapter to discuss those methods of control enforceable after election. It is now proper to present the positive side of government,—that of the powers bestowed upon those who must act in a collective capacity,—those who must pass laws and administer them in behalf of the people. What power has been exercised, in cities, under the mayor-and-council plan, by the council, and what under the newer commission system may fittingly be contrasted. It may be that here will be found some explanation of the unusual success which has so far attended the operation of the latter method of government.

In the United States, the state legislature confers upon cities the right to exercise certain functions, these being specified usually in the charter granted to the city. These "powers," or



more correctly, fields of activity, include the right to levy taxes, borrow money, issue bonds, lay out streets, establish markets, hospitals, libraries, schools, enact building regulations, grant franchises, and in many cases, acquire and operate water works and other public utilities. At some time in the future, the state may recognize more clearly a proper general municipal field, and it may not be necessary for cities to have specified in such detail what they may do; nor to have to go to the legislature for every new small grant of municipal power. Home rule for cities, however, is not the theme of this discourse, nor does the field of activity of the city under the commission differ from that under the ordinary council. In this respect, it is well to sharply distinguish the "powers" of the city—that is, the fields in which it may act,—from the "powers" of the governing body; that is, the authority which it may exercise within the fields of activity permitted to the city. When we say that the council exercises legislative power, we mean that it makes laws (ordinances), on those subjects which the state allows cities to control; administrative power means the right to enforce or carry out those laws or regulations on those same subjects. The powers of the *council* are greater if it is allowed to exercise both administrative and legislative authority,—and frequently in addition the power to appoint city officials,—than if it exercises legislative authority only; but the powers of the city—that is, the field within which it can act, may remain the same. What is meant by the "ample powers" conferred on the small commission-council under the commission plan is that this small board exercises not only the usual ordinance-making power, but also oversees the administrative departments of the city and appoints the officers. It decides (by ordinance), what shall be done, appoints the men to do it (all the department subordinates and employees), and sees that it is *done*. Each member of the commission is the chief of a department. The board exercises administrative control over all the departments by being itself the administrative head of the government, subdividing the work among its members, but all the more effectively controlling action. Ample power? It recalls the business corporation.

The powers of the commission may be considered first in

general and then under the heads of ordinance power, administrative authority, and appointing power (considered broadly and including power to create new offices, fix salaries, and prescribe duties). It should be remembered, in passing, that this discussion does not properly have to do with what functions the city should be allowed by the legislature to exercise, but how much of the power already marked out as belonging to the city is exercised by the commission and in what manner.

The board is given by most charters, the general powers formerly exercised by mayor and council and the heads of departments. The council (commission), under the Iowa law possesses "all executive, legislative and judicial powers and duties now had, possessed and exercised by the mayor, city council, solicitor, assessor, treasurer, auditor, and other executive and administrative officers, . . . by the board of public works, park commissioners, the board of police and fire commissioners," etc. "The board of commissioners," runs the Kansas law for cities of the first class, "shall constitute the municipal government of such city and shall be the successors of the Mayor and council"; and "said board of commissioners shall have and exercise all such rights, powers and duties as are conferred upon it by this act, and such other powers, rights and duties as are now, or shall be hereafter conferred by the laws of the State of Kansas upon the Mayors and councils of the cities of the first class, not in conflict with the provisions of this act."<sup>1</sup> The South Carolina law grants to the board all legislative, executive and judicial powers and duties conferred upon the city. The Galveston charter provides that "the board of commissioners shall have and exercise all the rights, powers and duties of the mayor and board of aldermen of cities, as may be conferred by the constitution and laws of this state, and . . . all the rights, powers and duties conferred upon them or either of them by the terms of this Act"<sup>2</sup> and further the board "shall have control and supervision over all the departments of said city."<sup>3</sup> Not only the authority formerly exercised by mayor and council, but additional powers set forth in the charter or state law are granted to the Board

<sup>1</sup> Section 23.

<sup>2</sup> Section 6.

<sup>3</sup> Section 12.

or commission. This additional authority lies not in the field of making and passing ordinances, which is the usual legislative function of the council (and mayor,) but in the matter of appointments, and in administrative control.

The appointing power is here used broadly to include the power (1) to appoint and remove all, or practically all, of the subordinate officers and employees of the city; (2) the power to create new offices and discontinue them, and (3) the power to fix salaries, (except those of the commissioners themselves), to prescribe duties and to transfer officers or change their duties.

Under nearly all of the commission charters, the commission is given the right to appoint the city treasurer, attorney, assessor and collector of taxes, chief of police, chief of the fire department, city engineer, superintendent of water works, and similar municipal officers.

The Galveston board is given authority to appoint, by majority vote of all the members, all officers and subordinates in all departments of the city and to remove any officer or employee, with or without cause. The police and fire commissioner is allowed to recommend or nominate persons for appointment in the police and fire departments, while the board as a whole has the power of final selection. A similar provision exists in the Ft. Worth charter. At Galveston the chief of the police and fire department is also given power to temporarily suspend any subordinate in his department; while at Ft. Worth the police and fire commissioner is given the right to employ policemen and firemen and to discharge them at his discretion, provided only his action does not conflict with the regulations of the Board of Commissioners. The power to appoint and remove is generally given to the board, officers formerly elected now being appointed by the board. This is true of the Iowa law, of the Kansas law, (both for first and second class cities), of the laws of Wisconsin, North Dakota, South Dakota, South Carolina, and Mississippi; it is also the case in Lewiston, Idaho, Bluefield, W. Va., Haverhill and Gloucester, Mass., and Berkeley and San Diego, Calif.

Nomination by the mayor, subject to confirmation by the rest

of the board, is the rule in Houston, Dallas, Denison, Waco and Palestine, Tex. In Memphis, each commissioner nominates the subordinates in his department, the Board electing them; a similar provision, substantially, exists in the charter of Grand Junction, Colo. Removal is by the mayor alone or by the council in Houston and Denison; and by the head of the department, with the consent of the mayor, in Palestine. In Colorado Springs each commissioner recommends officers in his department; the mayor appoints them; day laborers and unskilled workmen in each department are employed and discharged by the commissioner in charge of that department. In Tacoma, each chief of a department appoints and removes in his own department, except the mayor, who appoints in his own department, subject to confirmation by the council as a whole.

The power to create new offices, to appoint their incumbents and to discontinue and abolish such offices at will, are provisions which add greatly to the efficiency of a city government. They are found in nearly all the commission plans, as are also provisions granting power to the board to fix the salaries, prescribe and alter the duties and assign further duties, which are also present in a great number of charters. These enable the board to shift their officers and subordinates into more suitable places and to transfer duties, when necessary, thus insuring a considerable degree of elasticity.

Not only large appointing power but administrative oversight of a comprehensive and far-reaching character is given by specific

**Administrative Control** provision of the charter or state law, in most cases, to the commission or council; at the same time, in practically all instances the individual commissioners are heads of departments. The board of commissioners, provide the Galveston and Ft. Worth charters, "shall have control and supervision over all the departments of said city, and to that end shall have power to make and enforce such rules and regulations as they may see fit and proper for . . . the organization, management and operation of all the departments of said city, and whatever agencies may be created for the administration of its affairs."

"Said commissioners," says the Dallas charter, "shall per-

form all of the executive duties of the respective departments to which they may be assigned, as above provided, but said board, *as a whole*, shall have supervision of, and be responsible for, the administration of each of said departments." Substantially the same provision occurs in the charter of Austin, Tex.

The power of the board or the mayor to assign the departments tends to make the commission still more of a unit in its responsibility to the voters, enabling it to control any individual member.

In connection with its other duties the commission is given authority to levy taxes, to vote appropriations and, in general, a broad control of the finances of the municipality. Making up the annual budget of expenditures is thus placed in the hands of the commission. Each commissioner is required to submit, usually to the mayor, thirty or sixty days before the time of making up the budget, estimates of the amounts which will be needed during the ensuing year to properly run his department, and the revenues which his department can probably be counted on to yield. The mayor submits all the estimates so made to the board as a whole, which determines the amount of expenditures, the tax rate, and the allotment to each department. Extravagance of expenditure is to be prevented by the provision found in many charters that the total amount appropriated by the budget shall not exceed the estimated income. Another clause frequently included provides that after the appropriations are once fixed they cannot be increased, unless the income estimated has been exceeded by actual receipts. Sometimes, as in the Memphis charter, the board is allowed to spend more in one department than at first estimated if the amount be taken from other departments, the total expenditures not exceeding that at first agreed upon.

In Colorado Springs, Lewiston (Idaho), and in several other cities, the mayor may veto separate items in appropriation measures. Careful auditing of the accounts of the departments is provided for in some charters; some requiring an annual examination of the city's accounts and authorizing the mayor to appoint experts to make such examination.

The board of commissioners frequently acts as a board to

#### **Financial and Other Powers of the Commission**

equalize the assessment of taxes; and sometimes sits as a civil-service commission.

The powers of the commission, therefore, are much greater than those of the usual city council, including, as they do, close administrative oversight as well as legislative authority, the appointment of subordinate executive officers, and the exercise of such financial and incidental powers as are necessary. Yet such concentration of control has proved most successful in the field of business, where similar problems of organization have to be met and efficient collective action taken in behalf of a large group of interested members of the corporation.

Glance for a moment at the method of governing the American railroad or manufacturing company. A body of stockholders elect annually a board of directors. This board of directors usually includes many, if not all of the executive officers of the company—the president, vice-president, general manager, treasurer and some members who are not engaged in the active work of superintending the operations of the company. This board of directors elects the officers, decides who shall be president, who shall keep the funds, and who shall be the active manager. The board determines the policy to be followed during the ensuing year, deciding what new tracks shall be built, what new rolling stock must be purchased, whether or not to raise rates; or, if a manufacturing company, what methods to follow in reducing the cost of production, in marketing their products, in meeting competition. As the year advances, the board looks sharply after the outcome of their plans; it sees that a certain amount of work is done by a given time; it insists upon securing the results anticipated. Each of the executive members of the board acts as the head of a division of the work. The board, collectively and by individuals, is exercising administrative control; it has determined the policy of the company, that is, acted in a legislative capacity; and has selected its chiefs of divisions by virtue of its appointive power. The strong, virile, successful business corporation combines the powers which our theories of government have so carefully attempted to keep apart. The commission plan has drawn straight from American business experience its essential elements of success, discarding, so far as

city government is concerned, the theory of the strict separation of powers, which should never have been applied to cities, since their main functions are, and have long been, of a nature similar to those of business corporations.

IV. A fourth characteristic present in all commission types examined is the assignment of each commissioner to be the head of a definite department, for the conduct of which he is responsible to the commission, and to some extent directly to the people.

**Each Commissioner Head of a Department**

"The work of the municipality shall be divided into departments, with one of the commissioners at the head of each department," is the simple wording of the Mississippi law. These two features seem to go together—the collective responsibility of the board for the efficient administration of city affairs, and the individual responsibility of the separate members as heads of the administrative departments. The charter of Galveston provides: "they shall, by majority vote of all said Commissioners, designate from among their members one Commissioner who shall be known as 'police and fire commissioner'"; and one commissioner to be head of each of the other departments; while that of Ft. Worth adds the words: "it being the purpose of this act to charge each commissioner in control of a department with its management, and to fix directly upon him the responsibility for its proper conduct."<sup>4</sup>

In general, the commissioners exercise approximately equal authority, each in his separate office, except the mayor, who will receive special mention.

It should be noted that the commissioners do not look after the details of the work of the departments; they have superintendents who do all this. The commissioner of water, lighting and sewerage has a superintendent of water works, a superintendent of lighting, an electrical inspector and an inspector of plumbing, under his direction. The commissioner of streets and public improvements has foremen in charge of paving, cleaning, sidewalk construction, grading—differing in number and duties with the size of the city and the amount of work to be done. The office of commissioner of finance usually includes the assessor

<sup>4</sup> Chapter 2, Section 16.

and collector of taxes, and the auditor, with their necessary assistants and clerks. The commissioners have only the larger aspects of the city's work to deal with. They are managers, and together constitute a managing board.

The mayor is a member of the board, and presides at its meetings, with the right to vote on all questions. He signs ordinances, contracts and warrants on the treasury, and performs other ministerial acts. He also

### **The Mayor**

usually possesses certain emergency powers, such as the right to summon special policemen in times of riot or epidemic. He presents the budget to the council. He calls special meetings of the board. The mayor is the chief executive officer of the city, in which capacity he frequently, as in the case of Des Moines, is made the head of the department of public affairs, having oversight of municipal matters as a whole, and having under his control the corporation counsel (city attorney), city clerk or secretary, and sometimes one or two additional officers.

The distinctive feature of the mayor's office, in the commission plan, is that he is one of the council, voting, but having lost the veto power so usual under the aldermanic form of government. Most commission charters so provide, but there are exceptions. He has both vote and veto in Houston, Dallas, Denison, Greenville, Corpus Christi, and in Lewiston, Idaho. In most of these cities he occupies the unusual position of being able to veto an ordinance passed by the board, and then as a member of the board vote not to overrule his own veto. As it usually requires a four-fifths or a two-thirds vote to override a veto, the mayor and one commissioner can control. In High Point, N. C., the mayor has only a veto. In Colorado Springs, he votes but has veto also on appropriation items. Usually, however, the veto power has been transferred to the voters as a whole, by means of the referendum. In Huntingdon, West Virginia, a citizens' board of sixty-four members is given the right of veto on ordinances; as is also the case in Bluefield.

The name of mayor appears in Galveston as mayor-president, but has elsewhere been generally retained without change. In Marshall, Texas, he is known as the chairman of the board; in North Dakota, as the president of the board. In Grand Junction,



one of the commissioners is designated commissioner of public affairs, and is ex-officio mayor. In Colorado Springs, the mayor is commissioner of water and water works; in Memphis, of public affairs and health; in Tacoma, public affairs, health and sanitation.

Broadly considered, the office of mayor, under the commission form of government, is merged in the board, whether the latter be called council or commission; the mayor's veto generally disappears; as one of the governing board he has equal voting power; by virtue of his emergency authority and his general oversight of public affairs, his position is somewhat more influential than that of the other commissioners. But he acts as a part of the ordinance-making body, and the other members share his former administrative control; and both together exercise the appointing power. The combination of these three functions, together with the necessary control of finances, is emphasized from whatever side the commission system is approached.

There are several advantages which result from concentrating power so completely in the hands of a single small group. First, from the point of view of the voter and the citizen it focusses attention on the offices, because more important, and, aside from the fewness of the number to be filled, compels a knowledge of the candidates. Further, after election, the public can remember who the commissioners are; the simple division of duties is an arrangement that the citizen with a complaint or an inquiry to make finds most useful. He not only knows who is in charge of a department, but who is to blame if bad conditions are not remedied. In this way, not only is the commissioner held accountable to the board, but public opinion may reach down through the board and know who is careless among the commissioners. Usually, however, the board can be relied upon to bring an unsatisfactory member to time by failure to approve his plans or confirm his recommendations for appointments. If not, there is the recall; but that will be considered later.

The board itself, moreover, can do better work when clothed with sufficient authority. Nothing blights the hopes of a city boss so effectively as giving the governing board power enough to run the city's affairs without his help. For, indeed, why does

the boss exist? With municipal authority divided among mayor, councilmen, and elective chief of police, assessor, attorney, engineer and other officers the boss gathers up the loose ends of power and wields them for his own benefit. To some degree, he unifies the city government, often determining upon a policy for the municipality and carrying it through by means of his control of all the divisions of official authority. He may thus perform a real service in supplying missing cogs in the machinery, and make otherwise disconnected wheels and springs work together in a single compact municipal mechanism. But it is likely to be also a political machine, operated for private benefit. If the boss actually renders a useful service to the city, he exacts an exorbitant compensation in the way of extravagance or graft. The remedy is not to rail at the boss, but to secure a new piece of governmental machinery, which shall be, to begin with, a unit in itself needing no "expert" boss to thrust in needed cogs here and there to make the wheels work. The machinery should be provided with direct and effective starting and regulating levers, so that control may be easy and sure. The controlling levers, in the city's governmental apparatus, under the commission form, are the referendum, the recall, the initiative and similar improved appliances which are being included in most of the recently-constructed municipal machinery. If the referendum is a brake, the initiative is a starting lever, and the recall a device to throw a defective belt off the pulley, in order to replace it with another. This brings us to the consideration of these devices.

V. Not only is it important that sufficient power should be possessed by the governing body to enable it to perform its duties well, but methods of control must also be provided to insure control by the people; otherwise, despotic and arbitrary acts of officials have no remedy.

The "checks" provided in the commission charters include:

**Checks and Balances** (a) publicity, both of proceedings, of ordinances, including franchises and of the general and financial condition of the city; (b) the referendum; (c) the initiative; (d) the recall; (e) non-partisan primary and election methods; (f) a civil service commission; and other and minor provisions.

Of these "checks" and safe-guards, some appear in nearly every charter, while others occur less frequently. The following table summarizes the principal means of popular control provided in the different charters and general laws. The degree of publicity, the extent to which the referendum is applicable, the percentage of signatures required for the recall,—indeed, nearly every item differs in some respect from the corresponding provision of other charters, but the definite presence of the principle involved is sufficient to place it here in the columns "publicity," "referendum," or wherever it may belong. The details of the provisions of each charter cannot here be presented, for lack of space; this table is intended as a broad résumé of all the charters:

## SUMMARY OF "CHECKS" PROVIDED IN COMMISSION CHARTERS AND LAWS.

City Charters.	Publicity.	Referendum.	Initiative.	Recall.	Non-partisan Primaries.	Civil Service Commission.
Galveston, Texas.....	x	—	—	—	—	—
Houston, Texas.....	x	x	—	—	—	—
Dallas, Texas.....	x	x	x	x	—	—
Fort Worth, Texas.....	x	x	x	x	—	—
Denison, Texas.....	x	x	—	x	—	—
Austin, Texas.....	x	x	x	x	x	—
Greenville, Texas.....	x	x	—	—	—	—
Waco, Texas.....	x	x	x	x	—	—
Palestine, Texas.....	x	x	—	x	—	—
Corpus Christi, Texas.....	x	x	—	x	—	—
Marshall, Texas.....	x	x	x	x	—	—
Lewiston, Idaho.....	x	x	x	x	—	<sup>1</sup>
Huntington, West Virginia.....	x	x <sup>2</sup>	—	x <sup>2</sup>	—	x <sup>2</sup>
Bluefield, West Virginia.....	x	<sup>2</sup>	—	<sup>2</sup>	—	x <sup>2</sup>
Memphis, Tennessee.....	x	x	—	—	—	x
High Point, North Carolina.....	x	x	—	—	—	—
Haverhill, Massachusetts.....	x	x	x	x	x	—
Gloucester, Massachusetts.....	x	x	x	—	—	—
Lynn, Massachusetts.....	x	x	x	x	x	—
Colorado Springs, Colorado.....	x	x	x	x	x	x
Grand Junction, Colorado.....	x	x	x	x	x	x
Berkeley, California.....	x	x	x	x	x	—
San Diego, California.....	x	—	—	—	x	—
Oakland, California <sup>5</sup> .....	x	x	x	x	x	x
Tacoma, Washington.....	x	x	x	x	x	x
McAlester, Oklahoma.....	x	x	—	x	<sup>4</sup>	—
Sapulpa, Oklahoma.....	x	x	x	x	<sup>4</sup>	—
Ardmore, Oklahoma.....	x	x	x	x	<sup>4</sup>	—
Enid, Oklahoma.....	x	x	x	x	<sup>4</sup>	—
Tulsa, Oklahoma.....	x	x	x	x	<sup>4</sup>	—
Bartlesville, Oklahoma.....	x	x	x	x	<sup>4</sup>	x
Muskogee, Oklahoma.....	x	x	x	x	<sup>4</sup>	—

<sup>1</sup> Mayor and council have power to provide for selection of agents, officers and employees of the city under civil service rules.

<sup>2</sup> A Citizen's Board exercises both referendum and recall.

<sup>3</sup> Board of Commissioners acts as Civil Service Board.

<sup>4</sup> May have either partisan or non-partisan primaries, in accordance with state constitution.

<sup>5</sup> Charter framed and adopted by the city (December, 1910), though not yet approved by State Legislature.

SUMMARY OF CHECKS PROVIDED IN COMMISSION CHARTERS AND LAWS—*Concluded.*

State Laws.	Publicity.	Referendum.	Initiative.	Recall.	Non-partisan Primaries.	Civil Service Commission.
Iowa .....	x	x	x	x	x	x
Kansas: Cities of the 1st class .....	x	x	x	x	x	x
Kansas: Cities of the 2nd class .....	x	x	x	—	— <sup>6</sup>	—
Wisconsin .....	x	x	—	—	x	—
Minnesota .....	†	†	†	†	†	—
Illinois .....	x	x	x	x	x	•
North Dakota .....	x	x	—	—	—	—
South Dakota .....	x	x	x	x	x	—
Texas. (General Law.) <sup>9</sup> .....	<sup>10</sup>	—	—	—	—	—
New Mexico .....	—	x	—	—	—	—
South Carolina .....	x	x	x	x	—	x
Kentucky .....	x	x	x	—	x	—
Mississippi .....	x	x	—	—	—	—
Louisiana .....	x	x	x	x	—	—

<sup>6</sup> Non-partisan primaries allowed only in cities of over 10,000 population.

<sup>†</sup> Any city adopting the commission plan may include this feature.

<sup>8</sup> Civil Service Law of 1895 may be applied by any city.

<sup>9</sup> Applies to cities of less than 10,000 population.

<sup>10</sup> State laws apply.

Which of these "checks" is most important and therefore most necessary of inclusion in a city charter is a question difficult to answer, because there is no means of determining the value of each safeguard separately with any degree of exactness. Publicity features are certainly indispensable, for the public must know what ordinances are passed and what is the condition of the city in its many departments, in order to intelligently use any of the other safety devices. The referendum and initiative naturally go together; and while the former is likely to be more frequently employed, the experience of Oregon shows that, in state affairs at least, the latter will not be unused. The two together constitute a unit, supplying a continuous control of legislation. The recall is of no less value for its continuous control of legislators,—in a municipality, the city commissioners. Non-partisan primary and election features seem to be clearly helpful, and there is a present demand for a municipal civil service in connection with the other provisions. While it is pos-

sible that the relative importance of these controlling levers, all of which are in the nature of improvements, is about in the order given, one will scarcely venture a dogmatic conclusion until after a longer period of trial has supplied more data.

The broader question as to what element of the five noted as fundamental parts of the commission form is most essential and the cause of the great improvement in governmental efficiency, is of much greater import. It is even more difficult to answer. Is it more important to give the governing body adequate power or to hold it strictly accountable to the will of the people? How can these two elements be separated? Are they not the two sides of the shield? Should not power and responsibility go together? The great fault of the aldermanic system is that not only are there not provided adequate means for holding councilmen responsible to their constituents, but there is not enough power granted to the council to enable it to direct the city's activities rightly. These two principles, inseparably connected, and each given its proper weight, lie at the bottom of all well-conducted collective enterprises, corporate or governmental. The commission form is important because it recognizes, first, the need of power reasonably centralized and hence gives the council administrative and appointing power as well as legislative authority; and second, because the means of popular control provided are direct and many: publicity of proceedings of council or commission: means of referring all ordinances, including franchises, to the people: means of bringing a public servant up sharply for a vote of confidence or lack of confidence: means of eliminating national politics from municipal elections: means for insuring a system of appointment for merit among employees and assistants. That wards are abolished; that the councilmen are all elected by all the voters; these are valuable parts of the plan, but not the most important. That a few men,—a body of five or three commissioners,—are chosen to act as a managing board, instead of fifteen or twenty, or two boards of thirty or forty each, is decidedly better for both the voters, who have fewer men to elect and for the commission, which becomes a smaller and more compact body for action; but this is only one among

several important features. Both the "short ballot" and election-at-large are safeguards provided in the system, prior to election, and hence fundamental in determining the conditions under which officials are chosen; yet they are not sufficient. Control must be adequate after election, also, and the more and better the means of control, the less is it likely that there will be need to use them. The other important element of control which must not be lost sight of,—closely connected, indeed, with the exercise of administrative power by the commission,—is the division of duties among the commissioners. The simple and effective method of putting one commissioner in charge of each department at once conveniently subdivides the work and localizes responsibility. In each department, employees and subordinates and assistants and chiefs are accountable to the commissioner; the commissioner is, in turn, chargeable to the entire board for his department; and both the commissioners singly and the board as a whole are answerable to the people for the proper conduct of all the city's affairs. There is no break in the chain of responsibility. There is enough power: it is definitely located: it is simply organized: it is linked with means of enforcing accountability. A few men are elected and upon them is the burden. The similarity to the business corporation is marked. The same chain of responsibility was there successfully worked out long ago. American business is contributing perhaps its best element,—its effective form of organization,—its excellent machinery for collective action,—to city government. In place of careful attention to the cutting down of operating expenses and the increase of receipts, in order to yield resulting profits, there is substituted a careful attention to cutting down operating expenses and increasing public revenues (aside from taxes), for the general benefit. The same means are used in both instances, but for different ends. Business methods are applied to government. In the past it has been assumed that because the ends were different, different methods must be used in governmental administration, from those of private business. In some few respects the methods will be different; for example, the government will probably never push the rate of wages down to the limit sometimes forced by private business; but the same care to get

value received may be exercised, similar economies and improved methods of reducing running costs, and similar energy in securing a reasonable return for service rendered, may be sought; similar correct principles of organization may be followed. The commission form seems to be the first earnest attempt to apply to governmental conditions the successful experience of the corporation, no less significant because first inaugurated to meet a crisis, not necessarily less substantial because adopted rapidly. The American citizen appears to believe so thoroughly in commission government for cities, not because the governing body is called a commission, nor because the plan is new; but because he is thoroughly familiar with its main principles as employed in business. In those cities where it has been tried, its introduction has been followed by sufficient financial, engineering, moral, and general civic improvement to convince him that the application of these principles to the management of municipal affairs is likely to yield better results than heretofore secured under the aldermanic form.

LIST OF COMMISSION CITIES.<sup>1</sup>

City.	Population, 1910.	Date of Beginning Operation.	Organized Under General Law or Special Charter.
Texas .....			
Galveston	36,981	1901	Charter
Houston	78,800	1905	"
Dallas	92,104	1907	"
Ft. Worth	73,312	"	"
Denison	13,632	"	"
Greenville	8,850	"	"
Austin	29,860	1909	"
Waco	26,425	"	"
Palestine	10,482	"	"
Corpus Christi	8,222	"	"
Marshall	11,452	"	"
Kennedy	.....	1910	State Law
Aransas Pass	.....	"	"
Harlingen	.....	"	"
Barry	.....	"	"
Lyford	.....	"	"
Port Lavaca	.....	"	"
Marble Falls	.....	"	"
Elkhart	.....	*	"
Terrell	7,050	*	"

<sup>1</sup> A star indicates a city not yet operating under the commission plan, though having voted to do so. The figures of population (U. S. Census, 1910) are given for those cities for which population figures are available, up to Jan. 1, 1911. Census Bulletin, Dec. 15, 1910, and later announcements.



LIST OF COMMISSION CITIES—*Continued.*

City.	Popu- lation, 1910.	Date of Beginning Operation.	Organized Under General Law or Special Charter.	
<b>Kansas</b> .....	Leavenworth	19,363	1908	State Law
	Wichita	52,450	1909	"
	Independence	10,480	"	"
	Hutchinson	16,364	"	"
	Anthony	.....	"	"
	Caldwell	.....	"	"
	Topeka	43,684	1910	"
	Kansas City	82,331	"	"
	Coffeyville	12,687	"	"
	Parsons	12,463	"	"
	Pittsburg	14,755	"	"
	Marion	.....	"	"
	Cherryvale	.....	*	"
	Iola	9,032	"	"
	Wellington	7,034	"	"
	Emporia	9,058	"	"
	Abilene	.....	"	"
	Newton	7,862	"	"
	Girard	.....	"	"
	Neodesha	.....	"	"
<b>Iowa</b> .....	Des Moines	86,368	1908	State Law
	Cedar Rapids	32,811	"	"
	Keokuk	14,008	1910	"
	Burlington	24,324	1910	"
	Sioux City	47,828	*	"
	Marshalltown	13,374	*	"
	Fort Dodge	15,543	*	"
<b>Oklahoma</b> .....	Ardmore	.....	1909	Home Rule Charter
	Enid	.....	"	"
	Tulsa	.....	"	"
	MacAlester	.....	1910	"
	Muskogee	25,278	*	"
	El Reno	.....	*	"
	Bartlesville	.....	*	"
	Sapulpa	.....	*	"
	Miami	.....	*	"
	Wagoner	.....	*	"
	Duncan	.....	*	"

\* Not yet operating, though having voted.

LIST OF COMMISSION CITIES—*Concluded.*

City.	Popu- lation, 1910.	Date of Beginning Operation.	Organized Under General Law or Special Charter.
South Dakota....Sioux Falls	14,094	1909	State Law
Yankton	.....	"	"
Pierre	.....	"	"
Dell Rapids	.....	"	"
Huron	5,791	"	"
Chamberlain	.....	1910	"
Vermillion	.....	1909	"
North Dakota....Bismark	.....	1909	State Law
Mandan	.....	"	"
Minot	.....	"	"
Minnesota.....Mankato	.....	1910	{ Home Rule Charter under State Law.
Michigan.....Port Huron	18,863	*	Home Rule Charter
Wisconsin.....Eau Claire	18,310	"	State Law
Illinois.....	.....		State Law
Massachusetts....Haverhill	44,115	1909	Charter
Gloucester	.....	"	"
Lynn	89,336	*	"
Idaho.....Lewiston	.....	1907	"
Colorado.....Colorado Springs	29,078	1909	Home Rule Charter
Grand Junction	7,754	1909	"
California.....Berkeley	40,434	1909	"
San Diego	39,578	1909	"
Modesto	.....	*	"
San Luis Obispo	5,157	*	"
Oakland	150,174	*	"
New Mexico....	.....		State Law
Washington.....Tacoma	82,972	1910	Home Rule Charter
Tennessee.....Memphis	131,105	1910	Charter
Mississippi.....Hattiesburg	.....	1910	State Law
Louisiana.....Shreveport	28,015	*	"
Oregon.....Baker	.....	*	Home Rule Charter
Kentucky.....Newport	30,309	*	State Law
North Carolina...High Point	.....	1910	Charter
South Carolina...Columbia	26,319	1910	State Law
West Virginia...Huntington	31,161	1909	Charter
Bluefield	11,188	1909	"

Total—92 cities, not including Buffalo and Mt. Vernon (N. V.), and three cities in Alabama, all of which have voted favorably, but are not yet authorized to install the plan; nor Washington, D. C., and Chelsea (Mass.), which have peculiar types. Cities appearing in some previously published lists, but which upon further examination are found to have only a partial form of commission government, are Beaumont (Texas), Riverside (Calif.), Boise (Idaho), St. Joseph (Mo.), Taunton (Mass.), and several cities in Tennessee. This list is revised to Dec. 31, 1910; but the continued adoption of the plan by new cities makes any list soon incomplete.

# The Organization of Police Forces.

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The police administration of our American cities is constantly being criticized. Not all of this criticism is malevolent, but much of it is engendered by motives other than that of securing a thoroughly efficient administration of the police department. Most of the policemen and superior officers of our police departments are self-respecting, honest, industrious and efficient members of the community; the number of disreputable or dishonest police officers is every much smaller than the critics of our police departments would have us believe.

On the other hand it cannot be denied that the police administration of nearly all American cities is far from satisfactory. Police commissioners are never experts; are not always men of personal integrity and are seldom interested in giving to the municipality an efficient administration of the police department. Statutes are frequently enacted by the legislature of the state which conflict with the views of the citizens of the urban communities and ordinances are sometimes passed by the aldermen of the city imposing upon the citizens petty restrictions in the conduct of their business which it is almost impossible to enforce. Not only do the police have to contend with inexperienced commissioners and impracticable statutes but they are also obliged to cope with professional politicians who must of necessity favor a lenient and lax administration of the law and who can vitally affect the happiness and sometimes the official existence of the police officer.

In the present paper an attempt will be made to lay down a few fundamental principles, the general adoption of which in this country would assist in correcting the present-day defects of our police departments. The reasons for each of these principles will be briefly stated in order that the principle itself

may be fully understood and may be made the subject of constructive criticism by those engaged in the field of municipal administration and reform.

The head of department should be a single commissioner and not a board of police. The commissioner should have a fixed term of at least ten years. He should be removable only after a trial on charges and should have the right to have his removal reviewed by the courts on a writ of certiorari.

The head of the police department is called upon to perform duties which require rapidity of action, and energy, and for which it is desirable to have a fixed and well-defined responsibility. Such duties are best performed by a single officer. A board is better adapted to the performance of judicial duties or duties which require carefulness of deliberation, regard for all sides of the case and an impartial decision. The fact that so many American cities still cling to the board system of police administration is not an indication of any consciousness of its superiority but is due rather to the survival of an historical accident. The board system of administration is the system of municipal administration established in English cities by the Municipal Corporations Act of 1835. This system of administration was copied by American cities and has survived in many cities to the present day.

Not only is the board system of police administration bad in principle, but the bi-partisan board system is also vicious in practice. The prevention of blackmail and corruption, the repression of crime and violence, the safeguarding of life and property, securing honest elections, and rewarding efficient and punishing inefficient police service are not and cannot properly be made questions of party difference. In other words, the police force can be wisely and properly administered only upon a non-partisan basis. Bi-partisan police boards were introduced as a party device for securing a party monopoly of patronage and spoils and for dividing them between managers of the great parties conspiring together. The question of administrative efficiency was not even considered by the legislators who introduced these bi-partisan boards. Bi-partisan boards would seem

**Head of  
Department**

grotesquely absurd to us all, were it not for the fact that they are clothed with a glamour of justice by party illusion and ambition. They involve the confession that partisan zeal and activity generally disqualify men for doing justice and being honest when party interests are concerned.

Constant differences of opinion among the members of a bi-partisan board impede administrative action. The danger of a deadlock is increased where there is an even number of members in the board and where there are deadlocks there is always great danger of dishonest compromises between the members of the board. Furthermore the constitutionality of a bi-partisan board has been frequently questioned. The delay which results from the long-continued deliberation or deadlock of a board of police is demoralizing to the police force in normal times and extremely dangerous and disastrous in times of tumult. No civilized nation would send an army into a single battle under the command of a board of generals and yet in many American cities the police force which is daily engaged in active service is by an historical accident under the command of a board of commissioners.

The police commissioner should have a fixed term of at least ten years. At present the non-professional head of department is a mere bird of passage usually flying so fast that the members of the uniformed force are scarcely able to determine his species. Many policemen are unable to learn and comprehend the administrative policy of the head of department before he is displaced by another man; other policemen do not care to enforce the policy of the head of department because they fear that any such enforcement may cause them to incur the disfavor of the next head of department. The result is that many policemen fall into the habit of shirking their official duties because they believe that this is the safest course for them to pursue.

They perform only such duties as must be performed by them, to protect themselves from charges of neglect of duty but carefully refrain from performing their duties so conscientiously toward their present head of department as to be likely to incur the enmity of any succeeding commissioner. In concrete words the attitude of the typical American policeman is exemplified by the policeman

**A Ten Years'  
Term of Office**

who when he sees a street brawl crosses over to the other side of the street or goes around the corner, so that he need not interfere. It should be borne in mind however that this attitude is not due to physical cowardice. The policeman is not afraid of the physical consequences of interfering; he merely does not wish to take any action which may cause him to fall into disfavor with his present or any future superior officer.

If the police commissioner had a fixed term of ten years, the members of the uniformed force could all thoroughly understand his administrative policies and it would be to their own interests to carry them out faithfully. The commissioner with a term of ten years would be able to reward adequately those who are efficient and loyal to him and he would be able to ferret out those who habitually shirk their duties. It is doubtful whether there are any other factors which would so largely raise the general morale of our American police forces as the extension of the police commissioner's term to ten years.

Furthermore, if we are to continue our system of non-professional police control in this country it will be almost essential to increase the term of the non-professional head of department. In a small city in the last century the head of the police department needed little expert or professional knowledge or experience. The chief of police or other professional officer could attend to all matters requiring expert knowledge and the commissioner could confine himself almost exclusively to the direction of the administrative policy of the department. In the larger cities however under the complex conditions of modern days it is essential that the man who directs the administrative policy of the department have some expert knowledge and the more expert knowledge he possesses the better he will be able to perform the duties of his position.

It is the theory of our municipal government that the non-professional head of department is a man who possesses such a good general education that he can secure the necessary professional knowledge of his position very quickly. This was true when the science of police administration was not well developed; under modern conditions it is so complicated that it takes a long time to gain even a general acquaintance with its principles. To

become an expert, as the head of the police department ought to be, takes many years. It is frequently the case under modern conditions that it takes a police commissioner almost his entire term of office to learn the details of his business and then he is turned out of office. The economic waste of such a system of municipal government is enormous, and of course administrative efficiency is entirely impossible of attainment under these conditions.

In order that the police commissioner may have a fixed term of ten years it will be necessary to provide that he be removable only after a trial on charges and that his removal be subject to review by the courts on a writ of certiorari. It is generally not desirable to grant to a public officer the right to a formal trial on charges before removal and the further right of the review of the removal proceedings on a writ of certiorari. The existence of these rights impedes administrative disciplinary action and frequently leads to the retention in office of an inefficient or corrupt public official. It is believed however that the police commissionership of our cities may properly be excepted from this general principle, since the danger of removal for political reasons or because of administrative efficiency is so great in this case under modern American urban conditions.

Every police department should have an efficient inspection service, a proper system of efficiency records and a promotion machinery which will insure the advancement of the most efficient policemen from the ranks to the superior positions in the department.

The function of the inspector is of prime importance in every large administrative system. Upon the honesty and efficiency of this officer depends to a larger extent than upon any other single factor the general efficiency of the whole organization. In England the inspectors of the Home Office, a bureau of the central government, who regularly inspect the municipal police forces of the country are a most potent factor in the maintenance of the efficiency of these municipal police forces. If the local force is found sufficient in numbers, well organized and disciplined and in all other respects up to the standard set by the central authorities, the

**Officers of  
Department**

general government will pay half the cost of maintaining the force. This system of granting aid after inspection is an excellent inspection system from without, but in addition to such a system of inspection there is also required an internal inspection system, if the efficiency of the administrative organization is to be properly maintained.

The London police force has an excellent system of internal inspection. There are patrol inspectors to look after the police officers of the rank of constable and sergeant on the street; there are divisional inspectors to look after the police officers of the entire division and chief inspectors who when not acting as superintendents during the temporary absence of those officers must also go out on the street and perform inspection duty. The general efficiency of the London police is undoubtedly due to a large extent to this excellent inspection system. Every officer and every constable is kept from shirking his duty and remains constantly active and alert because of the knowledge that he will be visited at irregular but frequent intervals by an inspector and similarly every inspector performs his duties conscientiously because he must at all times be in a position to give a satisfactory account of his own performance of duty whenever called upon by a superior inspector.

The true inspector is more than a spy whose duty it is to ferret out and report cases of individual delinquency on the part of subordinates, although it is true that this is one of his important functions. The efficiency of an organization is bettered only negatively by criticism and the report of delinquencies. The inspection work which is of greatest value consists of affirmative betterment by means of criticisms of methods and not of men and by means of general suggestions for improvements. This is the principal function of the true inspector, although he should also report cases of serious delinquency which come to his notice. An inspector who looks only for cases of delinquency is a spy and is hated by the subordinates as a spy deserves to be hated; the true inspector is regarded by the subordinates as a friend who wishes to assist them in their work and the relations between the inspector and the person inspected are most cordial. Furthermore, the American people will not



tolerate the employment of spies in the police department or in any other department of our municipal government.

In the American police systems the function of the inspector has never been clearly differentiated. Some cities have no inspectors of police and in other cities the inspector is merely a district commander in charge of a district composed of several precincts. Where there are inspectors their duties are confined principally to an inspection of the station houses, the uniforms and equipment of the members of the force and the record books required to be kept at the station houses. In other words they are not true inspectors but merely supervising officers. This want of inspectors possessing the education, experience, and intelligence requisite for a careful study of the problems of police administration is undoubtedly one of the principal causes of the inefficiency of some of our American police departments. It is true that sometimes an energetic non-professional head of department performs very valuable inspection service, but such instances are extremely rare.

Every police force in the United States ought to have one or more inspectors. These men should be selected by means of a competitive examination open to members of the police force of all ranks and to men not connected with the police force as well. If proper questions are propounded to the candidates in

**Inspectors** such a written competitive examination it is likely that in most cases members of the police force will succeed in obtaining the highest ratings but it is also likely that at least some new blood will be introduced into the department by the plan suggested. These inspectors should receive a large salary,—a salary larger than that which is given to precinct commanders. If during their period of probation it is found that they lack disciplinary ability or the faculty for getting along well with the members of the uniformed force, they should be dropped. They must also possess the ability to study police conditions and to recommend improvements in methods. If the spy is called the eyes and ears of the head of department these inspectors should be not only the eyes and ears but also the brain of the head of department.

In addition to an efficient inspection service every large admin-

istrative organization requires a proper system of efficiency records. Whenever the organization is so large that the head of the organization cannot be personally acquainted with all his subordinates efficiency records which are carefully devised and faithfully kept are necessary as guides to the head of the organization in making promotions. In private organizations the promoting officer can usually accept the recommendations of the subordinates' immediate administrative superior, because he can reduce to the ranks any one who demonstrates that he is unable to shoulder the higher responsibility. In the police department this system is impracticable both because men who have been promoted can in most cases not be reduced to the ranks and also because the man's immediate administrative superior may permit considerations of private rather than public service to affect his estimate of the man's fitness for promotion.

In most of the cities of the United States in which efficiency records of the policemen are kept they are only records of extraordinary rewards and penalties. These so-called efficiency records are not efficiency records at all. They chronicle only the fines and other penalties which have been imposed upon the officer for infractions of the rules and regulations of the department and the rewards which have been bestowed upon him in the form of honorable mentions and police medals for extraordinary services rendered by him at the risk of his life. Such records are practically worthless when used for the purpose of determining the worth of a man as a police officer. The energetic police officer who does the most efficient work is more

**Punishments  
and Credits**

likely to have complaints made against him than is the man who constantly shirks his work and shifts every responsibility upon another officer.

It is possible for an easy-going policeman who by reason of his indolence is not only inefficient but practically worthless as a member of the uniformed force to go through his official career with a clean record at headquarters. In other words a man who does not do anything wrong may also be and not infrequently is a man who does not do anything at all. The fact that a policeman has a clean record does not show that he is an efficient officer; and this record ought not to be the sole record of

efficiency used in determining the percentage in a promotion examination.

Nor is it entirely proper to make deductions for each day's fine which the policeman has forfeited as a penalty for an official delinquency. There are two objections to such deductions. In the first place the most efficient police officers may be guilty of delinquencies and as we have already explained the men who are guilty of the fewest delinquencies are frequently the least efficient members of the force. Furthermore when a man forfeits one or more day's pay for an official misconduct the forfeiture of pay is a sufficient punishment and it does not seem just to punish him again for the same offense, when he comes up for promotion. In the second place this system of making deductions for penalties which have been imposed by way of administrative discipline has the effect of discouraging those policemen who most need an incentive to make them perform their duties efficiently. The man in the police department who has made mistakes or who has committed official misdeeds should either be discharged from the service or he should be punished and encouraged to do better work in the future. If instead of encouraging him to do better work you take away or hinder his chance of promotion which is the greatest incentive possessed by these men, there is created in the department a body of inefficient men who have no ambition to rise and who are popularly called the deadwood of the department. The citizen who sees an old man of fifty years or more with a dull, listless, pitiful expression on his face patrol the street on a cold winter night fully appreciates what injury this deadwood does to the police department. The department needs active, energetic, ambitious men in every grade of the service and every man who has been deprived of his ambition by seeing his chances of promotion slipping through his fingers because of official delinquencies for which he has already been punished by the forfeiture of his pay becomes a serious handicap to the efficiency of the department.

The system of granting additional credit in the promotion examination for rewards which the policeman has received on account of official action taken by him at the risk of his own

life is also open to criticism in two respects. In the first place, when a policeman saves a life at a burning building or stops a runaway horse he is merely performing routine police duty for which he is paid. If a policeman refuses to rescue a person in a burning building or refuses to attempt to stop a runaway horse he becomes subject to charges for neglect of official duty. It may be considered good policy to reward such routine official acts when accompanied by great personal danger with honorable mention or with a medal. Such rewards may stimulate the members of the force to lofty ideals although serious doubt exists as to whether they have any such influence. However that may be, there is nobody who begrudges the policeman who has saved a life in this way the honorable mention or the medal which he receives.

Having been rewarded by the granting of such special recognition, however, there seems to be no good reason why he should be again rewarded for the same act when he comes up for promotion. There is no one who will seriously maintain that a policeman who recklessly risks his life to save the life of a citizen proves by such an act that he is especially competent to discharge the duties of a superior police officer. Experience has shown that the policemen who are most ready to risk their lives in times of emergency are often the policemen who are most inefficient in the discharge of purely routine duties from day to day. Furthermore the granting of a preference in promotion examination to those policemen who have received official rewards does an injustice to police officers who are not only just as competent but who are in addition just as willing to risk their lives for the sake of their fellow citizens but who have never had an opportunity to do so. Police officers cannot do anything to increase their chances of obtaining these rewards. It seems unjust to punish a policeman for his lack of opportunity and it should also be borne in mind that when the stopping of runaway horses at personal risk increases a policeman's chances of promotion unscrupulous policemen will not hesitate to have friends start runaway horses so that they may have the opportunity of stopping them.

A system of efficiency records to be satisfactory must record

accurately the worth of the individual policeman as a performer of routine police duties. He should be given credit on his efficiency record for the number of arrests made by him and the number of convictions secured by him. The points which he receives for each arrest may be marked in accordance with a scale graduated according to the importance of the criminal arrested. For example, one point may be given for the arrest of a drunkard, vagrant or misdemeanant and three points for the arrest of a pickpocket or other person with a criminal record. Or it may be considered preferable to give credit only for the arrest of felons so that arrests by the police for trivial misdemeanors may not be unduly encouraged. In any case policemen making unjustifiable arrests should be severely disciplined. Similarly full credit should be given the policeman on his efficiency record for working up the case against a criminal and securing a conviction. Here again a scale may be employed so that the importance of the conviction may bear some relation to the amount of credit received by the police officer. Two points may be given when a prisoner is fined, five points when he is held for the grand jury, five points when he is sent to the workhouse, and ten points when he is sent to the reformatory or state prison.

Other elements which may be considered in making up a policeman's efficiency record are his physical condition as indicated by the number of days on which he was absent because of personal illness, the condition of his post and the improvement which he has been able to accomplish on his post, commendation which has been conferred upon him by his precinct commander or other immediate superior officer when properly supported by facts, his faithful attention to duty as indicated by the small number of sustained complaints made against him by his superior officers in the department, etc. The complete record may be submitted to a rating board at police headquarters consisting of superior members of the uniformed force, who may grade the men in accordance with a clearly defined and well understood rating scheme; or the rating may be done by the civil-service examiners in accordance with a definite and well-defined rating scheme. If the rating is to be done by the civil-service

authorities the records should be revised and edited by the central rating board at police headquarters before they are sent to the civil-service commission, in order that only bona-fide correct records of value from a police point of view may be transmitted for rating to the civil-service examiners. It is scarcely necessary to add that the record should only constitute a portion of the promotion examination; the candidates should also be given a careful written examination to test their knowledge of the rules and regulations of the department, the laws and the ordinances and the practical administration of the police department.

Applicants for appointment on the police force should be subjected to a thorough examination of their physical, mental and moral condition. Every man who is certified by the civil service commission should be appointed in the order in which his name appears on the eligible list. The recruits should be carefully drilled in infantry tactics and revolver practice and instructed by competent teachers in the duties of a police officer and the laws which they will be called upon to enforce.

Applicants for appointment on American police forces are quite generally subjected to a physical and medical examination which is sufficiently thorough for the purpose. A careful inquiry is made into the family and personal history of each applicant from the point of view of the medical examiner. The most important anthropometrical measurements of each candidate are taken,—usually the weight, the height, and the girth of chest, contracted and expanded,—he is subjected to carefully devised tests of the physical strength of his back, legs, upper arms, forearms, and abdominal muscles and he is given the benefit of a medical examination of his circulatory function, his respiratory function, and his digestive function, his sight and his hearing.

In many cities the applicant is also required to undergo a written examination of his mental qualifications for the position. The general adoption of this written test for police candidates is strongly to be recommended. Quite apart from the fact that such an impersonal written test in which the identity of the candidate is concealed is the fairest method of selection, it must be borne in mind that the policeman should be possessed of at

least average intelligence and that his efficiency is generally increased in direct proportion to his intelligence. Whatever may be said in favor of the principle that intellectual men do not make good firemen,—a principle which has by no means been proven to the satisfaction of the ablest men in this country,—this principle has absolutely no application to the police forces of this country. Applicants for the police forces and the fire-fighting forces of this country should be men who are decidedly above the average in physical development. But this is all that these two bodies of municipal servants have in common from the point of view of the selecting civil-service commission. Firemen work constantly in the presence of their superior officers, who can direct their work and it may be that men of unusual physical endurance and development can be good firemen even though they are possessed of less than average intelligence. Policemen on the other hand do not normally work in the presence of their superior officers. They are alone on the street and must depend upon their own intelligence to solve problems which are difficult and which they are generally called upon to solve between the bitter antagonism of two contesting parties. No one who has had any experience in police work will maintain for a single moment that under American conditions policemen require more brawn than brain.

The tests usually given to police candidates are a memory test, a test in arithmetic, elementary questions on city government, and questions on the localities of the city. The memory test when properly given so that the candidates have a reasonable opportunity of understanding it is an excellent test. It consists of the reading of a brief police order to the men and requiring them to reproduce the substance of it in writing. The arithmetic test is extremely elementary, consisting generally only of questions in addition, subtraction, multiplication and division. The questions on city government are such as a police officer is called upon to answer daily on the street in the discharge of his duties and every policeman should be able to answer the localities questions, since he ought to be able to direct strangers who may ask him to direct them to different parts of his own city. Another test which is frequently given to police candidates and

which is of more doubtful value is the paper of questions on the rules and regulations of the police department. The candidate generally memorizes the rules hastily before the examination and forgets them soon after. As a means of insuring that the candidate will at least gain a superficial knowledge of the rules by which he will be governed after his appointment it may have some slight value but superficial knowledge is never of any great value.

The examination into the moral qualifications of candidates for appointment on the police force is in many cities neglected. A complete account of the personal history of each applicant from the date of his birth should be compiled by the police department or the civil service commission by means of trained investigators and no name should be certified for appointment unless the personal history of the applicant is satisfactory. Large responsibility and even larger temptations are offered to policemen in American cities and it is wrong to clothe with the powers of a police officer any man whose personal history shows him to be of weak character. At present few American cities investigate thoroughly the personal history of police applicants. Sometimes a list of the names, addresses and occupations of the candidates is printed in the newspapers so that anyone having knowledge of the unsatisfactory moral character of any applicant may communicate that fact to the proper authorities. In other cities the captain of the police precinct in which the applicant resides is instructed to inquire into his character. In still other cities the applicant is asked on his official application blank to give under oath his occupation during the last five years and to indicate whether he has ever been arrested or convicted. All of these methods are useful but they give neither to the civil service commission nor to the appointing officer that complete and thorough knowledge of the applicant's personal history which is so much to be desired.

In the cities in which the policemen are selected by means of a civil service examination,—and no other method of selection can be considered at all satisfactory,—the head of the police department cannot appoint any man as a policeman unless his



name is certified to him by the civil service commission. But it is a fundamental principle of our public law under prevailing constitutional provisions that the power of appointment is a function involving the exercise of discretion and that this discretion may not be taken away from an appointing officer by civil service legislation. Accordingly, the head of the police department has the power in the exercise of his discretion to pass over any two of the three names certified to him for each existing vacancy and if a man has been certified for appointment three times and has failed of appointment each time, his name is not again certified until the appointing officer makes a special request therefor. Thus, by omitting three times to appoint a man who has successfully met all the requirements for appointment as patrolman, the head of the police department can practically defeat his chances of appointment. Under such a system of appointment each man on the eligible list bends every energy to secure such influence as will insure his early appointment.

It was true at one time in the history of civil service administration that the civil service examinations were tests of scholastic ability and not tests of the candidate's fitness for the position which he sought. This defect in the system of civil service examinations has been largely remedied at the present day. Policemen are officers who are selected after a most careful civil service examination which examines them not only mentally and physically but also morally. It ought not to make the slightest difference to the police commissioner who the applicant for appointment as policeman may be, provided that he can be assured that he is mentally, physically and morally fit for the position. The certification of an eligible by the civil service commission ought to be such a guarantee of the mental, physical and moral fitness of the applicant that the police commissioner could take such a certification and base his appointment thereon in every case. If the civil service commission habitually or even frequently certifies for appointment men who are unfit for appointment because of mental deficiency, physical defects or moral delinquency it is an indication that the examining machinery of the civil service commission is inefficient and such inefficiency can be easily corrected. To allow the head of

the police department to reject two out of every three eligibles certified to him for appointment by the civil service commission would be an insult to the civil service commission, if it were not for the fact that it is probably due to a firmly established principle of our law. This principle which is the principle of the discretion of the appointing officer ought to be modified by legislation if possible and by constitutional amendment if necessary. In actual practice this discretion is frequently abused.

After he has been appointed the young recruit should be carefully instructed in the duties of his position. He should be taught first aid to the injured, the policeman's knowledge of which has saved so many lives on the streets of our busy cities in the interval of time which must necessarily elapse before medical assistance can be summoned. He should also be drilled in the use of his revolver since not only the security of the community but also the safety of the policemen themselves so frequently depends upon their ability to use their revolver. He should be taught how properly to use his revolver not so much because it is important that he hit the mark as that it is exceedingly important that innocent bystanders may not be injured by him. Gymnastic exercises which tend to increase the strength, agility and muscular development of the policemen are frequently omitted because there are no suitable gymnasium facilities. Although it is true that the young policemen must be almost physically perfect in order to pass the physical examination which is one of the conditions precedent to appointment, yet physical training in the school of instruction would be invaluable not only to make certain that they continue in good physical condition but also to train them physically for the duties of their profession. Furthermore policemen ought to be given the benefit of suitable gymnastic training as long as they are members of the police force so as to insure that they remain at all times in good physical condition. A policeman in poor physical condition is a poor policeman and a policeman who is burdened with large deposits of adipose tissue is almost useless as a performer of routine police duty.

### **Instruction of Recruits**

Just as at the present day the physical education of the police

recruit is in many cities neglected, his intellectual education is improperly given to him. The young men are ordered to commit to memory questions and answers relating to the primary rights and duties of the police officer. In almost every city of the United States in which the young policeman receives any theoretical intellectual training it is imparted by this method of question and answer. As a method of instruction the catechetical method is open to severe criticism. It is a historical survival of any early system of education, unsatisfactory from a pedagogical point of view in the case of children and much more objectionable in instructing adults. That a person will permanently retain much information gained by the memorizing of questions and their answers is not seriously maintained by any educational specialist while the intellectual training and discipline received by this method of instruction is so slight as to be negligible. When we consider that it is a characteristic tendency of modern educational theory to permit not even the mature university student to accept the carefully prepared treatises of experts but to require him to gain his knowledge in so far as may be practicable by manual exercise in the laboratory and by the intellectual exercise which is obtained by the free discussion of teacher and student in the lecture room and the recitation room, it seems indeed strange that the medieval catechetical method should survive so generally in the professional education of policemen.

The excuse which is generally offered,—that policemen are not sufficiently intelligent to permit of being instructed by any other method,—is only partly true. It is doubtless true that their general education is insufficient to form the requisite foundation for a systematic training in criminal jurisprudence but a complete knowledge of criminal law is not one of the essential qualifications demanded of the young policemen. The principles of the criminal law are exceedingly technical and it is unnecessary to burden the police recruit with such intellectual puzzles. He requires instruction merely in his own rights and duties and in the definition of the principal felonies and misdemeanors. There is little doubt that this instruction can be better imparted by the free discussion of hypothetical cases than by the catechetical method at present so generally in use. The obstacle to the

introduction of such a system is not the deficient general education of the policemen but rather the want of good teachers. In addition to his instruction in the school of instruction the police recruit should of course continue to receive the practical training which he gets in most cities at the present day by going out on post with an experienced policeman who is expected to instruct him in the practical performance of the duties of a policeman. Exceedingly great care should be exercised however in the selection of the men with whom police recruits are sent out on post, so that the moral influence exerted upon the young policeman may be good.

Not only should police recruits be carefully instructed by competent teachers in the school of instruction but it would also be desirable to furnish to all policemen an opportunity to discuss their problems with men who are able to advise them and show them intelligently what should be done in a given state of facts. Police officers are cast too much upon their own initiative at the present day. It is undoubtedly true that by putting a man on his own responsibility strength of character and power of determination are developed. But the attitude of some of our American police departments at the present day seems to be to let the policeman decide for himself and then punish him severely for any error which he may make. From the policeman's point of view it frequently seems as if he will be punished if he does a thing in one way and punished if he does it in the other way. The most prudent course for him to pursue under such circumstances is to refrain from doing it at all and shirk his duty. However satisfactory this course of action may be from the policeman's personal point of view it is bad for the force as a whole.

A school of instruction should be maintained in every police department in which policemen can receive competent instruction in their duties and in the elements of civics and criminal law. Stupid policemen are not respected and their errors cause the police force to lose much of the respect and esteem to which it ought to be entitled. Lack of knowledge handicaps the policeman on post considerably and it handicaps the superior officer even more. Policemen cannot be expected to study carefully

when such studying must be done at times which should normally be devoted to relaxation. Every policeman of every grade ought by the rules of his department be obliged to do a certain number of tours of duty each year in a school of instruction, where he can receive instruction and submit to his instructors the problems which arise in the line of his duty from day to day and receive information and advice.

A clear distinction should be made in our legislation between vice and crime, and no statute should attempt to punish as a crime what is only vicious, when the cost of the attempt far outweighs the benefits derived therefrom. Furthermore, no statute or ordinance should be enacted unless public opinion insists upon its enforcement; otherwise there is cast upon the police force a temptation too great for human nature to resist.

In the present paper we are interested only in the organization of the police force and not primarily in its personnel. The subject

#### **Duties of Policemen**

of the duties of the police is one to be reserved for a future paper under the plan of treatment outlined by Professor Hatton at the last meeting of the National Municipal League in Cincinnati. The enactment of impracticable statutes and ordinances which no one intends to have enforced is however so demoralizing to the personnel of American police forces that it deserves serious attention when we consider the organization and personnel of American police forces.

We have already referred to the fact that as a body the individual members of the American police forces are better men than can be found on the police force of any other country in the world. They are more intelligent, better able to act on their own initiative, more alert in their attention to duty, and possess probably a larger degree of personal courage or at least are willing to risk their lives in the service of their community more readily than is the case with the average policeman in foreign countries. Like all general estimates of a body of men varying to such a large degree as do the members of the police forces of the different American cities, this statement must be accepted with the limitations to which all general statements are subject; but as an average statement it is believed

to be well founded and in accordance with the weight of opinion of the best informed men of this country and abroad. If the personnel of American police forces is certainly as good as that of any police force of the world and in the opinion of many far superior to the character of the men who compose the police forces of other countries the cause for the unsatisfactory character of American police administration must be sought outside of the personnel of the department. This cause can be found in that particular in which police administration in America differs most radically from the discharge of the similar police function in European countries. The laws in America do not attempt to distinguish between what is vicious and what is criminal.

An act is vicious when according to the local standards of a majority of the citizens of a country in which the citizens themselves make the laws it is of an immoral character. Ethical standards differ and change according to the time and place of the observation. What is considered proper to-day may be considered vicious in a few years and what is considered proper in one country or town may be considered vicious in another. The drinking of alcoholic liquor to excess, though considered vicious to-day, has not always been so considered and while in some cities of the United States any indulgence in alcoholic liquor is considered vicious, other cities take a more liberal view of the matter and permit indulgence provided such indulgence is not carried to excess. Whether an act is criminal on the other hand depends upon an entirely different test. An act is criminal when its performance is forbidden by the constituted authorities of the state and a violation of the statute is punished by a fine or by imprisonment. An act ought to be made criminal only when it is socially expedient to punish it criminally. In abstract theory the viciousness of the act ought to have very little to do with the matter. The state may find it necessary to prohibit acts which are by no means vicious and to enforce such prohibitory statutes with a penal sanction. To store building material on the street is not an immoral or vicious act and yet necessities of municipal regulation and administration require that a violation of an ordinance prohibiting such storage be punished criminally. On the other hand many vicious acts are

not punished criminally. Promiscuous sexual indulgence is vicious but not every form of this vice is punished criminally.

The American people or at least the American legislators do not make this clear distinction between vice and crime. There seems to be a feeling in this country that unless a vice is made a crime, the state countenances the vice and becomes a party to its commission. There are unfortunately a large number of men in the community who believe that they have satisfied the demands made upon them to lead a virtuous life by incorporating into some statute the condemnation of a particular vicious act as a crime. The fallacy of the reasoning that the failure to declare a vicious act a crime amounts to a ratification or condonation of the viciousness of the act needs no extended explanation. The declaration of the criminality of the act is simply a question of expediency. If the state comes to the conclusion that it costs more to attempt to punish a vicious act criminally than it is worth to the community, a failure to prevent it by police regulation is in no sense a countenancing of it.

The fact that the cost of attempting to punish as a crime what is only vicious far outweighs the benefits derived therefrom is undoubted in American police administration. The American police forces have been corrupted almost solely by the statutes which have been placed on the statute books, regulating the leisure of the citizens. Under American conditions at the present day it is possible for the state as a whole to regulate the leisure of the inhabitants of the city in accordance with its own puritanical ideas. The state may regard as vicious and declare as criminal the drinking of beer on Sunday, because a large number of the rural inhabitants of the state believe in such a law while in the cities the drinking of beer on Sunday is not only not regarded as vicious but it may be perfectly innocent and unobjectionable from every point of view. The enforcement of this puritanical law is placed in the hands of a police force which is recruited from citizens of the city and which is controlled by the moral influence of the city.

If public opinion authorizes the enactment of statutes which the same public opinion does not insist upon enforcing or if the public opinion governing the making of the laws differs from the

public opinion which regulates their enforcement, there is cast upon the police force which enforces the law a temptation too great for human nature to resist. If corrupt practices are likely to result when too much discretion is vested in subordinate officers of an administrative organization who are unable properly to exercise such discretion, it is much more likely that corruption will result when such subordinate officers are ordered to enforce a law which a majority of the citizens not only refuse to obey but also believe to be unjust. At the present day there is no more successful get-rich-quick institution than the control of an American municipal police force and in making this statement neither the superior officers of the department nor the subordinates should be criticized unduly, since this unsatisfactory condition is due almost entirely to the fact that what the state which enacts the statutes regards as criminal the people of the city may regard as innocent. The people of the city accordingly are quite satisfied to see the police force sell the right to disobey a law which the city people regard as unjustifiable.

In conclusion, it behooves us as educated men to treat the policemen of our cities fairly. The very nature of the policeman's calling is of such a character that generally whenever he does his duty he makes several enemies and only by neglecting to do his duty can he make friends. Inexperienced commissioners, impracticable statutes and the constant

### **Conclusion**

meddling of influential politicians make his lot an unenviable one. When there are statutes on the statute books which he is given power and ordered to enforce and which almost everyone desires to see unenforced, there is offered to him a temptation which it is hard for any man to resist. In addition, the policemen and particularly the police recruits are in most American cities shamefully underpaid. Their nominal pay may be greater than the wages which they received before joining the police force, but this nominal pay is actually considerably decreased by their necessary expenses for police equipment, by the greater personal expenses which they must incur to maintain a proper social standing as members of the police force and by the readjustment of their system of domestic accounts and book-keeping due to the fact that as officers they are



paid only once a month while in private life they received their wages every week.

We ought not to believe the newspaper stories of police corruption without careful investigation and when investigation proves them to be true we should condemn the system which makes such conditions possible and not the members of the uniformed force who are its victims. No policeman can long commit official misdeeds which impair his personal integrity without the knowledge of his precinct commander and no precinct commander can follow a similar course of conduct for any appreciable length of time without the knowledge of the head of department or some official who stands close to the head of department. When the citizens of any community find that their police department is corrupt they should seek first for the conditions which cause such corruption and remedy them by appropriate legislation. Next they should remove from office the superior officers to whose negligence or fault the corrupt conditions are due and punish these men to the full extent of the criminal law. And finally some attention should be paid to the police patrolmen who may have stepped aside from the straight and narrow path. It may be necessary to punish these policemen, but the great temptation under which these men acted should be borne in mind and justice should be tempered with mercy in their case.

The police problem in our American cities is the most difficult administrative problem with which American public officers have to deal. Every educated man owes it to himself as a Christian duty and a civic duty to give to the head of the police department such moral aid and assistance by means of constructive suggestions as he may be able to supply. We should not criticize unless we are able to suggest improvements; we should criticize methods rather than men; we should work with public officers and not against them; we should strive for practicability and non-partisanship in police administration.

# An Effective Civil Service Law in Cities.

By ELLIOT H. GOODWIN, NEW YORK CITY,  
Secretary National Civil Service Reform League.

I trust that this discussion of civil service reform in municipal government will not be considered too technical. Once a principle has received acceptance, we proceed to the means of making that principle effective in practice. I start from the point of view that the merit system has been accepted by municipal reformers, not merely as a valuable adjunct to reform along other lines, but as a basic, governmental principle upon which the successful outcome of other reforms advocated by this League is to a very large degree dependent.

This point of view, which elsewhere might be attributed to a narrow and blind devotion to the cause in which I am engaged, certainly needs no argument to support it before the National Municipal League. More than ten years ago, the League's principles of municipal government were embodied in a Municipal Program, which has stood the test of time and experience in a remarkable way and has had a most important influence on municipal development in this country. One of the corner-stones of this model fabric of municipal government is the provision for the merit system in the municipal code in detail, so that the main lines of its administration and enforcement can not be altered at the passing whim of a new city legislature or the entrance into office of a new administration.

The acceptance of civil service reform as a fundamental principle in municipal government has, however, gone far beyond the boundaries of the National Municipal League. Its importance has almost invariably been recognized wherever and whenever a movement has been started to better local conditions. At the present time civil service rules in some form or other are in force in over 200 cities in the United States; and indeed this is probably an

**Merit System  
Fundamental**

**Its Wide  
Acceptance**

underestimate, because of the rapid progress of the movement for the commission form of government, which usually carries with it the merit principle. Other evidence of the acceptance and success in operation of the merit system lies in the fact that there are but three instances of cities that, having once adopted it, have later retreated from it. In Galveston, it was swept away by the flood and was not incorporated in the new plan for commission government; in New Orleans, the return of the ring to power in 1900 brought about partial repeal of civil service provisions inserted in the charter in 1896; in Tacoma, where it was adopted by popular vote in 1895, it was repealed the following year, but the recent institution of commission government in that city has brought it into force again.

Such widespread acceptance and adoption of the principle should lead to a careful consideration of the legislation enacted and machinery instituted to bring about its practical enforcement; and it is to this point that I would direct your attention, for the purpose of having the League realize the importance to its whole program of civic development of securing proper and effective legislation and machinery where both to-day are in many instances strikingly defective.

In approximately one-third of the cities in which the merit system is in force, the administration of the civil service law is subject to state control. These are the 48 cities in New York State and 33 cities in Massachusetts. New York is the only state in the Union to provide in its constitution for civil service reform throughout the state and its subordinate civil divisions. The language of Article V, Section 9 of the Constitution, providing that all appointments and promotions shall be made for merit and fitness, to be ascertained, so far as practicable, by competitive examination, was broad enough to justify the establishment of a state civil service commission which should exercise jurisdiction and conduct the examinations in all municipalities, but the legislature, in its wisdom, has provided for city civil service commissions appointed by the mayor. They are, however, subject in all they do to the supervision of the state commission, which has power to remove local commissioners and appoint the successors of those removed. While the

magnitude of first-class cities, New York, Buffalo and Rochester, justifies the existence of local boards closely in touch with the needs of the municipality, it is doubtful whether this is the case with second-class cities, and I fully concur in the recommendation of the New York State Commission that local commissions in third-class cities—those under fifty thousand—should be abolished and direct control should be exercised by the state commission, as is now the case in classified counties and villages. It has been proved in practice that the service in third-class cities is not large enough to justify the expense of the institution of separate machinery adequate to carrying-out the law effectively.

Massachusetts, by the civil-service law enacted in 1884, places the civil service of all cities in the state under the direct control of a state civil service commission, appointed by the governor. In this way, to an even greater degree than in New York, the enforcement of the law is removed from the influence of local politics.

Two other states, Colorado and New Jersey, recognize this principle of state control in their civil service laws, by providing that cities that adopt the act shall thereby come under the direct control of the state civil service commission. In Colorado, however, no cities have as yet seen fit to adopt the act, while in New Jersey the highest court has recently held unconstitutional that part of the act under which several cities adopted the jurisdiction of the state commission by action of their governing boards. In these particular cities it is expected that the citizens will at once resort to the more usual form of referendum by popular vote, and in this way New Jersey will furnish another example of state control of the administration of civil service laws in cities.

The next class of civil service cities are those in which there are local civil service commissions established under general laws of the state. The best example is furnished by the four<sup>1</sup> cities in Illinois, including Chicago, which have by popular vote adopted the provisions of a general act passed by the legislature in 1895. Under the Municipal Corporations Act, cities in Illinois are unusually

**Local  
Commissions**

<sup>1</sup> Chicago, Evanston, Springfield, Waukegan.

free from state interference in local affairs, and as the law of 1895 is now in force in four cities and will apply to as many more as see fit to adopt it, it enjoys a certain stability and is not liable to change for the purpose of affecting political conditions in a particular city. Another example, which has not yet stood the test of experience, is furnished by cities in Ohio, subject to a general municipal corporations act containing mandatory civil service provisions.

Most of the other cities under civil service rules have obtained the benefits of the merit system by legislation, general in name but special in character, or by charter provision. The civil service in Philadelphia, Pittsburgh, Scranton and Milwaukee is under laws theoretically applying to a class, but in fact applying to a particular city, or at most, to two cities.<sup>2</sup> It is in cities in which the merit system is established by special laws or by charter provision, and where no state control or state supervision exist, that the poorest results are obtained. There the civil service law is sometimes a law in name only, observed rather in breach than in performance. Enforcement or non-enforcement follow logically and directly from the attitude of the administration in power toward the civil service law. Before turning to the remedy for these conditions, however, we should have in mind the reasons which make a civil service law peculiarly difficult of enforcement.

Civil service laws have a two-fold purpose: first and foremost, to restrain appointing officers from using administrative positions as political spoils; secondly, to establish a central employment bureau, ready promptly to provide fit incumbents to fill any vacancy. An anomaly is at once apparent where the mayor is permitted to appoint the civil service commissioners, whose duty it is to restrain him and the other members of the administration in the carrying-out of their political ambitions and desires. Yet this is the case in all cities in which state control of the administration of the civil service law does not exist. Again, in many cities the civil service commissioners have neither term nor tenure sufficient to

**Purpose of  
Merit System**

as political spoils; secondly, to establish a central employment bureau, ready promptly to provide fit incumbents to fill any vacancy. An

<sup>2</sup> Pittsburgh and Scranton, the second-class cities of Pennsylvania.

prevent the mayor from removing them for a failure to comply with his wishes in matters of patronage. In Philadelphia, for instance, the civil service commission was established under Mayor Weaver, and the law was well enforced, but his immediate successor, Mayor Reyburn, found no real difficulty in removing all the commissioners and appointing more tractable successors, of whom he is quoted as saying, "They do not know how to twist the law to meet emergencies. . . . They have not got used to their collars yet and they rub a little." The three commissioners heeded this chaste rebuke and are still in office.

In those cities in which no state control of civil service administration exists there is almost invariably another striking inconsistency. To put the law into operation, rules are necessary. These are framed in the first instance by the civil service commission, but are then subject to approval by the mayor or council. This means that the mayor or council has the power to say to what extent the merit system shall be enforced, unless all the provisions necessary to real enforcement are contained in the law or charter itself.

This point is most clearly illustrated in the case of charters providing for the commission form of government. I have examined many of them, but I have yet to find one in which the civil service provisions are adequate to secure proper enforcement. Heeding the general rule that a charter should contain general principles—not detailed legislation—the authors have, in many cases, included little more than a general provision that a civil service commission should be established and the rule of competition shall apply to appointments, leaving it to the city council to make these provisions effective by ordinance or by rules subject to their approval. The general rule as to charter making is sound, but it clearly does not apply to civil service provisions. The experts who drafted the Program of the National Municipal League were keenly alive to that general rule but recognized the necessity for inserting detailed provisions for civil service reform. To fail to do so is to sacrifice the efficiency of the merit system. It is plainly impractical to secure uniform and thorough enforcement if, in order to make the charter provisions effective, rules

#### **Commission Charters**

or ordinances must be approved by the very officers whose action it is sought to restrain.

The Colorado Springs charter, one of the latest and most complete of the commission charters, is a case in point and I quote its civil service provisions below.<sup>1</sup> To make the merit system effective in two departments, rules and regulations approved by the council were necessary; to extend it to other departments an ordinance of the council was required. The adequacy of such rules, regulations and ordinances were left to depend entirely upon the good-will toward the merit system of the council, made up of appointing officers.

Now having examined the different forms of municipal civil service legislation and the difficulties in the way of enforcement, let us briefly consider the remedies. By far the most effective and far-reaching is state control, as in Massachusetts, or state supervision of the

**Advantages of  
State Control**

<sup>1</sup> ARTICLE XVIII.

CIVIL SERVICE.

*148. Commission.* There is hereby established a civil service commission, consisting of three members, who will serve without compensation.

The council first elected after the adoption of this charter shall, as soon as practicable thereafter, appoint one member of said commission to serve for two years, another member to serve for four years, and a third member to serve for six years. Biennially thereafter one member shall be appointed by the council to take the place of the member whose term shall next expire, so that one member shall be appointed every two years to serve for a period of six years. If a vacancy shall occur in the commission, it shall be filled by appointment by the council for the unexpired term.

*149. Commission make rules.* The commission shall, with the approval of the council, make such rules and regulations for the proper conduct of its business as it shall find necessary or expedient. The commission shall, among other things, provide for the classification of all employments in the department of public safety and in the department of public works and property for open, competitive and free examinations as to fitness; for an eligible list from which vacancies shall be filled; for a period of probation before employment is made permanent; and for promotion on the basis of merit, experience and record.

*150. Council give further powers.* The council, whenever requested by the commission, may by ordinance confer upon the commission such other or further rights, duties and privileges as may be necessary adequately to enforce and carry out the principles of civil service.

work of local commissions, as in New York. I do not consider that these raise any legitimate question of home rule. It must be admitted that they furnish the only complete remedy for administration of the law tempered by local politics and they bring about stability and uniformity of enforcement. The use of local offices as political spoils is simply a form of bribery and the state may well in its own interest legislate against it. Such legislation, if in the form of general laws enforcing a state policy in a matter in which the state is vitally interested, is beyond the cavil of even the most ardent home ruler.

But while state supervision or state control may be looked to as the ultimate goal, we all recognize that frequently the spirit of reform is far more alive and urgent in the city than in the state and experience has shown that much may be accomplished for better civic conditions without these safeguards, provided the civil service laws or charter provisions are adequate. As the mayor or council will have the appointment of the civil service commission, I believe the insertion of the following provisions absolutely essential to a proper enforcement of the law.

**Term and Tenure of Commissions** *First.* The commissioners must be appointed for terms and these terms made to overlap so that, at all times, a majority of the commission should be made up of those who have had previous service. A provision for a commission of three, not more than two of whom shall be of the same political party, appointed for six-year terms, one vacancy occurring every two years, seems to be the best yet devised to accomplish this object.

*Second.* The term will accomplish little or nothing unless a tenure is attached to it sufficient to prevent the mayor or council from coercing the action of the commission by threat of removal. A provision that removal shall be for cause only and after a hearing, but without review by the courts, will permit the mayor to get rid of an inefficient or dishonest commissioner and at the same time protect the commission against coercion in their administration of the law.

*Third.* All provisions essential to a proper enforcement of the merit system should be contained in the law or charter itself, so that, on the one hand, the system shall not be dependent on the



action of a shifting or politically-elected mayor or council and, on the other, the commission may be held to strict account for its derelictions by the courts.

**Specific Charter Provisions**

It is an error to suppose that this would require the padding of a charter with very lengthy and detailed provisions; some little experience in the drafting of civil service laws leads me to believe that even the provisions for the merit system in the Program of this League might be abbreviated without danger to the efficiency of that system.

*Fourth.* The civil service commission should have power to make rules, after proper notice and hearing, without a requirement for approval by mayor or council. Such

**Power of Commission to Make Rules**

rules are neither laws nor ordinances. If they go beyond the powers conferred by the law, they are *ultra vires*, and the courts provide a sufficient safeguard against any abuse of power. Approval by mayor or council subjects the efficiency of the civil service commission to that political influence which it is specially created to prevent and leads to change in the rules with each recurring election. A power of approval in mayor or council may lead to conditions such as exist in Des Moines and Cedar Rapids, where the rules approved by the council are not as stringent as the charter provisions and cannot even pretend to conform to them.<sup>1</sup>

These four provisions, essential to stable and efficient enforcement of municipal civil service laws, involve a radical departure from existing systems but do not, to my mind, infringe any principle of municipal government. Some would argue that to create a commission semi-independent of the mayor and city council is to divide responsibility and prevent concentration of authority. But it must be borne in mind that in so far as this is true, it is true in like degree of any civil service law, which is for the purpose of restricting the power of the mayor and his administrative officers in making appointments and, to the extent that it does restrict, it unquestionably lessens his re-

<sup>1</sup> The rules in Des Moines require the certification of five names and in Cedar Rapids three names to fill one vacancy, where the charter provides that the commission shall certify twice the number of the vacancies to be filled.

sponsibility. If this restriction is necessary—as experience leads us to believe—in order to prevent the abuse of public office for political ends, no one should quarrel with the provisions essential to making the restriction effective. An analysis of its functions shows that a civil service commission has no connection whatever with the policy of the mayor or his administration; it is instituted simply to provide them with the necessary tools for carrying-out that policy and to prevent the use of improper tools. A position, therefore, independent of coercion by the city administration is as harmless and at the same time as necessary as in the case of municipal courts.

## APPENDIX.

## CLASSIFICATION OF MUNICIPAL CIVIL SERVICE LAWS.

(The population figures are for 1900.)

*Under State Control:*

## I. State central commission—mandatory for all cities:

Massachusetts: 33 cities.

Beverly .....	13,884	Medford .....	18,244
Boston .....	560,892	Melrose .....	12,962
Brockton .....	40,063	New Bedford .....	62,442
Cambridge .....	91,886	Newburyport .....	14,478
Chelsea .....	34,072	Newton .....	33,587
Chicopee .....	19,167	North Adams .....	24,200
Everett .....	24,336	Northampton .....	18,643
Fall River .....	104,862	Pittsfield .....	21,766
Fitchburg .....	31,531	Quincy .....	23,899
Gloucester .....	26,121	Salem .....	35,956
Haverhill .....	37,175	Somerville .....	61,643
Holyoke .....	45,712	Springfield .....	62,056
Lawrence .....	62,559	Taunton .....	31,036
Lowell .....	94,969	Walton .....	23,481
Lynn .....	68,513	Woburn .....	14,254
Malden .....	33,664	Worcester .....	118,421
Marlboro .....	13,609		

## II. State central commission—cities subject to control upon referendum:

Colorado: No cities have adopted.

New Jersey: Newark (246,070) and East Orange (21,506).

III. Mandatory local commissions for all cities, subject to supervision and a measure of control by state central commission:

New York: 48 cities.

Albany .....	94,151	Newburgh .....	24,943
Amsterdam .....	20,929	New Rochelle .....	14,720
Auburn .....	30,345	New York .....	3,437,202
Binghamton .....	39,647	Niagara Falls .....	19,457
Buffalo .....	352,387	North Tonawanda .....	9,069
Cohoes .....	23,910	Ogdensburg .....	12,633
Corning .....	11,061	Olean .....	9,462
Cortland .....	9,014	Oneida .....	6,364
Dunkirk .....	11,616	Oneonta .....	7,147
Elmira .....	35,672	Oswego .....	22,199
Fulton .....	5,281	Plattsburgh .....	8,434
Geneva .....	10,433	Port-Jervis .....	9,385
Glen Falls .....	12,613	Poughkeepsie .....	24,029
Gloversville .....	18,349	Rensselaer .....	7,466
Hornell .....	11,918	Rochester .....	162,608
Hudson .....	9,258	Rome .....	15,343
Ithaca .....	13,136	Schenectady .....	91,682
Jamestown .....	22,892	Syracuse .....	108,374
Johnstown .....	10,130	Tonawanda .....	7,421
Kingston. ....	24,535	Troy .....	60,651
Little Falls .....	10,381	Utica .....	56,383
Lockport .....	16,581	Watertown .....	21,696
Middletown .....	14,522	Watervliet .....	14,321
Mount Vernon .....	21,228	Yonkers .....	47,931

*Local Commissions under General Laws:*

I. Mandatory for all cities:

(a) Ohio: 71 Cities.

Akron .....	42,728	Columbus. ....	125,560
Alliance. ....	8,974	Conneaut .....	7,133
Ashtabula. ....	12,949	Coshocton .....	6,473
Bellaire. ....	9,912	Dayton .....	85,333
Bellefontaine. ....	6,649	Defiance .....	7,579
Bowling Green .....	5,067	Delaware .....	7,940
Bucyrus .....	6,560	East Liverpool .....	16,485
Cambridge. ....	8,247	Elyria .....	8,791
Canal Dover. ....	5,422	Findlay. ....	17,613
Canton .....	30,667	Fostoria .....	7,730
Chillicothe .....	12,976	Fremont .....	8,439
Cincinnati. ....	325,902	Galion .....	7,282
Circleville. ....	6,991	Gallipolis .....	5,432
Cleveland .....	381,768	Glenville .....	5,588

Greenville .....	5,501	Piqua .....	12,172
Hamilton .....	23,914	Portsmouth .....	17,870
Ironton .....	11,868	St. Mary's .....	5,359
Kenton .....	6,852	Salem .....	7,582
Lancaster .....	8,991	Sandusky .....	19,664
Lima .....	21,723	Sidney .....	5,688
Lorain .....	16,028	Springfield .....	38,253
Mansfield .....	17,640	Steubenville .....	14,349
Marietta .....	13,348	Tiffin .....	10,089
Marion .....	11,862	Toledo .....	131,822
Martin's Ferry .....	7,760	Troy .....	5,881
Massilon .....	11,944	Urbana .....	6,808
Middletown .....	9,215	Van Wert .....	6,422
Mt. Vernon .....	6,633	Warren .....	8,529
Nelsonville .....	5,421	Washington Court House ..	5,751
Newark .....	18,157	Wellston .....	8,045
Newburgh .....	5,909	Wellsville .....	6,146
New Philadelphia .....	6,213	Wooster .....	6,063
Niles .....	7,468	Xenia .....	8,696
Norwalk .....	7,074	Youngstown .....	44,885
Norwood .....	6,480	Zanesville .....	23,538
Painesville .....	5,024		

(b) Wisconsin—police and fire services in cities over 10,000:  
16 cities.

Appleton .....	15,085	Lacrosse .....	28,895
Ashland .....	13,074	Manitowoc .....	11,786
Beloit .....	10,433	Marinette .....	16,195
Eau Claire .....	17,517	Milwaukee .....	285,315
Fond du Lac .....	15,110	Oshkosh .....	28,284
Green Bay .....	18,684	Racine .....	29,102
Janesville .....	13,185	Sheboygan .....	22,962
Kenosha .....	11,606	Superior .....	31,091

II. Upon Referendum:

(a) Illinois: 4 cities.

Chicago .....	1,698,575	Waukegan .....	9,426
Evanston .....	19,259	Springfield .....	34,159

(b) Illinois—police and fire services: 5 cities.

Aurora .....	24,147	Peoria .....	56,100
Elgin .....	22,433	Streator .....	14,079
Rockford .....	31,051		

III. Mandatory for certain classes of cities (designed for particular cities):

(a) Philadelphia .....	1,293,697
Pittsburgh .....	321,616
Scranton .....	102,026
Milwaukee .....	285,315
(b) Police and fire services only:	
New Jersey: Jersey City.....	206,433

*Charter Provisions:*

I. Commission Plan:

Washington:

Tacoma .....	37,714
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California:

Berkeley .....	13,214
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San Diego .....	17,700
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Colorado:

Colorado Springs .....	21,085
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Grand Junction .....	3,595
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Kansas:

Wichita .....	24,671
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Leavenworth .....	20,735
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Kansas City .....	51,418
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Hutchinson .....	9,379
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Topeka .....	33,608
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Parsons .....	7,682
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Anthony .....	2,026
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Independence .....	4,851
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Coffeyville .....	4,953
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South Carolina:

Columbia .....	21,108
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Iowa:

Des Moines .....	62,139
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Cedar Rapids .....	25,656
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Burlington .....	23,201
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Keokuk .....	14,641
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II. Special Charters:

(a) Provision in general terms:

(1) Applying to entire service:

Virginia: Norfolk .....	46,624
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Connecticut: New Haven .....	108,027
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(2) Applying to parts of service:

Minnesota: Duluth .....	52,969
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(Police, fire and clerical.)

West Virginia: Wheeling .....	38,878
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(Fire and waterworks services.)

## (b) Specific Provisions:

## (1) Applying to entire service:

## Washington:

Seattle .....	80,671
Bellingham .....	35,700

## California:

San Francisco .....	342,782
Los Angeles .....	102,479
Long Beach .....	15,000

## Oregon:

Portland .....	90,426
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## Missouri:

Kansas City .....	163,752
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## Tennessee:

Memphis .....	102,320
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## Michigan:

Detroit .....	285,704
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## (2) Applying to parts of service:

## Colorado:

Denver .....	133,859
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(Police, fire and public utilities; council may extend to other branches.)

*Miscellaneous:*

Maryland: Baltimore .....	508,957
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Charter provisions for public schools.

Special law for police department.

Ordinance for fire department.

NOTE.—Public school systems:—Generally, where there are civil service laws, the teaching forces of the public schools are excepted from the operation of the law and rules. In New York City, by charter provision the teaching staff is selected through competitive examination. In Boston, the teaching force of the public school system is also selected through competition.

EDITOR'S NOTE.—At the request of the National Municipal League, Mr. Goodwin has prepared a model civil service law for cities, which will be printed in the Appendix of the Proceedings. For the exact page see Index.

# The Practical Workings of Woman Suffrage in Colorado Municipalities.

By MISS MARY WINSOR, HAVERFORD, PA.,

President Pennsylvania Limited Suffrage League.<sup>1</sup>

<sup>1</sup> This report is based on fifty letters received from Colorado Springs, Grand Junction, Denver and other towns in Colorado, in reply to the questions in the circular given hereafter.

The time given us by the National Municipal League in which to conduct this investigation was quite short, and we were unable to get our circulars and letters ready until July, and were therefore unable to send out as many as we wished. As we were limited to several hundred for Colorado, we took care to send them to representative men and women, prominent in city and state, who could speak not merely for themselves, but for others; who, in many cases, held official positions and represented clubs or organizations.

In order that the replies we shall quote here may not seem anonymous and that the reader may see that those we interviewed are entitled to speak with authority, we submit the following names as being among those to whom we sent out circulars and letters:

Governor John F. Shafroth, Mrs. Harry Landon Hollister, President Colorado State Federation of Women's Clubs; Mrs. Sprigg Shackleford, District President of the "Western Slope" of the Federation; Mrs. J. K. Gravett, First Vice-President of the Federation; Mrs. Mary C. C. Bradford, ex-President of the Federation and County Superintendent of Schools for Denver; Miss Ellis Meredith, Election Commissioner; Mrs. Stanley Casper, President of the State Board of Charities and Corrections; State Senator A. V. Boker; Mrs. Alma V. Lafferty (the woman member of the House of Representatives); Mr. Thomas V. Howell, Chairman House Committee on Corporations; Mr. C. E. Chadsey, Superintendent School District in our city of Denver; the Rev. John M. Houghton, Rector of St. Mark's church, Denver; Mrs. E. A. Wixson, of the Colorado Congress of Mothers; Mr. Omar E. Garwood, Deputy District-Attorney of Denver; Mr. R. W. Chisholm, of Colorado Springs.

The Colorado State Federation of Women's Clubs numbers over six thousand women, and we thought the opinions of the officers and members of the Federation would be very valuable, as the Federation has been active in obtaining good laws. It was Mr. Woodruff's wish that we should obtain facts and a record of what has been done, either for good or evil, through woman suffrage. He also wanted to know *how*

these results had been obtained. At first I thought that women's political methods would not differ from men's political methods, but after a study of woman suffrage in the four enfranchised states I ascertained that one very powerful instrument used by women is this state federation. It is composed of all sorts and kinds of women's clubs—musical, literary, cultural, dramatic, miscellaneous, philanthropic and civic. Such clubs are organized into federations in nearly every state in the Union and are a power for good everywhere. The interest in civics is growing rapidly, and the civic clubs are increasing in number and in membership. I know of no similar organization among men.

We sent to the officers of the Federation and the individual clubs not merely the municipal circular, but also a special circular with questions as to the effect of woman suffrage on the federation itself. We asked whether the suffrage had been a help or a hindrance to the federation, and whether the official activities of the federation had remained non-partisan. The officers of the federation returned favorable and even enthusiastic replies. The very few unfavorable replies came from members of clubs who in no case claimed to represent their clubs but spoke only their individual opinions.

The non-partisan activity of the federation is a point of great interest. In manhood suffrage states the non-partisan element is largely out of politics, but in Colorado it is in politics and armed with the ballot, and has remained non-partisan in spite of the ballot. The bulk of the testimony that we received was to the effect that the federation is a power in politics, that it is consulted by politicians who wish their bills endorsed, that the federation is helped by the franchise and is "able to make its demands as coming from a powerful body of voters."

Among the many excellent laws it endorsed and worked for last winter was a bill "making it a felony to live off the earnings of women of the town," and a bill to "define the term taxpayer and make it impossible to create them off-hand in case of a franchise election."

Much more might be said of the activities and influence of the Federation, but we hope that even this meagre sketch has helped to answer the National Municipal League's question as to the methods used by women in politics.

#### CIRCULAR AND QUESTIONS SENT OUT TO EMINENT PERSONS IN COLORADO.

"The Pennsylvania Limited Suffrage League has been requested by the National Municipal League to send in a series of reports on "The Practical Workings of Woman Suffrage in Municipalities," to be read at their next annual meeting. The National Municipal League is an organization of high standing, composed of prominent men and women. The reports prepared for it should be thorough and scholarly. With your assistance,



we hope to make them so. In order to obtain reliable information, the Pennsylvania Limited Suffrage League has compiled the following questions. We would be greatly indebted to you if you would reply to as many of these questions as possible. Do not hesitate to answer very fully, giving, whenever possible, names and dates and specific, detailed instances drawn from your experience to illustrate the advantages or disadvantages of woman suffrage. Thanking you in advance for your courtesy, I remain,

Yours sincerely,

MARY WINSOR,  
President of the Pennsylvania  
Limited Suffrage League,  
Haverford P. O., Pa.

1. Has woman suffrage improved conditions in your municipality?
2. Has it increased or lessened corruption in the city government?
3. Does it cause more, or less, bribery and corruption in elections? Are the women themselves corrupted by their participation in elections?
4. Are better, or worse, men elected to office?
5. Does woman suffrage make it more difficult, or easier, to get good legislation passed?
6. Does it tend toward making city government more, or less, efficient?
7. Does it tend toward a better enforcement of the laws?
8. Does it tend toward making politics more partisan or less so? Is the feminine vote more, or less, dependent on party affiliations than the masculine vote?
9. Are the polling booths generally located in places fit for women to enter? Since women were enfranchised, has the location and character of the polling booths changed for the better or worse? Are the political conventions and the polls more, or less, orderly?
10. What reforms have been brought about in your city by the assistance of the feminine vote?
11. Has the liquor evil been diminished?
12. Has the social evil been diminished?
13. Has woman suffrage improved the juvenile courts?
14. Has it improved the public schools or educational conditions in cities?
15. Has it increased the number of public playgrounds and parks?
16. Has it helped in beautifying the appearance of your city or in making it cleaner and more comfortable?
17. In your city do women vote in considerable numbers? Of the total number of women, what percentage votes?
18. Do immoral women generally vote and is their vote controlled by the police?
19. Are there many women office-holders? Are they women of good standing? Do they fill their position satisfactorily?

20. Are the women generally public-spirited and ready to rally to the support of the upright and honorable men of progressive views? Do they take an intelligent interest in municipal affairs?

21. Do you recommend woman suffrage for cities?

The first municipality on our list is Colorado Springs. Opinion on woman suffrage is divided. Of fourteen letters received from men and from leading club women, one was lukewarm, five unfavorable and eight favorable.

Colorado Springs is a health resort and, according to a prominent civic worker there, "the municipal conscience is not highly developed, either in men or women," and the **Colorado Springs** population contains a transient and pleasure-seeking element difficult to interest in good government. In spite of these disadvantages, Colorado Springs has managed to secure an improved form of municipal government. It has adopted a charter which "attempts to combine the best elements of the so-called Galveston and Des Moines plans," and is somewhat like the charter government of Grand Junction.

The question now arises, "did the women oppose these reforms or did they help to obtain them?" None of the unfavorable letters were explicit or definite with regard to this question, but three of the favorable letters answered strongly in the affirmative and the Chairman of the Civil Service Committee of the Colorado Federation of Woman's Clubs, Mrs. Robert Kerr, whose home is in Colorado Springs, said, "I believe we should not now have the referendum, recall, non-partisan ballot and strong civil service regulations had it not been for the work of the women." Mrs. Kerr then gave a detailed account of reforms obtained through the influence of women. Among them may be mentioned the following: "In Colorado City, before women had the ballot, it was the usual thing to have a saloon keeper or two on the city council and the office of mayor has even been occupied by a saloon man. Since women came into their political rights fifteen years ago no such thing has been known. This may be said of many other municipalities in the state. The good effect (of woman suffrage) is not so noticeable when it comes to the general state elections, largely because it is difficult for women to become sufficiently informed as to the characters of men whom

they do not know, but in their home towns, where they are close to the nominees and the issues, they seldom fail to stand for the best men and the best measure."

In reply to the question, "What percentage of the women vote?" Mrs. Kerr said, "over 80 per cent of the women themselves, and of the total vote they cast between 40 and 50 per cent in the state, but in this city, in the Roosevelt campaign, they polled 52 per cent of the total vote cast.

"A committee was appointed from the Social Science Department of the Woman's Club of Colorado Springs to ascertain the exact per cent of the woman vote in the Taft election. A woman was placed at each of the 29 polling places for that specific purpose. It was found that the general average was about 50 per cent, running up in some precincts to nearly 53 per cent, notably in the ward where Colorado College is located, and where, if anywhere, the highest standard of citizenship is maintained." Mrs. Kerr says that all classes necessarily vote, but "by far the greatest percentage comes from the educated and working classes."

This testimony might be off-set by a letter from J. Arthur Connell, President of the Colorado Title and Trust Company, to the effect that decidedly the "worse class" of women voted. "Most of the women of my acquaintance dislike going to the polls and only do so at the urgent request of husband, father or other male relatives." Mr. Connell stated that no reform had been accomplished in his city by help of woman suffrage, though a few reforms in the state.

Mr. R. W. Chisholm, a member of the National Municipal League, wrote us a brief letter to the effect that woman suffrage had made good government in his state more difficult, as all the worse class of women voted, whereas the better element had lost interest. Much to our disappointment, Mr. Chisholm offered us no statistics gathered at the polls to show that the vote was heavier in disreputable districts than in respectable. We also received three letters from women, saying that if the question of woman suffrage were to be voted on again, they thought the women themselves would be against it. But these letters gave no statistics of any kind to prove their statements, merely saying that this was the opinion of the women of their acquaintance.

Throughout this investigation nearly all the anti-suffrage testimony consisted of vague, sweeping statements or were confined to describing individual cases of corruption among women without attempting to show the average of corruption, whereas the Suffragists generally backed up their statements by facts, names, dates and statistics. We have, therefore, given here more testimony in favor of suffrage because we received about ten times as much and also because the majority of answers were in favor of suffrage.

The majority of the letters sent us from Colorado, even the unfavorable ones, contained some reference to the election of Ben. B. Lindsey as Juvenile Court Judge in November, 1908.

**Denver** Having failed of renomination by either party, he was supported and elected by the women in defiance of both parties. Judge Lindsey had proved himself the fearless defender of forlorn and neglected childhood and had antagonized powerful interests bent on exploiting the child. I like to emphasize the importance of the election of a juvenile court judge because it is possible that the National Municipal League does not think the juvenile court one of the most important problems in municipal government.<sup>1</sup> Neither did the men of Denver. But the women did, and in rallying to the side of the defender of childhood, Colorado women were obeying their most feminine instincts. Incidentally, they were receiving valuable lessons in "the art of scratching tickets," and this election proved an "education in independent voting." One of the district presidents of the Colorado State Federation of Woman's Clubs wrote me that she was "opposed to woman suffrage at first and greatly disappointed with the results for a number of years, but now the women are awakening and in the last few years have made themselves felt. They always voted, but it was along party lines, but now they *scratch* and as a result better men and a few women are run for office."

Colorado women have been working for the initiative and referendum for years. The first meeting held to discuss the sub-

<sup>1</sup> As a matter of fact, National Municipal Leaguers regard this office as of prime importance.—EDITOR.

ject was arranged by the suffrage association more than twenty years ago when Mr. Sullivan, author of a well-known pamphlet on the initiative, addressed the audience. After the women were enfranchised in 1893, the suffrage leagues all over the state to the number of 152 petitioned the legislature, asking for the submission of this amendment to the voters. The W. C. T. U. has long been busy educating the public in favor of this reform.

Last spring, Denver had a municipal house-cleaning, in which the women played a leading part. A citizens' party was organized as a reform party. A convention was held, at which all the speeches were made by women, Mrs. Sarah Platt Decker, Mrs. Helen Ring Robinson and Mrs. Martha A. B. Conine being among the orators. Miss Ellis Meredith was nominated for the most important office on the ticket, that of election commissioner. The women nominated her "because of her fine character and great ability." The issues to be submitted to the people at the election were the initiative, the referendum and the recall. Also the water question. With regard to the latter, I will quote from a letter sent me by a prominent Denver woman:

"The franchise of the water company having expired, they asked, or rather demanded, a twenty-years renewal at a merely nominal price. The rates were high and the service unsatisfactory." The election was held and "the water franchise was beaten by so large a majority that there has been no attempt to count it out." Miss Meredith was elected. Judge Lindsey, in *La Follette's Weekly* for June 2d, says, "all of our charter amendments for the initiative, referendum and recall were overwhelmingly carried . . . showing the greatest intelligence among the voters that has ever been shown in an election in this country." In a letter to Mrs. Bassett, of Everett, Washington,<sup>1</sup> Judge Lindsey says, "the election was the greatest victory in the history of the state for the reform forces, for popular government and for righteousness. The utility corporations that have corrupted our politics were utterly routed and the two political machines were defeated, and the result was largely due to the fact that the great majority of women voted for the reform measures and against the "gang" and made the victory possible."

<sup>1</sup> *Woman's Journal of Boston*, October 8.

On September 14, 1909, by vote of the people—the *whole* people, not merely the masculine portion—Grand Junction established the charter form of government. According to the “prefatory synopsis” of the charter, its “intent and purpose is to establish a free and independent city and to restore to and vest in the people of the city, so far as the constitution of the state will permit, the material, inherent and inalienable right of local self-government with all its power, duties and responsibilities. To that end under and by the provisions of the charter” the municipal government is vested independently of legislative interference, with all powers not denied it by the constitution of the state.

The people of the city are vested with its supreme legislative powers, with easy preliminary conditions in making and changing its charter and ordinances and also with the absolute and exclusive power of authorizing, regulating or terminating its public service corporations and of recalling its elective officers.

The preferential system of voting has been established in lieu of direct primaries or of second elections, thus securing a unique and accurate expression of the public will at the polls with the minimum of cost and effort.

Partisan and machine politics and government are inhibited and a municipal democracy substituted therefor.

No fixed tenure of office is permitted except, subject to recall, of elective officers and as authorized by a classified civil service for employees.

The city wards and the saloon have been abolished.

Opportunity for graft and favoritism in innumerable directions have been eliminated. Boards have been established to care for the public library, parks, charities and civil service.

The city has been divided into five administrative departments, viz.:

- I. Public affairs.
- II. Finance and supplies.
- III. Highways.
- IV. Health and civic beauty.
- V. Water and sewers.

The commission form of government has been improved, elect-

ing each commissioner directly to his department and clearly defining his duties.

Each commissioner is required to take the active charge and management of his department, giving his whole time thereto, and has before him the opportunity and incentive of becoming a specialist therein, and thus of establishing a most efficient administration.

The charter provides that nominations are to be made by petition, the petition to consist of not less than twenty-five (25) individual certificates, which certify that the person nominated is of good moral character and especially qualified to fill the office, and is not the nominee or representative of, or has been promised support from, any political party. No recall petition shall be filed against any official until he has actually held his office for three months. Such a petition must be signed by at least 20 per cent of the qualified electors. No franchises are to be granted except upon the vote of the qualified tax-paying electors. The applicant for such a franchise must pay the expenses of the election. All power to regulate the rates, fares, rentals and charges for service by public utility corporations is reserved to the people to be exercised by them by ordinance of council or by direct vote of the people. Any right of regulation shall include the right to require uniform, convenient and adequate service to the public. All franchises must be worded in plain and unambiguous terms and every ambiguity therein shall be construed in favor of the city and against the claimant."

This charter differed from the charter of Colorado Springs in giving the mayor no veto power and in other details. A brief study of this charter convinced us that Grand Junction was abreast of and possibly ahead of, the other charter cities. It remained to be ascertained in how far the women of Grand Junction might claim credit for the adoption of the charter. Had they been hostile, indifferent or friendly? In seeking answers to this question we did not waste time upon the general public of Grand Junction, but wrote to experts; namely, the five recently-elected commissioners and the twenty-one men who had been members of the charter convention.

James W. Bucklin was the president of the convention and is

called "the father of the charter". Mr. Bucklin himself was absent from Colorado when our letter arrived, but his wife answered our queries as to the part played by the women and the women's local clubs. Said Mrs. Bucklin: "the majority of the intellectual women were in favor of the charter and understood it and voted for it; circulated literature, canvassed and talked for it.

"2d. The Woman's Club (a local organization) does not take any part in any kind of political campaigns as an organization, but a large part of the members voted for the charter.

"3rd. The W. C. T. U. spoke of the charter, supported it as an organization and aided its adoption in every way possible.

"4th. The majority of women, especially intellectual women, worked enthusiastically for the charter and voted for it and were an important factor in bringing about its adoption."

The secretary of the convention, James Woods, was the person next in importance to Mr. Bucklin. Mr. Woods, in reply to our general circular and special questions, said that he had been in politics in Colorado for twenty-three years, that woman suffrage had improved conditions in his municipality, had lessened corruption; that bribery still existed among men, very little among women, that better men were nominated and only the best elected; that temperance and morality certainly had the upper hand, that woman suffrage made city government more efficient and that the laws were certainly better enforced; that women frequently differed from their husbands in political matters; that polling places (outside of Denver) had been improved until they were as orderly as a church; that the saloons and brothels had been driven out of Grand Junction; that as great a percentage of women voted as men; that the women are more public-spirited and intelligent than the men; that the women listen less to bosses and rings; that they demand, not only morals, but progressive measures.

With regard to the charter he said: "Women are in favor of direct legislation—'Let the people rule'—and the vast majority of women favored the charter and, as one of the writers, we made it strong morally to have women support it."

Wendell P. Ela, another member of the convention, wrote: "Woman suffrage was largely the cause of an entire change in



our city government from the old method of control by the ward saloon to a charter government, the most advanced, perhaps, in the United States."

We had sent out twenty-six letters to the five commissioners and the twenty-one members of the charter convention. We received eight replies, of which six were favorable. The two unfavorable ones answered our questions briefly and vaguely; they were not explicit and gave no details or facts. One man said that woman suffrage had made it even more difficult to obtain good government and that women were "easily swayed". The other said he was opposed to the principle of woman suffrage and thought its exercise might produce evil in large cities, as women might become corrupt. The charter was not discussed in either letter.

# The Present Status of Direct Nominations.

By LOUIS M. GREELEY, CHICAGO,

Member of Legislative Voters' League.

The popular movement in favor of direct nominations continues in full force. Professor Merriam, in his book on Primary Elections published in 1908, stated<sup>1</sup> that fourteen states, to wit, Illinois, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Washington and Wisconsin had mandatory direct primary election laws covering practically all offices; that three other states, Minnesota, Ohio and Pennsylvania had mandatory direct primary election laws covering all offices but state offices, and that fourteen other states, Alabama, Delaware, Florida, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Jersey, New York, North Carolina, Rhode Island and Tennessee, had either optional direct primary election laws covering practically all offices, or else optional or mandatory direct primary election laws covering certain offices or certain localities. Since that book was published, Arizona,<sup>2</sup> California,<sup>3</sup> Idaho,<sup>4</sup> Nevada,<sup>5</sup> New Hampshire<sup>6</sup> and Tennessee<sup>7</sup> have passed mandatory state-wide direct primary laws. Michigan,<sup>8</sup> which, when Prof. Merriam wrote, had an optional direct primary law, has replaced it by a mandatory state-wide direct primary law, including practically all offices, the act being, however, optional as to county offices and as to city offices in cities having under 70,000 population.

## Increase of Mandatory Laws

<sup>1</sup> Merriam, Primary Elections, p. 88.

<sup>2</sup> Laws of Arizona, 1909, p. 60.

<sup>3</sup> Laws of California, 1909, Chap. 405.

<sup>4</sup> Laws of Idaho, 1909, p. 196.

<sup>5</sup> Laws of Nevada, 1909, Chap. 198.

<sup>6</sup> Laws of New Hampshire, 1909, Chap. 153.

<sup>7</sup> Laws of Tennessee, 1909, p. 281.

<sup>8</sup> Laws of Michigan, 1909, p. 514, secs. 1 and 12.

Illinois, which Prof. Merriam classed among the states having mandatory state-wide direct primary laws, including practically all offices, still belongs in that class by virtue of two new direct primary laws,<sup>9</sup> one for legislative offices only, and the other for practically all offices except legislative offices, these acts being passed by a special session of the legislature in 1910, to replace the former direct primary law of 1908, which had been declared unconstitutional by the State Supreme Court.<sup>10</sup>

South Dakota, portions of whose former mandatory direct primary law had been overthrown by the State Supreme Court as unconstitutional,<sup>11</sup> has replaced her former statute by a new full mandatory state-wide direct primary law.<sup>12</sup> So that at the present time twenty-one states and the territory of Arizona have upon their statute books direct primary laws of the most comprehensive character.

Some states having direct primary laws of limited application have brought new territory or new offices within the operation of the direct primary.<sup>13</sup> In no state where the direct primary has ever gained a place on the statute book, has it lost ground. In states where the direct primary does not exist or exists in limited form, determined efforts are being put forth to introduce it or to extend its scope or applicability. A striking instance is the campaign for the direct primary conducted in the State of New York by Governor Hughes, which, though resulting in defeat in the legislature, may yet triumph through the advocacy of the direct primary by the recent Republican convention of that State.

The Governor of Colorado, in his recent message to the special session of the legislature, calls upon that body to redeem its pledges to the people by enacting a direct primary law. An active movement is on foot in Wyoming for a direct primary law.

<sup>9</sup> Laws of Illinois, 1910, pp. 46, 77.

<sup>10</sup> *People v. Strassheim*, 240 Ill. 279.

<sup>11</sup> *Morrow v. Wipf*, 115 N. W. 1121.

<sup>12</sup> Laws of South Dakota, 1909, p. 459.

<sup>13</sup> Laws of North Carolina, 1909, pp. 846, 908, 1133, 1251; and Laws of Massachusetts, 1909, Chap. 356.

In Nebraska, North Dakota and Washington<sup>14</sup> recent legislation has excluded certain judicial offices from the direct primary and substituted therefor a non-partisan nomination. The Tennessee Act of 1909 excludes most judicial offices from its operation.<sup>15</sup> On the other hand, the direct primary laws of Arizona, California, Idaho and Nevada, all passed in 1909, include judicial offices in party primary elections. Montana<sup>16</sup> has provided that judges must be nominated by petition.

The non-partisan primary or double election for municipal offices has gained considerable ground since Prof. Merriam wrote. Under this system a non-partisan direct primary election is held. At the ensuing final election all candidates, except the two highest for each office, are excluded from the ballot. The net result of the two elections seems to be the election of officers by a majority rather than a plurality vote. The system was first introduced by act of legislature of the State of Iowa, applying to cities having a commission form of government.<sup>17</sup> It has since been established for commission-governed cities in Illinois,<sup>18</sup> Kansas<sup>19</sup> and Wisconsin.<sup>20</sup> Wisconsin has also a local-option law for non-partisan direct primaries for all cities.<sup>21</sup> The non-partisan direct primary is permitted by a recent amendment to the Minnesota statute for home rule charters.<sup>22</sup> It has been provided for by charter amendment in the case of Haverhill, Massachusetts, a commission-governed city.<sup>23</sup> Berkeley, California, Grand Rapids, Michigan, and doubtless other cities have also adopted it.

<sup>14</sup> Laws of Nebraska, 1909, Chap. 53, secs. 5 and 6.

Laws of North Dakota, 1909, Chap. 82.

Laws of Washington, 1909, Chap. 82, p. 179.

<sup>15</sup> Laws of Tennessee, 1909, p. 281.

<sup>16</sup> Laws of Montana, 1909, Chap. 113.

<sup>17</sup> Laws of Iowa, 1907, Chap. 48.

<sup>18</sup> Laws of Illinois, 1910, p. 12, secs. 12-19.

<sup>19</sup> Laws of Kansas, 1909, p. 131, Chap. 74.

<sup>20</sup> Laws of Wisconsin, 1909, Chap. 448.

<sup>21</sup> Laws of Wisconsin, 1907, Chap. 670.

<sup>22</sup> Laws of Minnesota, 1909, Chap. 170, p. 181.

<sup>23</sup> Laws of Massachusetts, 1908, Chap. 574, p. 542.

Several of the more recent direct primary acts exclude some or all city or village offices. The Idaho act does not apply to cities, villages or towns.<sup>24</sup> The Michigan act is mandatory as to city offices in cities having over 70,000 population, and is optional as to such offices with cities of smaller size.<sup>25</sup> The Nebraska act applies only to cities having over 25,000 population and excludes village and township offices.<sup>26</sup> The New Hampshire act excludes cities and towns.

Most or all direct primary acts exclude some or all school offices from the operation of the act.<sup>27</sup>

Of the direct primary laws passed within the last two years Arizona<sup>28</sup> requires the voter on challenge to make affidavit that

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he is affiliated with the party, and has not signed a nomination petition for candidates at the primary, of other political parties, or a nomination

paper for an independent candidate. There is no registration of party affiliation. California provides for registration of party affiliation,<sup>29</sup> with provisions for change of registered affiliation.<sup>30</sup> The Idaho law has no requirement as to party affiliation. The voter is given the separate primary ballots of all the parties, pinned together. He votes one ballot only and returns the others to the judges of the primary who deposit them in a box provided for the purpose.<sup>31</sup> The Illinois law requires the voter, on challenge, to make affidavit that he has not voted at the primary of another political party (other than a party local to a city, village or town) within two years, that he has not signed a nomination

<sup>24</sup> Laws of Idaho, 1909, p. 196, sec.

<sup>25</sup> Laws of Michigan, 1909, p. 514, sec. 17.

<sup>26</sup> Laws of Nebraska, 1907, Chap. 52, sec.

<sup>27</sup> Laws of Arizona, 1909, p. 60.

Laws of California, 1909, Chap. 405, sec. 2.

Laws of Illinois, 1910, p. 46, sec. 1.

Laws of Kansas, 1908, Chap. 54, sec.

Laws of Michigan, 1909, p. 514.

<sup>28</sup> Laws of Arizona, 1909, Chap. 24, sec. 11.

<sup>29</sup> Laws of California, 1909, Chap. 405, sec. 17.

<sup>30</sup> Political Code of California, secs. 1230, 1366a.

<sup>31</sup> Laws of Idaho, 1909, p. 196, sec. 15.

petition for a candidate at the primary of other political parties, or a nomination paper for an independent candidate, and that he is affiliated with the party.<sup>32</sup> There is no express provision for registration of party affiliation. The Michigan law provides for a registration of party affiliation (in connection with registration for final elections), with provision for change of registered affiliation.<sup>33</sup> The Nevada law makes no provision for registration of party affiliation, but the voter, on challenge, must make affidavit that he intends to support the party nominees.<sup>34</sup> The New Hampshire law provides for registration of party affiliation and for a change of registered party affiliation not less than ninety days prior to the primary.<sup>35</sup> The Tennessee statute requires the voter, if any judge of the primary entertains a doubt as to his party affiliation, to make affidavit that he is a member of and belongs to the party (or in case the voter desires to change his party affiliation) that he now intends, in good faith, to affiliate with and become a member of the party.<sup>36</sup> Wisconsin, which permits the voter to vote the ballot of any political party without regard to his party affiliation,<sup>37</sup> passed, in 1909, a law providing that if all candidates for any given office on any primary ballot shall receive in the aggregate less than twenty per cent of the vote cast for the party nominee for governor at the last general election, no nominee of that party shall be placed on the ballot for the final election, but the name of the person receiving the highest vote shall be placed on that ballot as an independent candidate.<sup>38</sup> The object of this law was, of course, to keep party voters from invading the primaries of other political parties. The provisions of direct primary laws passed prior to 1908 with regard to party affiliation of voters are summarized in the Wisconsin *Bulletin on Party Affiliations*, by Miss Margaret A. Schaeffer.

<sup>32</sup> Laws of Illinois, 1910, p. 46, secs. 43, 45.

<sup>33</sup> Laws of Michigan, 1909, p. 514, secs. 6 and 8.

<sup>34</sup> Laws of Nevada, 1909, Chap. 198, sec. 18.

<sup>35</sup> Laws of New Hampshire, Chap. 153, sec. 10.

<sup>36</sup> Laws of Tennessee of 1909, p. 281, sec. 22.

<sup>37</sup> Laws of Wisconsin, 1907, Chap. 666, sec. 11-11, 9 and 10.

<sup>38</sup> Laws of Wisconsin, 1909, Chap. 477.

There has been a strong tendency towards limiting by law the expenses of candidates at the primary election. The most elaborate law of the kind is that of Oregon, patterned after the British laws of 1883 and 1895, adopted in 1908 by initiative. The act provides for the publication and mailing by the public authorities of campaign statements in favor of and against the primary candidate and his opponents, the candidates to pay certain fees toward defraying the cost. The act limits strictly the total amount that may be expended on behalf of candidates. Candidates and political committees and agents are required to file itemized detailed statements in prescribed form, with vouchers of campaign receipts and disbursements, failure to file which prevents the candidate's name from being placed on the final election ballot. Corporate campaign contributions are prohibited.<sup>39</sup> The California direct primary law has corrupt practices provisions defining permissible campaign expenses and prohibiting all others, also fixing the total permissible maximum total amount of permissible expenditures and requiring statements to be filed.<sup>40</sup>

The Idaho direct primary law has corrupt practices provisions defining legitimate campaign expenses and requiring the filing of a detailed statement of receipts and expenditures.<sup>41</sup> Arkansas,<sup>42</sup> Connecticut,<sup>43</sup> Florida<sup>44</sup> and Georgia<sup>45</sup> have also recently passed corrupt practices acts applicable to primary elections. Several states have recently passed acts prohibiting campaign subscriptions by corporations.<sup>46</sup> Congress has passed such a law applicable to federal corporations and to congressional elec-

<sup>39</sup> Laws of Oregon, 1908, Chap. 3.

<sup>40</sup> Laws of California, 1909, Chap. 405, secs. 29-31.

<sup>41</sup> Laws of Idaho of 1909, Chap. 198, secs. 24-26.

<sup>42</sup> Laws of Arkansas of 1909, p. 505.

<sup>43</sup> Laws of Connecticut of 1909, p. 183.

<sup>44</sup> Laws of Florida of 1909, p. 71.

<sup>45</sup> Laws of Georgia of 1908, p. 63.

<sup>46</sup> Laws of Georgia of 1908, p. 55.

Laws of Massachusetts of 1908, Chap. 483.

Laws of Mississippi of 1908, Chap. 124.

Laws of Ohio of 1908, p. 23.

tions.<sup>47</sup> Iowa, Massachusetts, Missouri, Nebraska, New York, Oklahoma, and many other states have on their statute books corrupt practices acts applicable to primary elections.<sup>48</sup>

The decisions down to 1909 are summarized by Prof. Merriam.<sup>49</sup> They unanimously sustain the general power of the legis-

**Recent Decisions** lature to enact primary laws. The cases disagree upon the question whether a primary election is an election in the strict constitutional sense, or whether it is a method of selecting party nominees rather than an election properly so called.

The greater number of cases and the better reason support the latter view.<sup>50</sup> The more recent cases generally adopt this view.<sup>51</sup>

Since Professor Merriam wrote, the direct primary laws of the following states have been upheld by the courts: South Dakota<sup>52</sup> (except certain provisions), Oregon,<sup>53</sup> Ohio,<sup>54</sup> North Dakota,<sup>55</sup> Wisconsin,<sup>56</sup> Nevada<sup>57</sup> and Idaho.<sup>58</sup>

The direct primary laws of Illinois and Tennessee have been overthrown by the courts.<sup>59</sup> Primary legislation has been particularly unfortunate in Illinois. The courts have overthrown no fewer than three successive primary acts, and it is not certain

<sup>47</sup> 35 Stat. at L., 1103.

Laws of Oregon of 1908, Chap. 3, sec. 25.

<sup>48</sup> Laws of Iowa of 1907, Chap. 50, secs. 2-7.

Laws of Massachusetts, secs. 314-334.

<sup>49</sup> Merriam, Primary Elections, Chap. VI.

<sup>50</sup> Lone v. Board Election Commrs., 154 Mich. 329.

Morrow v. Wipf, S. Dakota, 115 N. W. 1121.

Montgomery v. Chelf (Ky.), 82 S. W. 388.

<sup>51</sup> Ledgerwood v. Pitts (Tenn.), 125 S. W. 1036.

State v. Frear (Wisc.), 125 N. W. 961.

Riter v. Douglas (Nev.), 109 Pac. 444.

Contra see: People v. Strassheim, 240 Ill. 279.

<sup>52</sup> Morrow v. Wipf, 115 N. W. 1121.

<sup>53</sup> Ladd v. Holmes, 66 Pac. 721. <sup>54</sup> State v. Felton, 84 N. E. 84.

<sup>55</sup> State v. Blaisdell, 118 N. W. 141. <sup>56</sup> State v. Frear, 125 N. W. 961

<sup>57</sup> Riter v. Douglas, 109 Pac. 444. <sup>58</sup> Adams v. Lansdon, 110 Pac. 280.

<sup>59</sup> People v. Strassheim, 240 Ill. 279.

Ledgerwood v. Pitts, 125 S. W. 1036.



that the present (the fourth) act will not meet a like fate, though a recent decision (without opinion) of the State Supreme Court gives some ground for hope that the present law (or laws—for there are two) will be sustained.

The general result of recent experience with the actual working of the direct primary seems to show that where the voters are alert and interested, the direct primary will accomplish the purpose for which it was intended—the democratization of nominations, the wresting of control of party nominations from the party boss or machine. The results of the recent primaries in New Hampshire, California, Kansas and Minnesota seem to show this. In all of those states the popular will of the party voters prevailed in spite of the efforts of the office-holding machine. No doubt the sharp issue between the stand-pat and insurgent elements of the Republican party drew out an exceptionally large vote at the Republican primaries.

In California the vote for governor at the Republican primary (the only primary where there was a contest as to that office) the total vote exceeded that cast for President in 1908, and the total vote for governor at all the primaries was only 40,000 less than the total vote at the state election in 1906. The normal primary vote seems to be about fifty per cent of the normal vote at general elections in Kansas. The percentages in Nebraska, Wisconsin and Michigan are a little lower. In Minnesota the percentage varies between 25 per cent and 60 per cent.

As to the expenses of primary candidates, while exact figures seem not to be available, it is clear that they are heavy where there is a contest. Whether they are heavier than under the convention system can not be absolutely determined.

**Primary Expenses** There seems little reason to doubt that the legitimate expenses of candidacy are, in general, heavier under the direct primary system than under the convention system, especially in the case of offices filled by the vote of an entire state or other large constituency. This is no doubt an objection to the direct primary system. As I have shown, efforts are being put forth to meet it by corrupt practices acts defining the legitimate expenses of candidates, limiting the total

amount that may be expended, and requiring the filing of itemized statements by candidates and political parties. But while corrupt practices acts may lessen, they cannot wholly remove the difficulty. For the legitimate expense of canvassing a large constituency is necessarily considerable, and a corrupt practices act limiting expenses below the necessary cost of a thorough canvass would seem to be unreasonable and undesirable. Sometimes, no doubt, the main contest is at the primary and little further in the way of canvass for the general election is necessary. But in general the primary must necessarily involve the expense to the public of an extra election and to the candidate the expense of an extra canvass.

The Oregon Corrupt Practices Act provides for the publication and mailing to the voter by the state or city of a pamphlet containing campaign arguments for and against the candidates furnished by the candidates and by their opponents. For this the candidates pay a certain price per page. The amount so paid is not sufficient to defray the entire cost, so that a large part of the expense of the canvass is in effect thrown on the public.

If the direct primary necessarily involves added expense to public and candidates, it at any rate gives the candidate an opportunity to discuss and place before the voters real, vital issues. The added expense goes toward the enlightenment of the voter.

It seems not possible to determine accurately whether or not voters of other parties vote to any considerable extent at the primaries of parties to which they do not belong. The impression prevails that this is done to a very considerable extent. The laws of the various states vary very much as to requirements and tests with respect to party affiliation. Some states like Michigan and California have so-called close primaries, where by law the party affiliation of the voter is entered upon the register of voters, with provision for change of party affiliations upon the register at stated times. Every voter must, in general, be registered with the party at the primary of which he seeks to vote. The Illinois law provides that a voter having voted at a party primary, cannot vote at the primary of any other party for two years. On the other hand, by the laws of some states the party affiliation of the voter is not registered, and the voter is simply

required, in case of challenge, to make affidavit as to his having affiliated in the past with the party, or of his intention to support a majority of the party candidates at the final election. The laws of Idaho and Wisconsin permit the voter to select whichever party primary he chooses, regardless of his party affiliation.

#### **Tests of Party Affiliation**

It seems to me that the Idaho and Wisconsin laws are wrong in principle, that the right to vote at the primary election should be by law strictly limited to adherents of the party, so far as this is practicable. The primary election is intended as a means of selecting party candidates. For that reason only those belonging to the party should participate. If outsiders are allowed to participate at the party primary elections, the primary elections lose all reason for being. If they are not expressions of the will of the party voters in the choice of candidates, they are nothing. I believe that tests of party affiliations should be made as rigid as practicable and inasmuch as they must necessarily be somewhat vague, I believe that a declaration of party affiliation once made should confine the voter to the primaries of that party for a considerable period.

Experience seems to show that the party convention system of nominations, except in small communities, has broken down in practice. It has everywhere come under the control of party machine. It has become merely a means of registering the will of the party bosses. It has ceased to be democratic in any sense. Efforts to improve matters by statutory regulation of the conduct of the election of delegates and of the convention itself have proved unsuccessful. It would seem that we must substitute some other system of nominations in place of the convention system, if we are to have a democratic form of government in fact as well as in name.

Of the substitutes now in sight it would seem that for general use the partisan direct primary is the most promising. The other substitutes are the non-partisan direct primary above referred to, which is in use in Des Moines and other commission-governed cities. This system no doubt works well for small cities under commission form of government. It is ques-

#### **Substitutes for Convention System**

tionable, however, whether it would prove satisfactory for cities of metropolitan size, where the city constituencies are large and the number of offices to be filled by election large. It would seem that some form of partisan primary would prove preferable. This system of nominations has never, so far as I know, been proposed for state or congressional offices. Boston is experimenting with the non-partisan nomination by petition. It is understood the actual result of the first election was not entirely satisfactory to those who proposed the plan. This does not prove that the plan is not a good one. The experiment is a most important and interesting one, and will be closely watched. The experiment is favored by the comparatively small number of offices to be filled by election. This system has the advantage over the partisan direct primary of obviating the necessity of a nominating election. It has the advantage (in common with the non-partisan direct primary) of tending to exclude from municipal elections questions of national party politics. Whether it will prove popular for large cities with numerous elective offices is perhaps doubtful. That the system would ever be extended to state or congressional elections, seems most unlikely.

Whatever may be the respective merits of non-partisan nominations and the direct party primary so far as municipal nominations are concerned, it seems to me reasonably clear that the partisan direct primary is the system that has the balance of advantages in its favor so far as state offices and members of Congress are concerned. In these matters our practice of party nominations and party designations upon the ballot is too firmly fixed to be uprooted without causing dissatisfaction and confusion. So long as elective offices are so numerous and voting constituencies so large, the party nominations and the party designations on the ballot seem necessary, or at least desirable.

No doubt the success of the partisan direct primary depends on the extent to which the party voters perform their duty of going to the polls and voting. But this is true of any system of nominations. It will not alone put an end to machine politics, so long as the multitude of minor elective offices and the lack of adequate, or of adequately enforced, civil service laws, corrupt

practices laws and laws for the punishment of bribery and corruption of voters and public officials make machine politics profitable and safe. No doubt if the voters are to exercise the discriminating choice which the act of voting should imply, the

**Short Ballot** number of elective offices must be greatly decreased. It is practically impossible for the voter to ascertain for himself the qualifications and respective merits of the large number of persons whose names appear on our election ballots. Real choice becomes impossible. The average voter must and does rely largely on the party name. This is an evil which the direct primary cannot cure. It is perhaps the fundamental evil of our electoral system. It is said to have given rise (together with the practice of rotation in office) to our entire nominating problem. So the lack of adequate civil service reform laws or the adequate enforcement of them has left the jobs as spoils in the hands of those who controlled the elections. Corruption in politics and in office has been safe and enormously profitable because of the insufficiency of our criminal laws and the lax enforcement of them. Our politics will not cease to be venial and corrupt until thorough-going reform is accomplished in all of these directions. It is the opportunity for spoils and corruption money that gives rise to the political machine, and it will continue to exist as long as that opportunity exists.

But admitting all this—admitting that the direct primary will go only a short way towards the reform necessary to purify our electoral system, admitting that the short ballot, the civil service reform, corrupt practices laws, and the overhauling of our criminal laws and procedure are reforms even more fundamental and important, it still remains true, as it seems to me, that direct primary is the initial reform, the logical first step in the path of reform. For to accomplish any of these other reforms we must first elect to our congress, and our legislatures, men free from boss control. The democratization of nominations is the only or the speediest way to accomplish this result. Furthermore, of all nominating systems proposed as substitutes for the convention system, the partisan direct primary, cumbersome as it is, expensive as it is, seems on the whole the most promising for political offices.

# The Principle of Wieldy Districts.

By RICHARD S. CHILDS, NEW YORK,

Secretary Short Ballot Association.

A great weakness in our American attempt at democracy is the fact that it requires permanent organized political machines to make it work. (I don't mean parties.) To beat one machine we must create another. Without political machines our politics would be chaos.

One function of the machines is to make nominations for minor offices in which the people have no natural interest. Proper selection of the offices we put on the elective list will exclude all which are naturally obscure and in which the people take no interest, thus disposing of this need for machine rule.

A second function is to provide the voter with ready-made tickets for convenience in voting when the number of elective offices is larger than the average voter cares to remember. Shortening the ballot by reducing the number of elective offices disposes of the ticket-making function of the machines.

There sometimes remains a third function for political machines even on this Short Ballot basis—namely, to conduct the large scale campaigns necessary in large districts. How to dispose of this work so that we can do without political machines is the problem.

**The Problem** A large district containing, say, 100,000 voters is a very difficult battle-ground. There the independent contestant who aspires to office faces a task that is too big for one man or an impromptu organization.

In January, 1910, Boston put into effect a new charter providing for a mayor elected for four years, a council of nine members elected for three-year terms, three at a time in rotation, and a school board of five members elected one or two at a time for three-year terms. All are elected at large. All nominations are by petition. The ballot is non-partisan.

In the first election there were four candidates for mayor who survived the rather heavy petition requirements, namely, Fitzgerald, a Democratic ex-mayor under whose former administration there had been much complaint of misgovernment; Hibbard, a Republican ex-mayor; Storrow, the nominee of a committee of reformers representing the independent good-government vote, and Taylor, apparently representing no one but himself and his prospective constituents. Taylor was out of the race from the start. It was recognized that his support was only personal, that he had no machine at his disposal to carry his message to the voters and that there was no long-standing, well-established "good-will" in his favor. He got 613 votes on election day. The other candidates all valued the support of the old machines and manoeuvred for it. The stock of the candidates rose and fell according to the rumors of their success in their flirtations. Fitzgerald had the whole-hearted though informal support of the Democratic machine which he had richly befriended in patronage and favoritism when in office before. He was elected with 47,000 votes.

Hibbard ceased to be a factor in the contest when it became clear that he would not have the support of the Republican machine. Only 1,800 votes were cast for him.

Storrow spent a huge fortune on his campaign and supported by the organized reformers gathered almost the entire anti-Fitzgerald vote (45,000).

In the future the political organizations of long standing, namely, the Democratic machine, the Republican machine (which will not always continue to keep aloof) and the Municipal League with its coterie of civic workers and reformers will hold a monopoly of the hopeful nominations. A candidate must always have the support of at least one of them in order to win. If he can secure the support of two of them he will be almost invincible. To build up *de novo* an impromptu volunteer organization capable of winning the election against the old-established organizations is hardly a hopeful undertaking.

To believe that in the future the people of Boston will not be sharing their control over the mayor with some coterie of permanently-organized political specialists is to assume either that

the politicians will refuse to sell their support to any bidders or that no candidates will bid for such support even if getting it will contribute greatly to success.

All this is only saying that large electorates are hard of hearing and that they can be so large as to be almost deaf.

To express it in another way, an electorate may be so large that it cannot do even a simple task without organizing for it,

**The Doctrine** and in huge electorates it will have to be a more elaborate and costly organization than we can ask the candidates to improvise privately for a single campaign. And if the support of these standing armies is highly valuable to the candidates, it follows logically that these armies (or the captains of them) will hold an unassailable monopoly of the hopeful nominations. Democracy requires that there shall be reasonably free competition for elective offices. To give to any one set of men power to exclude various candidates from the contest may often result in barring out the very men the people would like. It is not possible to suppress permanent political organizations when they will be of great help in winning the great prizes of office, but it is possible to so arrange the battleground that there will not be enough advantage in permanent political organizations to encourage their existence.

The smaller the district and the fewer the voters to be reached by the candidate, the weaker is the grip of the machine, the easier it is for the political novice to succeed and the less is the advantage of the political specialist. (The reason that it rarely seems to work that way is because in small districts at present the offices are usually too petty to interest the people.)

Accordingly we establish a Limitation of Democracy—*The District must be Wieldy*.

Let the political unit or district be not so large but that an impromptu organization adequate to conduct an effective campaign can be put together at short notice by an average candidate. Permanent committees or political organizations cannot then do as they please and win, since the risk of exciting effective opposition, if their nominations are unsatisfactory, will be truly serious.

The exact maximum for the voting population for a "wieldy"



district can only be determined by the test of practice. Regarding any existing districts the formula to apply is—For a “visible” office do the people in this district find that their choice is unduly limited by the difficulty which candidates who lack the support of standing political organizations have in getting a hearing?

Or to express the same idea differently—Can a spontaneous movement of public opinion in such district express itself promptly without getting permission from the old political machines?

Or, again, can a candidate of ordinary means and influence get elected in such district with only the help of an impromptu personal organization?

As further evidence, the following instances are offered of the abolition of machine control in districts which conform to the foregoing considerations:

**CHICAGO COUNCIL:** The aldermen are powerful and the aldermanic contests are well illuminated by the Municipal Voters' League, so that the people, despite the long Chicago ballots, take an interest in the office. The wards are small and independent candidates with no machine to help them except such organizations as they can improvise, have frequently been elected. The danger of successful candidacies is a highly effective check on the power of the machines. The Chicago Council is in consequence one of the best in the country and its reform seems to be not spasmodic but permanent.

**THE COMMISSION PLAN:** As so far tested, the commission plan of city government by a single board of five men elected at large is a success inasmuch as good men are elected and are repeatedly re-elected, without the help of political machines. All the commission-governed cities are of less than 100,000 population, constituting a wieldy district. The plan would fail to eliminate machine control if tried in too large a city. If tried in Buffalo, for example, the attitude of various leagues and political machines would have an important bearing on the contest and it would be impossible to keep the candidates from flirting with permanent organizations continually. No independent could

hope for success. Organized assistance of some sort would be so valuable that it is safe to say that practically every officer who would get elected would owe his election in large part to expert permanently-organized help. It might be a purely *personal* permanent machine, but if the candidates did not run again that personal machine would be in existence ready to perform a like service for the highest bidder.

To propose that Buffalo adopt a commission plan, with the variation of having the commissioners elected from wards, would cause outcry at first from those who know ward politics in Buffalo at present. The weakness of present ward systems, however, lies primarily in the fact that candidates elected from wards have but trifling powers and their election is not sufficiently important to make it a matter of moment to the people in that ward. The fact that wards generally produce "ward-sized" men is not due to the littleness of the ward, but to the littleness of the job. Give to a ward-elected city council complete control of the city as in English cities, and the position of the councilmen (or aldermen) immediately attracts first-class talent, rises high in importance, and is protected against contamination by correspondingly intense and thorough public scrutiny.

**BOROUGH OF RICHMOND:** New York City is an unwieldy district (witness the gigantic scale of Hearst's vain operations) and so are also all its boroughs with the exception of the little borough of Richmond with a population of 100,000. It is the only borough where the government has been free from scandal, the only one in which there seems to be little need for reform, the only one in which the Borough President, after a satisfactory term, can compel the politicians to renominate him on the threat that if they fail to do so he can run independently and win. Mr. Cromwell has held the office since 1901, although he is a Republican and the district is Democratic.

In no country except the United States is the unwieldy district to be seen. No officers are elected at large in England or on the Continent or in New Zealand and there are no political machines in our sense of the phrase.

**Foreign  
Experience**

Logically the application of the principle of the wieldy districts would call for the abolition of the governor's office in the state as well as all other state officers elected at large! In the case of Congressmen it would perhaps necessitate a reduction in the size of the district, against which must be balanced the difficulties of having the House of Representatives a very numerous body. It would call for the abolition of the Presidency or the restoration of the electoral college. I do not seriously propose any of these things and believe that the problems which would remain if districts were made wieldy whenever possible, would have to work out their salvation by some other and unknown route.

Perhaps partial relief may be found in extension of the Oregon idea of having the state pay some of the candidate's expenses by allowing him free advertising space in pamphlets that are supplied free to all voters.

One way of solving the difficulty of getting a candidate elected in a large district without the aid of organized political machines might be found in a scheme of proportional representation wherein all officers are elected at large, but each voter records on his ballot only a single first choice, second choice, third choice, etc. A candidate to be successful under this plan would need to get only a quota instead of a plurality, i. e., if there were twenty aldermen to be elected, he would have to get the support of somewhat less than one-twentieth of the voters.

#### **Other Solutions**

# The Unearned Increment in Cities.

By JOHN MARTIN, STAPLETON, STATEN ISLAND.

From the returns of the Federal Census so far issued it is plain that the growth of cities, well-marked in previous decades, is continuing and even accelerating. So soon as a State is fairly well settled cities appear. Before many years the population of the cities is found increasing faster than the population of the rural districts, and, later, the country side is often depleted of its inhabitants to feed the swollen urban districts. Eastern and Northern America is fast becoming urbanized; our political problems each year are more emphatically municipal problems.

For example, in the rich agricultural state of Iowa while farm lands increased in value in the decade 1900 to 1910 by 122 per cent and the population of the seven leading cities increased by about 74,000, the population of the remainder of the state actually decreased by about 81,000.

The urban population of New York State is 6,764,000 and the rural population 2,107,786—less than one-third as many.

We are accustomed to say that the outstanding effects when a city grows big and imposing are that politics are corrupted, councils are wasteful and inefficient, taxes are high, franchises debauch alike eminent citizens and wicked bosses, the saloon and the dive debase the police force, and altogether the democracy, as the boys say, is "up against it".

But another feature quite as striking as any of these, invariably present when population thickens, and yet seldom considered or fully realized, is an increase of site values, due to community growth and to the habits of industry, order and refinement among the people. Universally in the United States this community-earned increment is distributed among a small part of the population, who, alone, are lot-owners, who, for this increase, specifically, "toil not neither do they spin", and to whom, therefore, the increment is as John Stuart Mill christened it, "unearned".

Although in the younger cities the distribution of house and lot ownership is fairly wide and the winners of small prizes in the gamble for increasing site values are therefore fairly numerous, as fast as the city grows the values at the centre, which are scooped by a tiny fraction of the population, increase faster than the values in the outlying residential areas. As land values soar, single houses give way to tenements, lowly stores and offices to sky-scrapers and the proportion of owners in the population diminishes, until the condition is reached such as in New York, where all the land is owned by about 20,000 out of the four million inhabitants, and in Galveston, where most of the valuable real estate is said to be in the hands of or controlled by a score of individuals.

Examples of the dazzling increases of lot values at the centre of cities might be taken from North, South, East or West. One

**Portland Ore.,** from Portland, Ore., will illustrate. The rental  
**and Boston** for the Pittock Block in that city, bought out-

right fifty years ago for the insignificant sum of \$300, was leased recently for ninety-nine years at a rental which begins at \$30,000 and will increase every five years, until, during the last semi-decade of the period, it will amount to about \$104,000 a year. The total rental for the period will amount to \$6,298,426; and, when the lease runs out, the property will be worth \$16,000,000—quite a staggering return on an investment of \$300.

Compared with that the example, lately brought to attention by Mayor Fitzgerald, is not impressive, though, in itself, it is startling enough. A parcel of land in Boston which cost \$238,000 twenty years ago is now worth \$695,100, an increase of nearly 200 per cent. "This fortunate investor," continues the Mayor, whose purple passages one may quote as having official sanction, "this fortunate investor owed every dollar of this added value to the public. No intellectual or moral quality was displayed by him in acquiring it and no form of service was rendered. His only talent was to purchase and to keep. Meanwhile, the growth of population, the ever-swelling tides of travel and of trade, the expenditures of the public money on pavements, sidewalks, lights and fire and police protection, the building of a great court house, in a word, all the multifold activities of the community at large enhanced the value of the estate."

The annual increment in the value of the land of Philadelphia from 1885 to 1900 amounted to \$19,500,000, or three-quarters of the total annual expenditures of the city. Boston's annual increment for fifteen years prior to 1907 was sixteen millions, and Washington's upwards of ten millions. Altogether Philadelphia has presented a total site value of over nine hundred millions and Boston of over 675 millions to its lucky ground owners.

But New York—stupendous, rich, amazing New York—offers the supreme instance of sky-scraping value increments. “The assessed value of land, exclusive of improvements, in the City of New York,” say the Tax Commissioners officially, “is greater than the assessed value of all the real estate, improvements included, in the State of Pennsylvania.” Bow your heads! O Philadelphia and Pittsburg! and all ye cities of the anthracite region!

“As population increases,” continue the commissioners, “the value of land increases more rapidly than the value of improvements, until a condition is reached like that of the financial section of the Borough of Manhattan, where it is almost impossible to erect a building equal in value to the land on which it stands.” For the last four years, two of them fat and two lean, the average annual increase in the value of the naked site of Greater New York has been \$159,573,813, all but a narrow margin of which is due to community effort and not to individual industry or skill. The whole of these unthinkable sums has gone as a free gift into the pockets of one-two-hundredth of the population. Some have got more; some less. In odd spots values have receded; in general they have fast advanced. On the average, the fortunes of the taxpayers, without effort on their part, have steadily swollen. For the improvements they have made they could get to-day all that they have expended on them; and, in addition, they could sell their lots, in the aggregate, for over \$600,000,000 more than they would have fetched four years ago. Well might Professor Thorold Rogers exclaim, “The landlord grows rich in his sleep”.

This phenomenon of land values that makes the tales of Aladdin's lamp look squalid is not confined to America. Every civilized country displays it as a prominent feature in its civiliza-

tion. Some countries, on the lookout for new resources of public revenue, have tapped this overflowing reservoir of wealth. Of these relatively enlightened lands Germany and Great Britain are the foremost. Germany adopts two ways to save a part of the treasure for the community, land-owning and land-taxing. Most German towns possess a considerable amount of land. Strassbourg owns 365 square yards for each inhabitant; and Aachen, Dantzig, Stetten, Frankfurt, Mannheim, Breslau, Magdeburg and Dortmund have from 119 to 239 square yards per head of the population, while Berlin, and nine other large towns hold somewhat smaller areas per head. When it is recalled that 120 square yards for each inhabitant means the possession, by a city of 200,000 people, of a municipal estate of 50,000 acres, the significance of these figures becomes clear. Further, most of the German towns are actively increasing their holdings of land, partly because several years ago the Prussian government issued directions to the governors of the twelve provinces into which the kingdom is divided, that they should use their influence to induce all Prussian towns to buy as much ground as they could obtain, and to retain possession of all they then held and might afterwards acquire. The Prussian government, you observe, is teaching the same thrifty determination not to let go of any city lot as the Astor family has displayed to its great advantage in New York. Since 1890 the quantity of land held by Cologne has increased twelve-fold; that held by Chemnitz, six-fold; and the holdings of Munich and Dresden have increased three-fold.

Not content with being extensive landowners, so that they may skim the cream of the community-earned increment as it rises,

**Property of German Cities** German cities are taking a share of this increment as it forms on land in private possession.

"The Increase of Value Tax," which means a special tax on the increase of value shown on successive sales of lots, has been passed upon favorably by imperial, state, and municipal legislative bodies and it has been declared constitutional by the supreme court. Beginning with Cologne in 1905, this tax is now in effect in Dortmund, Essen, Frankfort, Leipsic and a number of other towns, including three of the suburbs of Berlin.

Some form of progression, varying considerably from town to town, is always employed and some minimum percentage of the unearned increment is left free—in Cologne ten per cent, in Leignitz only five per cent.

With respect to the amount of the tax, Professor Adolph Wagner, who has been a leader in the movement for the impost, says: "One can hardly go high enough. Even here, however, I would leave something to the winner—let us say ten per cent. But the city should get ninety per cent. As, however, such a proposition is not yet practically possible, let us say 50 per cent, or, even, as far as I am concerned, thirty per cent." In practice thirty per cent has already been approximated on very large increments of value.

In England also the tax-gatherer will lay his hand, in future, on the increments created by the community. The Lloyd-George budget against which the House of Lords unsuccessfully rebelled, provided that twenty per cent of the increases in urban land values in time to come shall be paid into the public purse; and, though the squires and territorial magnates raged and the threatened interests prophesied red ruin and combustion, the case for the tax, which Cabinet Ministers remorselessly laid before the country, was so cogent and unanswerable, that the electors supported it, the House of Lords finally voted it and Britannia still rules the waves—at least as much as she ever did.

In New York the principle of making landowners pay for the public improvements which directly increase the value of their holdings has been recognized in the law and in the practice of assessing upon abutting property, in whole or in part, the cost of opening streets, building sewers, laying out small parks and the like. An extension of this principle, of real significance, is in course of development. New York has entered on a policy of public ownership of rapid transit lines, and has already one large system of subways and elevated lines in every successful operation through a lessee. But subways are costly and the borrowing power of the city, limited by the constitution to ten per cent of the assessed valuation of real estate within the city, has been so far exhausted for other public improvements as not to leave



enough for the network of transit lines, municipally owned, which the people are unanimous in demanding. So it was plain that the city's credit could not be pledged to grid-iron the outer suburbs, that await development, with electric railways. Then a few inquisitive persons noticed that the existing line had directly caused marvelous increases in land values that had all gone to a handful of lucky real-estate owners and operators. So the City Club made a minute, painstaking, scientific investigation which disclosed the following facts:

The aggregate rise in land value north of 135th Street in Manhattan, and in The Bronx, due to the building of the Subway, reckoned after allowing for the normal rise due to general causes, was \$80,500,000. The cost of the entire subway from the Battery northward was \$43,000,000. So that the property benefited, in the districts just mentioned, could have paid this entire cost, and yet have had a net profit, due solely to the running of the subway, of over \$37,500,000. Had it paid only for the portion running through its own territory there would have remained a profit of over \$67,425,000.

"In view of this fact," asks the Club's committee, "would it not be reasonable to require property benefited in outlying districts to pay for the cost of a rapid transit line built to serve it?"

A majority of real-estate owners whose lands await transit facilities to make them immediately available for settlement, expressed, when asked, a willingness to be assessed for lines which would open up their property. Both in Brooklyn and in Queens petitions have been signed by a majority of owners upon a route and presented to the Public Service Commission asking for lines to be paid for on this assessment plan. But the law was not adapted to such a system. Therefore, upon the request of the Public Service Commission, amendments to the Rapid Transit Act were passed two winters ago, which were intended to make the plan practicable. But, unfortunately, there is considerable doubt whether the Public Service Commission drafted the amendments expertly enough to accomplish the purpose desired. The city's credit cannot be pledged on account of the constitutional restrictions; and, therefore, the bonds issued under the plan must

### **Subway In- creases Values**

be a first lien on the property benefited and the buyer of the bonds must be in a position, himself, without the interposition of city officers, to foreclose the mortgage on the property in case the bond is not paid when due, or else bankers will not handle the bonds. Of course the real-estate owners would always prefer that the city should pay for the lines outright and leave them to take all the profits; and, should a single new line be built with outlying links not assessed against the abutting owners, of course the owners everywhere else will decline to pay for lines to their property on the ground that, if their taxes go to pay for other peoples' routes, it is only fair that the other peoples' taxes should go to pay for their routes.

The bids for the construction of new subway lines opened a fortnight ago by the commission do not include the extremities of the routes, extremities which can most justly be charged against the property benefited. But the cost of construction of the main stems is clearly going to be so heavy that it is doubtful whether the city's credit can stand it, and the plans of construction may have to be modified so as to cheapen the work. Anyway it is plain that the city's credit will not bear the cost of the outlying links, and necessity, which, as the copy-books say, knows no law, will compel the inauguration of the juster method. Friends of the Public Service Commission hope that it will try to rectify the law, at the next session of the legislature, and make it indubitably practicable to issue bonds on the assessment plan, in a form which will find a ready market. If that be done and the system goes into actual effect New York will be a pioneer among American cities along a new road that leads to justice.

# Summary of the Report of the School Extension Committee.

By EDWARD J. WARD,

Chairman, Advisor in Civic and Social Center Development, Extension Division,  
University of Wisconsin.

We have the public school plants, but most of us no more appreciate what it means to have these possessions than the people in Europe before 1492 appreciated what it meant to have the earth. There was a whole hemisphere of incalculable wealth and opportunity which they knew nothing about. And in the public school plant there is a whole hemisphere of value unrealized, undiscovered, by those who think of the public school plant as simply a place for the education, the teaching of children, with the added use, as an occasional evening school.

But while the majority of us see nothing more in the school plant than an educational institution for teaching children, leading students of political, social, educational, economic and other public problems are alive to the tremendous importance of the undeveloped resources in the wider uses of the public school plant.

## **The Public School Plant**

It was because of this fact that, when a year ago the committee of twenty leaders in American thought was named to serve with me, and they were asked to prepare articles upon the various phases of the extension of the use of school plants as social centers, not one of them needed to be told that this is vitally important. As all roads used to lead to Rome, so these students of public affairs show that to-day, nearly all lines of thinking upon public questions lead to the public school, both in its prime, never-to-be-forgotten use and in its extension as a common social center.

I will not stop to read the table of contents of this report nor the list of names of those who have made it worth while by their contributions, but I begin at once by a definition of the term social center:

The term social center is sometimes confused with civic center, but the term civic center has come to have a distinct meaning as the city center, the convenient and beautiful grouping of the municipal buildings and grounds in connection with the town or city hall, the focal point, in which is expressed the unity of the city.

The same impulse toward economy and intelligent, orderly arrangement of the physical city, which is responsible for the civic center movement aims toward the convenient and beautiful grouping of public buildings and grounds in the smaller sections or divisions of the city.

The term social center is applicable to these neighborhood focal points and the public buildings and grounds there assembled because, being more intimately connected with the homes of the people, their use includes social activities, recreational and educational, as distinguished from the more purely administrative uses of the buildings which make-up the civic center.

**Social Center  
Defined**

The social center is to the neighborhood, the district, the smaller section of the city, as the civic center is to the city as a whole.

The ideal, complete civic center has not yet been realized in any city except perhaps on paper. The ideal, completely-equipped neighborhood social center has not yet been realized, even on paper.

It is high time that the city-planning movement should emphasize from the point of view of economy in physical construction, the neighborhood social center idea, for in some cities, notably Chicago, common neighborhood needs are coming to be met not by the extension of the normal nucleus of the neighborhood social center plant which is the public school, but by the development of separate recreation buildings. The wonderful small park and field-house development in Chicago had its beginning as a separate development simply because the school authorities in Chicago, a dozen years ago, lacked wider vision of the possible social center development in connection with the school plant.

**Chicago's  
Field Houses**

The man who is chiefly responsible for the splendid work of

the South Park field-house system told me that the better arrangement would be an extension in connection with the school plant in each district, which would make one common center for education, recreation, reading and all sorts of social and civic activities. The shortsightedness of the school authorities in Chicago has cost that city millions of dollars and made it, splendid as it is, less than the ideal in neighborhood center development.

But while the term civic center is already appropriated by the one common city center, the essential basis of social center development is in the civic use of the school buildings as a place for the free discussion by citizens of the problems of democracy, a place wherein the true government, which is the citizenship, finds expression.

There is one public-school building in this country which is used as a day school, an evening school, a vacation school, a playground house, a public gymnasium and bath place, a branch public library, a lecture hall, a political discussion forum, a moving-picture theatre, a public-dance hall, a local health office and an all-round neighborhood club-house. It typifies as much as any in the country the neighborhood social center. A number of the people who meet in this building were asked to prepare definitions of the term "social center." These definitions are significant as showing the fundamental importance of the civic, democratic foundation of the whole institution. Here are four of the definitions which are typical: "The social center is a foundation of American democracy, a place where everybody meets on an equal standing, disregarding political, religious and other differences; where one can voice his opinions publicly and meet all with a spirit of brotherhood."

"The social center is a place where the spirit of democracy is very evident, where everyone has a chance for mental and physical development, where you can meet your neighbors for discussion on things of vital importance."

"The social center is a place of democracy where people of all nationalities, religions and political parties meet to discuss questions of the day, a place of education and recreation where everybody can develop mind and body."

"The social center is a point of concentration where the people

of the neighborhood mix in friendly acquaintance and discuss questions for the betterment of the people."

The remarkable thing is that these persons, all of them familiar with the entertaining, recreational and social features, cut past these and pointed out the essential mark, the democracy, the free discussion, the free expression; that is, the civic foundation.

There are cities (Buffalo is one of these) which propose to develop the use of their public school buildings as neighborhood social centers, but to limit the right of free discussion, the right of the citizens to express unhampered democracy in them.

So much by way of definition; now for a summary of Professor Zueblin's contribution to this report on "Historic Antecedents of the Modern Social Center."

"The organization of people for self-expression dates back to primitive times. Public discussions were familiar in the little

**Historic Antecedents** democracies of Greece and subsequently in Rome. The German mark and the Swiss commune furnish the best examples of freedom of public discussion and public action; the oldest democratic organization now existing, and historically the most important, is the Landsgemeinde of Switzerland. From the thirteenth century the male citizens of several Swiss cantons have assembled from their mountain homes for the conduct of their public affairs by the living voice in the open air."

Professor Zueblin follows this popular democratic assembly down through the churches and the guilds and closes with these words: "The larger use of the school houses and the organization of social centers are not novelties. They are the twentieth-century revival and expression of that democratic spirit which has been vital at intervals, for more than two thousand years."

Do you notice that when asked to discuss the historic antecedents of the modern social center, Professor Zueblin finds them in the ancient forms of free discussion and democratic expression.

Now to the paper of Dr. Samuel M. Crothers, of Cambridge, Mass., "The American Historic Antecedents of the Modern Social Center."

"The present movement for using the school houses of a city

for the promotion of neighborhood life is one that has a long history—as long as democracy. It is the attempt to adapt ancient usages to modern conditions. The sense of social solidarity which gives rich and deep meaning to the word ‘neighbor’ is in danger of being lost. The neighbor is the ‘nigh-dweller,’ but what signifies this if the door of his dwelling be shut? The house with its locks and bars becomes the symbol of exclusive individualism.” Dr. Crothers then gives a brief survey of the democratic expressions in ancient Jewish times and in the meetings of the freeholders of the primitive townships on the old moot hills where England learned the worth of public opinion, of public discussion, the worth of argument, the common sense, the general convictions to which discussion leads, where England “learned to be the mother of parliaments.” He then comes to America and traces the line through the New England town meetings and the democratic expression in the primitive school-house. He ends with these words: “Those who are opening our school-houses for the largest public service are simply carrying on the traditions of freedom.”

Or turn to that description of the place of the public school in the early American community, which “Gene” Wood, whose memory is best, of all the men who write to-day, gives. . . . “Sing of the little red school-house on the hill and in everybody’s heart a chord trembles in unison. As we hear its witching strains, we are all lodge brethren. We are all lodge brethren and the air is all Auld Lang Syne, and we are clasping hands across, knitted into one living solidarity. This is the true democracy that batters down the walls that separate us from each other, the walls of cast distinction and color prejudice and national hatred and religious contempt and all the petty anti-social meannesses.”

Do you notice that each of these, like those people who from within the social center wrote definitions of it, speaks first and strongest of the democracy, the freedom, of the ancient fore-runners of the modern social center.

Cut out this democratic foundation in the right of free discussion of all public questions and the line of descent of the in-

stitution, which you will develop, runs back not to the free gatherings of democratic Greece and Republican Rome and the free-man's meetings of Saxon times; but the institution for mere entertainment and recreation which you develop runs its lines back to and finds its prototype in the degenerate days when Greeks and Romans met, not for public discussion, but only for public circuses and shows.

The first thing, the fundamental thing, in the movement for the wider use of school buildings, in the American spirit, is their free and gratuitous use for the free examination and discussion of public questions. Henry C. Campbell, president of the Milwaukee Federation of Civic Societies and managing editor of one of the most influential newspapers in the northwest, writes upon this fundamental development under the title, "The Public School Buildings as Neighborhood Civic Club Houses."

"For generations the school houses have been monuments of neglected opportunity. The policy of closing them to the people (outside of regular school hours) has retarded the development of that higher type of citizenship which makes for better government. It matters not where it is located, whether in a congested city district, or in a hamlet, or on a prairie among scattered farm houses, a public school building is a potential center of civic activity, a potential neighborhood civic club house. If there should be realized anything like a fair measure of that which the thousands upon thousands of public school buildings of the nation offer in raising the plane of citizenship and in increasing the people's capacity for self-government, democracy would be vitalized to a degree that would make it militant and all-conquering. It is no exaggeration to say, that, in making the school house the forum of the people, lies the chief hope of perpetuating the republic and of perfecting its institutions."

Mr. Campbell goes on to give a specific and detailed expression of the methods by which one city is seeking to develop the use of public school buildings as neighborhood civic club houses.

But, you say "Wisconsin is progressive." All right, let us go to Boston. Livy S. Richard, editor of the *Boston Common*, says in the paper on "The Public School Building as a Non-Partisan Political Headquarters":



“Until recently, the common meeting place in America for free discussion has been the saloon. In at least the larger cities, most political rallies are still held in a hall over or  
**As Neighborhood Headquarters** alongside a bar. I am not quarreling with the saloon—it has its place, which history shows is a large one in American affairs, and whatever its faults, it has certainly one merit—in a clumsy way, it is democratic; in it men meet in fellowship, as men.

“But why give the saloon, and more especially the not-always edifying personage who keeps it, a monopoly of this service for democracy, when you and I and all other citizens have paid taxes to construct another, and, architecturally, usually a much better plant? Why has it been so long in entering the public mind that the modern city schoolhouse, usually dark and idle most nights of the week, offers the ideal solution of the problem of where to bring men together for free discussion of the issues of citizenship.”

Mr. Richard then goes into detail in describing the experience of one city in the use of school buildings for political and other discussions. He closes his paper with the statement: “the schoolhouse is the appropriate headquarters for non-partisan politics.”

I shall not take so much time in dealing with the superstructure of social center development, but this foundation in the free democratic use of school buildings for non-partisan, non-sectarian, non-exclusive gatherings of citizens is fundamental in importance. *This* wider use of the school building is feasible in every community. It requires practically no equipment. It costs the city almost nothing except the mere lighting, heat and janitor service, and it is the element which gives significance and promise to the whole.

With regard to this civic use of the school buildings as neighborhood gathering places for citizens, let me point out one or two of its important bearings.

#### *The Relation of this Civic Use of School Buildings to Public Officials.*

Justice Charles E. Hughes, while he was governor of New York State, visited one of these non-partisan gatherings of citi-

zens in a public school building. He caught the note of democracy and freedom, he recognized its significance and he said, "I am more interested in what you are doing and in what it stands for than anything else in the world. You are buttressing the foundations of democracy." He spoke of the separation of the public official from the people, surrounded as he is by partisan and interested persons. He spoke of the thrill and inspiration that came through such an opportunity to meet people of all parties for the discussion of the common problems.

If Governor Hughes needed such opportunities for meeting broadly democratic gatherings of men interested in public affairs, is it not probable that most public officials would be benefited by such opportunities?

Coming from the state to the city administration, let me quote a letter from Mayor Seidel, written to a neighborhood civic club, formed to meet in one of the public school buildings:

OCTOBER 28, 1910.

*To the Citizens' Meeting in the Sixteenth District School No. 1.  
Fellow Citizens of Milwaukee:*

You have gathered together to take advantage of the opportunity that belongs to the citizens in the use of public school buildings, to develop the intelligence and consciousness of the real government of Milwaukee. We have been saying that the government of the city is in the hands of the citizens, and yet up to this time the only actual government which the citizens have expressed has been through their voting only once or twice a year. This should not be the case in a real democracy. There should be an opportunity for citizens to get together to discuss the problems of the city frequently. This is necessary in order that we may keep up with changed conditions, and in order to develop civic intelligence. It is necessary also in order to develop that broad acquaintance between men of different parties, creeds and classes which will lead to a better common understanding, and a more friendly feeling throughout the city.

We all remember the way in which men used to come together in the school house meetings in the country, and we look back in our history to the time of the old New England town meetings as one of real democracy. There is no reason why we cannot develop the same genuine democracy, the same neighborliness

through the use of the public school buildings as neighborhood civic club houses in Milwaukee.

We, the people of Milwaukee, are divided into many groups on religious, political and social lines, but we are united in the desire to make Milwaukee the best city to live in, in this country, and there seems to be agreement that the use of the school buildings as neighborhood civic club houses, as common gathering places for all of the people, for recreation and entertainment, is a most desirable means of getting together for this great purpose.

As a public servant, I welcome the opportunity that this sort of gathering gives for a free and open discussion of the topics of common interest upon a non-partisan platform. Such discussion will help the servants of the people to learn what you desire, and it will furnish a chance for the public servants to talk over the matters in which they seek to represent the people.

I hope that your example may be followed in every section of the city, until misunderstanding and prejudice shall have been removed by the development of civic friendliness and intelligent public spirit.

EMIL SEIDEL, *Mayor.*

I might quote some more statements from other mayors. but perhaps no officials need more the immediate and free contact with citizens than the aldermen and councilmen in such cities as have not yet adopted commission government. Here are quotations from speeches of two aldermen in different cities in New York State: "If every member of the common council and every other public servant had frequently such opportunities as this to discuss public matters with those whom he seeks to represent, it would mean that we would have a cleaner government and a better representation of the people's interests." And this from a leading public official in this his city: "I am in favor of opening all schools for meetings to take up problems that the people ought to let the public servants know about. If the public servants know by these meetings that you are watching them, you will get something."

And now just a word about a detail of the political, civic use of school buildings.

*The Public School Building as a Polling Place.*

"The city of Madison, Wis., has begun the use of public school

buildings as polling places, and the school buildings in Milwaukee next spring will probably be used for this purpose, saving the city \$7,500 a year. Mayor Gaynor, of New York is especially interested in the economy and common sense of this use.

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Polling Places**

Now suppose that the whole political machinery—campaign meetings, political discussions and voting were shifted to the public school building; don't you see that, whether we come quickly to woman suffrage or not, at any rate we would do much to lift the tone of the "highest exercise of our American sovereignty." We would have it in an atmosphere, which would at least be fit for the half of our population which is to-day disfranchised, to breathe.

"Politics is just a mode of expressing human sympathy," says David Grayson, in the *American Magazine*.

In recognition of the opportunity which the school building offers for the expression of real democracy, there was a triple plank dealing with the wider use of school buildings which went to the third reading of the Republican platform of Wisconsin. It was finally cut out, not because it was not approved but only because it would help to make the platform too detailed.

However, the coming session of the Wisconsin legislature will probably enact into law the right of the people in any community to the free and gratuitous use of their public school building as a meeting place for the free discussion of public questions, the right of such neighborhood civic associations as may be formed to meet in public school buildings to call upon their public servants to report upon the conduct of their office and their right to call upon the representatives of public service corporations to report upon the service they are rendering.

And now grant that we have this fundamental democratic organization of the citizens for the use of school buildings as neighborhood civic club houses as the foundation, let us consider some of the other extended uses.

*The Public School Building as a Local Health Office.*

It is quite impossible to summarize in any form that will show its importance the paper that was written by Dr. George W.

Goler, Health Officer of Rochester, and the man whom Dr. Woods Hutchinson selected as the best qualified to write upon this subject.

He outlines the whole system of protecting the health of the city, using the school plants as local bases, each with its medical inspector and district physician. Each with its school dentist, with its municipal dental equipment and each with its visiting nurse at the service of the community. He says, after giving in detail the whole plan: "The scheme here outlined may appear at first sight to be both elaborate and expensive. The cost of a plan having for its object prevention of sickness, amelioration of suffering, promotion of happiness, must be balanced against the cost of sickness, suffering, widowhood, and preventable death and the dip of the balance is far on the side of prevention. In most great cities, the framework of a large part of the plan has already been perfected. It only remains for the activities we have to be joined together into a perfected whole.

He bases his whole argument on efficiency and economy. "Let us do these things now, and later let us do more of the same kind of preventive work, not only because of our greater sympathy or our larger humanitarianism, but also because it is economically more valuable to promote health than it is to nurse the sick."

*The Public School Building as a Branch Public Library.*

"Make a branch library of each one of the public schools. Put a trained librarian in each branch to care for the books and to make the branch attractive and useful. We have a big investment in the central library and a big investment in the schools, and neither the library nor the schools are working at their full capacity. There are sixty school buildings in this city and we want sixty branch public libraries." This was the statement of policy of the newly-appointed librarian, Mr. Charles, McLenigan, of the splendid Milwaukee Public Library.

Miss L. E. Stearns, perhaps the leading exponent of library distribution in the country, writes: "experience has shown that, where no efforts are made along the lines of library extension,

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Libraries**

only ten per cent, or at the very most, twenty per cent of the people in every community are reached. If we wish to have wholesome literature become the burden of the common thought, we must place good books within easy reach of all. The social center offers a most excellent opportunity."

*The Public School Building as a Free Lecture Center.*

Twenty-one years has placed the great public lecture system, developed in New York City under Dr. Henry M. Leipziger, beyond the experimental stage. I quote just a paragraph and a summary of results from his contribution to this report. "Public lectures to adults in the schools bring the very best teachers in the universities and the very best scholars in every field to engage in the work of public teaching, for the lecturers include college presidents, professors, teachers, scholars, artists, physicians, travelers, musicians, etc., making a company representing all the phases of intellectual life, held together by a common purpose. The underlying principle of this scheme is that education must be unending."

**Free Lecture Centers**

In summary, the results attained in these lectures of which more than five thousand were given last season are, (a) continuation of systematic study, (b) Americanization of immigrants, (c) improvement of sanitation and health, (d) increased interest in the New York City government, (e) the formation of forums for discussion of social and economic questions, (f) greater efficiency and earning power, (g) appreciation of the city's resources, (h) improved reading taste of the public, (i) wider and larger interests in the finer things of life.

The use of the school buildings as lecture centers is quite common, but nowhere else is it so well organized as in New York.

*The School Building as a Recreation Center.*

Dr. Edward W. Stitt, district superintendent of schools in New York City, contributes a detailed and comprehensive article upon the use of school buildings as recreation centers, including an account of gymnasium activities, games, baths, and reading rooms, musical, literary and other clubs.

**Recreation Centers**

We cannot go into detail in this summary, but let me point out the fact that the vice of the city, in which is rooted the corruption, finds its motive in the desire for recreation. The attempt to dam up the evil stream of commercialized recreation is futile unless there is provided an opportunity for an expression of the recreational desire in wholesome ways.

*The Public School Building as a Moving Picture Theatre.*

This paper, prepared by Mr. John Collier, the executive secretary of the National Board of Censorship of Moving Picture Films, is another which ought not to be cut. Mr. Collier surveys the marvellous growth of the motion picture world, "which has turned the American masses into theatre-goers and carried the richness and stimulation of theatres into millions of lives, not hitherto touched by the dramatic appeal." He gives the figures—ten thousand picture show houses in the United States. Four million the daily average attendance, while all other American theatres have no more than seven hundred and fifty thousand. He then takes up (1) motion pictures in the school curriculum, (2) motion pictures in school extension, and (3) motion pictures in the school budget.

"Has not the time now come," he asks, "when the community, in the school, endowed with a conscious public ideal which the commercial show house cannot possess, may be justly expected to equip itself with that powerful magnet which has given to the commercial show its great advantage?"

He shows, not only the immediate benefit to the people who see the pictures, but the wider beneficial effect upon the whole motion picture world of using the school buildings as moving picture theatres.

This plan has been tried in one or two cities, and it is probable that, during the coming season, we shall have a beginning made upon a state-wide scale in the establishment of an educational film exchange.

*The School Building as a Center for Holiday and Festival Celebration.*

E. S. Martin, the superintendent of public recreation of Co-

lumbus, Ohio, who was chairman of the committee on festival celebration of the Playground Association of America, contributes a paper in which he says, "In the early days

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of the Republic, when the population was predominantly rural and fairly homogeneous in respect to race, religion and tradition, the festival served to bring people together and produced a spirit of geniality and good feeling that did much to wipe out past differences and unify public opinion. To-day a very much changed condition of affairs confronts us; practically every race, nationality and religion in the world is represented in the American Republic, with the result that class distinction has been raised up, which was unknown at the dawn of our national history. The fact that the festivals are observed by each social class in its own peculiar way, tends to fix the lines of social cleavage by strengthening the class consciousness; and anything that tends to the establishment of rigid class lines shakes the foundation of democracy.

"In a country where the elements of the population are as heterogeneous as they are in the United States, it may be expected that class barriers will tend to become more and more marked, unless counteractive agencies are set to work to dissolve them.

"In the school extension idea we have just such an agency. And the arguments that justify the expansion of public activities in recreation and education apply with especial force to the utilization of public school property in the celebration of national holidays. The taxpayer is beginning to realize that he is not getting full returns for money invested when he permits school buildings to deteriorate with the years, while standing unused the greater part of the time. With the school buildings open on holidays, when many stores and factories are closed, an excellent opportunity is presented to bring people together under conditions where a sense of common proprietorship opens the way for further common activities. In this way it is possible to school the people in the practice of democracy, so that a welding of the various elements results and a solidarity is given to the social body which it would be impossible otherwise to accomplish.

"The taxpayer is usually a part of the separate organization



attempting to celebrate some festal occasion which it believes should receive recognition, therefore it is advisable that the school buildings should be utilized, first in the preparation of the neighborhood for the particular celebration, and second, as a place to carry out the program when deemed advisable. Such a use made of the school plant would bring all social classes closer together. At present, New Year's day is comparatively little celebrated. Washington's and Lincoln's birthdays are celebrated in our public schools, if the authorities permit. Arbor day should be utilized to teach not only children, but adults, the great lessons of nature that they may be applied in every-day life."

He then gives in detail a suggestion of the method by which New Year's, Washington's and Lincoln's birthdays, May-day, Decoration Day, Flag Day, Columbus Day, Thanksgiving and other holidays, may be made more valuable in civic education, through their organized and systematic celebration in the various neighborhoods with the school building as a center.

"Of the 'sane Fourth' movement," Mr. Martin says, "as chairman of the committee on festivals, I found one of the problems of many cities to be 'how shall we bridge the gap between the close of school and July 4th?' The use of the school plant with leaders from the neighborhoods keeping the children interested and rehearsing after the close of the school season, will bridge this gap."

He then points out that even "Hallowe'en might be made constructive as a festival instead of destructive, if the school building were open for directed activities suitable for the boys to give vent to the feelings which the day suggests."

#### *Social Centers in the Country.*

Charles W. Holman, editor of *Farm and Ranch*, of Dallas, Texas, has spent some months in a study upon the extension of the equipment and use of school plants in rural communities, especially in the southwest. In the preparation of his contribution on this subject, Mr. Holman has written several hundred letters to schoolmen, from which responses have been uniformly strongly favorable to the school extension movement. He quotes a number of these letters in his report.

I had thought to give here a summary of Mr. Clarence A. Perry's splendid paper on the actual developments of school extension throughout the country, but Mr. Perry is here.

But before Mr. Perry speaks on the actual existing development, the progress of the general movement, let me give a brief summary of several studies of the relation of the school plant in its wider use, that is, the social center, to existing institutions.

*The Relation of the Social Center to the Regular School.*

Edward C. Elliott, Professor of Education in the University of Wisconsin, treats the whole subject from the viewpoint of the regular day school. He says, "There is not in the country to-day a city or rural school whose nominative functions would not be better performed (with the social center developed), if for no other reason than through the increased material equipment which the socialized school will have."

A summary of the statements from the principles of two grammar schools in which social centers have been maintained, gives the effect upon the day school children as: First, "The fitting of the building with gymnasium apparatus, stereopticon lantern and other equipment incidental to use as a social center, adds equipment which may be used for the day school." Second, "The effect upon the children, especially the boys in the school, of having the men and the young men and the older boys, to whom they naturally look as examples, spending their evenings in the school building is perceptibly good." Third, "The use of the school buildings as a community gathering place tends to develop in the minds of the school children the idea that school attendance is not a hardship."

*The Relation between the Social Center and the University.*

Professor Lewis J. Reber, Dean of the extension division of the University of Wisconsin, writes, "the new movement for using the school buildings for social, civic and educational centers for all their people seems to offer the largest opportunity for the university to come into vital relationship to the people of the state." He presents the various ways in which the resources of the state

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university may be developed through the gathering of the people in democratic groups.

*The Relation of the Wider Use of the Social Center to the Home.*

Some time ago, there appeared, I think in one of the Buffalo papers, an interview from somebody who said that the true social center was the home and he decried the extension of the use of the school plant as a neighborhood gathering place, because it would tend to rob the home. Mrs. Edwin C. Grice, President of the Home and School Association of Philadelphia, in a paper contributed to this report, shows how the extension of the social and civic uses of the school plant tends to unify and enrich the home life, by providing in the vicinity the common recreation place, the common thought awakening place of the whole family.

*The Relation of the Social Center to the Church.*

Rev. Richard Edwards, University Pastor of the Congregational Church in Wisconsin makes a careful study of the various effects of the social center upon the church, and summarizes in this way: "The social center movement gives promise of being the long-sought substitute for the saloon. If it becomes so, it will help the churches. It gives promise of elevating the general moral tone. If it does so, it will help the churches. It gives promise of aiding greatly in the formation of intelligent public opinion and elevating the standards of public conscience. If it does so, it will help the churches. It gives promise of breaking down "class" and racial and religious prejudices. If it does so, it will help to make the brotherhood of man seem as real as it is. This will help the churches. It gives promise of rescuing many people from the clutches of tainted commercialized forms of amusements. If it does so, it will help the churches.

"It is unthinkable that the churches should oppose the social center movement. Opposition by any church would but reveal its own narrow, bigoted, anti-social attitude."

*The Relation of the Social Center to the Settlement.*

There is perhaps no more unfortunate confusion in terms than that between the social or school center and the social settlement.

Possibly it would have been better in the beginning to use the term neighborhood center or school center as Ray Stannard Baker does.

Mr. Robert A. Woods, of South End House, Boston, in an article upon the relation between the settlement and the center, says, "the settlement has been considered by its residents to a considerable extent as an experiment station, whose established results in well-organized forms of popular education and recreation should, as soon as possible, be turned over to the public school system. The attainment of this stage for any experiment is regarded as its apotheosis. It then spreads quickly throughout the city and from city to city. It then comes into a democratic phase, such as it can never have in the most democratic settlement." Mr. Woods, who is not only a settlement worker but also a leader of civic activity in New England, gives much wise counsel regarding the method of school extension.

Miss Jane Addams, of Hull House, is perhaps more than any other one person responsible for the beginning which Chicago is making this year in school extension.

#### *The Relation of Special Centers to Progressive Movements.*

Professor George M. Forbes, President of the Board of Education of Rochester and President also of the New York State Teacher's Association, writes, "You who have not witnessed it cannot understand how party spirit, class spirit and even race spirit fade out in the intense civic and community atmosphere of these neighborhood civic clubs. It is pure democracy getting an opportunity to inform itself, working itself free from prejudice and narrowness by absolutely free and unrestricted discussion of any question and eager to apply its new-found spirit of brotherhood to the development and extension of community enterprise. Political liberty alone, even when it finds expression in universal suffrage, cannot solve the problem of democracy. The only salvation of democracy is in the development of the community spirit. This spirit is latent in every man. It only needs its appropriate stimulus to arouse it, the appropriate soil and atmosphere in which it may grow. Our democracy has yet to develop institutions which are generally communal in the sense

that they appeal to and develop the objective, the communal interests, that is, reveal the joy and satisfaction which come from co-operative effort for the common good; in short, institutions which break down the spirit and result of exclusiveness and bring the recognition of man as man, now the social center seems to be exactly the appropriate stimulus and soil to develop this civic spirit."

Professor Forbes then points out how this development tends to facilitate the movements for the establishment of play grounds and other movements for reform, for improvements in the established order.

*Difficulties to be Overcome before Social Centers are Established.*

Mr. Charles E. Knowles, formerly secretary of the Buffalo Social Center Association, was asked to contribute a paper upon the difficulties to be overcome before social centers are established, because the movement in Buffalo seems to have met more difficulties than that in any other city in the country. Mr. Knowles in his article points out the opposition of which Ray Stannard Baker speaks, in telling the story of the movement in Rochester, in the September, 1910, *American Magazine*. He also points to the desirability of having a plain statement in the city charter as to the right of the people to the free and gratuitous use of school plants for social and civic activities.

The report includes a set of rules for school extension which have been adopted in two cities already and which have met with the approval of the majority of the committee.

Bibliography: An extended, carefully-prepared bibliography is included in the complete report.

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SOCIAL AND CIVIC CENTERS.

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# The Education of Foreigners in American Citizenship.

By MISS GRACE ABBOTT, CHICAGO,

Director League for Protection of Immigrants.

The importance of the task of preparing for American citizenship our yearly additions of foreigners is little appreciated by the American public. In Chicago we have something like thirty-six nationalities represented in our population, and Chicago's population is not more complex than that of most American cities. More than two-thirds of its people are either "foreign born" or "native born of foreign parentage," and the remaining one-third is attempting to make the necessary adjustments among these thirty-six groups and at the same time to bring them all under a dominating American influence. If one were to ask the average American how these people are initiated into our social, industrial and political life he would probably tell you either that it was not accomplished at all and that we ought to keep out "these hordes of Europeans"; or else he would say that he knew nothing of the process, but it was being done. He was sure it was, because look at this, that or the other great and distinguished American who had come to the country fifteen or twenty years ago with no assets except his own courage and thrift and was now a great power for good in the community. As a matter of fact, both these points of view are in a certain sense right. We are absorbing the immigrant into our national life, but the question is, are we doing it intelligently and economically or with a recklessly extravagant disregard for the men and women who are lost in the process.

As a community we are relying upon the public schools to accomplish this work of Americanization in the belief that if the children are properly trained the future will take care of itself, for the parents are only a one-generation difficulty anyway. While this disregard of the possible usefulness or danger in the thousands of men and women who come to us every year re-

sults in great loss to the community, the assumption which seems to justify it is unwarranted, for the immigrant child cannot be properly trained in American citizenship if nothing is done for his parents.

Apparently our settled policy in the treatment of our foreign population is to ignore the fact that they are foreign. As though by pretending that the Italian's social, industrial and political traditions are the same as ours they will, by some miracle, become so. This has been the great American faith-cure treatment for the difficulties which come from our complex population, the results of which have not always justified the faith.

In the case of the children we have probably incorrectly assumed that the training which the immigrant child needs is the same as the training which the American born child should have. Under the present system American habits of dress, speech, and manners are very rapidly acquired, and in the narrow field of teaching reading, writing and arithmetic the schools have probably met the expectations of the public. But this equipment is not proving an adequate protection for the immigrant child against the temptations which he has to meet. Although the percentage of crime is smaller among our foreign-born citizens than among the native-born Americans, the records of the juvenile court show that more than three-fourths of the children brought into court are of foreign parentage. These children have not of course committed "crimes" in most cases. Any man whose boyhood included the larks usual to that age would be apt to conclude, after reading over the Illinois or Colorado definition of delinquency, that it was just as well there were no juvenile courts when he was a boy for he would have been the despair of judge and probation officer. But this would not, of course, have been the case. The American father or mother whose child commits these small violations of the law, understanding the situation, is able by the substitution of a new and wholesome interest for the dangerous one to prevent the commission of more serious offences. But the immigrant parent finds this extremely difficult to do. His children, because of the rapid strides they have made in the public schools, have become the interpreters of America

to him. Many things which the old-world father or mother frowns on "all the kids do here"—a statement sometimes correct and at other times dangerously incorrect.

**The Oldest  
Child's Children**

The American mother who has found herself quite helpless before a similar argument which clearly indicated that the girl or boy thought her standards old-fashioned, can appreciate in some measure the difficulty of the Italian or Polish parents. For them it is much intensified by their peculiar dependence upon their children. They speak to the boss, the landlord, the policeman—all the great in their world—through their children. In such a family the oldest child usually refers to the children as "mine". "My fader's gotter get work because my Charlie haint got no shoes," he explains as the reason for making an appeal to you for advice as to where his father's services may find a market. And when this boy or girl after going to work is able, because of his knowledge of English and familiarity with certain American customs, to earn more than the father, family relationships are completely reversed. When such a child becomes tired of the burden of responsibility which he has so early assumed and makes a few gay excursions with his gang, his father's word of warning is little heeded and so the assistance of the judge of the juvenile court and the probation officer are necessary to convince him that the sport he is having at the expense of the man who keeps the neighboring fruit-stand is a dangerous kind of sport for him. What is really needed is a re-establishment of the parents in the eyes of the immigrant child. Our juvenile court judges and probation officers are trying to do this, but with the best intentions in the world we are usually widening the gap between the parent and the child by the policy we are following in our public schools. In our zeal to teach patriotism we are often teaching disrespect for the history and traditions which the immigrant parent had a part in making and so for the parent himself. Some teachers, with a quick appreciation of the difficulty the family is meeting in the sudden change of national heroes and standards, are able to avoid mistakes of this sort by making it clear that the story of the struggle for Italian nationalism is a thrilling one to us and that Bohemian leaders, because of their long fight for religious liberty, are heroes to

Americans. A little Greek boy who is a friend of mine explained, "My teacher likes me because I tell her stories of the Athens." Whether Miss O'Grady really cared for the stories he told of the city from which so few of our Greek immigrants come and yet whose history and traditions are so intimately loved by them all I cannot say. But I do know that both the school and Athens occupied a different place in the eyes of the boy because of the seeming interest of the teacher. Such results should not be left to the casual interest of the teacher. In every foreign neighborhood the transition from the old to the new world heroes and ideals should be very carefully worked out or else the change will result disastrously for either the parent or the child.

Respect for the father's work ought also to be taught. In one part of Chicago, which is known as Grand Crossing, the life of the neighborhood centers in the elevation of the **Dignifying Work** network of railroad tracks which cross there in entering the city. A very intelligent superintendent of this district made this undertaking the basis of a very large part of the regular school work. The children make models in wood and clay and paper of the completed work and of the machinery and tools which were used. Little essays explained the need of the work and who was responsible for its being undertaken. All of this was in accordance with the soundest pedagogical principles since "all school training must adapt itself to the background of life which the children live," but equally important, it was giving to the children a new respect for the work their fathers did, and I have no doubt that in the minds of the men themselves what had been merely a means of livelihood became in a way a public service. This same superintendent worked out a complete course in municipal government which was to be taught in the "hand work" and supplementary reading and writing from the kindergarten to the high school. With shears, clay, wood and pencil these children told the story of Chicago's police, fire and health department. They planned parks and public buildings and found it much more exciting than the study of the nesting habits of the oriole in Central America.

But however well the children may be taught, however in-

geniously we may try to reach the parent through the child, we will fail in our ultimate purpose of making the best possible citizens of the children unless the community concerns itself actively in the education of the adult immigrant.

The great majority of the people who come to us from Europe are young people between fifteen and thirty years of age. All of them know something of industrial conditions in America—that is a reason for their coming. But of labor laws designed for their protection, of the employment agent and his practices, of possible markets for their skill, of what is a fair wage in America, they know nothing at all. All of them know we have a republican form of government that, too, is a reason for their coming. Most of them know something also of the history of the country and of the principles which it has championed before the world. But of the American political machinery by which we attempt to put into practice our republican principles they know nothing. In most cities all that we are offering this army of young men and women is instruction in English in our night schools. Even this is often so poorly done as to discourage all but the most ambitious or the hopelessly stupid. One still occasionally finds large classes of men crowded into seats intended for children of ten or fifteen years of age, reading from a primer of the "see the cat on the mat" variety. Some books whose words and pictures are based on the work and life of the men have been published recently and are making possible much better instruction than formerly. Miss Addams tells the story of one eager teacher who, feeling the need of some connection between the life of the class and the teaching of English, prepared a series of lessons. The class was to begin with the sentence "I get up early every morning." That in the theory was to be followed by "I wash my face," and so on until they had been through the regular morning routine as she conceived it. The plan was explained to the class, a group of Italian girls, who could speak some English but could not read or write. They were all home finishers of men's ready-made clothes—at that time one of the sweated industries in Chicago. The girls entered enthusiastically on the plan. They began according to the scheme with "I get up early every morning," but followed in concert with "I sew

pants all day." With these girls, as with the rest of us, the work they were doing seemed the important thing, and eating and washing were after all mere details, relegated to the background when it came to a discussion of the day's program. It is needless to say that after that the lessons given the girls were based on the tailoring trade.

In addition to the fact that the teaching is often unscientifically done the term is usually all too short. In most cities of the United States the instruction in English is offered at the night schools only during the winter months. This is the rush season in many trades, and so anything like regular attendance is impossible. Because of the failure to adjust the time of instruction with the hours of work in the neighborhood, it is sometimes impossible for the men to really get adequate instruction. Out in South Chicago, where nearly all the men are working in the steel mills, on a day shift one week and a night shift the next, they missed every other week of the eighteen weeks of instruction the city was offering them. Consequently you could not expect very rapid progress to be made in the study of English and yet this was a neighborhood in which, above all others, an immediate knowledge of English was needed. One would almost have expected that the managers of that great industry would have seen that a short course, teaching the words of warning and command which are necessary to prevent the horrible accidents which occur almost daily would have been given. The men cannot make the demand for themselves, their employers are not making it for them, so it must become a community demand.

But many Americans are not satisfied with the teaching of English alone. They want instruction in what they call the fundamental American principles. When I have tried to discover just what they have in mind I have usually found they feel it would be a good thing to put immediately into the immigrant's hands the story of Lincoln and Washington, and that patriotic instruction should be made the basis of all of their future work. Of course none of us can read too often the story of these men or others who have stood for great causes in the history of the world, but the most sincere admirer of Lincoln would not con-

### **Inadequacy of Instruction**

tend that his utterances would serve as a practical guide in the election of aldermen. The fundamental Americanisms, I am convinced, cannot be taught by the method of direct assault, so to speak, and we should not be discouraged at failures when it is used. Probably we would put the principle of religious toleration well along toward the first of the characteristics which we regard as distinctly American and are especially anxious to cherish, but when I think how long it took to Americanize my own Puritan ancestors, judged by this test, I hope no one will be discouraged if the Italian fails to learn it in a course of ten lessons in the fundamentals.

Many Americans, as a matter of fact, regard as of first importance a change in the superficial habits—the speech, dress and housekeeping—of the immigrants. And yet no one of us really

**Elementary  
Instruction  
Required**

sees any danger in the use of black bread instead of white, or in wearing a shawl instead of a hat. Americanization in these things will come rapidly enough. What we must do, if the immigrant is to become a desirable citizen, is to preserve his simple honesty and thrift and his faith in America and American institutions. As the first step in this process he needs to know almost immediately on his arrival the practices of employment agents and the remedies that are open to him in cases of abuse; the requirements for licenses in certain trades; something of our labor laws; something of our sanitary regulations; how he may protect himself against violations by his neighbors of the health code; and how he may send home money to his wife or his mother. These are the things which the public schools should be giving the immigrant in his own language by means of illustrated lectures. To wait until the immigrant learns these things in the school of bitter experience is not only to make him suffer an unnecessary financial loss but his future usefulness is much impaired if he is exploited and robbed from the moment of his arrival. Consequently it is important from the standpoint of the community's good that he be given this initial instruction. Following this there should be a course in the practical workings of the American government also in the language of the immigrant. With the sort of instruction in English usually given the immi-

grant and even with the very best instruction he is unable to understand any difficult presentation of facts in English, although he may have been here for some years, and he is therefore quite dependent upon his native language in any preparation for naturalization and the responsibility of citizenship. Instruction can be given by means of a "guide" which contains all there is to be known about America, but he finds reading difficult and can be reached only by practical instruction in our public schools. There need be no fear that the use of another language in any way menaces the continued use of the English language in America. There is no danger that the Bohemian children in a Bohemian neighborhood are not going to learn to talk English, but there is a very real danger that those children are not going to become the sort of men and women we want them to unless we do something for their Bohemian parents. The public libraries are undertaking to meet the cultural demands of these groups of foreigners by supplying them with books in their own language. The public school should become a real educational center for the adults as well as the children of the neighborhood. Then a very different sort of preparation for citizenship would be possible.

After they have been trained in this way the tests for naturalization could be made quite different. Bound by the old theory that the interpretation of the constitution is the reasonable test, judges have not insisted upon much in the way of an examination, and knowing that there has been no adequate chance for preparation for citizenship, the public has felt that this was only fair. Respect for naturalization would be much increased if some sort of impressive ceremony were used.

#### **New Naturalization Tests Needed**

This is the only way in which Old World people, who are accustomed to dignified procedure, can be made to feel that they are entering upon a new period in their life. I know several young people now who have been planning and talking to me for a year and a half about their coming naturalization this winter. I feel somewhat embarrassed to find them anticipate it as a great event, for I know it will be treated as a trivial matter in the court and there will be no recognition on the part of the community of the great change in their relation



to the nation. I understand that in Rochester the citizens give a dinner to the newly-naturalized citizens, and that there are addresses and responses, and a sort of welcome into the community of citizens. Something of this sort is greatly needed in every city.

With the immigrant properly initiated into citizenship, we should be able to trust our good government organization to see that a non-partisan statement of the issues reaches him before an election. But the attitude of the reform organization is very much like that of the political party after all. "If the German vote is all that is necessary in order to swing this election, we won't spend any money on anybody but the Germans." Consequently all the information which is regarded as necessary for the American voter if he is going to cast an intelligent ballot is given to the German, but not to the Italian, the Greek, the Bohemian and the Pole.

When he does attempt to do anything for the foreigner the "good citizen" is often easily discouraged. He is much disappointed and even grieved to find that the foreign press cannot be relied upon to further the principles for which he stands. From his experience with American papers, he was led to believe that newspaper men have been uninfluenced by our prevailing commercialism and stand for the highest idealism! When the suggestion is made that if the newspapers cannot be relied upon, pamphlets explaining the situation be mailed the foreign born as well as the native American voter he wonders about the expense. So these new voters are left to the same old influences and the ward bosses do not find that it does not pay to keep them in line. If this is going to continue to be our policy in the future we cannot expect these neighborhoods to improve and the community will continue to suffer in the future, as it has done in the past. And because the community is the real loser, the careful training which is necessary to change the situation should be undertaken by the community in its public schools. It may not matter whether the Italian or Polish vote is for or against a particular proposition in this election, but it is important in the long run whether these thousands of Italians, Poles, Bohemians and others are given a chance to ally themselves with the best element in the community.

In these days when we are learning through our study of public expenditure the cost to the city of the things we are leaving undone as well as those we are doing, we may hope that some one will be able to estimate the cost to the community of spending neither time, thought nor money on the question of making Americans out of the million people who are coming to us every year.

# The Public Library as a Factor in Civic Development.

By SAMUEL H. RANCK,

Librarian Grand Rapids Free Library.

A definition or two may help to put the speaker and his hearers on common ground—to the advantage of both. By public library we should understand a library that belongs to the people

**Definitions** and is managed by them through their chosen representatives. It is more than a *free* library or a charitable institution. The first business of a public library is to make its constituency realize that the library belongs to them; and this is the first and the most important step in making it a factor in its community. Let me illustrate the feeling many people have on this matter of ownership. For a number of years a branch library in Grand Rapids was maintained in a settlement house, but many people in the neighborhood would not come to it, simply because it was in a settlement house, which was associated in their minds with charity. A year ago this branch was moved to a public school building in the same neighborhood, and at once the use of the library more than doubled, many persons coming to it who would not come before.

We need to re-define our conception of a library, especially a public library. The newer conception is more than an institution for the circulation of books, or in which books and periodicals may be read. It is rather an institution for the dissemination of ideas, a municipal bureau of information, and therefore it must use other agencies than books and periodicals in carrying on its work.

The word *civic* is one toward which I have always had a feeling of prejudice, for it suggests the man from whom I first heard it, a former Congressman from the state of Pennsylvania. This most excellent gentleman in my early boyhood was constantly talking about "civic" and "civics," and somehow I asso-

ciate the word with his habit of using words more or less high sounding. For example, referring to a question he had just asked, he put it in this wise: "And I propound the interrogatory with supereminent disquietude." In this paper I shall use "civic" in its largest sense, that is, relating to man as a member of society rather than limiting it to city or municipal.

The next most important work of the public library is to get hold of children and to develop in them a taste for the reading of good books and the ability to get ideas from the printed page—an ability which comes only through extended practice. The child of to-day is the citizen of to-morrow, and when we think of development we have in mind to-morrow rather than to-day. The library in dealing with the child is therefore preparing the way for future civic growth. Now it is a fact that the average school child does not get enough reading in his regular school work, or in his home, to develop in him the ability to get ideas with ease from the printed page. He often gets only the ability to say words. To the extent that a child fails in his ability to get ideas from print, he is handicapped in much of his work for life.

In recent years it has been my privilege to interview personally a good many boys and girls who have left school permanently by the time they have reached the eighth grade or before, with reference to reading that would enable them to fit themselves better for the work that they were doing; and the thing that has impressed itself most in these interviews has been the fact that so many of them have so little reading power, with the result that they cannot readily get the ideas of others as they are to be found in print. Every one here will realize that this is a serious handicap.

Another point in this connection is that some people read the same matter six times as fast as others, as was demonstrated some years ago in a number of experiments by the department of psychology at Wellesley College; and, furthermore, that those who read six times as fast get more out of their reading, as a rule, than those who read only one-sixth as fast. The boy or girl who has acquired the ability to get ideas in one-sixth the time of others, and at the same time get them better, has in many

ways the same advantage that the modern express train has over the means of travel that was used by our great grandparents.

Another phase of the library's work with children is the relation between reading and retardation. There are, of course, many elements that enter into retardation—physical or mental deficiency, poor teaching, overcrowding in the schools, etc. The school systems of some of our cities are spending as much as thirty per cent of their time and effort in repeating work, through the fact that so many of the children cannot make their grades, and consequently are obliged to take the work over—spend two years on the work that should be done in one. It is significant in this connection that, with few exceptions, the cities that have the highest percentage of retardation are the cities where the public library is reaching the lowest number of children; in other words, a highly developed system of work with children in our libraries helps greatly to reduce the number of repeaters in the schools. It may be said in passing that some of the very best work of the library with school children may be seen right here in Buffalo.

What retardation means in taxation was shown most clearly in a recent article in the "Boston Globe," discussing the school expenditures in Boston, by Dr. Albert E. Winship, editor of the "Journal of Education." In the last ten years fuel and light for the Boston schools increased 37 per cent; in recent years the size of the classes has been reduced about 20 per cent, thereby tending to increase to that extent the salary account and cost for the additional school-rooms and their maintenance; the number of high schools, where the cost is about twice that in the first six grades, has increased about 25 per cent in recent years, the number of pupils entering in 1910 being more than three times the number entering in 1890; kindergarten, sloyd, physical training, medical inspection, school nurses, pensions for teachers, all require wholly new expenditures in Boston as compared with thirty-five or forty years ago; and other items increasing the cost of schools might be mentioned. But the significant thing in Boston, in spite of the increases just enumerated, is the fact that the expenditures per

### **Work With Children**

### **Retardation**

pupil in 1908 (the last published report) were more than two dollars less than they were in 1875, the exact figures for the two years being \$34.52, 1908, and \$36.54, 1875. How has this reduction in the cost per pupil been possible? Let me use Dr. Winship's exact words: "The reduction of the course from nine to eight years has already had its influence. But the great reduction comes from the 30 per cent who used to take two years to do one year's work, to 10 per cent." In other words, the retardation in 1908 was only one-third as great as in 1875.

This relation between the reading of the children and retardation has been recently shown from a different point of view by Superintendent E. E. Ferguson, of the public schools of Sault Ste. Marie, Michigan. For a number of years Mr. Ferguson has been getting the names of the books read by each child each year while he was in the different grades. In this way for a number of school buildings he has each child's reading in the 4th grade, the 5th grade, the 6th grade, the 7th grade, etc. His records in this particular show that the children who read the fewest books or the poorest books are the ones who fail to make their grades, and that those who read the most good books (not too many of them, of course) are those who make their grades, and that the children of poor standing who can be induced to begin reading books worth while steadily improve in all their work and have no more trouble to make their grades. The point of Mr. Ferguson's investigations is that whenever the child is led to read good books his standing and work immediately begin to improve in all his subjects.

Space prevents my discussing the work our libraries are doing in displacing vicious books and reading for the young and how the opening of a branch library often reduces the number of cases that get into our juvenile courts.

In developing the reading work among children in public libraries the story hour, systematic instruction in the use of books and the library, and various other features have been used as means. The story-hour, when rightly used, is an introduction to literature and to the reading of books, and as such belongs in the modern public library. The use of pictures, illustrated lectures, etc., may all be used for both children and adults in the same way—as roads to books.

The library as a factor in the business life of our cities is very little developed. I mean by this that in few cities do our business men and our working men use books and periodicals in connection with their daily work to the extent that they might. Some of our corporations have recently learned the value of libraries as tools of business and are putting in regularly trained librarians to look after, and keep in touch with, things of this kind. Ideas, facts, knowledge, are ever of the greatest value to the business man. These things are always worth dollars and cents, and most business men and corporations spend loads of good money to get them. The public library as a factor in greater business and industrial efficiency is only at the beginning of its development. The libraries of Newark, Pittsburg, and Detroit are among those that have developed certain lines of this work in a most interesting way.

Another field of the library's activity until recently but little developed is its relation to municipal problems and municipal administration. Personally I believe that bad government in our American cities has been due more to ignorance and inefficiency than to dishonesty. With the constant changing of officials, new men have been making the same mistakes in every department of municipal government which the study of reports or a knowledge of what other cities are doing or have done would have prevented. The library ought to be the fact-well for the city official, and the time is coming when public opinion will demand that he use its resources to aid him in conducting the city's business.

**Relation of  
Library to Muni-  
cipal Work**

But in this department the library can do even more important work for the citizen than for the public official, for after all an intelligent public opinion is absolutely essential to maintain efficiency in city administration. A collection of books and periodicals on all kinds of municipal problems that is freely used by the people is of the utmost importance to the community and to its civic life. When our people can act on sound knowledge we can have good government in our cities—and not before. In many of our cities the public library is the arsenal to which members of all sorts of local organizations—women's

clubs, study clubs, improvement associations—are constantly going for ammunition for discussions, debates, material for papers, etc., on every kind of public question. Some of our libraries systematically follow up all local programs and announcements to invite those scheduled for papers, talks, etc., to call on the library for information on their particular topic, offering to assemble the material they will need in advance of their coming. Several hundred letters a year are written to such persons regularly in Grand Rapids, and most of these people make use of the material provided for them in this way. In its direct effect on the public opinion of the community I regard this work as of much importance.

Let me illustrate in some detail how the library may aid in creating public opinion. In March, 1905, the Public Library of Grand Rapids, in its course of free lectures, brought Dr. Victor C. Vaughan, dean of the Medical Department of the University of Michigan, to the city to give a lecture on tuberculosis. As part of the advertising of its lectures the library always pushes its books on the subject of the lecture, and for information on the latest books on tuberculosis we wrote to Dr. Livingston Farrand, then secretary of the National Society for the Study and Prevention of Tuberculosis. Dr. Farrand urged that the occasion should be used for the formation of a local society. The library did not feel that it was its function to organize a society in this way, but turned the suggestion over to persons who were interested and who used the lecture at the library as a means for working up interest in the formation of an organization. A society was formed, and a few months later the society in coöperation with the library brought to the city a large tuberculosis exhibition with lectures during the day and evening. Some twelve or fifteen thousand persons were brought to the exhibit in the library building, nearly one hundred thousand pieces of printed matter were distributed, and the people were thoroughly informed on the whole subject of tuberculosis in a way that they had never been before. After these ideas had been so widely disseminated in the community there was little difficulty in getting from the city council money for pushing municipal work to care for and to eliminate this disease. As a result



of the campaign inaugurated in this way and kept up ever since by the society, the death rate from tuberculosis in Grand Rapids as compared with the previous five years has materially decreased, from 110 per 100,000 population to 91, so that now the death rate for the city is much lower than the rate for the state, whereas before it was much higher. For the last two years the death rate from tuberculosis was less than 80. It should be added, however, that the low rate of the last two years is partly due to the fact that the deaths which occur at the city's tuberculosis sanitarium do not appear in the city's vital statistics, for this sanitarium is outside the city limits. Nevertheless, if all the deaths at the sanitarium were charged to the city there is still a most satisfactory showing for the efforts put forth to check this disease.

Do not get the idea from this illustration that the library was responsible for all this. It simply set things in motion for spreading abroad the latest scientific information on this subject, and the public did the rest; and that I believe is all that a library should do on matters of this kind. It would be a fatal mistake for the library to use its energies directly for propaganda work. Its great business is the spreading of knowledge and light.

President Woodrow Wilson—or perhaps I should say Governor-elect Wilson—in an address before the Civic League of St. Louis a year ago last March, in referring to the function of knowledge in a democratic society, used these words:

“And, if you want the real free judgment of opinion which is genuinely democratic, how are you going to get it? There is only one channel; the channel of knowledge. The only way in which to have a common knowledge is to have a common information with regard to what is going on: to have that information absolutely candid; to have it abundantly full, so that there will be no debate as to the facts after the people know the circumstances, and then let opinion form as it will.”

This thought of Dr. Wilson is the idea that is back of the movement that has established municipal reference libraries such as those in Baltimore, Newark, Chicago, Milwaukee, and recently in Kansas City, or municipal reference departments in

public libraries. I could easily use all the time allotted me in giving instances where cities have profited immensely by having access to accurate knowledge of this kind from the public library or a municipal reference library. The value of knowledge in this direction will, of course, be appreciated by every one here. Not one of us believes that ignorance is a foundation for progress.

Perhaps in no one phase of municipal administration have our cities been weaker than in a complete knowledge of the facts

**Need for Civic Information**

bearing on municipal business. The corporation or private interests which a city must deal with are generally loaded with information, or misinformation, from a wide range of cities or sources, while the city usually is not, and therefore is at a great disadvantage. Not long ago I was present at a little dinner party where the matter was discussed in a casual sort of way how the street railway company in that town was quietly at work gathering facts, etc., to use in its campaign for a new franchise—even now ten years in the future. I asked the question, "And who is gathering information in the interests of the city on this franchise question ten years hence?" The answer was, "Why, no one, of course." Every city needs a department to gather information of this kind, and it requires no lengthy argument to show that the library can be, and ought to be, the most important municipal agent in the city for the gathering and spreading of accurate knowledge on all matters relating to the welfare of the city and the citizens.

In this connection permit me to quote these words from Mr. E. S. Martin in a recent number of "Harper's Magazine," because they express so admirably the one thing for which the modern public library stands:

"The great hope of the world is in the accumulation and diffusion of knowledge—including that better understanding of human relations which came to earth with Christianity—and its transmutation into wisdom and power."

Our public libraries are performing a most important civic

work, not only for the cities, but for the country at large, in bringing to our foreign population a consciousness of what American ideas are and stand for. Much of the best work in this direction is done not alone through books but through lectures and great free public lecture systems such as those conducted by the Board of Education in New York City and by the public library of Philadelphia are coming to be more and more important as factors in the education of all classes of citizens. For the illustrated lecture can reach many where the book will fail. All this work is far removed from propaganda, and many of the people in the audiences will come to these lectures chiefly as a means of recreation—a most excellent reason. Lectures on other cities, with pictures and incidental reference to all kinds of civic improvements carry with them unconsciously the seeds for future progress among the thousands who hear them. Another important factor in lectures, as well as books, periodicals, etc., is the appeal to, and the arousing of, the imagination. Woods Hutchinson has well said, “A stolid, impenetrable, pachydermatous imagination is the greatest foe of progress and enemy of human welfare.”

Some of our public libraries—and Newark, N. J., is perhaps the best example—are doing a most splendid work in developing in the people of the city a city consciousness.

**Developing  
a Civic  
Consciousness**

It is a fact that most of the people in our cities have little conception of what their city is or stands for. The work that is being done,

and is still to be done in this direction, is largely pioneer work. Most of the work libraries have done so far has been through lectures and exhibitions, but Newark has gone even further. The public library of that city, because satisfactory material for the purpose did not exist (and this is true of almost every city), has had written and has published and widely circulated books and pamphlets which give the people, and particularly the rising generation, a consciousness of how the city came to be, why it is what it is, and what it hopes to be.

One reason why the library can do work of this kind better than any other municipal institution is the one, so well expressed in a recent article in the *Architectural Record*, that “in any mod-

ern American city the public library is the institution which is most representative of the aspirations of the community;" for the public library is the one institution that belongs to all the people, something that cannot be said of our public schools in cities where sometimes one-third or more of the children are going to private or parochial schools.

The primary business of our cities, however, is not economic administration—important as that is—but the making of citizens—intelligent, industrious, healthy and happy men and women. In this business the city of the future will concern itself more and more with social problems primarily, and with financial and administrative problems secondarily, to the extent that questions of finance and administration relate to fundamental social problems. The ideal city of the future will be the city where every man will be willing to have every other man in the city as his next-door neighbor—willing because every other man will be worthy—worthy in intelligence, in healthfulness, in cleanliness, and in character. In the civic development which will produce this city of the future the public library is one (I shall be modest) of the most important factors.

NOTE.—After reading this paper Mr. Ranck used about three dozen lantern slides to describe and illustrate in greater detail some of the points made in the paper. The slides used referred to work being done by the libraries of Newark, Hagerstown, Md., Pittsburg, Detroit, and Grand Rapids.

# The Liquor Situation In Ohio.

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From the standpoint of the suppression of the liquor traffic, Ohio has a very thoroughgoing series of statutes. Beginning with residence districts within cities as the smallest unit, provision is made, in addition, for local option based upon the city, the township, or the county. It would not seem possible to add much to these provisions in the way of local veto on the traffic except, perhaps, to authorize a vote by wards within cities and to bestow upon city councils the power to exclude the saloon from the city as a whole or from such parts as the council might designate. The latter power cities in Ohio at one time possessed. Councils in some of the smaller places exercised the prerogative, and their action was upheld by the courts.<sup>1</sup> However, when the new municipal code was adopted in 1902, following the judicial overturn of the system of special legislation for cities, the power to prohibit was not specifically granted. The code now provides that cities shall have power, "to regulate ale, beer, porter houses and shops and the sale of intoxicating liquors as a beverage." This power to regulate has been held not to confer upon councils the right to prohibit the liquor traffic even in certain sections of the city.<sup>2</sup>

An election upon the question of the suppression or authorization of the liquor traffic in a county may be had upon the petition of thirty-five per cent of the qualified electors. The election must be a special one and a majority of the votes cast at such an election, if against the continuance of the traffic, renders it unlawful to sell or give away intoxicating liquor within the county after thirty days from the date of the election. Once an election

<sup>1</sup> *Burckholder v. McConnelsville*, 20 O. S., 308; *Alliance v. Joyce*, 49 O. S., 7.

<sup>2</sup> *Berning v. Norwood*, 72 O. S., 593.

has been held, whatever the result, another cannot be had for three years.<sup>1</sup>

The township option provision applies only to such townships as lie outside of municipal corporations and, consequently, does not greatly concern us here. However, for the sake of completeness, it may be said that in such townships an election may be called upon the petition of one-fourth of the voters. The other features of the law are substantially the same as those applying to counties, except that a second election may be held after two years.<sup>2</sup>

A local option election may be called for an entire municipality upon petition of forty per cent of the voters. In this case, also, the election is a special one, a majority of the votes cast is decisive and another election cannot be held within two years.<sup>3</sup>

The final unit for the right of local option is the residence district within municipal corporations. The method here is by petition alone. Whenever a majority of the electors within a residence district petition that the sale of intoxicating liquors as a beverage be prohibited therein or, if already prohibited, that it be permitted, the traffic is suppressed or authorized as the case may be. The statute carefully safeguards the marking-out of such districts by petitioners, indicates what is and what is not residence territory, and provides that, except in certain cases, petitions may not be filed as to the same territory oftener than once in two years.<sup>4</sup>

The enforcement provisions accompanying these local option laws are also fairly comprehensive. In addition to the usual law-enforcing powers, which apply to these laws in common with those relating to other offences, local officers are granted powers by several statutes designed especially to facilitate the suppression of violations of local option laws. A so-called "search and seizure" law makes it obligatory upon mayors, justices of the peace and

**Enforcement  
Legislation**

<sup>1</sup> General Code of Ohio, 1910, secs. 6108, 6112, 6115.

<sup>2</sup> Id., secs. 6119, 6123, 6125.

<sup>3</sup> Id., secs. 6127, 6131, 6136.

<sup>4</sup> Id., secs. 6140, 6156, 6158, 6160, 6163.

judges of certain courts to issue a warrant for the search of any premises in regard to which any person makes affidavit that he believes intoxicating liquors are there dispensed, "in violation of any local option law in such county." A warrant so issued must be directed to some officer, competent to serve criminal process, designated by the complainant. This power to order searches, and the seizures that may result therefrom, may be put into operation against suspected violators of any of the local option laws which have been described. Furthermore, any officer having power to serve criminal process may, upon his personal information, and without warrant or affidavit being filed, search any place where he believes intoxicating liquors are kept with the intention of dispensing them contrary to law.<sup>1</sup>

A statute adopted last year provides that the prosecuting attorney in any county which has voted to suppress the liquor traffic may appoint detectives to aid in getting evidence against violators of the county option law. Detectives so appointed are completely under the control of the prosecuting attorney, except that they may not be paid more than one hundred and twenty-five dollars per month. If the prosecuting attorney fails to appoint detectives the probate judge may do so. In either case the salaries of such secret service officers must be paid out of the county fund upon the warrant of the prosecutor or judge making the appointment.<sup>2</sup>

In order to escape a difficulty often encountered in the trial of liquor cases, two important features have been added to the Ohio laws. The more important violations of local option laws may be brought to trial without indictment by a grand jury or information by the prosecutor. The filing of an affidavit before the proper judge is the only formality required. Moreover, unless imprisonment is a part of the penalty, common pleas and probate judges have authority to try cases for the violation of local option laws without a jury. The result of this is that in the majority, if not all, of such cases juries may be dispensed with.<sup>3</sup>

<sup>1</sup> Id., secs. 6169, 6182.

<sup>2</sup> Id., secs. 6184, 6186.

<sup>3</sup> Id., secs. 13244, 13245.

Finally, realizing that persons implicated in the violation of the local option laws are likely to be financially irresponsible, an effort has been made to enlist the owners of real property in law enforcement. Fines and forfeited bonds, in cases arising from violations of the local option laws, are made a lien upon the real property upon, or in, which the unlawful acts were committed.<sup>1</sup>

The county option law was passed in 1908, and the first election was held under it in September of that year. Since that time seventy counties have voted under the law. Of these fifty-seven were carried for prohibition while thirteen voted to retain the saloon. Five counties have adopted prohibition by means of the other forms of local option described above. Thirteen counties have

**Working of the  
County Option  
Law**

not voted on the question. Therefore, of the eighty-eight counties in the state sixty-two have adopted prohibition while twenty-six retain the saloon. This apparent disproportionate alignment against the saloon is not so marked when the counties are considered from the standpoint of population; for the twenty-six counties which still permit the traffic represent somewhat more than half of the total population of the state and include the seven largest cities. The local option movement, however, has swept the saloon from the greater part of the territory of the state and, taking the state as a whole, has greatly reduced the number of places where intoxicating liquor can be lawfully procured. According to the reports of the Anti-Saloon League, over 2,000 saloons have been abolished and the number reduced from 302 for each 100,000 of population in 1893 to less than 150 for each 100,000 in 1909. The same organization reports that less than 7,000 saloons are now operating in the state.

From the best information available it appears that, in general, the effects of the Ohio anti-liquor crusade on city conditions have been good. With the county as the unit for voting, there have naturally been a large number of cities involved in the sixty-two counties which have voted out the saloon. In perhaps a majority of the cases both the city and country vote has been for prohibition. On the other hand, in a good many instances, cities have

<sup>1</sup> Id., sec. 13249.



been carried for prohibition by the weight of votes from the rural districts. Where this has occurred, the movement has been saved from serious difficulties by reason of the fact that the unwilling cities have usually been small. The adverse vote of a city of such size that, at all times, the sheriff, his deputies and the constables, are the chief organs of law enforcement, does not present a very serious problem. Under such circumstances the differentiation between city and country population is not very marked, the city portion of the sheriff's jurisdiction is not too extensive to be policed by his meagre force and, most important of all, the county government in the minds of city and country folk alike, transcends that of the city in importance. Where such conditions exist, a sheriff who enforces a county option law within a city which has rejected it is not regarded in all respects as an alien enemy.

The sweep of the anti-saloon movement in Ohio, however, has carried a number of cities for prohibition which are too large to answer to the above description. Among these are East Liverpool, Newark, Zanesville, and Springfield, which the census of 1910 will probably show to range in population from 20,000 to 50,000. All of these cities voted against prohibition but were overborne by ballots in the country districts. For instance, Muskingum county, of which Zanesville is the county seat, voted for prohibition by a majority of 1011. The majority against prohibition in Zanesville was 1414. The experience derived from most of these cities since the local option elections demonstrates that the county as a unit for local option voting has not yet fully justified itself where cities of considerable size are involved.

Of the four cities mentioned the law has been most successfully enforced in Springfield, the largest. Reliable information indicates that conditions there are fairly satisfactory. It is not claimed that there is not some illicit selling by "boot leggers" and, perhaps, to a very slight extent, by speak-easies. It is only claimed that the law is as well enforced against illicit traffic in intoxicating liquors as are the laws against other offences of similar gravity. After all that is the only standard of success that can reasonably be demanded in the enforcement of prohibi-

#### **Difficulties of County Option**

tion laws or any other repressive legislation. Some evidence of the success of the experiment in Springfield is afforded by the fact that the local newspaper which was most strongly opposed to prohibition has recently taken the other side. This paper has declared editorially that a person must be blind indeed who will not admit that conditions under prohibition are far better than those which formerly prevailed.

As to the other three cities, the reports are not so favorable. In Zanesville there has been a great deal of illicit selling, and East Liverpool represents a still lower standard. In the latter city a personal friend reported to the writer that he had visited three or four places in one evening where liquor was sold more or less openly. He was told that the same number of places might be visited every night for a week without duplication. That, however, was a year ago, and vigorous measures since taken have probably made some improvement, though conditions are still reported to be bad.

The liquor war in Newark and its bloody results have been heralded to the world by the daily press. Briefly stated, the facts were as follows: Newark had long been noted as a rather "tough" town. With a population of probably 40,000, it had fifty saloons. The principal industry was a beer-bottle factory employing about 2,500 men. In January, 1909, a local option election was held under the county option law and the county voted for prohibition by a majority of 798. Newark gave a majority of 1,557 against prohibition. Immediately after the election the bottle factory closed down, throwing its employees out of work. Both the city and county administrations were, apparently, in league with the worst element among the saloon and dive keepers. A good many of the saloons of the town did not close following the local option election and these, naturally, were not of the best type. In a short time new drinking places were opened, the proprietors of some of which ostentatiously flaunted their contempt for the law. Conditions rapidly became worse. Low characters of all descriptions flocked into the city. These joined forces with the illicit saloons, and Newark found itself in the grasp of the vicious element. Respectable citizens, many of whom were not in favor of pro-

### **The Newark Affair**

hibition, were threatened and some assaulted for protesting against the prevailing condition of license. No relief could be secured through the city or county officials, and at last appeal was made to the state Anti-Saloon League. That organization sent in detectives who procured evidence against the illicit liquor sellers and dive keepers. Afterwards search warrants were issued to these officers by the mayor of Granville, a village in the same county. In attempting to serve the warrants upon the saloon keepers of Newark, on July 8th, the detectives were assaulted by a mob and one, a mere boy, was chased for two miles, overtaken, and brutally beaten. In defending himself the boy shot and killed a saloon keeper, who was also an ex-captain of police. The boy was placed in jail by the local authorities, who had done practically nothing to stop the rioting. That night a mob broke into the jail, without the slightest opposition from the sheriff, though the jail is said to be one of the strongest in Ohio, dragged the young prisoner to a telephone pole and hanged him. No city was ever more fully in the grasp of a mob of lawless thugs, and never have local authorities been more supine, if not in actual sympathy with the rioters.

The reign of terror in Newark was brought to an end by the prompt action of the governor. Upon being informed of the situation, he at once sent in state troops, suspended the mayor, and ordered the sheriff to report at the governor's office to answer to complaints filed against him. Both the mayor and sheriff resigned. The presence of the troops and the reaction following the tragedy restored the city to quiet and a semblance of order. The chief offenders have been indicted and are awaiting trial. What the final result will be it is, doubtless, too soon to state, but it seems improbable that the town will revert to its former deplorable condition.

A great deal has been made of the Newark affair by both sides in the liquor controversy. A dispassionate view does not seem to warrant some of the extreme conclusions which have been drawn. The town probably represents an exceptional case in which many elements combined to lead to the disastrous results.

Consideration has been given so far to the working of the county option law. It should also be noted that large areas in

the wet counties have been carried dry under the township, municipal and residence district option laws already described. In many of the counties which still have saloons they are confined to one or a few of the larger places. The Anti-Saloon League reports that 1,300 of the 1,376 townships of the state are dry and that 90 per cent of the territory of the state is free from saloons.

From the standpoint of the cities where the saloon still remains, however, the prohibition of the traffic in the surrounding rural townships and villages has merely complicated the problem. The number of people is not small who wish the saloon removed from their immediate neighborhood, but are not at all averse to having a drinking place at the county seat or nearest large town. To a certain extent, therefore, the township and municipal option laws have served to concentrate the saloons in the larger centers of the wet counties. The burden of the enforcement of the laws for the regulation of the traffic for this reason falls largely upon city authorities. The same is true in regard to the enforcement of the local option laws in the dry counties. The cities contain the greater portion of the persons who wish the traffic continued, and also afford the best facilities for evasion of the law. Thus, from an administrative standpoint, the enforcement of both the regulative and prohibition laws becomes primarily a city problem.

In this connection it may be said that Ohio legislators exhibit a characteristic well known to students of the legislative aspect of the liquor problem everywhere. Representatives from the rural districts and small towns vote readily for laws which afford a fair solution of the liquor question so far as their own localities

**Legislative  
Unfairness to  
Cities**

are concerned. At the same time, either from ignorance or gross selfishness, they refuse to recognize that these laws may lay unwarranted burdens on the cities. There is, for instance, the extra expense which a city must incur for policing its jurisdiction against its own drinkers, reinforced by those from the dry districts. If the city is dry it becomes the center of activity for illicit sellers of liquor and is confronted by all of the problems of law enforcement arising therefrom. If the city is carried dry by

outside votes it is too frequently permitted to suffer the degenerating effects arising from the non-enforcement of a conspicuous law. All of these evils, and more, result from the failure or refusal of legislators to take account of the fact that the liquor traffic is, from its very nature, a city business. In fairness to the cities the legislature should either leave them greater freedom to deal with the liquor traffic or recognize the duty of the entire state in the enforcement of the legislation which is now such a burden and source of demoralization to city governments.

There can be little doubt that the success of the local option legislation in Ohio depends upon the character of its enforcement.

**Law Enforcement  
Problem of  
Local Option** It has been pointed out that the present enforcement provisions are ingeniously drawn and usually strong. The point of greatest difficulty is found in the case of cities carried dry by outside votes under the county option law. Some of the leaders of the anti-liquor forces realize this—probably the rank and file do not. This paper has attempted to make clear that the operation of the county option law has already carried cities for prohibition which are so large that the law is strained to the utmost. Its success is not yet assured in several of the larger cities affected. Its application under similar circumstances to any of the five or six largest cities of the state would, undoubtedly, prove a great misfortune to the temperance movement in Ohio unless stronger means of enforcement are provided than those now in existence.

**Attempt to  
Secure Further  
Enforcement  
Legislation** Realizing the difficulties just mentioned, the anti-saloon forces attempted to secure, in 1910, the passage of a law which would have placed the responsibility for law enforcement more definitely on the governor. The governor, in Ohio, already has power to remove mayors for "misconduct in office, or bribery, or any gross neglect of duty, gross immorality or habitual drunkenness." The proposed law enlarged this power and provided more definitely for the manner in which it should be exercised. Entirely aside from the liquor question the bill was a commendable one as it would, if enacted, have made possible a more nearly uniform enforcement of all state laws. However, the

liquor interests threw their influence against the bill, the cry that it would interfere unduly with local autonomy was raised, and the bill was defeated.

Many are inclined to regard the opposition of the liquor forces to this bill as a tactical blunder. It is argued that with such a law on the statute books much less anti-liquor legislation would be enacted—a position in which there is considerable merit. Any one acquainted with the making of liquor laws is aware that many legislators vote for stringent anti-liquor measures because they know that such laws must depend for enforcement upon local authorities. These legislators curry favor with the reform forces by supporting their measures while retaining their standing with the liquor interests by quietly pointing to the fact that the restrictive measures cannot be enforced. There is, of course, little doubt that the assurance that all laws would be strictly and uniformly enforced would prove one of the most effective preventives of this hypocritical legislative action and of much unwise legislation as well.

Next to steady and thorough law enforcement the success of the anti-liquor movement in Ohio clearly depends upon the prosecution of a patient, continuous and sane campaign of education. Permanent success against a foe so strongly entrenched as the liquor interests cannot be based on the frenzied appeal and semi-hysteria which characterize many local option elections. The methods commonly in vogue engender an excitement which is, in itself, a sort of intoxication and, hence, liable to be followed by the usual "day after". This is written out of no lack of sympathy with the purposes of the principal antagonist of the liquor traffic in Ohio. Neither is there any intention to belittle the feeling of resentment which is likely to possess one who contemplates the physical, mental and moral degradation that can be traced to the use of intoxicating drink. It is merely intended to point out the fact, so well known to students of political and social reform, that many worthy movements have been defeated or long deprived of a full measure of success by the adoption of unsound methods.

**Need of  
Educational  
Campaign**

Another weakness of the Ohio anti-liquor movement lies in the

lack of any program broader than mere legislative suppression.

**Lack of  
Broad Program**

Ameliorating measures, where the saloon still exists, or recognition of the fact that poverty and social conditions may contribute to drunkenness as well as the reverse, seem to be strangely absent. This attitude is doubtless due to two reasons arising from the nature of the anti-saloon organization. In the first place, the chief strength of the movement lies in the country districts and small towns where the conditions of city life are not understood or appreciated. The second reason is that the organization is largely a league of churches or church members in the same districts. It would be difficult to find a body of people more sincere or actuated by higher motives than these. However, they are inclined to attribute the existence of social ills to one or a few causes and to have an exaggerated idea of the possibility of making people good by legal fiat. They are also prone to feel that their consciences are clear and their work done when a legislative prohibition has been written into the statutes.

The influence of the churches on the anti-saloon movement is also apparent in another direction. The ardent supporters of

**Churches and  
Anti-Saloon  
Movement**

the Anti-Saloon League are, of course, opposed to the opening of the saloons on Sunday. To a considerable degree they are also inclined to support the other Sunday laws. They will be found opposing Sunday professional base-ball, the opening of moving-picture theatres and, not infrequently, the playing of non-professional games on private grounds and in the parks. Granting that the first two examples admit of some argument on account of their commercial character, the tendency is still significant. It indicates a widespread lack of appreciation of the conditions of modern urban life. It also bears witness to an unwarranted blindness to the strength of the saloon as a social center and the impossibility of destroying that influence except by the creation, or permission, of substitutes. Few will claim that the drink habit would disappear, could we but surround the saloon with ideal social conditions; but there is no reason why the saloon should be permitted to increase its strength by ministering to the natural and healthful social needs of the community. It is not

probable that sound and permanent progress will be made in the warfare against drunkenness, unless there is joined with the policy of repression and prohibition a constructive program for meeting the legitimate social demands of the less fortunate portion of society.

Turning from those parts of Ohio where the policy of local prohibition prevails, we may inquire briefly concerning conditions in those places where the traffic is still permissible. It will be remembered that there are twenty-six counties which have either rejected prohibition or have not voted on the question. These counties contain over 56 per cent of the population of the state and the largest seven cities. In these counties we are afforded a view of the other phase of Ohio's liquor legislation—regulation.

Everything having to do with the regulation of the traffic in intoxicating liquors is conditioned by the provision of the state constitution which prohibits the adoption of a license system. The present constitution of Ohio was adopted in 1851. Just prior to that time the state had suffered greatly from the evils of intemperance. The means of transportation being poor, large quantities of grain were transformed into whiskey and sent down the rivers and out into commerce by way of New Orleans. Small stills were numerous and the local traffic was carried on under an inadequate system of control. Under these conditions drunkenness became a serious evil and the people were much aroused. Moreover, the convention met at a time of widespread temperance agitation. The Maine prohibitory law was passed by the legislature in 1851, and organizations, like the "Sons of Temperance" in Ohio, were active in many states.

Very soon after the convention met in 1850, petitions began to come in asking that a provision be inserted in the new constitution prohibiting the legislature from passing any law "legalizing the traffic in ardent spirits".<sup>1</sup> There was a strong sentiment in the

<sup>1</sup> See Debates Ohio Convention of 1850-1851, Vol. I, pp. 167, 206, 298, 313 for fair illustrations of these petitions. In almost every case the petition was for a provision of the constitution which would prohibit the legislature from *legalizing the traffic*. The uniformity in the wording of the petitions was doubtless due to the activity of the "Sons of Temperance" and similar organizations.

**Constitutional  
Provision  
Forbidding  
License**



convention against limiting the discretion of the legislature in this matter,<sup>1</sup> but the pressure brought to bear finally resulted in the submission of an anti-license provision to be voted on as a separate section of the new instrument. This provided that: "No license to traffic in intoxicating liquors shall hereafter be granted in this state; but the general assembly may, by law, provide against the evils resulting therefrom."<sup>2</sup> This section was adopted as a part of the constitution by a popular vote of 113,237 to 104,255.

Even when the anti-license section was under consideration by the constitutional convention there was a wide difference of opinion as to its meaning. Some members of the convention and many people in the state apparently believed that the traffic could not be legally carried on unless licensed and that the section was, therefore, equivalent to prohibition.<sup>3</sup> Others interpreted the provision to mean that the inability of the legislature to license would free the traffic from practically all legislative molestation. There is no doubt that when the section was submitted to popular vote many people who favored the traffic voted for it upon the latter ground. It was also charged in the convention, by some members opposed to the anti-license section, that the real purpose of its advocates was to prepare the way for legislative prohibition by making it impossible to provide any effective system of regulation. The effect of the adoption of the provision, declared one member of the convention, would be that "The evils of intemperance will first become enormous—colossal, gigantic. Rum will flow from ten thousand fountains—will be retailed from countless hovels all over the land until the evils of intemperance will become so urgent as to demand of the General Assembly the only remedy in its power, and that is total abolition of the business of making and vending spirits. . . . This policy is like that of a physician, who would reduce his patient to the gates of death to convince him of the necessity of

<sup>1</sup> See report of Committee on Miscellaneous Subjects, I Debates, 167.

<sup>2</sup> Ohio Constitution, Schedule, sec. 18.

<sup>3</sup> *Adler v. Whitbeck*, 44 O. S., 539.

some potent remedy.”<sup>1</sup> Allowing something for the rather exaggerated language, this was clearly an accurate description of the views of many people in 1851, just as it represents the attitude of many at the present day. There has always been a class opposed to any compromise with the liquor traffic, refusing to choose between annihilation and amelioration and even believing that any conditions arising from an unregulated traffic are justifiable if they will but prepare the popular mind for prohibition.

The proceedings of the convention make it clear that one of the strongest motives for the adoption of the provision against license was a purely sentimental one. It will be noted that the language of the various petitions called for a provision of the constitution “prohibiting the legislature from *legalizing* the traffic in intoxicating drinks.” As has already been pointed out, this meant to some that the failure to license the traffic would, in effect, prohibit it. To many others it was a protest against giving the traffic in intoxicants, what they considered, the dignity of legal recognition. In defense of the anti-license section, its chief advocate in the convention said: “There has been a legal sanction thrown around this crime. We desire not only to take it away, but to abolish at once every hope of its return. Therefore we say to the legislature: Let it alone; you shall not license it and thus give it a respectability of which it is undeserving.”<sup>2</sup> This argument was, apparently, an influential one in the convention, and when the constitution was before the people in 1851. In fact, judging from the frequency with which one hears it repeated at the present time, it is still considered by many people of Ohio a sufficient justification of the anti-license provision.

It seems strange that such an erroneous view of the implication of licensing a business could have been entertained even sixty years ago, and doubly strange that it should be persisted in at the present time. There was a time when license implied legal, or even royal,

**Sentimental  
Argument  
Against License**

**Real Implication  
of License**

<sup>1</sup> Remarks of Mr. Archbold, II Debates, 717.

<sup>2</sup> Speech of Mr. Lawrence, Id., 715. See also statement of Mr. Stanton, Id., 716.

sanction of a business to which it was extended. That form of license, however, has long since practically disappeared. The licensing of a business in reality indicates legal distrust rather than approval. The modern implication of a license was very accurately stated by another member of the Ohio convention of 1851, who said that, "The fact that a business is not dependent on license is a recommendation; and the very moment you place any business under a license law the implication is that it is not a harmless business. It is the unlicensed business that is creditable, because allowed to be carried on untrammelled by law."<sup>1</sup>

The above are some of the reasons, based in part on conflicting interpretations, which led to the adoption of the anti-license provisions of the Ohio constitution. The expectations of none of the groups that supported it were fully realized. As to those who expected that the section would result practically in an interdiction of the traffic, the Supreme Court of Ohio has declared in a leading case: "Many, if not a great majority of the people of the state, supposed that if no license were granted to traffic in intoxicating liquors, the traffic would be illegal, and would perish from the want of protection, and by the infliction of such penalties as might be imposed under laws made to regulate the evils resulting from the traffic. . . .If this is a correct interpretation of the provision, it has proved a great delusion, for its practical working has been to make the traffic in a measure free."<sup>2</sup> On the other hand, those interested in the business who thought the provision would prevent the legislature from placing any serious restrictions upon it were also disappointed. On the whole, however, they had greater cause for satisfaction than the first group mentioned, until the recent wave of prohibition swept the state.

Under the constitutional provision, as interpreted by the courts, any one is free to enter the saloon business and there is no restriction as to numbers. The result is that there is no preliminary sifting of those who seek to engage in the business. Men of any character—even those with criminal records—are privileged to

<sup>1</sup>Remarks of Mr. Mitchell, Id., 722.

<sup>2</sup>Adler v. Whitbeck, 44 O. S., 557-558.

sell intoxicants. The lack of restriction as to the number of saloons has led to an undue multiplication of drinking places, and this tendency has been encouraged by competition among the brewers. Until recently neither of these circumstances inclined the liquor interests to be greatly dissatisfied with the anti-license clause. So long as business was good they did not concern themselves greatly as to the conditions under which it was carried on.

The rising tide of local option caused the liquor interests, particularly the brewers, to view the anti-license section with less complacency. They began to discover that a low saloon was a powerful incentive to a dry vote in a county or city. They also discovered with something akin to consternation that the anti-license clause stood in the way of legislation which might tend to eliminate some of the objectionable features of the traffic. The liquor interests are now, for the first time, near agreement as to the undesirability of the anti-license provision. In the past this has not been true. The provision was supported in 1851 by temperance advocates who expected the suppression of the traffic and friends of the liquor interests who wished it left free. When the section was again separately submitted to the people in 1883, the same alignment of forces was chiefly responsible for its retention in the constitution. From present indications it may be expected that, when the question is again raised, those interested in the business will be found pretty solidly united in favor of eliminating this section from the constitution.

The difficulties placed in the way of any satisfactory system of regulation by the anti-license provision of the Ohio constitution may be indicated by a review of some of the judicial decisions which have served to fix its meaning. In 1882, a law was passed providing that persons engaging in the traffic in intoxicating liquor should, before doing so, execute a bond to the state in the sum of \$1,000, to secure the faithful performance of the provision of the act. One of the features of the act was a graduated tax on those engaging in the business.

**Present Attitude  
of Liquor  
Interests Toward  
No-License  
Section**

**No-License  
Provision  
Obstructs  
Legislation**

Failure to pay the tax was declared to break the provisions of the bond. Persons engaging, or continuing to engage, in the business after forfeiture of the bond, or without having executed it, were deemed guilty of a misdemeanor and might be fined from \$500 to \$1,000. Any one continuing in the business after default of payment of the tax was liable, with his securities, in double the amount of the default and costs. It will be noted that this law placed no restrictions upon engaging in the business of selling intoxicating liquors, except the execution of a bond for the payment of a tax and the imposition of a heavy fine for continuing in the business after default of such payment or without having executed the bond. However, the supreme court declared the law unconstitutional upon the ground that the provisions cited constituted a license within the meaning of the constitution. The court defined a license as "permission granted by some competent authority to do an act which, without such permission, would be illegal." The law under consideration, said the court, imposed a license and was not a mere tax with provision for collection, because non-compliance with the statute rendered the prosecution of the business to an extent illegal.<sup>1</sup>

An act of 1883 provided, among other things, that it should be a misdemeanor to engage in the traffic in intoxicating liquors on the premises of another without the written consent of the owner. This did not seem an improper provision in view of the fact that the law also laid a tax or from \$100 to \$200 on the business and declared that the tax might be satisfied by sale of the property in which it was carried on. This law was also held to be unconstitutional upon the ground that the requirement of the written consent of the owner constituted a license, since without such consent the dealer was considered a daily violator of the law; and, furthermore, because it made the right legally to engage in the business dependent upon the will of the owner of the property in which it was conducted.<sup>2</sup>

In 1886, there was enacted a law which may be considered one

<sup>1</sup> *State v. Hipp*, 38 O. S., 199.

<sup>2</sup> *Butzman v. Whitbeck*, 42 O. S., 223.

of the principal features of the present system of regulation.

**Present Ohio  
Liquor Tax Law**

This law laid a tax (since increased to \$1,000) on the business and provided that the tax should operate as a lien upon the real estate on, or in, which the business was carried on. No attempt was made to insist upon the payment of the tax before engaging in the business or to make continuance in the business illegal after the tax became due. The law has been upheld by the supreme court in a number of decisions. In one of the leading cases arising under the law the court declared: "The difference between a tax upon a business and what might be termed a license, is, that the former is exacted by reason of the fact that the business *is carried on*, and the latter is enacted as a condition precedent to *the right to carry it on*."<sup>1</sup>

In another case the court said regarding this law: "So far as we can perceive, a failure to pay the tax no more renders the trade illegal than would a like failure of a farmer to pay the tax on his farm render its cultivation illegal. The state has imposed the tax in each case, and made such provision as has been deemed needful to insure its payment; but it has not seen fit to make the failure to pay a forfeiture of the right to pursue the calling. If the tax is paid the traffic is lawful; but if not paid the traffic is equally lawful."<sup>2</sup>

**Types of Regu-  
lation Forbidden  
by Anti-License  
Provision**

From the decisions reviewed it is clear that the chief effect of the anti-license provision of the Ohio constitution is to render it impossible for the legislature to set up any condition precedent to engaging or continuing in the business of selling intoxicating liquors. As specific applications of the general principle any such regulations as the following are probably inadmissible:

(1) To deny any person the right to engage in the traffic on account of personal unfitness.

(2) To prohibit any person from continuing in the business as a penalty for the violation of any law regulating the traffic. In one of the cases already cited, the court declared that a fine im-

<sup>1</sup> Adler *v.* Whitbeck, 44 O. S., 559.

<sup>2</sup> Anderson *v.* Brester, 44 O. S., 589.

posed upon a person for each day he engaged in the traffic after default in payment of the liquor tax was unconstitutional because it "rendered the prosecution of the business to an extent illegal."<sup>1</sup> How much more then, would a law be invalid which interdicted the traffic entirely to one who violated some statutory provision.

(3) It must also be impossible for the legislature to limit directly the number of those who may engage in the traffic. It is true that the courts have held that taxation is a proper method of reducing the number of saloons. That method, however, makes no discrimination as to persons. If it reduces the number of saloons it is as a result of the economic effect of making the business less profitable. To place a definite limit on the number of saloons would be equivalent to saying certain persons should not enter the business, and, according to rulings of the Ohio courts, would be a license to those admitted to the traffic.

Enough has probably been said to indicate the extent to which regulation of the liquor traffic is restricted by the anti-license section of the Ohio constitution. Outside the

**Brewers Aroused  
by Local Option**

limitations imposed by the constitution, regulation is permissible and a fairly adequate code relative to time, manner and responsibility for sales and prohibiting selling to drunkards and minors has been adopted. However, about three years ago the progress of local prohibition sentiment made it clear even to the obtuse vision of the brewers that some of the evils of the retail traffic must be eliminated if great inroads on the business were to be prevented. For once they were willing to avail themselves of the assistance of the law in the form of strict regulation. They were especially anxious to have some legal means provided for keeping the worst characters out of the business and for the elimination of the undesirables already engaged in it. To the principle of limiting the number of saloons they have never acceded. It was when roused to the necessity of better legal regulation that the liquor interests discovered that the constitution appeared to stand in the way of the restrictions on the traffic which they wished to see adopted. In an effort to accomplish their purposes, without contravening

<sup>1</sup> State v. Hipp, 38 O. S., 199.

the constitutional prohibition of license, they framed and secured the passage of one of the most interesting laws in the annals of liquor legislation. This is popularly known as the "Dean Character Law",<sup>1</sup> a statement of the main features of which follows.

Every year the assessors of personal property are required to return to the county auditor upon specially prepared blanks a separate statement as to each place where the traffic in intoxicating liquors is conducted. These statements must show the name of the person, corporation or co-partnership engaged in the business, together with an accurate description of the premises, and the name of the owner thereof, where it is carried on. This statement must be signed and verified before the assessor by the person, etc., engaged in the business. Failure to furnish the requisite information or to sign and verify the statement increases the tax assessment from \$1,000 to \$1,500, and failure to pay this amount when due entails an added penalty of 20 per cent of the total.

However, the most interesting feature of the Dean law is that portion which deals with the character of those engaged in the business and the manner in which the traffic is carried on. Beginning June 1st, the law required that the statements from liquor dealers should also contain answers to the following questions, viz.:

"(1) Are you, or if a firm, is any member of your firm an alien or an unnaturalized resident of the United states?

"(2) Have you, or any member of your firm or any officer of your corporation, ever been convicted of a felony?

"(3) Have you, within the past twelve months, knowingly permitted gambling to be carried on in, or in connection with, your place of business?

"(4) Have intoxicating liquors been sold at your place of business to minors, except on the written order of their parents, guardians or family physicians, or to persons intoxicated or in the habit of getting intoxicated, within the last twelve months, with your knowledge?

<sup>1</sup> Act of March 12, 1909, 100 Laws of Ohio, pp. 89-92. The separate sections of the law may also be found in the General Code of Ohio, 1910, secs. 6081-6084, 6184-6192, 13219-13224.



“ (5) Have you knowingly permitted improper females to visit your place of business within the last twelve months? ”

Any person who answers any of these questions in the affirmative, or refuses to answer any of them, or to sign and verify them before the assessor, who thereafter engages in the business of furnishing or giving away intoxicating liquors as a beverage, is guilty of a misdemeanor. For this offense he may be fined not less than \$200 nor more than \$1,000, or imprisoned not less than six months nor more than two years, or both. Any person engaged in the liquor business, and required by law to answer these questions, who makes a false answer, is liable to a fine of not less than \$100 nor more than \$500, or to imprisonment from three months to two years, or both. Moreover, any person convicted of making a false statement who thereafter engages in the business of selling intoxicating liquors as a beverage may be fined from \$200 to \$1,000, or imprisoned from six months to two years, or both.

The Dean law also provides for the abatement as a nuisance of any saloon conducted in a disreputable or disorderly manner. Proceedings in such a case must be initiated by five taxpayers, who are qualified voters of the municipal corporation where the saloon is situated and who have resided for the twelve months prior to their complaint within a thousand feet of the offending place. Trial in such cases of abatement must be by jury, if the defendant demands it; but affirmative answers to any of the above questions is conclusive proof that the business was conducted in a disreputable and disorderly manner.

The provision already cited which enables county prosecutors, in counties where the sale of liquor is prohibited, to appoint secret service officers to aid in the discovery of evidence against violators of the local option laws, is also a part of the Dean law.

The chief purpose of this law is to evade the constitutional provision against license which has made it impossible to control in any adequate manner the character of those who engage in the saloon business. The anti-saloon forces claim that even this skilfully drawn statute will not stand the test of the courts. And it must be admitted that, if the supreme court follows its former reasoning, the constitutionality of the Dean

**Dean Law and  
Anti-License  
Provision of the  
Ohio Constitution**

law is extremely doubtful. If the legislature could not lay a fine upon persons continuing in the business after a tax assessed upon it became due, it is difficult to see how the courts could uphold a measure which provides a penalty of fine or imprisonment for one who continues to sell intoxicating liquor, after admitting that he has at some time been convicted of a felony, etc. In the light of the decisions of the Ohio supreme court, it would clearly be proper to provide any reasonable punishment for acts done in the conduct of the business. But to declare that a person shall be punished for *continuing in the business* seems contrary to the spirit and reasoning of the cases which have been reviewed. As yet, however, the Dean law has not been brought before the courts in a manner to test its constitutionality. The important question at the present time is as to its efficacy as a regulative measure.

In the first place, it must be said that the continual assertion that the law is unconstitutional has deprived it of considerable strength in actual operation. It has also been subjected to constant ridicule by the radical opponents of the liquor traffic who sneer at it as insincere and useless. Moreover, the use of it as a regulative measure has, so far, been left almost entirely to the liquor interests. The Anti-Saloon League has, up to the present time, taken the position that the law was framed by the liquor interests, that it represented their idea of reform and that, therefore, the sincerity of this desire for self-reformation should be tested by leaving the sponsors for the law to enforce it. This is the counterpart of the position taken by the liquor interests regarding the enforcement of law in dry territory, i. e., where local option begins, the duty of the organized liquor interests ends. Each side criticises the other for its attitude as to law enforcement and there is a considerable degree of justice in the strictures of both.

Under these unfavorable circumstances even the liquor interests are not enthusiastic regarding the possibilities of the Dean law. None the less I believe that a candid view of the situation must lead to the conclusion that it has accomplished some good results. It is reported that in many places saloon keepers, fearing this law, have

**Enforcement of  
Dean Law**

**Results of  
Dean Law**

abolished wine rooms, excluded disorderly women, suppressed gambling and exercised more care regarding the sale of liquor to minors. With the constitutionality of the law established, there is no reason why it should not be used effectively for the elimination of many of the undesirable features of the saloon. The possibility of evading some of its provisions, however, has already been made apparent. At the beginning of the first year under the law more than seven hundred saloon keepers, on account of their records, had some other member of the family or a barkeeper pay the liquor tax and declare ownership of the saloon. This practice will be difficult to avoid, but it cannot be carried on indefinitely. So far as the future conduct of saloon keepers is concerned, a thoroughgoing enforcement of the Dean law would seem to offer great promise of improvement. But as with most other laws the question of enforcement is a vital one. So long as the Ohio Brewers Association finds it to the interest of the trade to insist upon some regard being paid to the law, it will be more or less useful. If the enthusiasm of the brewers for the law wanes the Anti-Saloon League might use it with powerful effect against those who fathered it. Also in communities where there is an active law-enforcement organization the statute could be given considerable vitality. However, without some outside stimulus, it is probable that the Dean law would not be actively enforced in many localities unless there were a strong general sentiment demanding it.

With its well-developed system of local option, the Dean law and other regulative measures, Ohio compares favorably with most states as to the wisdom of its liquor policy. One defect, already pointed out, is likely to be found in the county option law when applied to counties containing large cities. Unfortunately any change in the law with a view to remedying that difficulty would probably have to exempt municipalities of all sizes from the effects of a county option vote in order to evade constitutional objections. From the standpoint of the practical administration of local option laws, there is no objection to compelling cities of moderate size to sink their individuality in that of the county. It is only when the city is large that it must of necessity remain the dominant factor in matters of local government that the county unit for local option voting becomes dangerous.

Probably the greatest defect of the present Ohio system lies in the impossibility of placing any check upon the multiplication of saloons. The interpretation placed on the anti-license clause of the constitution permits any person to engage in the retail liquor business with practically the same freedom as in farming. Doubtless the tax of \$1,000 has had some influence in reducing the number of saloons, but on the other hand, the effect of heavy taxation has been counterbalanced by the exclusion of saloons from large portions of the state and their concentration in the larger cities. For example, Cleveland, with 560,000 population, has between 1,900 and 2,000 places paying the liquor tax—in other words, a saloon for every 280 or 290 of the population. Half that number, properly distributed, would be ample for supplying all reasonable demands. With the heavy tax and sharp competition, the saloon keeper is frequently hard pressed to make ends meet. He is for this reason tempted to add to his income by linking the sale of liquor with gambling and the social evil and by selling to drunkards and minors.

The undue multiplication of saloons in Ohio, as elsewhere, is largely the result of competition among the brewers. It is the brewers, therefore, who are chiefly responsible for the low class saloon. This being true, it seems strange that they have not endeavored to place some restriction on the number of retailers by mutual agreement. Only an unusual degree of obtuseness can have prevented them from adopting such an expedient as a mere matter of business policy. The disreputable saloon is one of the strongest arguments for local prohibition, and under local option it is beer that comes nearest to complete exclusion. The traffic in distilled liquors can and does remain a fairly profitable business in dry territory.

The situation of the brewer is so anomalous as to be amusing. The saloon in America is practically a brewers' institution, and is the chief objective in the campaign against the evils of the liquor traffic. Yet as compared with distilled spirits, beer contributes but slightly to intemperance. The commercial greed of individual brewers has placed the brewing interests in the awkward

**Impossibility of Reducing Number of Saloons**

**Awkward Position of the Brewers**

position of standing sponsor for the other undesirable features of the saloon business which are incidental and wholly indefensible. Many people who would otherwise regard the selling and consumption of beer with some tolerance, turn against it because gambling and prostitution seem to be a necessary adjunct of the retail traffic. Under a system of heavy taxation, such as exists in Ohio, it will always be difficult to eliminate those features without strict limitation of the number of saloons. If this cannot be secured by law, mere business acumen would seem to dictate that an attempt should be made to bring it about by the brewers themselves.

This is in no sense a brief for the brewers or an argument for the drinking of beer. The writer has a very firm conviction that the habitual use of beer is physically injurious and economically wasteful. But as between beer and stronger distilled liquors there is a difference in capacity for harm that is enormous. Under pressure of the vigorous attack on the liquor traffic the brewers can, and possibly will, free the saloon from many of the disreputable features that have attached themselves to it. In order to accomplish this they may, in time, see the wisdom of placing a limit upon the number of persons in each city who will be permitted to sell their product.

Assuming that the saloon can be freed from the debasing parasitic features that so often attach themselves to it the original, and chief, objection to the liquor traffic would still remain—the evil of intemperance. With reference to this also the brewer is in an unnecessarily awkward position. For although the saloon is a brewers' institution and is responsible for many of the evils arising from the use of intoxicating drink, yet a relatively small percentage of those evils can be attributed to beer. If, under local option, the saloon is voted out of a district or city owing to the evils of intemperance it is the brewers' product that is chiefly affected. Beer is too bulky to be shipped readily into dry territory. For the same reason it does not lend itself readily to illicit selling. On the other hand, the distilled liquor interests, whose product is chiefly responsible for the grosser evils and, hence, for the anti-liquor crusade, are always able to save a considerable rem-

#### **Beer and Intemperance**

nant of their business. Under these circumstances one is led to wonder that the brewers have not shown more disposition to free themselves from the inconvenient association with the whiskey interests. As things now are the brewers do most of the fighting and suffer most of the loss in a warfare precipitated by evils for which beer is only in a moderate degree responsible.

The most commendable feature of the Ohio system of no license is that there can be no political complications surrounding entrance into the business. This is, of course, not dependent on the anti-license provision of the constitution. If left to the discretion of the legislature the same plan could have been adopted. If it were possible to join with such a

**Anti-License  
Provision of  
Constitution  
No Benefit**

system a measure restricting the number of places permitted to carry on the traffic, together with a plan for excluding persons from the business who failed to conduct it properly, something like an ideal scheme of regulation would result. There would be serious practical difficulties to be overcome in working out such a plan under any circumstances. In Ohio, owing to the anti-license clause of the constitution, a provision limiting the number of saloons and probably the other suggestion as well, would be impossible. On the whole, it is difficult to see what benefit Ohio has derived from the constitutional provision against license. Everything in the present system of regulation could be procured without it, while many valuable restrictions are by it made impossible.

It remains to speak briefly of present conditions in those places in Ohio where the saloon exists and of the outlook in the liquor struggle. On the whole, the impartial investigator is likely to reach the conclusion that there has been considerable improvement in saloon conditions in the state during the last few years.

**Saloon  
Conditions  
in Ohio**

This has been due principally, no doubt, to the wholesome fear instilled into the liquor interests by the successes of the anti-saloon movement. Improvement has become a matter of self-preservation.

For over three years the Ohio Brewers' Association has supported a vigilance bureau, the avowed object of which is to elimi-

nate disreputable and obnoxious saloons. This bureau has been liberally supplied with funds and has by quiet, persistent work brought about great improvement in the saloons of many cities of the state.

**Brewers  
Vigilance Bureau**

There is, of course, nothing philanthropic about this work. The purpose of the bureau is, by removing features of the liquor traffic which arouse public resentment, to save the business from further inroads by the anti-liquor forces. Indeed one gets the impression that the bureau adjusts its demands upon the saloon keeper with considerable nicety so as to secure just that degree of improvement that will leave the public satisfied.<sup>1</sup> This is well illustrated by its attitude toward the Sunday-closing law. In general it is favorable to an open Sunday, because it means the sale of more beer. However, in communities where public sentiment is shocked by saloons open on Sunday, the bureau insists that the saloons be closed. This represents a kind of local option which is both amusing and interesting.

The policy of the bureau is to attempt to secure the desired changes by bringing pressure to bear upon the saloon keeper. If this does not succeed, appeal is made to the local authorities. Failing to get relief in this manner, the bureau sometimes undertakes the prosecution itself. The brewers, it is needless to say, are not anxious to eliminate a saloon unless it is absolutely necessary. In a few cases, however, when all other attempts to reform an offending saloon have failed, the bureau has circulated residence district petitions and thus created dry territory.

At the present time there are indications that the wave of prohibition which has swept over Ohio has reached its maximum. In

**Impending  
Struggles**

fact, it will require strenuous work for the anti-saloon forces to retain all that they have gained. Two great struggles are looming in the near future. One will take place in the General Assembly which meets in January, 1911, when an effort will be made to repeal or alter the county option law. It is currently reported that the legislature elected in November, 1910, is liberal. If this is true, the county option law will almost surely be repealed or, at least,

<sup>1</sup> In fairness it should be said that the bureau has uniformly opposed gambling, wine rooms and the presence of disorderly women in saloons.

amended so as to make it impossible for cities to be carried dry by outside votes. The other contest will carry the liquor question into the constitutional convention which is to meet within the next two years. There an effort will doubtless be made to insert a provision in the new constitution for state-wide prohibition, while the old conflict over the retention or elimination of the anti-license section will be fought out anew.

Thus the struggle goes on, in Ohio as elsewhere, to what end no one can definitely foresee. There is, however, this much of certainty: It will continue until some satisfactory adjustment is reached. Meantime the deepest interests of society demand that strong, sane, public-spirited men and women devote themselves unsparingly to the solution of this tremendous and persistent social problem.



# Some Political Phases of the Liquor Problem in Chicago.

By PROFESSOR F. D. BRAMHALL,  
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This paper does not pretend to offer a solution of the liquor question in Chicago, nor of those important phases of it which are necessarily political. It does not even attempt to describe in detail the organization of the opposing forces and their ramifications, though that would be a study well worth the attention of the National Municipal League. It does try to present the main issues and organizations in the field from the point of view of those who have joined neither the prohibitionists nor the "personal liberty" forces, but who are nevertheless interested in making Chicago as wholesome and beautiful and free a place as possible for themselves to live in to-day, and a better place for their children to live in to-morrow. The writer believes that such persons do not find in the present formulation of the issues anything hopeful for the solution of the saloon problem; but that, on the contrary, the existence of the warfare on its present lines is to-day one of the most serious obstacles to the improvement of conditions in Chicago in any other direction. Sooner or later, and the sooner the better, the present uncompromising and irreconcilable demands of the two well-organized and determined armies must in the name of the progress of the city in decency and efficiency, be resolved.

To appreciate the issues and parties of to-day it is necessary to look back a moment. The State of Illinois, like other states, has had general Sunday laws since its early days; different only in that they made punishable, not Sunday labor and business in general, but only the annoyance of others by Sunday labor. There has also been, since at least 1826, a specific prohibition of the opening of tippling houses on Sunday. Before the fifties, there seems to

**Illinois'  
Sunday Laws**

have been no serious saloon question in Chicago. Under its charter power to regulate the sale of liquor and issue licenses, the city had provided that dram shops should be closed on Sunday. In the forties the immigration from New England, New York and Ohio had come, and had brought a somewhat stricter moral code than the earlier frontier village, composed principally of Kentuckians and Canadians, had had. About 1850, however, came the great change which still largely determines the form of the saloon question in Chicago: the sudden and tremendous growth of population, made up largely of foreign immigrants. The city administration was weak and crime and disorder increased with the population; the result was the complication of the question of law enforcement with the wholly irrational native-American movement, the election in 1855 of a "Know-nothing" mayor, a brief period of turbulence, followed by the election of an "easy" mayor and a return to practically the conditions before the outbreak. For the next sixteen years, which include the war time, the liquor question was in the background, and then came prominently to the fore that phase of it which has caused constant and fruitless turmoil ever since, the Sunday question.

The catastrophe of 1871 broke down party lines for the moment and brought about the election of a citizen's or "fire-proof" ticket headed by Joseph Medill, and pledged to a general reform of the administrative looseness which the fire had revealed. Mayor Medill undertook to enforce the Sunday closing ordinance with the almost complete wreck of his administration as a consequence. The ensuing campaign was fought practically on the single issue of Sunday closing, and the verdict was unmistakable. The new mayor in his inaugural used expressions which, with very slight change, might come from almost any of his successors to the present day: "It is a well-known fact that those ordinances, how much soever they may have been in consonance with the public opinion of a comparatively small and homogeneous population at the time of their enactment, have ceased to be so, since Chicago has by the harmonious co-operation of citizens belonging to different nationalities grown from a village to the rank of one of the greatest cities of the world. For a series of years it has been

### **The Sunday Question**

the practice of our municipal administration to treat those ordinances as 'obsolete' and to refrain from enforcing them. It is not intended to denounce that practice, but merely to state that within the last year it has become listasteful to a large portion of the community." He then proceeded to recommend the repeal of the Sunday closing ordinance; and this was done on March 16, 1874, the council merely substituting the requirement that on Sunday front doors be kept closed and shutters drawn. This ordinance is still a part of the revised ordinances of Chicago.

In regard to the legal effect of this action at the time and afterward, there has been considerable controversy, upon the merits of which it is not necessary for our purpose to pass judgment. Certainly it left no penalty imposed by the city itself for Sunday liquor selling; but the state law still, as it had since before 1826, forbade it and prescribed a punishment. The opponents of Sunday closing have maintained that the state law did not apply in a city under a special charter, as Chicago was, having authority to regulate liquor selling. However this may have been in 1874, the question was still further complicated in 1875 when Chicago abandoned its special charter and came under the general Cities and Villages Act. This act provided that ordinances not in conflict with state law should continue in force; and the opponents of Sunday closing assert that the ordinance of 1874 was not in conflict with state law at the time of passage nor at the time of the adoption of the act and therefore continued in force. I repeat that it is not necessary for our purpose to determine the correctness of this assertion, since, whether it be true or not, the opponents of Sunday closing would still be opponents of Sunday closing. It may be said, however, that the prominence of this legal argument is somewhat due to the Illinois provision that the jury is judge both of law and fact, and the desirability therefore of having a legal argument upon which juries may refuse to convict persons who sell liquor on Sunday. It is also an evidence that what Mayor Colvin said in 1873 is still true: that it is "distasteful to a large portion of the community" to feel that the Sunday privileges rest on a clear violation of law.

From 1874 to 1904 there is no new feature significant for the present situation. The period was marked by the five adminis-

trations of the elder Carter Harrison and the four of the younger, and whatever merits the two Carter Harrisons had, administrative efficiency and rigorous law enforcement were not among them. In the spring of 1904, however, a fight over the midnight closing ordinance brought into existence one of the vigorous and alert organizations now composing the anti-saloon army. That ordinance had not been regularly enforced, though there was no definite assurance, as in the case of the Sunday law, that it would not be; and in March, 1904, a German alderman introduced an ordinance for its repeal. I have been unable to find evidence as to whether he was supported extensively by the sentiment of the foreign populations, or mainly by liquor dealers. At any rate the proposal roused an immediate opposition from those who had been resolutely and actively insisting on an honest attempt to enforce not only this ordinance as it stood, but other saloon regulations, including the Sunday closing laws. They organized themselves as the Chicago Law and Order League. The result of their first struggle was a substantial victory, in the form of a compromise, the closing hour being extended only from 12 to 1 o'clock. The League, together with the Illinois Anti-Saloon League, organized in the summer of 1898 as a branch of the militant national organization, form the active forces in Chicago working for the restriction and abolition of saloons.

Two years later there was organized on the other side probably the most powerful defensive organization which has appeared in any city in the country, and one which makes the Chicago situation unique: the United Societies for Local Self-Government. The circumstances of its origin must be briefly noticed. In the spring of 1906 a series of shocking events connected with allnight dances, in connection with which liquor was sold, attracted public attention and led to a grand jury investigation. In the course of it doubt was cast on the power of the mayor to issue "special bar permits" under par. 117 of the Revised Code, which for ten years or more had authorized the selling of liquor under such circumstances. These were one-night permits, without restriction of hours, issued usually for Saturday or Sunday night on application one or two days in advance and

the payment of a nominal fee. Mayor Dunne, on being questioned by the grand jury, on the 1st of March agreed to issue no more such permits until the matter was settled. Instantly there was loud and vigorous protest from a large number of foreign societies, which had been accustomed to holding dances and festivals at which beer was served under these permits. Here it should definitely be pointed out that this protest came from an interest wholly distinct from that of the low dance halls in the "red light" district whose outrageous abuses had brought about the issue; and it should be added that it is most deplorable that neither the law-abiding part of the foreign societies nor the reformers whose indignation was absolutely righteous found any way to separate the two groups opposing the cutting off of special bar permits. The foreign societies thought they saw in the present movement an attempt of puritans to interfere in an irritating way with their established privileges and customs; they foresaw a general "blue law" movement led by the same persons who were so uncompromisingly demanding Sunday closing and total prohibition. It need not be said that there were strong incentives for the brewers and liquor dealers to foster that fear and make the most of it; but the fear was there, and represented something other than the interests of lawlessness and debauchery, or the financial interests of the traffic. A great parade of all nationalities was organized as a display of strength, followed by a mass meeting in the First Regiment Armory, at which the rights of "personal liberty" were extolled, and united resistance against interference was urged. The work of organization was skilfully prosecuted, and by the middle of June was thoroughly completed, and the United Societies formally launched. At just about the same time the city council passed a new ordinance authorizing special bar permits practically in the form demanded by the new organization. Since that time the United Societies have fought the battle of the defensive interests.

What, now, is the form of organization of the two sides, their program, and their method of action?

**The Attack**                    1. The attack. The prohibition party may be dismissed with the statement that it represents a declaration of principles without any expectation of immediate

or proximate success. It casts a vote in Chicago ranging from 5,000 to 6,000 in a total of about 400,000. The Anti-Saloon League is the representative of prohibitionists who are "out to win." It is a branch of the Anti-Saloon League of America. It has no individual members but relies for its support largely on church organizations, and is maintained by contributions, largely through churches, from persons who believe in the abolition of the liquor business by law. It nominates no candidates of its own for any office, but investigates those of other parties and indorses or opposes them as they support or oppose the policy of prohibition or local option. It is consequently, unlike the Prohibition party frankly opportunist, and will co-operate with anyone who will co-operate with it upon its platform. There is already in Illinois a local option law for townships and cities; the program of the League is therefore resistance to any impairment of that law, the carrying of towns and cities for no-license under it, and the immediate passage of a county option law.

The Law and Order League is of a somewhat different character. The liquor question is not its only interest and it does valuable work in other directions. It may be said, however, that the liquor question was the cause of its origin and is its most prominent field of activity. Like the Anti-Saloon League it has no membership, and rests principally, but not wholly, on church support. Its program is uncompromising enforcement of the law as it stands; but its leaders also oppose the relaxation of existing legal restrictions. For our purpose the principal part of its program is the maintenance and enforcement of the Sunday-closing law.

2. The defense. The United Societies for Local Self-Government have an elaborate federal organization. They comprise to-day 704 separate foreign societies, principally German, Bohemian, Polish and Italian, with some Danish, Croatian and miscellaneous. They are mainly singing societies, turner societies, mutual benefit and social clubs and lodges, a few trade-union

**The Defense** locals and a very few local saloon keepers' organizations. Altogether they claim a membership of 186,000. Here evidently the saloon question becomes a part of the question of the immigrant, which Miss Abbott has

discussed this morning. One cannot appreciate the difficulties of the problem in the least without remembering the oft-repeated statement that out of every hundred persons in Chicago about 73 are either foreign born or have foreign-born parents; that 35 out of every hundred men, women and children were actually born in foreign countries. Of course the proportion of foreigners among adult men, with whom we are almost exclusively concerned, is very much greater. Almost all of them are accustomed to regard recreation on Sunday and the free drinking of beer and wine as without the least implication of immorality.

Every society in the United Societies elects delegates, one for every hundred members or fraction thereof; the delegates meet monthly in convention in four grand divisions of the city—the North Side, the West Side, the Southwest Side and the South Side. These conventions elect members of the executive board, now composed of 104 members. The executive board elects the officers: a president, one vice-president for each nationality, a secretary, a treasurer, a financial secretary and an organizer; and appoints also three principal committees, which together constitute the committee on political action. Their financial support comes nominally from contributions from the constituent societies; actually a great deal of it comes undoubtedly from the brewery and liquor interests. Their method is like that of the Anti-Saloon League in that they endorse or oppose candidates, on the basis of

**The United Societies**

their adhesion or refusal to adhere to the platform of the Societies. Their purposes are stated by themselves in their constitution in very broad and general language:

“Sec. 1: The object for which this organization is formed shall be the protection of every citizen in the full enjoyment of all the personal rights and liberties guaranteed to him by the constitution of the United States, and of the State of Illinois.

“Sec. 2: In order to promote this object it is its purpose, among other things, to procure from the general assembly of the State of Illinois the repeal of all laws not in accord with these principles and the enactment of such laws as will conform therewith.

“Sec. 3: Such proposed laws shall grant to cities, towns and villages in the largest measure the power of local self-govern-

ment in harmony with and according to the wishes of the majority of the citizens thereof.

"Sec. 4: Among other things such laws shall secure to the urban communities of the State the grant of local option in regard to the legal observance of the weekly day of rest and the proper regulation of social or popular recreation and amusement."

Practically, however, their position is a negative one; resistance to restrictions upon the sale of alcoholic drinks.

Is the program of either side a practicable one? Let us look first at the aggressive forces of reform.

Can the state Sunday-closing law be enforced in Chicago? The question is, let it be remembered, whether acts not regarded as wrong by a considerable and self-conscious part of the community, can be punished in pursuance of a law not self-imposed, and for a generation and a half declared by the local government to be obsolete. There is here no question of the enforcement of an ordinary criminal law; in such cases no considerable group of men deliberately violate the law without the consciousness of wrong-doing and lawlessness. Enforcement of state law in Illinois is entirely in the hands of locally-elected officers, over whom the state administration has no means of control. The history of the question in Chicago points to the conclusion that a program based on the bare uncompromising demand that the existing local authorities enforce the Sunday-closing law is an impracticable program. Those who believe that saloons should be closed on Sunday might reasonably do either of two things. They might insist that since the State of Illinois has laid down Sunday closing as a principle, it should in all honesty take practical measures for carrying that principle into execution, by providing the necessary state machinery for the direct execution of the law by its own officers or for the supervision and control of the local officers in whose hands it is left. The state has had public notice at least since 1874 that Chicago was not enforcing the law and did not intend to; it hardly indicates absolute sincerity on the part of the legislature that it has ever since refused to repeal the law and has failed to provide for its execution. It has rather a sug-

**Legislative**  
**"Four-flushing"**



gestion of what Carter Harrison once picturesquely denounced as "legislative four-flushing". On the other hand, those who believe in Sunday closing might frankly abandon the unenforced state law as a basis of action, consent to its repeal, as regards Chicago, and to a grant of power to the city to regulate the matter for itself. This step would, of course, mean that for some time there would be no Sunday-closing law, but it would not mean that there would be any less Sunday closing. It would mean the abandonment of an unprofitable outpost, and the shifting of the attack to the real strategic center, the public sentiment of the community—and this must include the persuasion of a large part of the present membership of the United Societies. It would be a far from hopeless battle: it could summon to its support the arguments for a day of rest, strong among bartenders as among other workers, those based on the economic waste following the weekly pay day, the especial temptations to drunkenness that a day of idleness offers, as well as the moral arguments for a religious Sunday. If a victory were won on these lines it would be a real and permanent one.

For Chicago the prohibition movement is of less immediate significance than the Sunday-closing movement. No unprejudiced observer believes that the city or county can be carried for prohibition in the near future, and there is only slightly greater possibility of state prohibition. Its importance lies in its constant proclamation of ultimate aims, and, as such, in its use on the other side as a bogey to concentrate opposition to all demands for reform in the saloon business. Its strength consists obviously, in the unselfishness and devotion of its members; since whether it be right or wrong, it has no basis of financial profit or selfish interest, but only of zeal for what its supporters believe to be the part of righteousness. It is necessary to say also that it involves the danger that by concentrating the attention of its followers on the remote goal of total abolition, it may close their eyes to the intermediate necessity of amelioration: if we are going to destroy, there need be no talk of amendment.

Now let us look at the program of the defensive forces. The United Societies, as has been said, couch their statements of purposes in sounding phrases, considerably broader than their actual

interest. They proclaim the rights of man and of self-government and home rule; and this is in large part due to the nature of their constituency. Its leaders have the ears of the foreign population. They speak to them through their own press and in their own tongue, and no representative of the other side does. If, therefore, they can rally the foreign societies to the defense of honored principles, they have a powerful foundation on which to build, and that they have done so is a fact which the anti-saloon forces have usually made the mistake of ignoring. In an organization like this, embracing a tremendous property and financial interest, serving also inevitably some of the interests of lawlessness and self-indulgence, and including also a body actuated by conscientious motives and adherence to principle, the seeds of discord must exist. I venture to say that the only way in which the forces of reform can take advantage of them is by ultimately getting the attention and co-operation of the law-abiding and conscientious foreign elements now marching under the banner of the United States for Local Self-Government; and that true reform in the liquor situation will not progress very far in Chicago without that attention and co-operation.

The real program of the United Societies is, at present, resistance to interference with the sale of alcoholic drinks. Those in control of the movement are in favor of local autonomy because local autonomy under present conditions would mean greater freedom than would state control. They are for local option to permit Sunday liquor selling, but against local option as an instrument of prohibition; just as their opponents are at present for local option upon license or non-license, not as a principle, but only until they can secure state prohibition; and they resist local option on the Sunday question. It is a question of interest, not logic, upon both sides.

Can the United Societies hold their position? Certainly so long as the Sunday-closing question remains in its present form they can. There is every evidence that the opponents of Sunday closing can in the future, as they have in the past, control the city administration and prevent enforcement of the old state law. So long as anti-saloon forces continue to demand the enforcement

of the law as it stands, with the local machinery as it stands, there is very little doubt that the defense is impregnable. They can also, in any predictable future, prevent prohibition by local action. In so far, however, as the position of the defense extends to a general demand that the saloon be let alone, no disinterested observer can believe that they can ultimately succeed. So soon as the attack shifts from the Sunday question and absolute prohibition to the elimination of unquestioned abuses, the defense will surely lose its solidarity and the support of the respectable elements which it now commands.

The present situation, then, may be described as an absolute deadlock between the militant forces, each presenting extreme

**Deadlock** demands. As regards its most irritating feature, the Sunday-closing question, it is almost fair to say that it descends to the level of an unprofitable wrangle. All attention is focussed on a clash of irreconcilable and uncompromising programs. The anti-saloon forces declare too commonly: "The saloons must be closed on Sunday now; they must be abolished by law as the next step. This is war. If you are not with us, you are against us; you belong to the saloon interests." The reply is too likely to come, not only from the saloon interests proper, the financial interests of many grades of respectability and its opposite, but also from those well-meaning persons to whom we have not yet learned to talk with sympathy and understanding, "Then, we are against you. We will keep the saloon. And since this is war, we will not give aid and comfort to the enemy by noticing the abuses of the business." So the lines are drawn, and there is no room for the dispassionate discussion of the many vital questions of which the interests of progress demand the consideration, and our advance is blocked in directions which may be right ones for the final elimination of the tremendous evils of the liquor business.

By way of illustration, let me suggest some of these vital questions, left practically out of sight in the present struggle in Chicago:

What is the significance, for purposes of public regulation, of the substitution of the great breweries for the less responsible individuals in the control of the retail business? Can we not use the fact to enforce a greater degree of responsibility?

Is it possible to make any distinction between drinks of a low percentage of alcohol, like beer, and distilled spirits, like whiskey in public regulation? Their immediate effects, their relation to crime, their claim upon respectable elements of the population, are vastly different: can we recognize that fact in law and administration?

How best can the relations of intoxicants and prostitution be traced, and their alliance broken?

Is it possible to rob the saloon of its elements of attractiveness, of public convenience and public necessity which multiply its invitations to men who do not go primarily for drink? To reduce it, in other words, to its barest essentials as a place for dispensing alcoholic drinks?

**The Real Issue**

Is it possible to alter the relation of private profit and the volume of sales of intoxicating liquor, so as to remove the most fundamental incentive to lawbreaking?

In general, there are many sincere students of the situation who are at present unable to take a prominent part in the solution; those principally who believe that inebriety is a disease of society, not primarily a question of individual morals; that like many other social diseases it is one which is likely ultimately to yield not to surgery or direct medication, but to public hygiene and prophylaxis; that we must attack the predisposing causes, the sources of the constitutional weaknesses that make for its spread, and work for the wholesomeness of the social environment; that the immediate business in hand is for us to provide better education, especially industrial education, so that opportunity is more equal; better housing and cheap lodging, better cheap eating-houses, more public playgrounds and gymnasiums and parks, more free social centers, and better free or cheap entertainments; and so to see to it that there are less men allowed to grow up with so little physical soundness, or intelligence, or imagination as to want to get drunk. People who think this the hopeful course are likely to feel that extreme and impracticable demands for a total reform in one step serve principally to divide the forces of attack and concentrate and stiffen those of resistance.

It is not only in the liquor situation itself that the present alignment of forces is unsatisfactory. It has unquestionably a de-

plorable influence on progress in other directions. To the combatants in the liquor conflict, no other consideration is likely to be of any comparable weight. Both have shown themselves ready to sacrifice general argument to what they regard as the paramount issue. Both the United Societies and the Anti-Saloon League have included in their lists of candidates recommended for the legislature the names of persons who had proved themselves unworthy of an honest man's vote. That the United Societies lists have contained more such names was to have been expected, and of course does not exonerate the Anti-Saloon League. A few specific incidents in the last few years will serve to illustrate the obstruction which the Sunday-closing question in particular has placed in the way of municipal advance.

Chicago has long needed a new charter to simplify its complex of local governments, to give it a more liberal grant of power to work out its own problems, and to make possible a revenue and bonding power more nearly commensurate with its responsibilities. In 1907 the movement seemed likely at last to be successful. A local convention was called to secure an agreement on the charter the city was to ask of the legislature. Leading members of that convention foresaw that the Sunday-closing question was one of the most dangerous occasions for discord that they were likely to meet, though by no means the only one. Finally, after very great labor, a conclusion was reached on which all the diverse elements in the convention agreed: necessarily a delicately balanced compromise. One of the features of the compromise was to be the submission to the voters of the city, separately from the charter, of a repeal of the state Sunday-closing law, and a grant of authority to the city to control the subject. In spite of protests from the Law and Order League the vote of the convention was unanimous. The legislature, however, threw out the proposition. The indignation of the United Societies was immediately expressed, and they began a vigorous campaign against the charter, not based avowedly on the failure to pass the separate bills, since in itself that only left the situation as it was before, but largely in fact to show that they could not be ignored with impunity. They urged also that the clause saving the validity of state law inserted in

connection with the general grant of municipal home rule might be taken as a declaration that the state Sunday-closing law was in force in Chicago. They emphasized several other objections, such as increased taxation, which were probably not quite so ingenuous. The charter was beaten by a popular vote of 2 to 1 in the city, and the United Societies immediately proclaimed that they had killed it. That claim was not entirely true; there were other strong elements of opposition to it. But that they were a powerful contributing factor nobody can doubt, and the Sunday question might alone have been enough to defeat it, regardless of its general necessity for municipal progress.

The defeat of State's Attorney Healey, a conscientious and reliable prosecutor, in the Republican primary in 1908, by a candidate whose record contained nothing to create confidence in his qualifications, was due to the intrusion of the Sunday-closing question, which concentrated the liquor interests against him. He had declared that if evidence was presented to him of the sale of liquor on Sunday he would prosecute under the state law. A number of trials followed, all of which ended in acquittals or disagreements. It should in justice be said that the Democratic primaries resulted in the nomination of a notoriously unfit man, and that the United Societies had the good sense to throw their strength finally to the preferable Republican candidate.

There is no city election into which the Sunday-closing question does not enter to confuse the issues. In the spring of 1909,

**Public Policy  
Questions**

the United Societies secured the requisite number of signatures under the "Public Policy" law to have placed on the ballot for an advisory vote the question whether saloons in Chicago should be closed on Sunday. The Law and Order League and others immediately protested, and the court finally refused to allow the question to go on the ballot since its meaning must be, "shall the law of the state be enforced?" and it was therefore not a proper question of public policy. The next spring the Anti-Saloon League secured a petition for a vote in Chicago on license or no license under the local option law. The United Societies attacked the petition and showed enough signatures of non-voters and fictitious names to throw out the petition. In both cases, if the ques-

tion had been submitted, all the activities of such bodies as the Municipal Voters' League for the election of honest and efficient aldermen would have been completely lost in the stress of battle. The Anti-Saloon League is now preparing to circulate another local option petition to be voted on next March, at the time of what is likely to be one of the most important elections for many years for the city of Chicago.

What then is the conclusion? First and foremost, for the sake of real progress in solving the saloon question as well as for the progress of the city toward good government, the Sunday-closing deadlock must be got out of the way. The believers in Sunday closing should either secure state enforcement, or they should consent to leave the whole matter to the city. The latter is certainly the preferable course. All municipal progress in Chicago has been based on the thesis that the people of the city can be trusted to work out their own salvation. We believe in municipal home rule, and our experience so far gives us a hopefulness and enthusiasm for it that New Yorkers seem unable to maintain—even so powerful a champion of it as Professor Goodnow. We believe that in a question so local, so involved with our peculiar racial and social conditions, as the regulation of saloons, the city and not the state ought to have the power of control.

Second, with that irritation out of the way, those who believe that the evils of saloons must be met and cured, must endeavor to unite all who subscribe to that purpose, to avoid solidifying the opposition by unnecessary intolerance and alienating any who might be induced to co-operate. Particularly, it is bad politics and unnecessary to ignore the elements of sobriety and principle in the foreign population; for the effective regulation of saloons in Chicago can only be secured by their co-operation, and can not be imposed against their concentrated opposition.

Finally, all must recognize that honest and efficient government of the city is fundamental. Whatever our laws are, we cannot get ahead very much without better administration. It will be useless to get more stringent laws against saloons, unless we can get good officers to enforce them; and on the other hand, the sale of alcoholic drinks will certainly be subject to attack so long as

### **The Need for Home Rule**

lax and corrupt police administration allows it to be allied with crime and vice and lawlessness.

In conclusion, it is after all only a more efficient and honest and enlightened government in Chicago that can make progress in meeting the liquor question possible, either by improved social hygiene, so that fewer men will want alcoholic drink, or by effective restriction upon the invitations and temptations to drink. To risk the interests of general good government by a rigid insistence upon a special program of doubtful practicability is a serious responsibility for any party to assume.



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# SIXTEENTH ANNUAL MEETING OF THE NATIONAL MUNICIPAL LEAGUE

AND THE

# EIGHTEENTH NATIONAL CONFERENCE FOR GOOD CITY GOVERNMENT

HELD AT

**BUFFALO,**

NOVEMBER 14, 15, 16, 17, 1910.

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## **MONDAY EVENING SESSION.**

MONDAY EVENING, NOVEMBER 14, 1910, 8:30 P. M.

The first session of the meeting was held in Perkins Memorial Hall, Young Men's Christian Association, Buffalo, N. Y.; William H. Robertson, President of the Chamber of Commerce, of Buffalo, presiding.

MR. ROBERTSON: It is my happy privilege to extend to the delegates to the Sixteenth Annual Meeting of the National Municipal League and the Eighteenth Annual Conference of Good City Government the hearty welcome of the Chamber of Commerce and Manufacturers' Club in particular and of the citizens of Buffalo in general. We have a great many conventions and assemblages of one kind and another. They come at the invitation of the city of Buffalo and of the Chamber of Commerce and Manufacturers' Club. From all of these conventions the city benefits directly by the information which is obtained through the discussions that occur and the publication of them, and indirectly by publicity which we get by having strangers from all parts of the country see our beautiful city and carry away pleasant memories with them.

I think we are particularly fortunate in having this annual meeting of the National Municipal League because I believe that we will get more good out of it and it will do more to stimulate interest on the part of our citizens in good government than any other meeting of the kind that has ever been held here. The trend of modern thought is towards betterment in our city government. The great problem of this republic is the danger of license, waste and extravagance in the government of our

great municipalities and we have much to learn from the cities of Europe with regard to bettering these conditions.

Everything visible is the result of an idea. Interchange of ideas is the object of this meeting. From this interchange of ideas some one or more is selected and is given expression and through organization is exploited with the hope of benefiting the people by creating in their minds a readiness and a willingness to bring about unitedly the reforms that are suggested.

### **Interchange of Ideas**

I was greatly impressed by the attitude of Charles Darwin with reference to the reception that his great work received. For thirty years he had scientifically investigated every line of research which tended to confirm a theory which he held. That theory was enunciated and immediately raised a storm of opposition throughout the world. When asked why he did not attempt to defend himself he put it in this way: that if the theory, based on scientific investigation, was sound it must prevail, regardless of the opposition it was receiving at that time; that if it was false it was equally bound to fail and it should fail.

The attitude of the public towards any innovation, towards anything that is progressive, is to look upon the man who advances it as a crank and a reformer and to have nothing to do with it,—to scoff at it,—but just so certain as the idea advanced is sound and based on truth, just so certain is it that it will prevail and overcome all opposition, no matter from what source the opposition springs, because that is the lesson of life: that which is true will prevail, that which is false must fall. Therefore, those who are actively interested, in propagating an idea, in giving expression to a belief which they believe will tend to cure certain evils that exist, should also bear in mind that the truth of the idea which they expound and the sincerity of purpose that animates them in giving expression to their thought is the thing which must comfort and convince the minds of the masses of the people until they see the thing as those who expound it see it, and, accepting it as true, are willing to bring about the reform suggested, the action suggested. It takes time to do these things, therefore people must be patient. If that which is seemingly sound is given expression to and organizations are formed to exploit it, those interested should have the same attitude that Darwin had,—if their idea is not sound, then it should fall.

Consequently, again, there is the element of patience to be considered. I believe, and I am sure all thinking people believe, that out of the discussions that are occurring throughout the length and breadth of this land and of other countries, that advancement is sure to come in the betterment of governments of the great cities. And no organization, no group of men are doing more to bring about this result than the men who are gathered in Buffalo this week at this Sixteenth Annual

### **The Element of Success**

Meeting of the League and who are giving a great deal of time and thought to this subject and are suggesting methods and ways of bringing about results which are sane and commend themselves to the attention of all right-thinking people.

Mr. Horace E. Deming, Chairman of the Executive Committee, will now reply on behalf of the National Municipal League.

MR. DEMING: The National Municipal League is very glad to come to Buffalo. We should have been very glad to come in any event, but your cordial greeting makes it much pleasanter for us to be here.

The National Municipal League is unique among the associations for municipal betterment in this country. It is not the local association of any city, it is not even a state association or a

**The League is  
Unique**

league of the municipalities of a state. From the beginning, therefore, it has studied the municipal problem not in one city only or in one state, but in many cities in many states. You will agree with me, I think, that such a method has certain advantages. Among others, it helps one to retain if he has it, and to gain, if he does not have it already, some sense of perspective. The city problem is a whole with many parts. The National Municipal League has appreciated this. It has tried to see the whole of the problem and not merely one or several parts of it. It has tried to see the relation of the whole to the parts and of the parts to the whole and to one another. The League, therefore, has never advocated a particular method as the only method of betterment or represented a partial remedy, however helpful, as a complete cure of municipal misrule.

I recall that at the outset of the movement for improving city government in this country the article of faith upon whose efficacy municipal reformers relied was the divorce of national politics from local elections. To keep the decision of local issues free from the influence of national politics is of vast importance but it will not by itself bring about municipal redemption. Then I remember that civil service reform, the application of the merit principle in appointment to office, was going to take all the evil out of municipal affairs. This will help, it will help amazingly, but the spoils evil, great as it is, is not the only evil from which our cities suffer. Then another perfect remedy was found,—the emancipation of our cities from the dominion of the state legislatures. Buffalo does not need to be told how necessary this is, no city in New York needs to be told of the harm wrought by legislative meddling. To free our cities from unwise and often capricious state legislation will be an unmixed good but it will not necessarily make them well governed.

Accurate and informing methods of city accounting is another cure-all. We must find out where our dollars go and what we get in return

for them. Surely we need this information, but a scientific system of accounts and intelligible budgets are not the whole of the municipal problem. Then a number of gentlemen, who have studied municipal government in Europe, found that the civil service of European cities offered attractive life careers to men of ability and training, that men of the highest professional standing were sought for as heads of the great administrative departments and were eager to take charge of them. This

**“Cure-Alls”** was in sharp contrast to our methods, and, since the cities of Europe are marvellously well-governed as compared with the cities of this country these gentlemen are sure that all we need to do in order to have good city government is to have experts in charge. This would certainly bring about a vast change for the better. But first we must find an effective way to put the experts in charge.

Then there are others who say that our city governments are too complicated in structure, our city charters are incomprehensible verbal jumbles which it taxes the utmost efforts of specially trained lawyers to decipher; that we must simplify our form of city government. These gentlemen are right but that is only part of the problem.

Others are confident that the whole trouble is in the improper and often unjust methods of nominating candidates for elective public office. Our nominating methods need vast improvement and very possibly should be entirely superseded. But surely, making nominations, in even the best possible way, does not promise any thorough-going solution of our problem.

The short ballot is another prescription. “Make a drastic reduction in the number of elective offices. A ballot containing the names of so many candidates for so many different offices is an inextricable tangle. It makes intelligent voting impracticable”, so runs the argument. The muddled and muddling ballots commonly used deserve all the condemnation they receive and more. A short ballot would help immensely toward solving the municipal problem but its complete solution will require more than a short ballot.

Let me refer to one more all-sufficient remedy for bad local conditions: “Put into the city’s charter a larger grant of power to deal with the local needs.” This would be a long step forward but it will not remove the necessity of other steps, if we are to put bad government to rout.

And so I might go on. I have mentioned, without enlarging upon them, some of the various remedies recommended for our municipal ills. The National Municipal League is in favor of them all. It believes that the more thoroughly any one of them is applied, the further is our progress toward the goal of responsible and efficient city government in the United States. But no one of them by itself will usher in a municipal millennium.

The truth is, it is only within thirty years that public attention in this

country began to be effectively directed to the low condition into which our city governments had fallen. Our method of procedure has been characteristically American, which is the same thing as saying, it has been in accordance with the traditions and habits we inherit from our political ancestors, the sturdy Englishmen who were content to earn their living and to bother themselves very little, or not at all, with questions of government unless the conduct of the government bothered them. Like them, as this or that evil in our own city has become too grievous, we have rebelled against it and set about finding a remedy. It is the particular evil that rouses us to action and its special remedy that occupies our whole attention.

However much this method of procedure may be criticized, it has this great and fundamental merit; it is the natural process through which the people have developed a constantly increasing control of the conduct of their government, not for the sake of the control, the control is not the end, but as a means to the improvement of the government.

This has been strikingly true of the municipal reform work of the last thirty years along the different lines to which I have called attention. Divergent as they may seem, they have this characteristic in common. Each seeks to better the government by supplying some aid to the people of the city in their effort to control its conduct or to remove some obstacle to such control.

If the government of a city is to suit its people, if it is to represent their wishes and meet their needs, they must control the government. This is fundamental.

If the people of the town control the government of the town, then for the first time will the government they deserve be the government they wish. In the cities of the United States it will become good government.

There has been effective work to this end in numerous cities in many states along each of the lines of which I have spoken and along others as well. As compared with the municipal situation in the '70's and early '80's, enormous progress has been made. Come to the meetings of our League and hear of some of the things that have been accomplished and of the further efforts now making.

**CHAIRMAN ROBERTSON:** It gives me great pleasure to introduce to you the Hon. William Dudley Foulke, of Richmond, Ind., United States Civil Service Commissioner under Theodore Roosevelt as President. The subject of Mr. Foulke's address is "Conservation in Municipalities."

[For Mr. Foulke's address, see page 12.]

**CHAIRMAN ROBERTSON:** I take great pleasure in introducing at this time Honorable Charles J. Bonaparte, Secretary of the Navy, formerly Attorney-General under President Roosevelt—the subject of his address is "Patriotism in Municipal Affairs."

[For Mr. Bonaparte's address, see page 3.]

Adjourned.

**TUESDAY MORNING SESSION.**

TUESDAY, NOVEMBER 15, 1910, 10:30 A. M.,  
HOTEL IROQUOIS, BUFFALO, N. Y.

PRESIDENT BONAPARTE in the chair.

PRESIDENT BONAPARTE: The first business in order is the report of the Treasurer, Mr. George Burnham, Jr.<sup>1</sup>

PRESIDENT BONAPARTE: This is somewhat more cheering than such reports have occasionally been in time past. Nevertheless, there is very good reason why all persons present should take to heart the lessons which it contains and do what they can to take away the point from those lessons in future by improving the finances of the League. This report has already been referred by the Executive Committee to the Business Committee for audit.

The next business in order is the annual review by the Secretary of the progress of what he calls "The New Municipal Idea"—Mr. Woodruff.

[The Secretary's review will be found in full on page 22.]

PRESIDENT BONAPARTE: *Ladies and Gentlemen:* The report of the Secretary requires no action by the League, except an Epeheic oath on the part of all those who have heard it, or have heard the summary of it, that in addition to the various good things that they would do and the bad things that they would refrain from, as suggested by the example of the Athenian youths in New York, or of the imitators of the Athenian youths in New York, that they will hereafter read the whole of it in the proceedings of the League and not yawn once in the process. [Laughter.]

As the next business in order is one which involves a duty that I am required to discharge myself, I will ask my friend Mr. Chase to take the chair temporarily while it is disposed of.

Mr. Harvey Stuart Chase, of Boston, in the chair.

MR. BONAPARTE: The Committee on Nominations appointed for the present year had a somewhat excessively responsible duty to perform by reason of the fact that there was to be a vacancy in the office of president of the League. After a very careful consideration of all the circumstances that seemed to be relevant or bearing upon that situation, and also of the circumstances relating to the filling of such other

<sup>1</sup> The complete report of the Treasurer for the year 1910-1911, the fiscal year ending March 31, will be sent to the members of the League, by direction of the Executive Committee.

vacancies in the governing body of the League as were necessarily created, they submit to you the following ticket:

See list of officers and Executive Committee for the year 1910-1911 in the Appendix.

In order to adapt the report to the advanced ideas of "the new politics" and to the increased and very fortunate interest in methods in politics it creates, the report explains the new names by underscoring them. In other words the names under which you will find the underscoring are those of the persons who did not previously fill the offices for which they are nominated.

**CHAIRMAN CHASE:** If there is no objection the report of the Nominating Committee will be accepted and we will proceed to ballot.

### **Election**

President Bonaparte resumed the chair.

**PRESIDENT BONAPARTE:** The business before the League is action on the report of the Nominating Committee by balloting for the officers. The constitution requires the election to be by ballot, owing to the evil practices of old politics. [Laughter.] A resolution has sometimes been presented that some designated person should cast a single ballot for the persons named. Should such a resolution be presented it can of course be adopted only by unanimous consent.

**MR. CHASE:** Mr. President, I move that the members refrain from voting and that the Secretary cast one ballot.

**PRESIDENT BONAPARTE:** *Ladies and Gentlemen:* It is moved that the members of the League refrain from voting and that the Secretary cast one ballot in the name of the whole. That resolution has many advantages, the first being that it is unconstitutional. [Laughter.] I will, however, entertain it as signifying that the Secretary be authorized and directed to cast a ballot for the names reported by the committee as representing the unanimous judgment of the members of the League here present. As I have already said, such action can only be taken by unanimous consent. Is any debate desired on the resolution in the form submitted?

On the vote, the question was determined in the affirmative.

**PRESIDENT BONAPARTE:** The resolution has been adopted unanimously, and the Secretary, disregarding all questions of personal interest in the matter, will proceed to discharge the duty imposed upon him.

**SECRETARY WOODRUFF:** Mr. President, I desire to state that in accord-

ance with the instructions of the meeting I have cast an unanimous ballot for the nominees for president, vice-president, treasurer, secretary and executive committee as nominated.

PRESIDENT BONAPARTE: These officers are duly elected and will assume their duties to-morrow morning. If, however, Mr. Foulke is present I think it would be appropriate and in accordance with precedent that he should say a few words. I take great pleasure in presenting to you Hon. William Dudley Foulke.

MR. FOULKE: I am just informed that I have the honor to be elected President of the League. I am sure this is not the occasion for a speech. All I can do is to say that I will use my very best endeavors, with all such diligence and such time as is possible, to promote the very worthy purposes in which I have already long been very much interested, through the means of an organization for which I have always entertained the very highest respect and regard. [Applause.]

PRESIDENT BONAPARTE: The next business in order consists of a report from the League's Committee on "Municipal Health and Sanitation," on "City and State Boards of Health and the Proposed Federal Department of Public Health", to be presented by Mr. M. N. Baker, of Montclair, N. J.

MR. BAKER: I wish to absolve the other members of the committee from any responsibility for what will be presented here this morning. Through no remissness of the other members, the remarks which I present represent not the ideas of the committee, but simply my own. I have not had any conferences on the preparation of this report, and the report is presented for the purpose of eliciting possible discussion.

### **CITY AND STATE BOARDS OF HEALTH AND THE PROPOSED FEDERAL DEPARTMENT OF HEALTH.**

A vigorous campaign for a federal department of health has been conducted during the past two or three years. One notable feature of this campaign has been the nebulous ideas of most of the campaigners regarding the ultimate work to be undertaken by such a department. Even more notable has been the way in which the promoters have practically ignored the boards of health which already exist in every state of the Union, in every city of consequence and in thousands of minor cities, villages and even in rural townships.

I hardly need say to the members of the National Municipal League



that the first step in promoting any legislation should be to form a clear conception of what needs to be achieved, and the second to survey the field in order to see what forces already occupy it and whether they should be supplanted or reinforced. Since the federal government cannot supplant state and city boards of health, it is obvious that it can merely reinforce them or supplement their work. The fundamental question is, *how?* In what portions of the health-protective field and by what means?

### **Federal Department of Health**

For the purpose of simplifying and stimulating discussion, I shall assume that public health work is primarily local in character, and that the state should intervene only when the municipality fails to do its duty to itself or to its sister municipalities; or where municipal activities would overlap territorially and lead to duplication and possible conflict; or where research or other investigational work is beyond the scientific and financial resources of the small municipalities; or where great economies can be secured through centralized rather than scattered efforts. I also assume for purposes of argument that the nation should take a hand in health work only where and when a state and its minor civil divisions, through one limitation or another, fails to protect citizens outside its own boundaries, and when and where it can act on the broad general constitutional grounds of interstate commerce and a limited application of the general welfare principle.

Broadly speaking, the state can regulate or even administer local health work wherever in its wisdom or lack of wisdom it sees fit to do so, quite regardless of whether the work in question is state-wide or purely local; but the nation can take no hand, at least not until after invitation, in health matters which affect only a single state. This difference between one of the several states and the United States should always be borne in mind when considering the proposed federal department of health.

Let us now consider briefly the nature of public-health work. For the sake of definiteness and to promote discussion, I shall again take for granted some things which many hold to be open to debate, and shall assume that for some time to come really efficient boards of health will concern themselves chiefly

### **Nature of Public Health Work**

with the prevention of the spread of communicable diseases and the reduction of infant mortality from these and other causes. This may be taken to include research and educative work, so long as either is public rather than private in character. To be more specific, the major part of the every-day work of most boards of health, work which can be measured in some degree by its effect on statistics of sickness and death, has to do with the control of persons suffering from scarlet and typhoid fever, diphtheria, tuberculosis and the like, the protection of water, milk and other food supplies

from infection by such persons, and likewise the protection of well persons from infection through any possible failure to control infected persons.

I boldly assert that if every case of communicable disease were promptly reported to the proper local board of health and as promptly placed under effective sanitary control and so kept until danger of infection were past, all the other present-day activities of boards of health, whether local, state or national, with the exception of those directed against certain causes of infant mortality, and the possible further exception of some food and drug inspection, might be dropped with no appreciable effect upon the general health or mortality of any of our states or most of our cities.

If this be true, then health-board work, at least as now carried on, is essentially local in character, as I have already urged, and should be conducted, and where necessary improved, by the municipality rather than the state, much less the nation. The state may very properly do much to aid and even to force the municipality to act promptly and efficiently, but without local interest and intelligence the state can achieve little and the nation almost nothing compared with what needs to be and might be done.

I may interject, in passing, that even if the work of boards of health were to be increased, as many think they should be, to include a large amount of general and perhaps somewhat vague health-protective work, ranging from such public measures as smoke and noise prevention to such personal benefits as providing food and clothing for needy school children and free medical service to young and old, yet health-board work would still be essentially local in character.

In view of the foregoing facts and opinions, I would therefore suggest, as a basis for discussion at this time, and perhaps for consideration by this committee during the year that the primary responsibility for health work be placed squarely upon the municipality, but that the supervisory powers of the states be increased so they can hold their respective cities and towns to the strict fulfilment of their duties. I would also suggest that most of our states be given enlarged responsibilities, powers and facilities for the sanitary control of water, milk and general food supplies common to more than one municipality, and that the states be given increased facilities for research and educational work, the latter to include publication and popularization of the results of not only their own work but also of the best of the instructive work of local boards.

As for the federal government, I would suggest, again for purposes of discussion, rather than as my own final opinion, that for the present its health activities be somewhat closely limited to those interstate fields in which the states are largely powerless, particularly to the sanitary protection of interstate water, milk, meat and other food supplies, including milk and meat from tuberculous animals; and also including the sanitary control of interstate railway cars and passengers.

The federal government might also very properly carry on health research work of truly national importance. Such research work, and also the dissemination of the practical results achieved, might perhaps well be conducted jointly with state boards of health, and under special circumstances with local boards.

In emergencies the federal government might aid states or municipalities by detailing epidemiologists or giving laboratory assistance or expert advice. It might be well, however, to limit federal aid to municipalities which apply through their state board of health, possibly with power to apply direct in stipulated exceptional cases.

None of my remarks are designed to be unfriendly to the general movement for a federal department of health (or perhaps, better, a bureau, as was originally proposed). Personally, I heartily favor the general purport of Senator Owen's bill for a department of health, now before Congress. That bill proposes little more than a consolidation of the many uncorrelated health activities now carried on by various departmental bureaus. Such a consolidation is highly desirable. But if the work already being done is to be reshaped, and perhaps curtailed here and increased there, it should be remodeled in accordance with a definite scientific plan, after taking full account of what is already being done in the health-protective field by fifty states and thousands of municipalities, and with a clear conception of the health functions which may legally and wisely be assumed by the federal government.

**PRESIDENT BONAPARTE:** The next report is from the Special Committee on Municipal Franchises, on "The League's Franchise Policy" to be presented by Mr. Robert Treat Paine of Boston.

**MR. PAINE:** Mr. President, this committee was appointed only last summer, and this report is in the nature of a preliminary presentation. I would say that this report, however, comes from the committee as a whole and is not a report of any one member.

### **REPORT OF THE NATIONAL MUNICIPAL LEAGUE COMMITTEE ON FRANCHISES.**

Your Committee on Franchises, appointed early last summer, has given some attention to the papers presented at the annual meetings of the League since the Municipal Program was adopted in order to familiarize itself with the ground covered by the League in these recent annual meetings and to see whether suggestions made in those papers were worthy of further consideration by the League.

Your committee feels that in the Program of the League some of the principles relating to franchises demand further elaboration and some of them require a modification or qualification of statement.

I. The Program provided for careful passage of franchise grants by the city council and mayor. It also looks favorably upon and provides for the adoption by cities of direct legislation where there is a popular demand therefor. The strong tendency of late has been to provide for a popular safeguard against an improper grant of a franchise by the local legislature. That franchises may be wisely granted and only for the public welfare, it seems that there should be provision in connection with the granting of franchises for an *optional referendum*.

**Franchise  
Committee  
Report**

I. The Program provides for careful passage of franchise grants by *tenure twenty-one* years. The movement for short term tenures is strong and widespread and is highly commendable as a reaction against the unduly long or perpetual franchise. The committee feels that so short a term is not necessarily an ideal provision. Some papers at the annual meetings of the League have argued strongly for revocable franchises as in Massachusetts and elsewhere. The committee feels that the twenty-one years term might wisely be modified in the direction of a *terminable franchise* subject to proper provision for purchase by the community.

III. The Program provides that *compensation*, if arranged for, should be based upon a percentage of the gross receipts. Such a rule seems to the committee too rigid. Whether under any circumstances compensation for the use of the city's streets should be paid into the public treasury to be applied in the reduction of general taxes is a question deserving serious consideration. Possibly good public policy would require in some, or all, cases that moneys paid as compensation for franchise privileges should be devoted to the improvement or extension of the utility service or to a fund for the future purchase of the plant.

IV. The committee feels that there should be further emphasis laid upon the need of wise and full *public regulation*; that there should be a special local commission or commissioner with whom would rest the expert knowledge and duty and power continually to guard the public welfare. There would need to be co-operation or co-ordination arranged with the state supervisory board.

V. The committee feels that there is a need of further study as to the adoption by the League in its Program of such provision as shall eliminate entirely the element of *speculative return* from any private investment in municipal public utilities but shall also in fairness to such investment, give to the investor a reasonable assurance that the public authorities will not use the rate-making powers to interfere with the earning, not only of a fair but also of a certain return upon the money invested.

VI. The committee feels that there should be further study of the question of the desirability of *amortization of capital* of private corporations managing public utilities.

VII. If municipalities are to be enabled to use the right the Program

thinks should be granted them of indulging in municipal ownership, if deemed necessary, then your committee feels that it is important to emphasize the necessity of *exempting from the limitation* upon the issue of its debt of the bonds issued for revenue-producing utilities.

Your committee would therefore respectfully suggest to the Executive Committee that the field for further investigation and study seems to be important enough to warrant the appointment of a larger committee by your body and of a special session to be devoted to franchise topics at the next annual meeting.

JOSEPH P. COTTON, JR.,  
DELOS F. WILCOX,  
ROBERT TREAT PAINE, *Chairman.*

PRESIDENT BONAPARTE: Under the established practice of the League all of these reports of committees are considered by the Executive Committee.

MAYO FESLER: Mr. President, before the next speaker rises, may I offer this resolution?

*“Resolved, That a committee of five be appointed by the president of the League to prepare and submit appropriate resolutions expressing the appreciation of the entire membership to Hon. Charles J. Bonaparte for his long and effective service as president of the National Municipal League.”*

PRESIDENT BONAPARTE: It is very important gentlemen, that reformers should be thoroughly practical, and in order to be thoroughly practical, they must outgrow any of those somewhat antiquated prejudices which receive the name of modesty. [Laughter.] Therefore I take great pleasure in entertaining this resolution [renewed laughter], and I rule upon it that it will stand for action at the morning session of the League to-morrow. To my great regret I am compelled by a professional engagement to leave here to-morrow morning, and therefore, as I shall be absent, some of the members who may desire to express frankly their opinion [laughter] as to the value of the services mentioned in the resolution, will have that opportunity, with the understanding that no stenographic report of the debate will be taken. [Laughter.]

The next business is the report of Dr. Horace E. Flack on Reference Libraries.

DR. FLACK: Before reading this report I would like to say that the report has been submitted to all the members of the committee, and with the exception of probably one or two points on which there were some slight differences of opinion as to methods and plans, I may say that the committee approved of the report which is now submitted.<sup>1</sup>

<sup>1</sup> The Committee on Municipal Reference Libraries is composed of Dr. William H. Allen, Bureau of Municipal Research, New York City; Milton

**MUNICIPAL REFERENCE LIBRARIES.**

The question of securing good, efficient municipal government is one of the biggest problems confronting the American people of to-day. The people are awakening to the fact that inefficiency, poor laws and mal-administration result in high taxes, poor service, and unsanitary conditions. They realize as never before what inefficiency and poor laws really cost the community. Some of this cost is of course due to vicious and incompetent officials, but the greater part is due to ignorance, both on the part of the citizens and the officials. Honesty and sincerity on the part of municipal officials are not the only qualities needed to make our municipal governments what they should be; it is also necessary to have efficiency; and efficiency can only be secured, even with the ablest men at the helm, by a thorough knowledge of the facts and conditions relating to each and every question which comes up for consideration.

Every one admits that our city governments need improving, that efficiency is woefully lacking, but the difficult problem is how to secure efficient government. Experience has demonstrated that the best and ablest of officials have made mistakes. Many of these mistakes have been due to lack of knowledge. There has been too much self-complacency in the administration of city affairs, each city trying to solve certain problems or undertaking municipal enterprises regardless of the experiences of other cities. As a matter of fact, the officials of one city rarely know about the experiences of other cities. The result is that nearly every city goes through the same experience, and a dear one it has been. Instead of first seeing what other cities have done, how they have solved or tried to solve the same problems, the administration of each city and to a great extent each successive administration of the city undertakes to carry out certain preconceived notions, whether practical or not, and every one is familiar with the evil consequent results. It is a well demonstrated fact that civilization is based on past experiences, and the failure of municipal government is largely due to the fact that our city governments do not profit by the past experiences of other cities.

During the past few years efforts have been made to improve the legislation of some of our states by means of legislative reference bureaus. It may be said that these efforts have passed the experimental stage and that these bureaus or departments have been successful. Such departments have been of great benefit to members of the legislature and to administrative officials who have tried

**Legislative  
Reference  
Bureaus**

J. Foreman, City Council, Chicago, Ill.; Horace E. Deming, New York City; George Godard, State Library, Hartford, Conn.; Clarence B. Lester, Legislative Reference Department, New York State Library, Albany, N.Y.; Hon. Oscar Leser, Tax Court, Baltimore, Md.; Dr. Charles McCarthy, Legislative Reference Librarian, Madison, Wis.; Hon. Thomas L. Montgomery, State Librarian, Harrisburg, Pa.; Prof. Charles E. Merriam, University of Chicago, Chicago, Ill.; Robert Treat Paine, Jr., Boston, Mass.

to give their best services to their respective communities. The idea has spread until to-day such bureaus, in one form or another, are to be found in Wisconsin, New York, Ohio, Indiana, Pennsylvania, Rhode Island, Connecticut, Massachusetts, California, North Dakota, Michigan, Iowa, Montana, Alabama and Nebraska. The advantages to be gained by such departments were so apparent that the question occurred to some whether the same idea could be applied to cities with beneficial results. It would seem more essential to have such departments for cities than for the states, since so many matters vitally affecting the lives of those who reside in cities depend upon the city government. The water supply, milk supply, police and fire protection, schools, lighting, transportation, and all other necessities requisite to life in cities are absolutely dependent upon municipal officials, and if the city government is inefficient, if the funds for the several municipal functions, or for any one of them, are improperly, unwisely, or imprudently spent, some other department must suffer for lack of funds, and unsanitary conditions follow, or proper school facilities, police or fire protection, etc., are wanting.

It may seem a small matter that \$10,000 is squandered here, \$50,000 there, etc., but the continued practice of this kind soon bears fruit, for it means that some essential or meritorious function is being neglected. \$50,000 appropriated to try some worthless experiment or \$100,000 wasted in the purchase of city supplies, \$200,000 for salaries for clerks not needed, either means that the health department, the schools and playgrounds, the police, the fire departments, or care of delinquent children, will not get some needed appropriation, or that an extra burden is put on the taxpayers, the result frequently being both.

What can be and should be prevented, however, is the repeated waste. It is perfectly proper for a city to try some new experiment if there is

**Prevention of Waste** a prospect of success and if there is a reasonable hope that conditions can be improved by it. But there is not only no excuse, it almost seems criminal, that one city after another should try the same thing after it has been shown to be impracticable, harmful, or useless. There might have been excuse for such a condition before the advent of the railroad, the telegraph and the telephone, but under present conditions there seems absolutely no excuse for it. It is not claimed that our city officials are criminal, or that they do not desire to give good government, but ignorance of what other cities have done or are doing makes progress slow and unduly expensive.

Recognizing this condition, and impressed by the good results following the establishment of legislative reference bureaus in several of the states, the National Municipal League in 1909 appointed a committee to report upon the feasibility and desirability of municipal reference libraries. The first work of the committee was, of course, to learn what was being done along this line, either by special legislative reference or

municipal reference libraries, and inquiries were made of the librarians of the public libraries in all cities having a population of 50,000 or over. The replies indicate that there is almost complete unanimity as to the great need for the establishment of municipal reference libraries, but there was not the same unanimity as to how this should be done. The committee feels that these replies are strong evidence of the need of such libraries.

Nearly a score expressed the opinion that the municipal reference library should be located in the city hall as a branch of the public library. Some were of the opinion that such a collection would be almost as useful in the public library building; but in these cases it was stated that the library was in very close proximity to the city hall.

#### **Location of Libraries**

Nearly all expressed the opinion that a municipal reference library should be under the control of the public library because it would make the maintenance and administration less expensive and would also be likely to keep them out of politics.

There are at the present time only three purely municipal reference libraries maintained at public expense, viz., those of Milwaukee, Kansas City, Mo., and Baltimore. The Baltimore library, called the Department of Legislative Reference, was created in 1906 by an act of the legislature and went into operation January 1, 1907. The Milwaukee library was created by ordinance soon after this, and only within the past few months Kansas City has passed an ordinance creating such a library. Both of these follow very closely the law creating the Baltimore department. The board in Baltimore is composed of the mayor, city solicitor, president of the Johns Hopkins University, president of the Municipal Art Society, and the president of the Merchants' and Manufacturers' Association; and that of Kansas City, of the mayor, president of the Commercial Club, president of the Industrial Council, president of the Kansas City Bar Association, and the president of the City Club. The public library of Minneapolis has only quite recently established a municipal reference section as a part of the library. This is the first case in which a public library has undertaken this work, and it will be quite interesting and valuable no doubt to watch the development of the work there.

The Civic League of St. Louis submitted certain recommendations to the Board of Freeholders now drafting a proposed charter for the city, and among these was one for the establishment of a municipal reference library. At the present time the matter is being considered by the officials of the public library and it seems quite probable that St. Louis will soon have such a library, either as a branch of the public library or as a separate department of the city government, as is the case in Baltimore, Milwaukee and Kansas City. Boston and Chicago have had statistical bureaus for several years, but there is at present some agitation for



establishing a municipal reference library in Chicago, and this may mean a merging of the present bureau of statistics with it. There is also a bureau of statistics and information in Newark, N. J., the bureau being under the direction of the city clerk. The chief objection to the latter is that the bureau is subject to political changes, which may interfere with its efficiency in the future.

The Universities of Wisconsin and Kansas have established municipal reference bureaus to furnish information to all the cities of those states. A Bureau of Municipal Research has also been established quite recently by the Finance Commission of Boston. Its

**Establishment of** main purpose is to collect information for the Finance  
**New Libraries** Commission and to examine and study the city departments of Boston with a view to municipal improvement. The extent of the work will depend upon the attitude of the city council in making appropriations. There is also a municipal reference bureau in Los Angeles, but in this case the bureau is under private auspices and management.

The question of establishing a municipal reference library is also being considered in Cleveland and steps will probably be taken in the near future with this end in view. Efforts have already been made to secure such a library in Washington, D. C., as a part of the public library, but Congress failed to make a sufficient appropriation for this at the last session. It is stated that the Board of District Commissioners realize the value of having such a bureau and hope to secure an appropriation for it.

That there is need for some such organization or department as the municipal reference library for the collecting, collating and filing of information on municipal, social, political and economic questions, is apparent to every one who has ever given any thought to such questions or has tried to find out any thing about his own or any other city government.

In the consideration of this question, the committee has been confronted with the proposition as to whether such libraries should be separate and distinct departments as in Baltimore, Milwaukee and Kansas City, or whether they should be under the control of the public libraries, and if the latter, whether in the public library itself or as a branch in the city hall. The question of the qualifications of the head of such a bureau as well as the methods of his selection was also given careful consideration, for it was felt that these two points were vital to the success of the movement. Another very important feature considered by the Committee was the scope of the work of municipal reference libraries, in other words the functions of such libraries.

After careful deliberation, the committee has reached the following conclusions:

1. That municipal reference libraries should be established in all large cities.

2. That as a general rule such libraries should be under the control of the public library.

**Recommendations** 3. That such libraries should be located in the City Hall where feasible.

4. That the qualifications for the head of such a library should be a liberal education, with special training in political science, economics, municipal government, and methods of organization and administration, and he should be selected for merit alone.

5. That the head of the municipal reference library be selected by that method which, in the particular city, will, under the local conditions there prevailing, tend most completely to eliminate political considerations. In some cities, the most satisfactory results may be obtained by lodging the appointing power with the public librarian or library trustees. In other cities, conditions may make it advisable to have appointment made by a select, impartial and non-political board.

6. That the municipal reference library be made the agency for the exchange of municipal documents.

7. The functions of the library should not be restricted to any particular phase of work so long as that work relates only to the collecting, collating, compiling and disseminating of data or information. It will also be one of the functions of the library to aid in the drafting of ordinances. Of course, the principal work will be concerning municipal questions and special efforts should be made to secure such information for the city officials who are responsible for the administration of the city's affairs, but to be of the greatest value such a library must undertake to furnish information to the public generally. Such a bureau will be used extensively by the press and this is one of the best ways of reaching the public. Social, civic and improvement associations will also frequently have occasion to use such a library and its value to a city cannot easily be overestimated. If the bureau be under the control of the public library, it would seem advisable to issue a bulletin containing interesting comments for newspaper purposes and showing how the reference library can be of assistance to officials and to the public as each matter of general interest gets the center of the stage.

It would also be expected that the reference libraries tear up and file all helpful things together—all the information possible on each particular subject, so that when one wants to know what has been said, for example about the health department, police department, etc., it will not be necessary to go over fifty or one hundred volumes.

The head of the library should by all means maintain a neutral attitude on all questions; for the very moment he begins to advocate or oppose any measure or proposition, he will begin to make less effective the work of his department. He must not make it possible for any one to say that he is collecting information because of any personal bias of his own. His only interest should be to secure the data and let the facts speak for themselves.

In reaching these conclusions, we were aware that conditions existed in some cities where better results might be had by the establishment of separate and distinct bureaus, but where this is done we cannot urge too strongly that the department be placed under the control of a non-political board. If such libraries become subject to political patronage, they are likely to become not only useless, but really harmful. Unless they can be inaugurated under conditions which will keep them out of politics, it would be better not to have them.

In presenting the above recommendations, the committee realizes that such libraries of themselves will not bring about an immediate reform in city government nor will efficiency in municipal administration follow as a necessary result of their establishment. But it is respectfully submitted that such a library would be a valuable instrument or agency in the efforts to make our municipal governments more business-like and more efficient. The library will not of itself do away with the abuses which exist, but it will furnish the means whereby such abuses can be lessened, for it will be able to supply the data and the knowledge which are essential to all good government.

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PRESIDENT BONAPARTE: The next and last report which we are to receive is in the form of a paper on, "The Public Library as a Factor in Civic Development," by Mr. Samuel H. Ranck, of Grand Rapids, Librarian of the Public Library of that city.

[For Mr. Ranck's paper see page 385.]

MR. RANCK (*continuing*): There is one point in Dr. Flack's paper that I might speak of right here, namely: That whatever department handles the municipal reference work of a city, it ought to handle the exchange work of municipal publications for that city. In other words, the distribution of municipal documents and publications in our cities ought to be centralized in an office of that kind. In most cities that has not been done.

Adjourned until 3 P. M.

## TUESDAY AFTERNOON SESSION.

TUESDAY, NOVEMBER 15, 1910, 3 P. M.

MR. ROBERT TREAT PAINE, of Boston, Chairman of the Franchise Committee, in the chair.

CHAIRMAN PAINE: I am going to call upon the last speaker first. That paper is a pretty complete one, dealing first with the "Elements of a constructive franchise policy." It is to be given you by a man who perhaps as well as, if not better than, any of us, knows the franchise question. He is connected with the New York Public Utilities Commission, No. 1, Dr. Delos F. Wilcox.

[For Dr. Wilcox's paper see page 170.]

DR. WILCOX (*continuing*): That, Mr. Chairman, in a brief way, presents the elements of a constructive street railway franchise, which could be applied to any other public utility, with proper modification. There are two or three fundamental things that I think we ought to look out for. One is that the enormous capitalization of public utilities that is going on and on and on, never being paid off, should be subjected to a process of diminution, so that the purchase clause would not be a mere name, but would in fact provide a way in which municipal ownership in the future could be obtained if a city wants to take up that policy, and if it does not wish to take up that policy, at least the utility can be relieved from the enormous burden of unlimited fixed charges to which almost all utilities are now subjected.

**Enormous  
Capitalization**

In the second place, the indeterminate franchise with the right to purchase retained in the city, will preserve to the city uniformly, continuously, at all times, the fundamental control over the streets, and the detailed provisions or the disposition of the gross earnings will provide that the utility shall be treated as something not going to stop at the end of ten, fifteen or twenty years, but as something which is going right on as long as there is any need for it, and consequently, the property devoted to that utility should be kept up continuously at the highest state of practical efficiency; and so far as rates are concerned, although there has been a great deal of agitation for lower rates, I think that wherever it has come to a real test we have found that the people are willing to pay what the service is worth, what it costs. What the people object to is the giving of privileges for the exploitation of public property for private benefit. If the capital is limited and the return is limited and certain, I do not believe there will be any great difficulty in getting our municipal ownership and anti-municipal ownership people together. [Applause.]

MR. CHASE: What we endeavor to do in municipal matters is to get

away from complexity and get more simplicity. In connection with these reserve funds for depreciation, and the other reserves that Mr. Wilcox provides, we are going to get into an exceedingly complex situation, particularly if it is done under the sinking fund provision.

CHAIRMAN PAINE: The next paper is a very interesting account of the fight over the franchise in Kansas City. We are fortunate to have with us Mr. J. W. S. Peters of that city, a civil service commissioner. [Applause.]

[For Mr. Peter's paper see page 156.]

CHARLES P. PETTUS, of *St. Louis*: Does Dr. Wilcox intend to appraise the going value of a plant. In appraising a plant he allows for cost of reproduction but does not allow for the "going" value that is generally allowed.

**Going Value**

DR. WILCOX: This is a very complex subject. I have not attempted in this paper to go into the details as to how an appraisal should be made. I would say, however, that if it is the franchise value of good will that you refer to, I would cut it out entirely. If it means the value of the plant in condition ready for operation, I would include it; but that is a party of the cost of physical construction.

MR. STILES P. JONES, of *Minneapolis*: Would you not eliminate the term, "going concern"?

DR. WILCOX: I do not like it myself.

CHAIRMAN PAINE: One other paper has been prepared for this afternoon's meeting relating to street railways, written by Mr. Paul Leake, dealing with the Detroit street railway situation.

[For Mr. Leake's paper see page 120.]

CHAIRMAN PAINE: The next paper is headed "The Minneapolis Settlement", by Stiles P. Jones, Secretary of the Voters' League.

[For Mr. Jones' paper see page 142.]

CHAIRMAN PAINE: Another paper, on the gas question, has been presented to us, "The Sliding Scale Method of Regulating Public Service Corporations", by Mr. Edgar N. Wrightington, of Boston.

[For Mr. Wrightington's paper see page 103.]

CHAIRMAN PAINE: We now turn to hear Prof. Jackson. In Massachusetts we have two or three state commissions trying to regulate by their

advice, or in some cases by their orders, the public service corporations.

**Telephones** One of these state commissions has lately been trying to regulate the telephone charges. It has been quite complicated. There has been a good deal of bitter feeling. The commission employed Prof. Jackson, a professor at the Institute of Technology, to look into the question and make a report to them as to what he found and what he would recommend. The company has adopted and put into force the recommendations of the commission, and we have in a sense a certain good feeling and agreement as to the fairness of these rates between the public and the company. Therefore I think you can well look forward to hearing this afternoon with a great deal of pleasure from Prof. Dugald C. Jackson. [Applause.]

[For Prof. Jackson's paper see page 109.]

MR. HARPER: I would like to ask Prof. Jackson why the investment per subscriber increases with the number of messages used.

PROF. JACKSON: For the very good reason that the operator at the switchboard can take care of only a certain number of messages a day with the present methods of operating. The consequence is that the switchboards have to be bigger, the buildings that house them have to be bigger, the real estate upon which they are located has to be bigger. Moreover, in our large cities we have multiple exchanges and a very large proportion of the messages are trunked from one exchange to another, and the trunks are practically in proportion to the number of trunks. Therefore the expense of the trunks is practically in proportion to the number of messages.

MR. HARPER: That is not the number of messages per individual, but the total number of messages?

PROF. JACKSON: The total number of messages handled, yes; but if one subscriber only calls for ten messages a day his needs can be taken care of, or suppose we have 10,000 subscribers each calling for 10 messages a day, their needs can be taken care of, with a certain investment; but if you have 10,000 offices that call for 60 messages a day, their requirements can be taken care of only by the expenditure of a much larger sum for plant.

MR. HARPER: But those other 10,000 subscribers are paying for that plant.

PROF. JACKSON: They are not if you have flat rates.

MR. HARPER: Why? The investment does not increase. I do not see how it increases. The operating expense might increase, because you might have to have more operators.



A QUESTION: I should like to ask two questions which came up recently in Chicago; first, in regard to the automatic switchboard, as to whether the automatic switchboard will not considerably reduce the cost of the service, doing away with the telephone girl to an almost complete extent; and, then, whether the number of messages put in will very considerably increase the cost under the use of the automatic exchange switchboard.

PROF. JACKSON: The automatic is not now facing any commission so far as I know in respect to rates. When the automatic plan is facing them, then they will have to study that question. If it does reduce the cost of operating and also the investment charges, of course the rates will have to go down, and should go down, but in the meantime we have got to look at the thing,—when I say “we” I mean the citizens, as well as in my own case, as the engineer of the commission,—from the standpoint of what is actually before us, which is manual operation in all instances of the very great cities of the country.

### **Automatic Telephone Service**

MR. GEORGE H. MCGOVERN, *of Wilmington*: We have had an automatic service for five years, and it is my understanding from the vice-president that as the subscribers increase the general expense increases in proportion. That company has had to be merged with the electric company. They started out for increased rates, gradually, and they are now even with the Bell system. Its manager gave as his reasons for the increase in the general expense item that they had to maintain their equipment not for ten calls from each customer, but for a call from everyone of their customers at one time. There may be an hour or two during the day when they would all call, for instance, from 10 to 12 o'clock in the morning, and they would have to maintain a plant to take care of that.

SAMUEL H. RANCK: We have both services, the automatic and the Bell. The household rate for the automatic,—and I believe the automatic exchange in Grand Rapids is one of the large ones,—is \$24 a year for residence service; for the Bell or manual service it is \$18.00 a year; so that the manual service is cheaper there. I have both services, at the office and at the house, and my experience is that the automatic service gets out of order a greater deal oftener than the manual and I know that the automatic people are moving now in a number of smaller towns of Michigan to get increased rates, simply because of the greater depreciation of the mechanism that goes with the constant use of the automatic service.

MR. A. C. PLEYDELL, *of New York*: May I add to the gayety of the occasion by telling a story I heard about the French service? They installed in some of the booths the hand 'phones that can be lifted off the shelf, instead of the old wall phones, and it was said the government

had to take them out because the excitable Frenchmen got so mad when they couldn't get service that they used these things to pound against the wall. They had to go back to the old kind, against the wall, where you turn a crank to get "central."

CHAIRMAN PAINE: We will now adjourn until 10.15 to-morrow morning.

### WEDNESDAY MORNING SESSION.

WEDNESDAY, NOVEMBER 16, 1910, 10:30 A. M.

THE HON. WILLIAM DUDLEY FOULKE, the President-elect, called the meeting to order.

PRESIDENT FOULKE: Mr. Bonaparte, our president, found it necessary to go to Baltimore earlier than he had expected, so I am obliged to take the chair at an earlier period than was announced in the program.

The subject this morning is School Extension and a large number of papers have been prepared upon this subject, which have been digested and which will be reported to the League by Edward J. Ward of the University Extension Division of the University of Wisconsin.

MR. WARD: There are twenty-four members of the League's School Extension Committee, each of whom has prepared an article of an average length of two thousand words upon some **School Extension** phase of the topic. I am attempting simply to point out what seemed to me the significant things in those papers, with the idea that later on the reports will be published in full. Several of the papers are treatments of the subject from specialists who have not before summed up the subject in any public form.

[For Mr. Ward's digest see page 353.]

PRESIDENT FOULKE: I would like to call the attention of the League to the resolution which was introduced yesterday morning and which was laid over through the modesty which Mr. Bonaparte disclaimed, but still acted upon, for consideration this morning. The resolution was that "a committee of five be appointed by the president of the League to prepare and submit appropriate resolutions expressing the appreciation of the entire membership to Hon. Charles J. Bonaparte for his long and effective service as President of the National League."

On motion, duly seconded, the resolution was unanimously adopted, and the Chair appointed as the committee of five Messrs. Mayo Fesler, Clinton Rogers Woodruff, Horace E. Deming, Robert Treat Paine and Clarence L. Harper.

SECRETARY WOODRUFF: It occurs to me that it would be a very appropriate courtesy, alike to the president of the League and to Mr. Bonaparte, if

Mr. Foulke were added as an *ex-officio* member of that committee, and I therefore move that Mr. Foulke, as president, be added, *ex-officio*, to the committee already appointed.

This motion was unanimously passed.

PRES. FOULKE: There is a gentleman in charge of the work of the Russell Sage Foundation in New York, who has perhaps a better knowledge than almost anyone else in the country of the actual use of school houses for the purposes indicated in the late paper, and I therefore call upon Mr. Clarence A. Perry, of the Russell Sage Foundation, to discuss the paper and to tell us what his experience is.

Mr. Perry's paper on "The Present Status of School Extension in America," will be published, with the other papers prepared by the members of the League's Committee, in a separate volume to be devoted exclusively to the subject.

PRES. FOULKE: There is one thing, we have got to face in considering this question of the use of school houses for communal and political purposes. That is, we have got to consider whether the public mind may not be

#### **Censorship of Discussion**

still in somewhat of a prejudiced condition in regard to liberality of discussion. I think it was stated in the paper that Buffalo proposed to limit, to have a sort of censorship, upon the character of the political discussions which should take place in the school buildings. Now, of course, it is a bad thing to have any kind of censorship upon discussion, and at the same time we are not yet in that perfect condition, here in America, where we can listen to all sorts of expressions upon all sorts of theories.

For instance, we must face this proposition,—are we quite prepared to allow the school buildings to be used, perhaps regularly, for the dissemination of anarchistic views? They might be used for that purpose under the freedom which this system would seem to recognize. That is one of the things that ought to be considered.

MR. WARD: Miss Emma Goldman resides almost within a stone's throw of one of the social centers in Rochester. Her niece was an assistant director of the girls' work in the gymnasium, during the evening, and a teacher in the East High School during the day. Miss Emma Goldman told me that if there were the freedom which the school center stands for there would be no reason, absolutely no reason, for any of the anarchy of the deed in the program of the anarchists. It is because of the restraint, because of the limitations, that the insurgency of the anarchist is expressed in violence. But let me say this, that in that neighborhood, in her vicinity, and I quote the director also, in his experience,—in that social center there has never been a defense of the principles of anarchy, except as from the extreme point of view in which the in-

dividualist may be taken as an anarchist, and is so taken by the extreme socialist, and such theories as Emma Goldman stands for have never been defended.

Why? For the same reason that religion has never been discussed, and why was that? In the first neighborhood civic club formed to meet in the first school building, the motion was made that religious discussions be barred, and it was voted down unanimously, on the idea that to bar religious discussion would make that the only interesting thing that the people would want to talk about. [Laughter.] Worse than that, to bar religious discussion would be to accuse the members of this neighborhood who used the school building of a lack of common sense and self-control and good taste, in the discussion of the topics upon which they would speak. There have never been in any neighborhood civic club meetings in the city of Rochester, through three years, expressions which have caused difficulty. The only time that anything of that kind ever occurred was not in a neighborhood free civic club discussion. It was in the presentation, in a formal lecture, by a speaker on the platform, of a position which was unfair to some of the people in the city; but in the free discussion it is just as true of the world, that

"As weakness with freedom grows stronger  
Than strength with a chain,  
So error with freedom shall come  
To lament of its stain  
And freely repenting does whiten  
Its spirit again,"

as Sidney Lanier says. We may depend on the light of liberty for the restraint which comes with the feeling of the free right. [Applause.]

BIRD S. COLER, of *New York*: There is a meeting in the next room studying the finances of cities, and one this afternoon to discuss graft. I mention that to bring up the idea of the objective importance of this question. People do not realize that the school proposition is the largest proposition there is in that line.

### **Increase of Budgets**

Some years ago I tried to point out some socialistic tendencies which the schools did not stop. The confiscation of property in the city of New York to-day, under the very best administration, probably, the city has ever had, goes on unabated. There has been no reduction of the budget, and they have come to an investigation of school affairs. They are going to find, that the enormous growth of the New York budget is due entirely to the socialistic and fraternal tendency.

I have attended a great many educational affairs and I have never yet heard any idea of God in any of them, until Mr. Ward just mentioned a moment ago as to why maybe the idea of religion had not been brought up in the social centers. It is the first time that I have

heard any moral responsibility broached. We are getting entirely too materialistic. We are going to reform everybody by materialism. If you are going to take the founders of the Republic, I think it was Mr. Washington who said, "Beware of the man who tries to inculcate morality without religion;" and then, further on, I think, if I remember correctly,—he says, "Reason and experience forbid us to expect there will be any national morality where religion is excluded."

I am not arguing that religion should be put into the schools, but if you carry out Mr. Ward's idea, and put everything into the school house,—the distribution of goods, the exchange of commodities, make a soup house out of it, then we will have the ideal socialism, and I think Miss Goldman was right when she said if that was the case then there would be no desire for any socialism or anarchism. Our tremendous increase in taxation, and the burden of it, lies in the tremendous socialism that is going on.

MR. HOWARD B. MOSIER: I did not come here prepared to say anything; but I have had some experience in connection with the social center movement in Rochester. During the last few years I was chairman of the

Democratic general committee of the county and saw  
**Schools or Saloons** this institution both from the political standpoint and  
**for Political** from the citizen's standpoint. I am very heartily in  
**Meetings** favor of the movement, most emphatically so. I said  
 at one of the meetings some years ago when the social  
 center movement was being organized, that I did not see any just reason  
 for forcing me as a politician to carry on a campaign in saloons and  
 rooms adjoining saloons, where no audience could be had, generally speak-  
 ing, except such an audience as would congregate in such a place, and  
 where I was used as an advertising feature for the sale of beer.  
 [Applause and laughter.] And I have never seen any reason to change  
 my opinion on that subject.

I have been through a good many political campaigns, some of them mild, some of them bitter, some of them on a high scale, and some of them not so high, and in every instance we had to appeal to the citizenship almost exclusively in the saloons or in halls connected with saloons; and not infrequently I have had, in order to get breathing space, to speak on tables outside of the saloon while the beer was being sold inside. I had my choice of doing that or speaking in a bar room. The social centers of Rochester have not as yet been used for political meetings. We advocated that some three years ago and the school board practically said that they would grant the use of the rooms for that purpose if direct request were made. It never has been made, for various reasons. One of them is, that I felt when I was chairman of the committee that to antagonize deliberately the saloon vote by keeping away from the saloon when there was nothing to put in its place, might be

an injury to the party which I represented, and while I personally would have been willing to take such a course, I was not willing to make my party stand for my fads. What I mean by that is this, the saloon vote is so made up that it can be concentrated and used as a general vote, and if you go to the school house, unless the thing has developed somewhat, unless both parties will participate in it, you haven't anything to offset that united vote, and the cry is made right off, "This fellow is a prohibitionist;" and when that cry is made in politics nobody comes out and fights for the prohibitionist, but the saloon element gets out and fights against him and your party loses hundreds of votes.

Nevertheless, the proposition is right, that political meetings should be held in such places as to enable the respectable element of a community to take part in them. Many of those who go to the saloon meetings are respectable, of course. I am not opposed to saloons. I am opposed to the general principle that forces me to do all my political speaking in saloons, so that I cannot reach any audience anywhere else, except with the greatest difficulty, such as arranging a tent or something in that nature. There are no other halls, generally speaking, in any city except those in the schools and the churches. The schools belong to the people, they are paid for by the people as a whole. Why should not they be used for the purposes of general public discussions such as political campaigns draw forth. The result of using them would be that the campaigns would be carried on on a very much higher plane. You would get the kind of audience, generally speaking, in the various school buildings of the city to which you would not quite dare to give superficial argument, to attempt to mislead. You would know that in that audience would be some intelligent persons of the opposite party who would object immediately during the meeting to any false statements, such as we have now right along.

Those of you who have attended political meetings know that the gathering almost invariably in small political meetings in the wards is made up of your own followers who come there largely for the purpose of seeing if you can give them some points that they can go back into the saloon and get up an argument on. They are not interested in the arguments and you can tell them anything you want to, and most of it goes. [Laughter.] A school center opens up discussion upon all subjects in which citizens are interested. It brings together men and women of different situations in life economically, on a common basis for common discussion on all the subjects that are going.

I think myself that it is the purest democracy, or at least that it tends towards the purest democracy of any institution, perhaps, than has ever come into our country; and if men and women considering these questions will consider them in a broad sense, put aside the petty superficialities of their thought and look upon these institutions from the standpoint of their potentiality rather than from the standpoint of what

has been done in two years, I think they will almost invariably come to the conclusion that the social center scheme, the extension of the school, is one of the greatest things that has ever come into the country. It would be most unfortunate to have it hampered in any way. We all ought to encourage it, and when it goes off on a wrong tangent bring it back, keep our eyes on it, from the standpoint that it is real democracy, the one thing that we must get after in this country. [Applause.]

JOHN F. MUELLER, of Buffalo: This question of the use of the public schools for public discussions and political speaking in particular, I have thought for more than a quarter of a century to be one of the greatest needs in our civic life. Some twenty-five years ago or more I was in the city of Philadelphia, and there conceived the idea that if Independence Hall, or some similar structure, were put in every hamlet of this land it would result in higher citizenship. The remarks of the last speaker impress me very forcibly, speaking as he did and showing that our politics is largely in the hands of the saloons. I do not arise particularly as an enemy of the saloon, but I do not think that our political system should be circumscribed or influenced by any one particular line of business. [Applause.]

My original idea was not so much that this movement should be an educational extension movement as a movement connected with the election law. I know there is some prejudice in this city, and evidently in other cities. There are two phases of that pre-

**An Independent Hall**      justice; first, on the part of the school department, and second, on the part of certain people against going to the public schools, so that my original idea was that we ought to have, if not an independent hall, some liberty hall, where all the parties not only could but would be obliged to meet, and a section in the penal code making it a misdemeanor to hold meetings in a saloon or any other place.

MR. COLER: May I have just a moment to get right on the record? I wish it thoroughly understood that I do not object in any form to using public school buildings for discussion. What I meant was to use

**Influence of Amusements**      it as a free amusement. Take the moving picture show, for instance. I will just cite one instance. During the Tweed times in the city of New York and prior to that, the city government was led to give away coal and food, and a large portion of the city actually was corrupted by the political machines giving food. It became so bad that the constitution of the state was changed and provided that the government could not give away food except through charitable institutions. Take the history of Rome. When the government maintained amusements it corrupted the entire people, and the government failed. If you

will give me control of the amusements of the City of New York I do not care for patronage, contracts or anything else, I will carry it without any other political basis whatever.

MR. WARD: May I give just an item of information regarding the method by which in England the political use of the school is obtained? I spoke of the law which will probably be enacted in Wisconsin giving the right to the people in any community to the political use of their school building. In England they have got at it from the other way, and they get there. They give to each candidate for office the right to a certain degree of the free and gratuitous use of a certain proportion of the time of the public buildings, including public schools and other buildings, and that right is exercised because it is a means of saving campaign expenses.

MR. PERRY: Reference has been made to the use of the New York school buildings for purposes of pure recreation. I should like to relate one instance in respect to that work. There are, as you know, in New York City, recreation centers, centers for boys and centers for girls. During the past year there has been introduced cautiously the feature of social dancing. That is, the girls in the girls' centers have been allowed to hold weekly parties to which boys who have been recommended by the principals of the boys' centers were allowed to come. One of these social dances was held St. Patrick's Day. The superintendent of the work visited that center during the progress of the dance. He observed about 150 couples on the floor dancing in the most decorous and wholesome manner. Across the way was a vicious dance hall which was larger and easier of access than the school recreation center, and on that floor there were only about 30 couples dancing. This evening recreation work in New York City costs the taxpayers about three and a fraction cents per person per evening. [Applause.]

MR. A. J. CONROY, *President of the Business Men's Club, of Cincinnati*: Our schools which have halls, are thrown open to the public and are largely utilized by what we call improvement associations to discuss subjects which are germane to the interests of the city or to the particular localities. I think one of the most important things in our school education should be the teaching of civics. The majority of the scholars that attend our schools do not go beyond the grammar or the intermediate schools, and they come out of these schools with a very meagre knowledge of what civic pride means and what pertains to municipal government. The ordinary individual as a rule does not commence to get a conception of what municipal government means until he reaches his majority. That ought to be taught in the early stages. In some of our schools in Cincinnati we have a regular ballot on election days and they vote for a blue ticket or a red ticket, and they are taught how to scratch and things of that kind, which is a very important feature.



There is another thing. They ought to be taught the theory and admiration of that which means construction instead of destruction. There is too much of a tendency in the schools to admire the great general or the great admiral instead of admiring the man who constructs and achieves and does something for mankind. An Edison or a man who has achieved something in the lines that he has, or in other useful directions, is worthy of a great deal more consideration than a man who is at the head of an army or a navy; and the more we introduce and the more we carry out that spirit, and teach that which means civic righteousness, which means civic pride, which means better municipal government, and starting in at the fountain head in that way, the less we need to be afraid of the future and the less of these difficulties we will we have to contend with.

HENRY P. EMERSON, *Superintendent Buffalo School Department*: I had not any intention of speaking on this question, but I confess that I had some temptation to do so after listening to Mr. Ward's strictures on what we are doing in Buffalo. I want to say that considering all the circumstances I am more inclined to admire his moderation than to criticise any severity of his statement. We have not made very much progress in Buffalo along the lines that have been discussed here this morning. There are a great many things that have to be attended to in a large and growing city like Buffalo, and we have done a great many things we believe, in improving the school system of the city, but Buffalo is a conservative place. The first thing you need, it seems to me, is a meeting place, a hall, an assembly room. Nearly all of our buildings have been lacking in this particular. Then, as I have already intimated, there seemed to be a few earnest people here who were eager about this matter, but there has always been strenuous opposition, and I presume that the Superintendent of Schools has been much more conversant with the opposition than with those who are friendly

**Buffalo Schools** to the movement. I am one of the few officials who have been accused of being too economical, and I was very much interested in the remarks made by Mr. Coler here that we must be careful about the enormously increasing expenditures of the public schools and for other things. I believe that a day of reckoning is coming when people will no longer acquiesce in an expenditure simply on the ground that it is on behalf of education or of some educational movement, but when a whole question is going to be scrutinized and it is going to be decided whether a given expenditure is wise in itself, I believe there is such a thing as extravagance in educational matters.

Mr. Ward must admit that there was very strenuous if not bitter opposition to the social center plan, or the civic club plan, in Rochester, and I believe that Rochester is much more favorable, the make-up of the

population is much more favorable, to the success of such a scheme than Buffalo is; so I thought we ought to go slow about that, and I declined to place in the budget, which the superintendent has a right to, in the city of Buffalo, a large sum, what I considered to be a large sum, for the carrying out of this plan. We are building three district or elementary schools at the present time which are to contain swimming pools. I have thought it wise to wait until we had these facilities for doing this work before beginning on any large scale. I have got to meet this question again this year when the budget is made up in February, and I am willing, if we can decide on any feasible plan of procedure that will eliminate what I consider these extreme ideas in regard to the matter, to try something that we know will work, we know will succeed, and then gradually work on to something that is more problematical.

STILES P. JONES, *Minneapolis*: We in Minneapolis have started a campaign for these things which Mr. Ward has elaborated, and we are going to have them, or a large measure of them, and many of them promptly. That is not so interesting as the inspiration of the movement, which comes from a school teacher, a heroic woman school teacher who has just been elected to the school board, the second woman elected to the school board in the history of the city, and elected by the largest majority ever known, by a majority seven thousand larger than the highest vote for any man candidate running on the ticket with her.

Behind all that is an interesting story. This teacher was discharged two years ago by the school board for,—well, they didn't say what, we couldn't get them to say what, but they hinted at insubordination. Behind that is an interesting story. What was her insubordination? She led a movement among the teachers for higher salaries some three or four years ago, and the teachers got them. Then we had a school system up there with a factory superintendent at the head, who was turning out a factory product. The teachers were terrorized. It was a political institution. There was graft in the school board.

**Minneapolis** This woman with one or two other heroic women  
**School Reform** went to work all by themselves two years ago, raised seven or eight thousand dollars, employed detectives and went after that graft, unbeknown to any one. Eventually they came to a point where they had to have more money and they called on me for advice and assistance. I got other people interested, and they finished the job. One of the members of the board was indicted, tried twice, and they were unable to convict him on account of the prejudice against the character of the evidence, which came through professional detectives, but they retired him to private life. He was the most notorious of them all. It led to the resignation or withdrawal of other members of the board, to the election of two or three new men pledged

to higher things, and some excellent results came of it. But this woman was discharged as a teacher because she had been active in the graft investigation of the schools. Now, in the language of the prize ring, she "comes back" as a candidate for school board and is elected by the largest majority ever known. Here is the funny thing. Since the election of that woman by that extraordinary majority the members of the board are all falling over themselves to reform along these lines. One minister who has not stood for the very best there was, was the first to get in line. [Laughter.] He is going to stand for opening up the schools for real political discussion among candidates, because there is no other forum for them in most of the wards. The president of the board has been right most of the time, and he is with them. There are seven members. We have three that are right and before they get through they will have most all of them and this program of Mr. Ward's will be carried out, and almost wholly through the inspiration of that heroic school teacher. [Applause.]

The session then adjourned.

### CITY FINANCES, BUDGETS AND STATISTICS.

HOTEL IROQUOIS, BUFFALO, N. Y.,

WEDNESDAY, NOVEMBER 16, 1910, 10:15 A. M.

DR. L. G. POWERS, *of the Census Bureau, Washington, in the Chair:* Some years ago I was announced to speak before the Washington Governmental Accountants' Association upon statistical accounting, meaning by that the application of statistics to the accounts of cities and governments and their use as a measure of governmental efficiency and economy of administration. The phrase at that time was more or less new and individually I was not known to every member present. As the subject was announced I heard a couple of the gentlemen just in front of me begin to talk concerning that subject, not knowing that the person to speak was seated just behind them. One of the gentlemen turning to the other said—with a dash—"What is a statistical accountant?" [Laughter.] The subject of statistics and accounts, the subject of statistics as measures of governmental efficiency and

#### Statistics and Accounts

economy, was not then as well known as to-day. Through the action of the National Municipal League, which is emphasizing the value of statistics of every kind in their relations to the administration of cities and governments in general, the public is being educated into the value and significance of statistical accounting, the application of statistics to every branch of governmental administration and governmental affairs. Through this is to come the added efficiency of governments.

The application of statistics is now taking place in the commercial world as well as in the governmental world. That is nothing more or

less than cost accounting, which is becoming a more and more important part of the administration of every large private business and it is because private business is becoming more efficient in its management that we may hope for governmental business. And, in turn, I want to say that I believe that the greatest stimulus to efficient administration of private enterprises must be found in governmental affairs. Governments are not the only beneficiaries of this movement and when we are here met to discuss how to improve governmental business I do not want to meet with those who look upon governmental affairs as the dregs of human society; I come as one of those who believe that the commercial world has as much to learn and as much to benefit from a study of governmental affairs as governmental officials have from

studying private commercial affairs, and it is because **Public and Private Business** private affairs and governmental affairs are so intimately associated. And the advance of society must be not one-sided but every-sided. We cannot advance commercial morality, commercial integrity, the efficiency of private business, except as we advance that of governments. And, in turn, no advance in governmental affairs will be successful excepting as it is accompanied with thorough-going advance and improvement in private commercial business. And so while we meet here nominally in dealing with the affairs of municipal governments we are in reality, if we accomplish anything here, if we voice a spirit for higher governmental life, we are introducing factors that mean higher and better commercial life, better and truer individual life, a higher and better type of citizenship in every respect. Hence the discussion this morning, dealing primarily with municipal finances, budgets and statistics, has to do, first and foremost with the problems connected with the better financial administration of our cities but, ultimately, with the better life of our cities and of our country as a whole.

The first paper of the morning dealing with this complex subject of "The Correlation of Financial and Physical Statistics of Cities," the application of statistics to cost accounting and administration of our cities will be by Dr. William F. Willoughby, Assistant Director of the Census.

[For Dr. Willoughby's paper see page 203.]

DR. WILLOUGHBY, *continuing*: Of course, in bringing this matter before the League all I had in mind was simply to broach this subject so as to see whether there was any considerable number that believed that the time was ripe when all of the general opinions which we have regarding practices for the administration of municipal affairs could be organized in some concrete way, feeling that as long as students and professors simply talked in a general way about political science and political principles, that what they were after—the actual improvement of conditions—was not being accomplished very rapidly.

It was only as the League took the matter up and got down to hard facts and a concrete formulation of documents that real progress began to be achieved. There are a large number of arguments and almost every city is practically interested in this question of economy and efficiency in administration. They are working independently. There are undoubtedly standards of unity with respect to cost keeping that ought to be uniformly employed. There are undoubtedly standard methods of purchase, receipt and keeping account of supplies that, of course, with certain ordinary modifications, could be generally adopted. It does seem to me that the League, representing as it does this whole broad country, could start on a program or campaign that would last for years and would get some concrete formulation of the best practices and principles of administration. Then we could really begin to make progress in accomplishing actual results.

THE CHAIRMAN: I think this paper is one that brings us all face to face with the next step, one of the most important steps that this League has ever taken.

MR. M. N. BAKER: I am very glad indeed that this subject has been brought before the League in just this way. Something like ten years ago when preparations were being made for the census of 1900, a request was formulated by the American Society of Civil Engineers and submitted to the then census authorities asking for a more extensive collection of municipal statistics than had previously been entered upon. I took up the matter at that time, through the columns of the *Engineering News*, and tried to point out that it was quite useless to attempt very much in the way of the collection of national municipal statistics until the keeping of them was in better shape, so far as cities were concerned. I attempted

#### **National Municipal Statistics**

to review the efforts which had been made up to that time for uniform municipal statistics. I urged upon various bodies, including the National Municipal League, the appointment of committees to take up uniform municipal accounts and statistics. Some six or eight associations appointed committees. The committee of the League was the only one that really did any effective work. The League committee, much to my disappointment, ran off—perhaps that isn't a fair way of putting it—but went almost wholly into financial statistics and left the physical and operating statistics entirely out of account. I have always maintained and I still maintain—and that, as you see, is the burden of the argument that has been presented to you this morning—that the financial statistics are little more than a means of gratifying curiosity unless they can be reduced to a comparative basis. The only way of getting them on to a comparative basis is to reduce them to units of cost.

The subject of street cleaning operations was mentioned. It is true,

as has been said, that the figures are of very little value unless they take many things into account. It is of very little use to say that the cost—even a broad unit cost of street cleaning, is so many dollars and cents per square yard in one city as compared with another. This amounts to practically nothing unless you know the character of the pavement, which is a governing factor. It costs a great deal more to clean and keep clean in a satisfactory manner a very rough paved surface, like cobblestones, say or even granite blocks, than it does to keep smooth asphalt or brick clean or a good wooden pavement. Then there are a whole variety of other conditions that have to be taken into account, including labor conditions and hours of labor in the different cities and the cost of water used for a street cleaning—so many that you become almost lost in the maze of difficulties that is presented. The same thing runs through practically all of the other municipal services. So that it is very essential that we find out what the cost is, and not merely that we have unit cost, but that we have something to indicate the efficiency of the service. That is what we want to get at. We want to know how efficient the work is that is being done. It is not enough to say that one city pays so many cents per square yard for cleaning the streets or so many dollars a year for hydrants for fire service, but we want to know how efficient the street cleaning is and how efficient the fire service is.

MR. CHASE: As a little explanation of what Mr. Baker has said, it would seem to be advisable to say that the original committee of the National Municipal League and the League's officers themselves fully appreciated the points Mr. Baker has made but that the whole problem was so complex that it seemed and it is in fact was, wholly impossible for the League's committee to undertake it at once. We therefore devoted our attention solely to the financial statistics until those could be gotten into some classification which should be definite and sure and accepted throughout the country. Now that that has been done it is wise without doubt to take up, as Dr. Willoughby suggests, the correlative branch of physical statistics; but that is a tremendously big subject. Plans must be laid on a very extensive scale, money must be provided in ample amount, otherwise such an investigation would be of a very little value. We should not lose sight of the fact that the financial statistics part of it has been well done and it has taken about ten years to do it and while at the beginning of that time it seemed hopelessly impossible to arrive at the standard classifications which should be accepted throughout the country, yet here they are. They are accepted, the cities are applying them individually and by states, and that job seems to be pretty fairly well done; now the next step is bigger but it must be in due time undertaken.

MR. BURNHAM: This paper of Mr. Willoughby's is exceedingly valu-

able and suggestive. It contains recommendations which it seems to me should be specifically brought to the attention of the executive committee of the League. It is a tremendous subject and, as he points out, would involve special financing; but for the sake of its not being lost sight of—the recommendation part, I mean—I would move you, sir, that this meeting recommend to the attention of the executive committee the suggestions made in Dr. Willoughby's paper.

This motion duly seconded was adopted.

DR. W. H. ALLEN: I would like to ask if Dr. Willoughby has figured out what it would cost to establish such a central bureau as he has in mind?

DR. WILLOUGHBY: I haven't figured it out except I know that if properly done it would run into the thousands of dollars.

DR. ALLEN: It isn't quite clear to me what part of this work a private agency ought to do and what part of it the municipal government could do.

DR. WILLOUGHBY: The Bureau of the Census is a central agency, in so far as publishing results is concerned, and we can do a little and have done something in the way of trying to improve the original material which we have to handle. Take, for example, our annual reports of vital statistics. They would be of a fraction of the value that they are now

### **The Census Bureau's Work**

if the Census Bureau had not conducted a campaign and expended considerable money in improving the registration system of the various states and cities; they have even drafted model laws and have gotten states to adopt the laws, because believing the expenditure they did make in procuring the original material would be as productive of results as expenditures in trying to work over defective material. The Census Bureau has done much in the field of municipal finance. Dr. Powers here is responsible for the handling of the subject of accountancy, accounting terminology, and trying to get a uniformity of practice—I think in the same way the census bureau could handle, the subject under discussion. It could probably publish the results, but, of course, under the law it could not make any expenditures in financing any such committee as has been proposed here. The Census Bureau would like to be a party to and is interested in that movement to do all that it can.

THE CHAIRMAN: The Census seeks not to become a dominant force, not to set forth or impose any of the ideas of its officials upon the public, but to become a clearing house for the best ideas relating to all these subjects in the country. I expressed this statement one time before a very witty gentleman and he said "Then the Census becomes a consensus, doesn't it?" I said, "Sir, you have expressed the whole proposition."

It is now attempting to co-ordinate and express the best ideas of the auditors of the various school departments of our large cities, and of the educational organizations of the country and of all others interested in efficient school statistics. We want to bring school statistics and the cost of administration to definite units. We trust that we may, through this consensus of opinion, make a forward step in this branch of work during the next year.

MR. R. E. SPEED, *City Clerk, Norfolk, Va.*: We find that the men sent by the Census Bureau are efficient and do their work well when we put ourselves fully at their disposal; but what we find is a lack of form or common basis of comparison after the accounts have been compiled, as to street cleaning and such matters. A number of cities we find, under the head of street cleaning, will have included the collection and incineration of garbage; in other cities we find it comes under the head of "board of health". If a common form will be provided so that the cities, in making up their cost of expenditures, could use that common form, why, then a large difficulty would be out of the way.

**Lack of  
Uniformity**

DR. ALLEN: I would like to make a motion, but I would like to explain it. I want to move that a committee of five, with Dr. Willoughby as chairman, be requested to form a plan for the educational work he has in mind, to call for an expenditure of not less than \$100,000 a year and to run up to \$250,000 a year. The great trouble is when we run up against things of this kind we hate to face the real cost of them and are all the time asking for too little. If we start off a proposition of this kind and have in view \$10,000 a rich man will say "I will give \$500 in order to get rid of you." Dr. Willoughby is not talking about tens of thousands, he is talking about

**Dr. Willoughby's  
Proposition** five hundred thousand a year,—the greatest university in the country. If this thing is organized right it will knock the spots off all the universities in the country so far as concerns the size and scope of the work. I would like to see what the result of ten or twelve years work of this League would produce in this way.

I would suggest that a committee of five be asked to formulate our picture as to what the business man and the philanthropist in the country ought to be doing along these lines.

DR. WILLOUGHBY: Part of the remarks I endorse very heartily. I am glad that it has been courageously stated here that this is a proposition of years, of hundreds of thousands of dollars. It really involves the whole question of efficiency. I believe if anything is launched it ought to be on a big scale and I believe if it is launched on that scale it will



appeal to the imagination of persons of wealth and that the money will be forthcoming. The only point in which I would differ is as to whether in a meeting like this, primarily for the reading of papers, whether the League ought to be committed in the way of creating a committee in that precise way. Before bringing this matter before you I consulted with your secretary Mr. Woodruff as to whether it was opportune at all to bring it up. He said it was and he was very glad to have me do it and then I discussed with him as to whether, if anything came of it, along what line the action should be, and I think his opinion was that it ought to be referred, as we have already referred it, to the Executive Committee, because it is something that pledges the entire League and not this one section. I agree that it ought to pass through the Executive Committee. The only amplification of the resolution we have already passed would be to put it up stronger to the Executive Committee that the undertaking is one of great magnitude.

MR. BURNHAM: Would Dr. Allen put his motion in this form,—that the Executive Committee be recommended to appoint a committee of five, with Dr. Willoughby as chairman?

DR. ALLEN: Yes.

THE CHAIRMAN: With this motion made and modified as suggested, is there any further discussion?

MR. PAINE: I rather think that I prefer Dr. Allen's original motion. It is perfectly proper for us to ask five men to report to the Executive Committee the scheme which we have heard discussed. For us to ask the Executive Committee to appoint a committee is trying to force their hands. I prefer that Dr. Allen's committee should be appointed by us to make this scheme as concrete and as fine in its development as possible so that when presented to the Executive Committee they will have all the facts before them for action.

MR. CHASE: I think the Executive Committee will follow exactly Mr. Paine's suggestion. They doubtless will appoint a committee which will report in full to the Executive Committee perhaps at its meeting in February.

SECRETARY WOODRUFF: It will be long before that. The thing is really in process. The Executive Committee I think would go ahead even if this body should say it did not deem it expedient; that is, the Executive Committee favors the idea and is moving as rapidly as it can in the matter. It is really a matter of minor detail whether you ask the executive committee to do it or say that this is a thing which ought to be done. I think you will find that long before February the thing will be in a shape that will commend itself to the most ardent advocate's idea.

THE CHAIRMAN: You have heard the motion as amended. If there is no further discussion I will put it.

The motion was adopted.

THE CHAIRMAN: The next paper on the program is "Budgets and Balance Sheets", by Harvey S. Chase, of Boston.

[For Mr. Chase's paper see page 214.]

THE CHAIRMAN: I will next call upon Mr. Charles F. Gettemy for his paper upon "The Standardizing of Municipal Accounts and Statistics in Massachusetts."

MR. GETTEMY: I was invited to read a paper upon the work of the Massachusetts State Bureau of Statistics in endeavoring to straighten out and harmonize and standardize municipal accounts and statistics in Massachusetts, and my paper will be simply a resumé of what we have attempted in that line, without undertaking to discuss *per se* the finances or the financial condition of any of our Massachusetts municipalities. I do not think it is at all necessary before this audience, composed of members of the National Municipal League which originated the movement about twelve years ago for the standardizing of municipal accounts and statistics, to review in any measure at this time what has been accomplished in the several states along that line. Suffice it to say that under the leadership of the League and the stimulus provided by the Census Office about a dozen states at the present time are undertaking, through some central state bureau or office, to standardize the municipal accounts of their various cities and towns and also, in some states, have their accountants for various minor civil divisions; notably in Ohio and Indiana, by virtue of acts passed at the session of their legislature a year ago last winter.

[For Mr. Gettemy's paper see page 230.]

THE CHAIRMAN: May I at this moment, in comment on Mr. Gettemy's statement concerning the registration of municipal bonds, call attention to the fact that in the State of Illinois for quite a number of years a large class of municipal bonds have been registered at the state capitol and of bonds so registered the State of Illinois becomes a guarantor of the collection of such bonds.

MR. BURNHAM: Before the discussion may I be permitted to present the tentative report of the League's committee on City Budgets and Finances?

The committee has had several meetings, the last one at Narragansett Pier. The report is a tentative one.

**REPORT ON CITY FINANCES AND BUDGETS.**

Without doubt the first question to which the League's Committee on City Budgets and Finances must address itself is that of adopting a definite nomenclature. For this purpose a statement of facts, setting forth the different classes of official acts and transactions to which the term "budget" is at present applied, will be useful.

There are at the present time, as Dr. F. A. Cleveland has pointed out, three distinct classes of official acts or transactions involved in the process of budget making that are practically universal.

**Budget Making**

1. The preparation of detailed departmental estimates for some central administrative officer or legislative committee based on statements of past departmental experience and future departmental needs—hereinafter referred to as a *budget of preliminary estimates*.

2. The examination and analysis of the budget of preliminary estimates by a central administrative officer or legislative committee and the formulation of a summary statement or statements based upon such examination and analysis for the consideration of an appropriating body—hereinafter referred to as a *proposed budget*.

3. An ordinance of appropriation—hereinafter referred to as a *budget of appropriations*.

The methods prescribed and the responsibility for each of these several classes of acts, however, may vary in the several localities. Each of the steps above described as practically universal may be divided, as for example:

- a. The *budget of preliminary estimates* may be made up of separate preliminary estimates of sub-departments, bureaus and offices contained within the general department making the submission.

- b. The *proposed budget* may contain both the estimates of revenues and an estimate of expenditures, the one serving as a basis for fixing the tax levy, and the other serving as a form for the enactment of a budget of appropriations; or, again, each of these parts may be separately submitted as is done in New York, the budget of appropriations being passed not later than the thirty-first of October, the estimate of revenues being made not later than May first, and the tax levy being made in July.

- c. The budget of appropriations may be an ordinance carrying with it authorizations to spend and establishing a definite limit to the incurring of liabilities, or it may also carry with it certain schedules which are enacted as conditions to the budget and which determine the manner in which the authorizations to spend and limitations of liabilities may be audited and controlled.

Having in mind these facts Dr. Cleveland suggested that the National Municipal League's Committee should either coin different words or phrases which might be used to designate each class and sub-class of acts or transactions described, or, if it may be thought desirable, to use

the word "budget" as a trunk or root designation and to coin or adopt certain qualifying adjectives to use with the trunk word which would indicate just what act or transaction is under discussion or to which reference is being made. If the second alternative be thought desirable Dr. Cleveland suggests for consideration the following:

**Definitions**

1. Departmental estimates of expenditures
2. Estimates of revenues
3. Proposed budget of total expenditure to be provided by taxation and other revenues.
4. Tax requirements.
5. Final appropriations from taxes and other revenues.

Two of these may be combined such as "budget of departmental estimates" to include 1 and 2, and "proposed budget" to include 3 and 4. If it may be thought desirable to narrow the term "budget" to one class of acts, numbers 1 and 2 may be termed "departmental estimates"; 3 and 4 may be called "budget" and 5 may be called "act of appropriation."

Under the head of "Accounting Terminology" in the last volume of *Statistics of Cities* published by the Bureau of the Census of February, 1910, the report says at page 33:

Summary of budgetary expenditures.—The governments of most American cities prepare more or less elaborate budgets or statements of expenditures to be met from a current revenue. Some of these cities include all their costs of government in such a budget, and thus meet from revenues not only their current operating expenses but all amounts required for outlays and those to be transferred to sinking funds or employed for other specified purposes. Summaries of receipts and payments arranged as stated in the preceding section will show the relation of revenue receipts to costs of government, and the formal payments for the liquidation of indebtedness. These summaries, however, will not exhibit the relation between the revenue receipts, or revenue, and the payments other than those for current expenses and interest made specially payable from current revenue by the terms of the appropriation or revenue acts. A complete summary of revenue, or revenue receipts, and budgetary expenditures or the expenses and other charges made specifically chargeable to current revenue, is a statement of considerable administrative significance and assistance. Such statements are at the present time very frequently presented under the term "summary of revenue and expenses," a term which is not strictly applicable to them, since the designation "expense" is not a proper one to use in referring to amounts transferred to sinking funds, disbursed for meeting the costs of outlays, or for similar purposes, even though paid from revenue. A better, because more descriptive, designation for referring to all these amounts made payable from revenue by the specific terms of the appropriations is "budgetary expenditures."

The report also defines and describes "summaries of revenues and ex-accounts"; "general governmental summaries".

Under the title "names of governmental summaries" the report has this to say:

The average commercial accountant knows of but two business summaries—the one which he calls "balance sheet" and the one called "revenue and expense" or "profit and loss" account. When he is called in as an expert to arrange governmental accounts, he applies these names with but little discrimination to governmental statements, and hence we find American cities referring to all the summaries mentioned, respectively, under (1), (2), (3), (7), (8) and (9) as balance sheets, or trial balances, although no one city applies the designation mentioned to more than one of these statements. None of these governmental summaries above referred to, and none of the others which have been described, is a true balance sheet in the sense in which that term is employed in private business for gain. They are all governmental statements, and should be given designations which are as little as possible associated with summaries of private enterprises for gain, in the same way that those summaries are distinct in name and in form from those for private fiduciary accounting.

Dr. Cleveland in his volume entitled "Chapters on Municipal Administration and Accounting" discusses in Chapter VI the principles of budget making.

The above quotations and references are given with the hope and expectation that all the members of the Committee will very carefully consider the several questions involved and give to the chairman the benefit of their suggestions. It is our desire to prepare and present to the League at its meeting in Buffalo in connection with the discussion of the question of municipal accounting and balance sheet a statement which may be utilized as a basis not only for further activities on the part of the Committee, but as a basis for educational work in the several cities.

The Committee at its meeting at Narragansett Pier reached the conclusion that the preliminary estimates upon which the appropriations were subsequently based, as well as the appropriations themselves, should follow the general schedules advocated originally by the National Municipal League through its Committee on Uniform Municipal Accounting and Reporting and subsequently adopted and utilized by the Bureau of the Census, so that all the steps in the financial business of the city should be upon a uniform basis. The Committee discussed at length the extent to which appropriations should be detailed. On the one hand it was held that lump appropriations tended to increase governmental and bureau responsibility and efficiency, and gave to competent heads opportunity to work out far-reaching and progressive plans.

### **Budgetary Schedules**

On the other hand it was urged that detailed appropriations were an effective check upon the overpayment of the politically effective, but departmentally inefficient employees, and that the elasticity of the "lump appropriation method" could be secured by transfers from one item to another upon the affirmative action of the central appropriating body. It was generally agreed that the installation of "balance sheet, double entry" methods of bookkeeping logically precedes the making of a budget and that summary reports in "balance sheet" form should be drawn off monthly by the comptroller from the general ledger of the municipality and published regularly for the information of the city government and the citizens.

Respectfully submitted,

GEORGE BURNHAM, JR.,  
*Chairman.*

MR. PLEYDELL: How far it is the practice to borrow money, in anticipation of taxes, on short-term bonds is a vital question. There are some cities that practically collect their money in advance; they so arrange their fiscal year that they collect the money in advance. There are other cities—of which New York City is the most striking example—that do not get any money in until the end of the year. In

**New York's  
Practice**

that case with a budget of \$165,000,000 for the current year, the city begins to spend on the first of January. With the exception of general current fund revenue, such as lights and taxes, things of that sort, a comparatively few millions, the rest of the money doesn't begin to come in until October and, in any large amount, until the first of November, and isn't all in yet. Out of that \$165,000,000, without knowing the exact figures now, I judge that over \$100,000,000 has been borrowed in anticipation, perhaps more, because we continue under the very bad practice of carrying the temporary bonds over, from year to year. They can be issued for two years. The one-year ones are extended and the two-year ones are extended. The practice of taking moneys out of those temporary bonds and juggling with the account led to carrying uncollectible taxes as an asset in the city of New York until a total amount of \$33,000,000 was rolled up. Most of it was outstanding in bonds supposed to be issued against the current year's taxes but of which a large part was for prior years' uncollectible taxes. The result of that is that taxpayers during the last 30 years have escaped, by means of an improperly low tax rate, their share of the current expenditures which will now have to be met by the present owners of property and the future owners of property until they get rid of that \$33,000,000.

The city this year has had to levy in the budget a total amount of \$10,000,000 to cover uncollectible and past deficiencies in order to have some money to get along with. This has made a big increase in this year's tax rate. Not all of that \$10,000,000 is due to this past

\$30,000,000 but a part is. Nevertheless, it shows that it is a serious proposition for the owner of property to-day to have to face that amount and yet it is the only brave thing to do, to admit it and try to get rid of it somehow.

MR. ANSLEY WILCOX: Our charter in Buffalo has been the subject of a great deal of criticism, and it is fairly open to criticism, although under it we do not have such bad city government; on the whole we have very fairly good city government. But in one respect, judging by the remarks made here, we are ahead of most other cities. We do the very thing which it has just been said cannot be done,—that is, we collect our taxes in advance, in the first month of the fiscal year. Our fiscal year begins on the first of July. The work begins on the first of January, when the new officials take office. The work begins in January and they have six months to get the tax rolls ready. The departments of the city government are all required to present their estimates to the comptroller early in the year. The assessors at once prepare and publish the assessment rolls.

MR. CHASE: Taking the first of July as the beginning of the fiscal year, about how soon are your department estimates gotten in?

MR. WILCOX: I think by the middle of January preceding. This work begins on the first of January, to get ready for something which culminates on the first of July, at the opening of the fiscal year. The fiscal year extends from July to July. Mr. Justice, the City Comptroller, is here now, so that he can correct me as to the procedure if I need correcting. Within the first two or three weeks of January all the departments present their estimates to the comptroller. He has a week or two to tabulate them and send in the estimates to the body which has to pass upon the budget, which unfortunately—and here is one of our very bad things—is the common council at large, instead of a small board of estimate. The estimates get to the body that has to pass on them, say, on the first of February. They have about two months, I think, in all, to pass on them, and the estimates are threshed out as best they can be, in that large and very unfit body, and then go to the mayor, and the budget is completed, say, by the end of March or in April. In the meantime the assessors are going along with their revision of the assessment rolls, which they had been preparing for even before January first, because our board of assessors is a continuous body.

MR. CHASE: There is one question there we need to ask, in order to get an understanding. Those appropriations are made by the budgetary body, are made by the old council for the new council, evidently?

MR. WILCOX: Not at all. A new council, when elected, comes in on the first of January.

MR. CHASE: Then why doesn't your fiscal year begin on the first of January?

MR. WILCOX: It begins on the first of July.

MR. CHASE: Your political year and fiscal year are separate?

MR. WILCOX: Absolutely. The political year begins on January first and the fiscal year on July first, and so the mayor and the common council and other officials all go out of office in the middle of a fiscal year.

The result is that the board of assessors get their assessment roll ready before the budget is completed, along in April; the complete figures are handed to the comptroller and are spread over the assessment roll, and the taxes are ready for collection on the first of July. When the tax roll is completed and filed in the comptroller's office the taxes become a lien and are payable for thirty days without interest, and after thirty days they draw interest. If I am right, they draw one per cent at the end of the first month, and a half of one per cent for each month after that. And finally, the next spring, they add five per cent to the unpaid taxes, and then they sell the property. The result is that we collect about three-quarters of our annual tax money within the first month, and have cash in hand to pay our bills for the year, except when we run up against deficiencies owing to insufficient appropriation. That certainly works in a city of this size, and I don't see why it ought not to work everywhere.

THE CHAIRMAN: It works in Detroit. You will find that same system in Detroit, and a great many other cities in this country.

MR. PLEYDELL: I want to ask Mr. Wilcox if there is any objection made here that it takes money out of the hands of the taxpayers to put into the banks, etc.? That is the one criticism in New York.

MR. WILCOX: The city gets interest on its deposits. Under a contract with the banks it gets three per cent on its lowest monthly balances.

MR. CHASE: That same point comes up frequently and we must not forget that point that Mr. Pleydell now emphasizes, that while there is a corporation in the municipality and it gets interest on its money in the bank, the actual stockholders in that corporation are the taxpayers and if you take the money away from the taxpayers they lose just as much interest as the corporation gains,—you are taking money out of one pocket and putting it into another. And really, when you come to figure that down you will find that there is no marked difference, taking the whole community of taxpayers, between one system and another. You are paying interest or you are losing interest, just as much in one case

### **The Question of Interest**



as you are in the other, only in one case the taxpayer is losing it and in the other the corporation.

**THE CHAIRMAN:** I want to call attention to the fact that many growing cities and states in which the method of collecting taxes and assessing is substantially as related in Buffalo, have a provision for a semi-annual payment of taxes. In that way you have the ability to have the city financed on its own money continuously without any large amount of money being drawn from the taxpayers and held in banks.

I want also to call your attention to the fact that the dilemma to which Mr. Chase has called attention in the Eastern cities, many of them, especially in Massachusetts and New England, does not apply to the great mass of the Western cities. The Western cities, especially Chicago, all Illinois cities, not only Illinois but the great mass of the Western cities, are not allowed to issue revenue bonds to the extent of the tax levy; they are limited by constitutional provisions to only 80% of revenue bonds. That is, if you have a tax levy of a hundred million dollars you cannot issue that year, or any other year, over eighty millions of dollars of revenue bonds. That forces the city at least to have a 20% margin ahead, and to that extent you cannot, by the method of revenue bonds and loans, create a deficit. You may create a deficit in other ways but not in that particular way.

**MR. OLIVER McCLINTOCK:** In Pittsburgh the payments for the year are divided into two instalments; I think the first one is due the first of July and the second the first of October. If the taxpayer pays both on the first period, the first of July, he gets five per cent off the second installment, which naturally forces the payment of the second installment at the same time as the first one.

### **Pittsburgh's Practice**

The city gets from the city depositories the sum of two per cent on deposits. In the year 1907 the six depositories who were voted to have the city's money only gave two per cent; there were six other banks, whose aggregate capital exceeded those which got the money, who agreed to give 2½%; yet the council voted to give it to the other six depositories. The condition was the sum of \$125,000 paid by these banks to the councilmen, which was the foundation of our great scandal and the indictment of nearly all our councilmen for bribery, one of the chief men engaged in it, declared that there were six honest men in the council, which consisted of about 169 members,—that is, the consolidated councils of both Pittsburgh and Allegheny.

**MR. R. M. HULL, Cambridge:** In Cambridge we have what Mr. Wilcox mentions in Buffalo, the election of assessors, and we are very much dissatisfied with that system. We have, I think, all of the evils Mr. Chase has pointed out. In addition we carry uncollected bills, which are ab-

solutely uncollectible, for years, and, moreover, we get around the law that the tax limit be twelve dollars a thousand, by excessive valuations. There is hardly a piece of property in Cambridge, except property that is on the business streets and in certain sections of the town which people won't sell anyway, that can't be bought for about eighty per cent of its value. It seems to me the whole question is closely allied with municipal accounting. We cannot run our cities properly as long as we are evading the facts in that manner. We want to get our assessors appointed as quickly as possible, have them appointed by the mayor, after a civil service examination. In that way we feel that men can be put into that office who will give all their time to that work and assess property equitably and be on the job all the time. I would be very glad indeed if the gentlemen here could give me any suggestions as to whether that is a reasonable and proper method for the appointment or the placing in office of assessors. Our present method is perfect nonsense. We elect a man to assess his neighbors, on account of his popularity!

**Assessment  
Methods**

MAYOR BEATTIE: I come from the city of London, in Canada; I am mayor of the city. I have listened with a great deal of pleasure to the discussion which has taken place on these various topics. Of course, I am not very fully conversant with the working of these matters in the United States. I want to say a word as to what Mr. Hull just stated. The system we follow in London and I think in all the cities in Canada, is: the council appoints a permanent assessment commissioner; he holds office during good behavior or until for some reason the council sees fit to remove him. The appointment of the assessors, which my friend refers to, lies in the hands of the mayor and the assessment commissioner; they are appointed every year by those two officials. The assessment is made in the year before the levy takes place. For instance, in 1910, we assess for the year 1911. Our fiscal year runs from the first of January to the 31st of December. Our taxes are collected in three installments. The estimates are struck usually about the month of March. The council takes office on the 1st of January. Then about March, after going through all the necessary steps, they strike the rate. Then the first installment of the tax is payable during the month of July, the second during the month of September and the last on or before the 30th day of November. A man may pay all three installments at once. If he pays them during the month of July he receives a discount of three per cent off the second installment and five per cent off the third, making in all a round discount of four per cent. If the first and second installments are paid and he pays the third during the month of September, then he receives a third discount of five per cent off the last one. Then there is a penalty, a separate penalty of five per cent, added on each installment as it becomes overdue.

MR. HULL: The subject of assessment was one of the chief topics discussed at the Milwaukee taxation sessions. In the volume of proceedings you will find a complete summary of the discussion. The weight of opinion was decidedly in favor of the appointment of assessors and that the district should be sufficiently large to keep the assessor at work all the time,—give them good pay, get intelligent men, hold them responsible to their superiors. In fact the appointment of county assessors in the country districts is being strongly advocated throughout the West, where the district is not big enough, unless you take in a whole county, to keep a man continuously at work. I might say also it is in keeping with Mr. Childs' short-ballot proposition of concentrating responsibility on a few officials.

On motion, adjourned.

### WEDNESDAY AFTERNOON SESSION.

WEDNESDAY AFTERNOON, NOVEMBER 16, 3 P. M.

PRESIDENT FOULKE: The subject is that of "The Unearned Increment in Cities," upon which Mr. John Martin has a paper for us.

[For Mr. Martin's paper see page 346.]

MR. MARTIN (*continuing*): Let me interject here that this existence of the unearned increment is a vital factor in the determination of such questions as the extension of school facilities and the use of school buildings discussed here this morning. It is assumed as a rule that the extra charges for extended city activities must come out of the taxpayers' pockets and that it is unjust to take out of those pockets the amounts called for. The reply to that usually is that in reality the rent-payers pay the taxes. That is not to my mind a correct reply, and it is not a convincing reply. In New York City eight-thirteenths of the total assessed value of real estate is the value of the land. By the unanimous

#### **Incidence of Taxation**

opinion of economic authorities taxes on land cannot be shifted to tenants. There is a division of opinion among economists as to whether the taxes on improvements, which amount to five-thirteenths of the total real estate taxes in New York City, can be so shifted. Authorities like Lord Goshen, Marshall Edgeworth, are of the opinion that the taxes even on improvements cannot be shifted from the owner of the property to the tenant of the property. In my own opinion, after a summer's study of the subject, in growing cities where land values are increasing, no part of the taxes on real estate is actually shifted to the tenant. That is to say, the rent which a tenant has to pay will remain the same whether the tax goes up or down. But when we are asked for a justification of putting higher taxes on the owner of land and improvements, if we can point to the fact that the taxpayers, the property owners, in

bulk, are actually receiving these colossal increments of value which are community-created, and if the taxes are increased for efficient service,—there is no argument whatever for inefficiency or extravagance, the bad results of which fall upon the bulk of the population, it is perfectly fair to pay for them out of the taxes which simply reduce the amount of this princely present which the community is annually paying to the real estate owners. Of course under our system of taxation where the tax is not at all proportioned to the amount of the increment of value; but still in the aggregate the taxpayers are getting this increment, the taxpayers have to pay for these increased social services, and there is no injustice making them pay for those services out of this princely present.

**PRESIDENT FOULKE:** The resolution in regard to Mr. Bonaparte is, I believe, now ready for the consideration of the League. Will Mr. Fesler be kind enough to read the resolution?

**MR. FESLER:** The committee appointed at the morning session has prepared the following resolution:

The National Municipal League, in annual session convened at Buffalo, in 1910, desires to place on record its sincere appreciation of the services of Charles J. Bonaparte, as President of the League.

Elected at Detroit, in 1903, to succeed the late James C. Carter, he has steadfastly maintained the high ideals in public life and municipal service for which the League has been striving. Uniformly courteous, conscientious and painstaking, he has at all times and in all places advocated and practiced the principles of the public good as against private interests. He has maintained an open-minded attitude on all questions discussed in the meetings of the League; he has promoted freedom of discussion; he has devoted time and thought to the consideration of the problems presented to the Executive Officers and Executive Board, and has been in a real sense a helpful coadjutor in effectively promoting the objects and purposes of the National Municipal League.

*Resolved,* That we express to Mr. Bonaparte, in his retirement from the Presidency of the League, our high appreciation of his valuable services, and of his willingness to continue these services as a member of the Executive Board, and as Chairman of the Advisory Committee;

*Resolved,* also, that these Resolutions be made a part of the records of the League, and a copy transmitted to him.

WILLIAM DUDLEY FOULKE,  
HORACE E. DEMING,  
ROBERT TREAT PAINE,  
CLARENCE L. HARPER,  
CLINTON ROGERS WOODRUFF,  
MAYO FESLER, *Chairman,*  
*Committee.*

On motion duly seconded, the resolution was adopted unanimously.

**PRESIDENT FOULKE:** We will now have the pleasure of listening to a discussion of the subject of "Corrupt Practices in Municipalities" by

Mr. William Church Osborn of New York, who is president of the Association to prevent corrupt practices at election. [Applause.]

MR. OSBORN: I have not in mind to consider with you a formal and logical presentation of the subject of corrupt practices in election in connection with municipalities, but rather to give you in a somewhat informal way the result of six years' experience with the subject by one who has been more or less familiar with what has been going on in this state. The program calls for the discussion of corrupt practices in municipalities, but corrupt practices, by which is intended the influencing of votes improperly, as by duress or by treating or by direct money purchase, is not an offense for which municipalities are especially celebrated. It is an offense which is quite as much the property of the rural districts of the state, quite as much in evidence in the small village communities, as it is in the larger cities, and, in fact, unless my observations are incorrect, it is more prevalent in the smaller than in the larger districts. Corrupt Practices, as some of you may not know, are very limited in their scope. They do not refer to

#### **The Purchase of Votes**

offenses against the registration acts, they do not refer to a large variety of crimes against the election law. "Corrupt practices" refers practically to the purchase of votes, and while there are many practices which induce a voter to vote in one way or another, which are improper in themselves, when you come down to the real fact, the corrupt practice that we wish to get at is the direct purchase of a vote for money or for some valuable consideration. Six years ago when this subject first came prominently into mind, the condition of things in the state and in the country at large was hopeless. Nobody was paying any attention to corrupt practices at all. We had had a number of barrel campaigns, we had had "fat-frying" incidents, the "plum tree" had been shaken, all of those coinages of the vernacular with which you are all familiar had become current expressions,—"blocks of five" was another of the same kind,—all those things indicated the existence of a great evil all through the United States, and we were corrupt and contented. I recollect very well that when one of the parties inserted a corrupt practice plank in its platform, it was one of the negligible factors in that document. Curiously enough, however, beginning with that year there has been a great degree of popular attention concentrated on this subject, and without desiring to touch on any unpleasant matters, I will name two or three of the things which have forced it to the popular attention.

To go back, it was at that time a customary thing, and a custom of long standing, for the managers of the national parties and of the state parties to make the salient feature of their campaign the collection of an enormous war chest. The funds were put into the hands of a central body of important citizens, and a few days before election gentlemen from

municipalities and from rural districts, county chairmen and others, came down to town, they saw a mysterious individual in a back room and they went out with their coat pockets bulging with bills mostly of small denominations but very large in amount. I know what I am talking about. I have seen these fellows come into the room of a chairman and have a hand-to-hand struggle with him as to whether they were going to get \$2500 or \$3500. Now, that was a common thing, it was carried on in a most unblushing fashion, and it is a matter of common knowledge with those who have followed it out that in those days elections were bought wholesale, not only in this state, but through the country—and nobody cared. But there were some very sensational occurrences in 1904, charges and counter-charges, which called public attention sharply to this matter. Then there came the insurance investigation, where it appeared that some large sums had been paid by corporations to party managers,—of course, for corporate purposes and not for public purposes. Then came the celebrated letter of Mr. Harriman showing that just before election he and his friends had contributed some \$260,000, and as he picturesquely phrased it, it had a “decided influence” on the campaign. Those things sank deep into the popular mind, and at that time Mr. Perry Belmont printed in the *North American Review* a very interesting and competent article on the subject of the use of money in elections. About the same time the “Association to Prevent Corrupt Practices at Elections” was formed at the instance of a number of people in the state. That Association brought about some statutory changes. It put a real corrupt practices act upon the statute books of the state, and it has since been engaged in an endeavor to enforce the act. The act went through the usual vicissitudes of such acts, and is still going through them, and I will not weary you with the details of our various struggles and difficulties.

We come to the present year of 1910, and I am glad to be able to say that a great change is apparent in six years. We have now an accounting by the party officers at large, which I am sure is a fairly complete accounting. When I speak of the officers at large I mean the officers of the larger political organizations. The state committee accounts are apt to be honest and complete accounts, I am well satisfied. I have had a number of talks with the people who have prepared those accounts, and I am sure that the accounts are practically correct. We have an aroused public opinion. The people are no longer indifferent to the purchase of elections. We have a statute which is fairly operative where there is sufficient ginger behind it to bring about its enforcement, and I think the most important thing that we have have, Mr. Chairman, is an attitude of the politicians in the state toward this subject far different from that which existed six years ago. It was picturesquely phrased by a very active politician who spoke to a friend of mine about our Association in the

### **The Principle of Accounting**

following terms: He said, "Charlie, every now and then you reformers turn up something that is sensible, and you have turned a trick on us on this matter of the purchase of votes. We used to think that we had to pay money over to these strikers that hang around us every election. You have taught us that we can win an election and turn those fellows down too"; he said, "You haven't got very much that is good in you, but you have got that one thing to your credit." [Laughter.] Now Mr. Chairman, that has brought about such a condition of things that the legislature is far more ready than it was in earlier days to regard this subject seriously. I do not wish, however, to give the impression that the matter has come to such a perfect condition that we can rest satisfied with our accomplishment. Anybody who has had an active part in the matter will realize, in the first place, that the administration of the law on this subject is perfectly indifferent and passive. I fancy that there are scarcely two district attorneys in the state who care anything about the enforcement of the laws against bribery or about the corrupt practices acts. The judges of the state as a rule—not invariably, but as a rule—approach the subject from the standpoint of regarding the investigation as a criminal procedure, and are inclined to throw around a committee or a person who is under investigation all of the safeguards which are usually thrown around a person in a criminal proceeding. The result is that when we endeavor to simply ascertain whether the published accounts are correct accounts, and when we put witnesses on the stand whose testimony gives them immunity from any further prosecution, we are met by the strictest interpretation of the statute possible, and find ourselves under the necessity practically of proving the case before it is fairly brought out. Then, in addition to that, we find that there is the greatest amount of indifference and ignorance on the part of a large number of people to the existence of such practices. While it is true that the purchase of votes in the state is not now carried on in a state-wide scale, it exists in localities,—in very large localities to a very large degree. My attention was forcibly called to it when I ran for the office of state senator some years ago and had to come in direct personal contact with the men whose business it was to get out the vote. They

### **The "Independent" Vote**

had books of the election districts. There were three columns, the Republican, the Democratic and the Independent. "Independent" was a euphemistic word. The independent column contained the name of the floating vote, the vote which looked for compensation on election day, and that column contained from 25 to 50 per cent of the voters all through that election district. There are cities to-day, not many of them, but a few cities, where the vote which is venal is 30 per cent of the vote of the city. This, as I said, is not specifically a municipal offense.

A couple of years ago in the city of New York a candidate came to our Association and said that his district was an extremely venal dis-

trict, that he desired our Association to take the matter up, and that he was well satisfied from personal inquiry that a very large corruption fund had been collected and was about to be distributed among the voters of that congressional district. We went into the matter with the utmost care. At his own suggestion we secured the services of three or four expert detectives. They were not the ordinary brand of men who stand on the corner and notify you that they have spent a day and ten dollars in doing nothing, but they were really intelligent men. They went to every saloon every day, they went to every social club, they joined the political organizations which were supposed to be distributing these funds. After election they went around again, the entire round of every agency and person through whom these moneys would naturally be distributed, the barkeepers and people of that class, and their report which was rendered to their superior officer, selected by the very gentleman of whom I have spoken, was to the effect that there had been substantially no vote-buying at all in that congressional district. Now that I give you as an illustration of the fact that in the large cities, and oftentimes in the districts which are supposed to be the home of the corrupt population,—direct purchase of votes is rare,—for instance, in this case it was Tammany,—and the idea that Tammany gets its vote by purchase, which is I think a popular idea, is evidently not always correct. The Association has had very little call in the city of New York for action against corrupt practices by the greater political organizations. There have been cases where some district afforded instances where purchases had been made, but as a rule corrupt practices do not extend to the greater city. They do exist largely in the country, and there it has come under the fallacy that the farmer desires to be paid for his time. You go out and see him and he says, "Yes, I will come in, but I am working to-day," and he desires two dollars,

### **Rural Corruption\***

and that is the beginning of the end. He gets in the habit of coming in, and sits on the fence all day, until the close of the voting, with the managers bidding alternately, to see which one will pay him the highest sum, and if he is not paid he goes home without voting. That is just a plain fact I am stating; that is not fancy at all. Such conditions, then, still exist to a very large extent, and the question is, What remedies can be applied? Well, in this state, we have a corrupt practices act. We have also a beautiful criminal statute on the subject. There are corrupt practices acts in perhaps 15 or 20 of the states in the Union. California has a very remarkable statute, prepared with the greatest of care. There are statutes in many of the Western states prepared with the greatest care,—and nothing happens under them. You have all heard of perhaps fifty prosecutions this year for false registration. How many prosecutions have you heard of for the purchases of votes? There may

\* The recent disclosures in Ohio are typical.—EDITOR.



have been 100 cases of false registration in a city, and there will be 10 or 15 prosecutions. There may have been 5000 votes bought, and has a step been taken? Not one. If by any chance a voter is caught red-handed, the grand jury does not indict, and the petty jury won't convict, the district attorney won't bring the matter up. There is, however, a large body of educated public sentiment which is growing all the time to which an appeal can be made. There is in nearly every district a body of men, or some individual, ready to attack vote-buying,—it is more apt to be in our experience an individual, a man of one idea, and that idea has been to put a stop to this practice. He has got around him a group of people who have joined in that idea. Once you get a group of people in a locality who will take the trouble to inform themselves as to what is actually going on, and then take advantage of the statute which already exists upon our statute books, you find that the beginning of the end of corrupt practices in that district has been reached. For the statute which we have has this merit, it gives to the people of a district, to any five citizens, or to any candidate the opportunity to bring a proceeding of investigation before the Supreme Court. They allege that there is a discrepancy in the account filed as to some expenditure, alleged or known, or they make some other allegation showing that improper practices have existed in the election. Thereupon they have the right to issue subpoenas, to bring into court all the witnesses who may be material, to place them upon the witness stand, to grant them immunity and to drag from them such information as they can obtain upon the subject. Now, under the auspices of our Association there have been perhaps a dozen such proceedings in this state in the last few years, and the results of them have been inconclusive, in the sense that we have not succeeded in drawing out evidence of large plans for corrupt practices. No one has been indicted, no one has been convicted, but I will tell you what has been done,—we have put man after man on the witness stand and have made him perjure himself, so that he knew that he was perjuring himself, the court knew that he was perjuring himself and every one present in court knew it too, and the result is the very result that we desire to achieve, namely, that the community where that transaction has taken place has got a new point of view on the subject of buying votes, and that, Mr. Chairman, is the first objective toward which those who are interested in the subject should direct themselves, namely, the securing in

**Building up** a community of such an attitude toward the  
**Local Sentiment** purchase of votes that it will no longer be possible for that practice to be pursued on the enormous scale and with the connivance and assent of the people under whose very faces and hands it is being done. The building up of a local sentiment against these practices is the first objective that should be aimed at.

Now, the second subject is legislation. You know how admirably a

country boy with a little stick and a hook tied on the end of a string can hook out trout while an inexperienced city fisherman with his magnificent tackle fails to find a fish in the same stream. Well, it a good deal the same way with statutes of this character. It doesn't make so much difference what kind of a statute you have if you have the experienced man and the energy behind it to push the statute to its logical and practical conclusions. Nevertheless, Mr. Chairman, any statute can be either helpful or hurtful. For instance, I have pointed out a provision which is helpful in our act, namely the procedure provision, because that provision enables the public sentiment of the community to become operative, it enables any individual who is acquainted with what is going on to place his finger upon the sore spot. It seems to me that barring minor matters in connection with our statute, which I will not trouble you with discussing, that there is but one great possibility, one great field that we might now open. It is a very difficult thing to do, but it is the same field which has made the English corrupt practices act successful. The only body of opinion that we can get to enforce the act now, is that which comes through the voluntary efforts of gentlemen like yourselves who take a patriotic interest in the country, but in England the principle of the Corrupt Practices Act places a premium on the enforcement of the act. It unseats the successful candidate on whose behalf there has been any corrupt practice. The result is that in a bitterly contested election in England, the parties are very, very good, and they watch with hawk-like eyes the attitude of their antagonists, and as soon as a party is guilty of any corrupt practices in England, the opposition party, from no patriotic motives, but from the purest selfish reasons, at once makes an attack, and if successful in proving corrupt practices, the candidate against whom they are proven, or against whose agent they are proven, is ousted from office and a new election is held. Not only is the

### **The English Practice**

person found guilty ousted from office, but he is ineligible to hold office for five years thereafter. The result of that is that it brings to bear upon this subject a tremendous pressure. There is somebody who is anxious to catch somebody else. That is different from the case with us, because with us, when anyone has been guilty of such practices, he is pretty confident that his opponent has been guilty of the same practices, and after election they are both good fellows anyhow and that is the end of it. Now, if in the development of statutory legislation upon this subject some method could be found by which we could hang up so golden, alluring and enticing a prize to the opposition as the ability to forfeit the election which has just been held, to deprive the successful and vulnerable candidate of the office which he has purchased, to render him ineligible for five years thereafter,—if, I say, such a system can be found, then we will at once enlist behind the corrupt practices acts, not the

voluntary efforts of yourself and myself, but the professional, keen, unending efforts of men who are in that sort of thing for business, and, moreover, whose experience enables them to know far better than we, exactly what transpired in any election.

The difficulty of applying that system to this country lies in the fact that whereas in England they have but one candidate upon a ticket, we have perhaps 15 or 20, and it would be obviously absurd to attempt to apply to the election of a president a principle which may affect some election district here in Buffalo or some rural district in the northern part of the State. Where there are many candidates upon a ticket it is impossible to apply that principle in its entirety. I have the impression, Mr. Chairman, that it will work itself out in this way, that the vote of election districts, perhaps the vote of towns, perhaps the vote of an assembly district for a party, will be thrown out where a candidate or his party has been proven guilty of corruption of this character. In the case of a close election, the loss of the party vote in a given town might be just sufficient to change the result of that election in the county. It strikes me ethically that it would not be an unfair arrangement for the party to lose in its assembly canvass the vote of a town which had been secured by it by corrupt means. I leave that thought with you, Mr. Chairman, as a practical suggestion in this matter and trust that if any suggestions along these lines or for the amendment of the corrupt practices acts in this state should occur to any of you that they will be sent to the secretary of the Association, Mr. George E. Griffin, at Albany.

PRESIDENT FOULKE: We are next to listen to a discussion upon "The Grafter at Work in American Cities," by Mr. Harold J. Howland, of New York, of the editorial staff of *The Outlook*.

[For Mr. Howland's paper see page 190.]

PRESIDENT FOULKE: One more address we have this afternoon, and then the two subjects will be thrown open for discussion. The next is, "How to Overtake the Grafter by Municipal Accounting," by Dr. William H. Allen, of New York, director of the New York Bureau of Municipal Research. [Applause.]

DR. ALLEN: In saying that he finds corrupt practices quite as common in small towns and rural districts as in large cities, Mr. Osborn, I take it, will go as far as Mr. Howland and admit that graft—business graft and corrupt practices in general—are quite as common in the apartment house as in party politics. I should like to go just a step further and suggest that if we could ever get the truth about it, there is almost as much graft in the ordinary private charity or in the practical administration of a big church as there is in a fairly well administered city.

Now if that is true, it contains a very important lesson for us if we are going to try to find some way out, because it means that we must

stop moralizing about "bad" people, stop throwing stones at politicians and must begin to look for the cause of graft that lies a great deal deeper than the relation of politicians to public corporations, or public corporations to the municipal government.

Personally I believe it is true that graft in its essential manifestations is not peculiar to politics or government. If we had time, I should like

to cite illustrations from private charities which have paid ten, twenty or twenty-five per cent in excess for supplies. I should like to cite, for instance, some of the letters which come to public officials requesting them to restore superfluous or incompetent employees to the public payroll. These letters do not come from corrupt business corporations, but from a pastor of a church or head of a school or a woman's organization. They say, "Can you not economize somewhere else but with my friends?" or "Will you not please find a place for So-and-So who used to be head of our private charity agency and who is now somewhat broken down in health, and if you could possibly find an easy place in the city service for him we should be ever and ever so grateful to you."

It is improper influence from virtuous sources that men trying to clean out our city government have to contend against. It is easy to meet the Tammany Halls of whatever party. They shake hands with you—say, "Individually those fellows are all right, but collectively they are hell"—but they look you in the face and play an open game of opposition. The man who does not play the open game and the man who is hard to work against, is the man who believes in efficiency and honesty if only it does not affect his particular relation with the city government.

The trouble with us has not been that we have not had morals enough. The historians of the future are going to say that the American people were fairly persistent in their morality from 1776 on. I believe they will challenge all these orthodox statements about the moral awakening of the people. There has not been any moral awakening of the people. They have always resented wrong things whenever they could see them.

The awakening that has come is an awakening on the part of a few leaders who are talking differently to-day from the way they talked a few years ago and who are admitting now something that other people have proved, whereas ten or twenty years ago they were making claims which opponents were not quite able to disprove conclusively. In other words, what we need is an open public eye and not an aroused public conscience.

If this is true, the question is how are we going to keep the public eye constantly open? The corruptionist does not put a placard on his back, walk about Broadway and say, "I am a grafter." If I had time to change this title I should have asked leave to subtract from it the expression "overtake the grafter," because the grafter is not an animal to be overtaken but to be uncovered.

### **Universality of Graft**

### **The Need of the "Open Eye"**

Few men graft while others are looking. Municipal reform and municipal accounting have been less successful than they should be in the future, because the public has assumed that there was some way by which the grafter, after being discovered, could keep just so far ahead of those who were trying to overtake him.

Graft presumes the ability to conceal. The greatest of all concealers is inefficiency; less graft can be found when graft is sought than when inefficiency is sought. The greatest known enemy of government inefficiency and of conditions that favor graft, is municipal research, including that particular phase of research and record known as municipal accounting. Ability to conceal the presence of graft presumes that grafters have accomplices; sometimes the grafters are on the outside of government, and the accomplices on the inside; sometimes grafters are on the inside, and the accomplices on the outside of city government; at all times, where any considerable amount of graft exists, the chief culprit, the steadiest, most trustworthy accomplice is the victim of graft, namely, the general public.

As Dr. Frederick A. Cleveland has shown in his admirable discussion of the genus grafter, little headway is made in trying to overtake graft by discussing its morals. There is many a perfectly moral parasite on public pay-rolls that is no less a grafter because protected in his incompetence by a false interpretation of civil service; no headway is made until the public turns its attention from the grafter to the victim.

### **The Genus Grafter**

In fact, as Dr. Cleveland says: "Looking upon the grafter as a grafter we can have for him nothing but the highest praise. Biologically he has justified his right to survive, for he has not only adapted himself to his environment but he has, in many instances, changed his environment in such a way as to make it contribute to his own personal welfare." When the public stops playing accomplice to grafters within and without government positions, grafting, whether by overcharging or underworking, will become progressively more difficult and more rare because less certain of protection and more certain of detection.

Among the means as yet discovered to keep the general public from being an accomplice in graft, the most effective is adequate municipal accounting which tells the truth about what officials, contractors and employees do when they do it.

We must reproduce the effect of this audience before which no corrupt politicians or business men would think of acting corruptly or in an unseemly way. The audience must go with every man who does public business; when he buys, when he sells, when he records work on the payroll, and the business world has made that possible through what is termed on the program as municipal accounting.

That municipal accounting suggests books and columns of figures and peripetetic adders, subtractors and classifiers is an accident that should

not interfere with the terms being properly understood and properly used by those wishing to eliminate graft. The sole aim in life of accounting is to furnish *evidence* as to the *who*, evidence as to the *what*, evidence as to the *when* of orders, contracts, certificates of delivery, inspections, audits, stores on hand, labor rendered, time loafed, shortages concealed, overcharges, etc.

We of municipal research have everywhere maintained that the open public eye rather than the aroused public conscience is essential to the elimination of graft, and that the reason for past failures is more often defective evidence than defect of law or lack of conscience. Perjury or forgery on the part of a public officer belongs to the genus crime, species perjury or forgery, if you can prove it. Falsifying a payroll certificate, if you can only prove it, is not dissimilar to forging a bank check. Calling rotten apples "A 1" is no longer an innocent act when once the false certificate can be traced directly to the false certifier. Holding ten hearings to do the work of one is no longer innocent when the commissioner's

### **The Need for Evidence**

own records of condemnation proceedings show that the nine extra meetings were known to be unnecessary. As Mr. William J. Curtis has shown in an opinion upon the taxpayer's right to prosecute officials not only for stealing-graft but for waste-graft, our present need is not for more virtue, or more conscience, or more law, but for more *evidence*.

Those of you who are interested in protecting your taxpayers against waste-graft and incompetence on the part of public officials, will do well to possess yourselves of Mr. Curtis' report. The Bureau of Municipal Research,<sup>1</sup> will be glad to send you one or more copies at five cents each. If your own city charter does not make it true, it should be made true that any public official or employee is a trustee and as such liable for the efficient use of the materials and the opportunities which you put before him as trustee. If he pays \$942, for articles worth \$300, as was recently proved of the department of public works in Buffalo, you can collect \$642 from him. If he pays \$166 for something worth \$50, as did this Buffalo department, you can collect the difference—\$116—from him.

The whole spawn of crimes that accompany political corruption depends upon someone's ability to give away something that does not belong to him, which in turn depends upon public ignorance of what is being done with its money and its power. To supplant ignorance with knowledge it is necessary to take away that ability to fulfill pledges to those who want to prey upon the public. In politics, as in churches and universities, it is not easy to graft or to do injustice, or to be comfortably incompetent when the actor is on a platform in full view of an audience intent upon what he is doing. Take away the probability of concealment and few men have the courage to defraud their fellow or violate law.

<sup>1</sup> 261 Broadway, New York.

Adequate substitutes for certainty or probability of concealment are either probability or certainty of detection.

No municipal accounting is adequate which does not account for work done as well as for money spent, and for work done in terms of money spent for that work.

The most important of all benefits from adequate municipal accounting is that it puts a premium on efficiency which, in turn, is a soil unfavorable to the growth of graft. Official incompetence breeds violation of law just as a devitalized lung breeds tuberculosis. It

**Premium on Efficiency** needs but one colony of tubercular bacilli to give galloping consumption to many an overworked man; so it needs but one small initial centre of crime to honeycomb an official machinery with graft when public business is inefficiently done. If unwarranted profits are not paid for supplies, the contractor will not be tempted or compelled to give the bribe that demoralizes every one who touches it. If churches and charities get only what they are entitled to and what they can compel by law, they will not be afraid to oppose criminality and law evasion or violation and thus give character and support to political plunderers. If a working day on a public job is eight hours with reward commensurate with work done, political positions will not be attractive enough to justify crime, corruption and risk of disgrace and imprisonment. If the man who receives goods cannot guarantee that his certificate will pass them when the inspector comes around, his friendship is not worth enough to tempt or compel presents and bribes.

Just in proportion as competence supersedes incompetence will it be difficult for the relatively few who start out to graft, either for the sake of making money or avoiding work, to misrepresent their true character as enemies of public welfare; and just in proportion as municipal accounting tells first the official and later the public where dollars do not bring a dollar's worth of service or supplies, will employee and official strive to make a record which will create a good impression when read by the public.

Efficient honest men will find greater cause, because less blind, to prevent graft, than dishonest incompetent men can find to commit and protect graft.

When detection is made more certain than protection the scepter of dominion in public business passes from the man who profits from graft to his fitter-to-survive fellow who survives by advertising the first signs of graft.

Municipal research and municipal accounting will do for the millions upon millions of official acts and for the hundreds of thousands of public employees in city, state and nation what the electric light does for the criminally minded and for dark or winding or isolated streets. It has been decades since any one questioned the efficiency of electric lights,

electric fire and police alarms, standing police force, cash register receipts, stubs and carbon copies in promoting the enforcement of law. It has been decades since the world accepted the idea that the efficacy of these various agencies is due not merely to the fact that they help fix responsibility but rather to the fact that because they help fix the time, the place, the act, the actors and accessories, they make violation of law progressively unattractive and unsafe.

**Municipal Research and Electric Light**

Municipal research and municipal accounting merely ask that society shall organize its public business so that every public official shall carry his own light and shall leave behind him his own carbon copy, notched receipt stub or other evidence of work done, so that these shall be as a cash register to his acts and an electric alarm to the controlling and correcting centres whenever and wherever there is something wrong with public business.

One illustration from New York is furnished by a valve wheel that has now become famous in our city for it proved to the general public a vague abstract thing impossible of understanding. Comptroller Prendergast was notified by the inspectors of his audit division that the department of corrections had approved for payment a bill of \$18 for twelve four-inch valve wheels, which could be bought at retail for seventy-two cents. He stated the facts to the mayor. Mayor Gaynor wrote to the commissioner of corrections somewhat as follows: "It is very unlikely that these are the only fish that have slipped through your business net or that in an enterprise as large as yours valve wheels are the only things for which you are preparing to pay several hundred per cent more than you ought to pay. Dismiss at once the two men responsible for receiving and O.-K.-ing the bill. Then please start a thorough-going inquiry into the whole department from top to bottom and treat in the same way everybody who is found to be indifferent or inefficient."

**The Mayor's Eye**

He then set to work the commissioners of account to make this thorough inquiry. We call them in New York "the mayor's eye." They deserve to be called quite as well "the people's eye" for any man who addresses a postal card to Mayor Gaynor to-day saying he was treated discourteously by a city employee or that a street is costing twice as much as it should, or that supplies are not being delivered according to specifications, sets to work "the mayor's eye"—an office of one hundred odd men who make a thorough-going inquiry not merely into that single complaint, but into conditions of operation in all parts of that particular department. Thus a verbal complaint or a postal card or a charge in some detail from individual citizens or groups of citizens has led to the saving of half a million here or ten thousand there or the reduction of a payroll somewhere else by fifty or one hundred men.



Moreover when the department in question prepared its budget estimate for 1911 it asked for less than for the year 1910, although it had heretofore requested each year increases of several hundred thousand dollars.

It may be of interest to some of those who are here from Buffalo to know that the title of "the mayor's eye" and "the people's eye" of New York happens to be held at the present moment by a Buffalo boy, Raymond B. Fosdick, trained in the Buffalo schools, whose father is a revered head of one of that city's high schools.

Those of you who are interested in the attempts of New York City to get at graft, not by looking for graft but by looking for inefficiency, will do well to write to Comptroller William A. Prendergast, 280 Broadway for "Manual of Accounting and Business Procedure for the City of New York," which gives a detailed description of the accounting system that the city of New York is now installing. While it would need modification in your city, it at least furnishes a basis for discussion in the attempts of another city to work out an accounting system.

Thanks to ex-Comptroller Herman A. Metz, who began the new accounting and budget reforms in New York City, a fund has been established of \$10,000 a year for three years to help New York City and other American cities discover and eradicate the graft of inefficiency, the graft of the man who is on the payroll and doesn't do a day's work, the graft of a noble-spirited and obstinate man who thinks that because he is virtuous it is all right for him to block progress for five or twenty-five years, or the graft of a body of men on a hospital or school board who limit the future efficiency of school children or patients by their own lack of competence and study. How the Metz fund for promoting efficient municipal accounting and reporting is proceeding, may be learned by writing to the Bureau of Municipal Research.

One other step taken in New York may be of help elsewhere. Many of you have read of the budget exhibit given by the city officials and visited by between 800,000 and 1,000,000 people. The taxpayers have approved of including in the city budget \$25,000 to organize a second budget exhibit next year and \$110,000 for inquiries into (a) public school efficiency; (b) hospital-health-charities services and program; (c) payroll efficiency. While these appropriations may be cut out by the board of aldermen, it is probable that the board of estimate and apportionment will in some way find the means of making good on their own pledges to the public.

Just one thing more as to the possibility of efficient government throughout the country. There has been a great overturning in national and state politics, which suggests an exceptional opportunity for municipal leaders. The man who understands the psychology of graft and its mechanics will take ten chances with the man who is going to put the grafter in jail to one with the man who is looking after the graft of inefficiency. If our new state administrations do not make good on the efficiency

side and fail to divert their attention from the routine of public administration to the heroics and high statesmanship of politics, the new leaders will be thoroughly discredited and it will not take until 1912 to disillusion the followers. There is a tremendous opportunity for those of us who are not interested in the party or personal side of politics. We have the chance of a lifetime between now and 1912 to "play both ends to the middle." The Democrats are anxious, the Republicans are frightened, and if we keep down the middle of the road and play them over against each other saying to each, "You want to look out or they will beat you," we can accomplish wonders in the next two years, if we will work with a straight, insistent, constructive program.

ANSLEY WILCOX, *of Buffalo*: One special matter was mentioned by Mr. Osborn which I think it is worth while to present more fully because we here in Buffalo have had a chance to try it out in our experience, and we can show you something before you go away which some of you have never seen before,—that is the voting machine.

Buffalo, I think, is the largest community which has adopted and for many years has used the voting machine. Up to this year it has been correct to say that our voting machines have played us absolutely true, and we have had no reason to be dissatisfied with them. We have had our election returns, after the close of the polls, more quickly than any other large community, and there has been less trouble in the way of questions about the accuracy of the results than one would believe possible. Certainly, as compared with the condition of things which existed before, when we voted on paper ballots, either in the early stage when parties and individuals got up their own ballots, or in the later stage when the state furnished official ballots, our voting machines have been an enormous improvement in celerity, in certainty of work and in the removal of a large class of questions which are involved in the general subject of corrupt practices at elections. Tampering with boards of elections, holding back of returns, falsifying returns to meet the necessities, or supposed necessities, of candidates for majorities larger or smaller as the case may be, all those things have been entirely done away with by the use of these ballot machines.

It is important to speak of this at this time because any failure of a voting machine attains great publicity, and it has already been published broadcast through the country that in the recent election last week two of our machines obviously did fail. That subject is being investigated today before the board of canvassers, the board of supervisors of the county of Erie. The two machines are over at the City Hall and the fault is going to be found out, whatever it is. One or two candidates received several hundred votes less than they were entitled to, while the rest got the proper number,—there was some fault in the mechanism.

Up to this moment the party whose candidates were injured by that false result does not suspect any intentional wrong-doing. It simply seems to be a breakdown of those two machines. Very peculiarly two machines performed the same tricks, and against the same candidates, but it does not seem to be possible that they could have been intentionally fixed in such a way as to do that thing. Notwithstanding that, up to the present time, I want to say on behalf of the people of Buffalo that we believe in the voting machine, and we know that the voting machine has taken the place of human agencies for recording and counting votes, in a way that has done a great deal for purity in our elections for many years.

But I want to go further, and point out one or two other things they may accomplish. It has always been remarkable to us in Buffalo that our friends in New York City have never adopted voting machines as a means of curing some of the evils they complain of; and the objections always made to them have been these: first, the heavy expense involved, owing to the fact that they are complicated and patented machines. The original cost, I believe, was some five or six hundred dollars each.

### **Objections to their Use**

That may possibly be reduced now, but being a patented machine, probably not very much reduced. Buffalo uses 115, and has to have more in store. New York City would use twelve or fifteen hundred, or even more. The initial cost is great, but after that they reduce the annual expense of the elections very largely.

The second objection is to the absence of secrecy, because with the machine the voting is done by pulling a lever, and that does make a perceptible noise. The person who goes in and votes a straight party ticket, makes one click only. Of course, if there are constitutional amendments they make one or two or three more sounds, if he votes for them. But usually a paid voter would be persuaded not to vote for these, but to vote one click, thereby recording a straight party vote for the candidates and no more. If another lever is moved it can be heard. That does, to a slight degree, remove the secrecy of voting, although it is all done behind curtains where it cannot be seen.

As to the expense, the great cost of this machine comes from its patentable quality. It is due to the complication of the mechanism, which records the votes of a great many candidates by pulling one general lever, and also individual votes by pulling individual levers. You can pull a party column lever and vote for them all. You can move back, if you are voting the Republican ticket, the pointer of a Republican candidate, and vote for a Democratic candidate in a different column on the same line, and also sometimes on a different line. Those are the complications which are covered by patents, and which make the machine expensive, and also make it dangerous, liable to break down because of its complexity. Now, with a simple machine, with the names of the can-

didates arranged alphabetically, or at least not in party columns, and a lever opposite each one, by pulling that lever it records on a single dial, and there is no other means of moving that dial. I am prepared to say that such a machine would not be patentable, because this mechanism has long been used all over the world. With the elimination of patents will disappear the great expense of the machine, and the chances of break-down will disappear because of the simplicity of the mechanism.

As to the question of secrecy, such a machine will click for every man you vote for, and nobody is going to stop to count whether it clicks five or seven or nine or eleven times, when so many men are on the ticket. You may vote for one man, and move the pointer back and vote for another, for these machines do not record until you come out. You can change as much as you like while you are in the voting space. The recording is done when you throw back the curtain. The entire objection on the ground of secrecy would be removed if we had this form of ballot.

Those are considerations which make me think that the urging of the ballot machines will be an auxiliary to help in the general movement for ballot reform, because it is so obvious that a machine constructed on those simple lines will be safe, economical, entirely secret and as expeditious as lightning in recording the vote. The vote is recorded the instant the voting is concluded.

MR. PLEYDELL: I want to say a few words on the other side of this question. I live and vote in the State of New Jersey where we have been afflicted with this machine. They cost the state over a million dollars.

**New Jersey's Experience** They were not put in all of the districts. Wherever they were put in a district there was such complaint that the commissioner who had charge of them would shift them off on another district until nobody would take them. I was in one of those districts that got a machine on the last shuffle and had to keep it. The protest was so strong that the legislature passed a referendum law by which the people of a voting district could have a special election as to getting rid of the machine. My town held a special election quickly. It was so nearly unanimous that very few people bothered to vote. It is a small district with about a thousand voters, and some 260 of us went around to vote the machine out. About five or six people voted to keep them. Every municipality in which a vote was taken voted them out. The machines are cumbersome, they are complex, they are a help to the party machine. The voting machine used is so complex that a leading professor of engineering at Princeton confessed after he came out that he did not know how he had voted, and I have been informed that the governor of the state who signed the bill to put the machines in has stated that he didn't know how he voted, and I know that several judges of our courts stated that after they had

come out of the booth that they didn't know for whom they had voted.

While it is true that some of these difficulties can be overcome if you do not have the party column, and would be lessened somewhat if you had a short ballot, nevertheless there are other difficulties that would arise. You can vote a party ticket very quickly with the machine, but when you have only one machine in a voting district and a lot of people to vote there is an unconscious pressure on every man to vote quickly. If he doesn't, he gets yelled at, and if he stays too long they go in and yank him out, and you have not the opportunities you have with the present voting booths. These are important things. If we want the people to discriminate when they vote, we have got to give them every facility to discriminate, instead of making it hard for them. It is bad enough to have a blanket ballot, but at least a man, if he spoils one, can come out and get another, and after he has marked it he has some idea for whom he is voting.

PRESIDENT FOULKE: Dr. Samuel Johnson once said he could make a dictionary but he could not convey the capacity to comprehend it. I suppose that the advocates of this machine will say that the company can make a machine which will adequately record the vote but it could not give to New Jersey governors and justices and professors the capacity to comprehend the machine. [Laughter.] That would probably be the natural conclusion.

I will say in Indiana the same thing is now being considered. Two of the machines have failed to register correctly at Indianapolis and a gentleman of my own city told me he had employed some detectives to work upon the question of whether the machine had been or could be manipulated by either of the two political parties or managers in such way as to make the result fraudulent. Upon the investigation of that matter, and this question here, would depend very largely it seems to me the question as to whether those machines are entitled to the confidence of the community.

HORACE E. DEMING, *of New York City*: While we are discussing the question of voting machines there is one aspect of it that I think we ought to bear in mind. What a voting machine does now, and does meritoriously when it works, is like a cash register, it facilitates the recording of the vote, and when the poles close, within a few moments you know how many votes each person has received. In that respect, like an adding machine, or a cash register, it is of some value in facilitating the quickness of the returns. But it does another thing. A voting machine, in order to be adequate in New York State must be constructed so as to work our monstrous ballot, a most vicious form of voting. It help to preserve and make perpetual that vicious form of voting. Every hundred thousand dollars that a city puts into a

### **An Investment in Vicious Voting**

series of voting machines is a permanent investment in a vicious method of voting. You get the strongest element of greed and selfishness on the side of preserving what is a blot on our civilization. If you had a simple ballot, if you had an honest ballot, if you had a readily understandable ballot, if you had a ballot that held out equal justice to each candidate, or each office, which was fair to each voter who wished to discriminate among those candidates, if you had that ballot and you wanted to count it a little more rapidly, why, have a cash register. The only reason we have any need for a cash register is because we have a vicious form of ballot, and to perpetuate that vicious form of ballot by saying, "Here's a contrivance that will count it more easily." I account, very little short of a political crime. In Massachusetts, where they have a long ballot, but a simple one to understand, in one polling booth, in less hours than we occupy, they count without a single error sixteen hundred or seventeen hundred of those ballots. We have a ballot so enormously bad that we have to find a whole lot of ignorant people, half educated, to man the polls to see to the counting. Then we say, here is a machine that will rid us of some of these errors. The real thing that we ought to call for is a decent ballot, and until we get that decent ballot let none of us advocate the putting of any public money in any machine, however ingenious, that helps to perpetuate it. [Applause.]

MR. MOSIER: We have had voting machines in Rochester. I think we were one of the first, if not the first, to adopt the ballot machines. The original machine, I think, **Voting Machines in Rochester** was invented by a Rochester man. There has been a suggestion in Rochester that they should be abandoned, a very pronounced suggestion. There has been difficulty; there is a great deal of dissatisfaction with them. On the other hand, there is a good deal of approval. We stand between the two views that have been expressed here to-day. Some years ago I was the plaintiff in an action in relation to an election in which one or two machines, one in particular, was clearly wrong. It registered 25% of the votes blank on the whole ticket voted for, which on the face of it is an absurdity. We tried to find out what was the matter with that machine, and we haven't found out yet, and we never will, [Applause], because the laws that are framed by the legislature with reference to voting are framed for partisan purposes. One of the objections to voting machines is that they may be tampered with, and a great many people in Rochester think that they have been tampered with, and that the law which governs elections is so framed that if they are tampered with the discovery of it can never be made. So that when we consider the question of ballot machines we must also consider the question of the election law, and before any community determines to adopt a voting machine process of voting, it should look very carefully into the whole subject because there are unquestionably two sides to it.

DR. JOHN D. BONNAR, of *Buffalo*: The matter as presented to us to-day in regard to the unearned increment appears to me of a somewhat theoretical character. The gentleman told us that eight thirteenths of

**The Unearned Increment** and inasmuch as all taxes represent wages in a measure, or value received, the man who puts his money

into real estate, be it for a small amount for a poor man, or for a larger investment, to wait for the so called unearned increment, is paying for that increment in the way of taxation during the time that that value is increasing. When you think that the man who improves his property, builds a home or a business block upon it, is drawing a large revenue therefrom, while the man who is simply holding on, possibly at a great expense to himself, almost beyond what he can endure, the man who has the property improved is the man who is deriving the greatest amount of earned increment. Of course, it is an earned increment, but at the same time he is getting value on his land as well as on the investment in his real estate, and if he had a building of one story as against the man with a building of five stories, the man with the building of five stories would certainly get a greater income from his real estate than the man with a building of one story, and still the man with the one story building would be supposed to pay, according to the principle of levying taxes according to real estate values,— would be supposed to pay as much taxes as the man with the building of five stories. The whole of the trouble is that we mostly ascribe to the rich man this guilt of the unearned increment, when many poor men are buying lots toward the time when they can get enough money together to build their homes upon those lots; and if the unearned increment tax is to be put upon the rich man's lot it must in equity be placed upon the poor man's lot. Therefore if taxation represents service given, as the equitable basis, the man who has his property improved is getting police protection, fire protection and those public advantages, which the man with the vacant lot certainly does not get, for he needs no fire or police protection for his vacant lot, and the great advance in value comes mainly from the extension of public utilities into the section, and the increased value is occasioned more by public utilities than it is by those who have invested their money and paid the taxes to maintain the city during a greater or less number of years, for the improvement of that particular section. By the arbitrary method of compelling men to build upon their vacant lots we destroy industry and help to paralyze the progress of communities, whereas, if we allow them the opportunity to buy and to sell, as they would any other commodity, and pay their taxes on the property they own, it is simply in accordance with the strict business principles which are adopted in any other line. They pay taxes, pay assessments and interest on investment, and they have then borne eight-thirteenths of the taxes without any income whatever except what will

come to them at some remote time that they know not of, when they too may be fortunate and then begin to get returns on their investment.

HAROLD J. HOWLAND, *of New York*: I want to draw just one parallel between the taxation of the unearned increment and another movement which most of the people of the United States are believers in, namely, the conservation movement. It seems to me that they both spring from the same fundamental, and, I think, eternal principle. I hold that the only real right to property arises from labor. What a man labors upon, what he impresses with his personality, belongs to him against all the world. Everything else, which is the product of natural forces, which is part of the universe, should belong to no man particularly, except as he impresses some part of it with his own personality, but should belong to the whole community. That is the principle on which we are now working out our conservation system. We are saying that the land and the natural deposits and the forests and the water powers which still belong to all the people shall remain the property of all the people and those who would use them shall do it only by giving back a proper share of their proceeds to all the people. We can do that with the part of the national domain which still belongs to us, but we cannot do it with that part of it of which we have disposed to private individuals; and the only way that we can get for all of us that share of that which by right belongs to all of us, and not to the individual man, is by some system of taking part of the proceeds, such as the taxation of the unearned increment. It seems to me that this movement in England, which began by the introduction of the Lloyd-George budget, is part of the same world-wide movement which in this country is showing itself in the conservation movement; and therefore, since I believe in the one, I believe in the other, and I believe in them both because it seems to me they are founded on a fundamentally right principle.

MR. PLEYDELL: I agree thoroughly with what Mr. Howland has said as to the theoretical and fundamental principles back of the suggestions in Mr. Martin's paper. Mr. Martin has done a service in bringing that subject up now before the League, because it is something which in many of its aspects is coming very decidedly to the front. We have evidences of that on all sides. Mr. Martin quoted from the address of Mayor Fitzgerald in Boston made on Saturday night. In Monday morning's papers in Pittsburgh there was a three-column statement by the city comptroller along practically the same lines, pointing out the great increases in property in Pittsburgh and suggesting that Pittsburgh needed two things to make it a great city, one being a canal to Lake Erie and the other being some modified application of an increased tax upon the value of land as distinguished from other forms of property. These



things are significant. They are becoming immediately practical questions; and in that regard I want to sound a note of caution about which I have differed sometimes with my friend Mr. Martin. When he speaks of this large unearned increment amounting to these billions of dollars in values in the city of New York and elsewhere, he is dealing with something that is a legal fiction economically. Those are values only to the individuals who are transferring them. They are not social values.

**Individual and Social Values** Those sale values of land are simply a capitalization of the annual income with the actual or potential, which is the real value, which is nothing like as extensive, of course. In other words, what makes the buying and selling price of land as between two individuals, is what they expect it is going to be worth to them, or to other people as tenants to occupy that spot, annually. Capitalizing that on a five per cent basis gives us some enormous figures in these sales transactions that are not real values for taxation purposes. I simply wish to note that much on the record as a word of caution. Adam Smith laid down the principle over a hundred years ago when he said that ground rents were a peculiarly fit subject for taxation in that the expenditures in urban communities, went so largely to make their values, and I think that is very apparent to all of us. When we open new streets and sewers we try to charge some of the actual capital cost of construction of these things against the capital values of the adjoining land. It would be far simpler, and would settle some of those subway problems, if we took a slightly increased tax annually upon the benefit of land. It would be much easier for the owners to pay it because it would come in annual form, and it has other fiscal administrative advantages which would not apply to the present system of taking limited sums at the time of transfer and sale.

Another illustration: I happen to have a vacant plot next to where I live. Every time I go to my house I think of how I am paying in various neighborhood forms to keep up a nice macadam road, and lights, and in a certain measure police protection past that property, which the owner will not sell to the man who built my house, who wants to build a house there and bring me some neighbors in place of a vacant lot which is a nuisance. That man is holding that property absolutely useless, paying a very light tax upon it, which I am glad to say has been increased, because the assessor has taken the same view as I do. But that obstruction to the community is going to get a large increase in value for an owner fifty miles away, taking no interest whatever in the property except to pay tax bills when he is afraid of a tax sale. Whereas we who have lived and worked in the community and built it up and kept up schools, and who must have libraries and public buildings, are helping to make values for this man who contributes only slightly to the expenses.

STILES P. JONES: There is a practical proposition here that appeals to

me. The single tax is coming. The principle of it, either as a whole or in modified form. It will come, as I see it, not because it is a great economical principle and appeals to people as such, but through taxation necessities. Some of these days our hard-headed city officials, our hard-headed business men, are going to see that they cannot go any further with the present system. There are growing social necessities all the while. Those must be met from somewhere. These hard-headed men are going to put on their spectacles and then they will see here an easy way of getting some money out of somebody that it doesn't belong to really and who cannot squeal. [Laughter.] That is where and how I see the single tax principle is going to be applied.

PROF. HATTON: Just one very practical suggestion with regard to this unearned increment, I would like to make, apart from the controversy the broad general principle has aroused. Whether we know it or not, and some of us do in our cities, we are, in making certain public improvements, passing over a very large bonus to people, who, either through foresight, or through being tipped off, as somebody said this afternoon, or through mere luck happen to be in a place where they benefit by public improvements. For instance, if we build a park in a city, as things go in America, the whole people pay for that park. That results at once in an enormous increase in value to property immediately adjoining, and all those of us who are taxpayers get out of that, all the recompense we get for what we have paid, is a slightly additional sum

**Excess  
Condemnation**

that we can get when we come to put value on that property again. Now, a very practical suggestion I have to make, is this,—why should not American cities be reasonable enough to do what most English cities are doing? That is, in the case of public improvements like parks and boulevards, to condemn more land than they need for the improvement itself. No one would claim that that is any injustice to the adjacent property holder, because everyone knows that under the process of eminent domain as it is worked in this country a man whose property is condemned practically always gets a good deal more for it than he would in the open market. At the same time, having condemned more property than they need, and then selling that property at the higher value resulting from making the improvement, it is perfectly possible for the city to get at least the beginning of the unearned increment which results from that public improvement. I have been more and more amazed that American legislatures have not been besieged to bestow that extension of power of eminent domain upon our cities.

On motion adjourned.

**THURSDAY MORNING SESSION.**

THURSDAY, NOVEMBER 17, 1910, 10:15 A. M.

President Foulke called the meeting to order.

PRESIDENT FOULKE: The next paper is upon "The Operation of Woman's Suffrage and its Local Effect", a report by Miss Mary Winsor of Haverford, President of the Pennsylvania Limited Suffrage League, whom I have the pleasure of introducing to the League. [Applause.]

[For Miss Winsor's paper see page 317.]

MISS WINSOR (*continuing*): It has given me the greatest pleasure to present this paper to the National Municipal League, hoping that some of the facts I have given may suggest that possibly justice to womanhood may in the end prove to be a help to the League, and also because when I was a very young girl in Philadelphia, happening quite by chance to walk into the meeting that was held there in 1894, I became so interested in the discussion, much of which was entirely over my head, that I and many others in Philadelphia date our interest in good government from that meeting of the National Municipal League. [Applause.]

PRESIDENT FOULKE: I feel a sympathy with many of the ideas presented in this paper. There is one that strikes me as a little novel, and that is the lesson that the women are teaching us on the subject of scratching. It reminds me of the little girl whose mother reproved her very much because she kicked and she bit and she scratched. Her mother called the clergyman in, who told her that if she did that it was taught her of the devil. She resisted and said it might be so of the kicking and the biting, but the scratching was her own idea. [Laughter.]

The next paper is on the subject of "The Education of Foreigners in American Citizenship", by Miss Grace Abbott, of Chicago, Secretary of the League for the Protection of Immigrants.

[For Miss Abbott's paper see page 375.]

PRESIDENT FOULKE: This very admirable discussion of the needs of the immigrant, a question which is of immense importance in American life, will be followed by a discussion of another question that affects cities very intimately, the liquor problem. Professor F. D. Bramhall of the University of Chicago will first read a paper upon, "Some Political Phases of the Liquor Problem in Chicago."

**The Liquor Problem**

PROF. BRAMHALL: I want to say just two things before I begin to read the paper which I had prepared. The first is I want you to remember that any inferences I may draw are inferences from the local situation, and a local situation which is decidedly peculiar, and peculiar largely

in the light of the circumstances which Miss Abbott has emphasized. In the second place I want to say that Miss Abbot and not I should have written this paper, because she could write it with a knowledge and an insight into the peculiarities of the Chicago situation which I have not. I will ask you to remember Miss Abbott's point of view as thoroughly as you can while I read this much less interesting paper on the local Chicago liquor situation.

[For Prof. Bramhall's paper see page 423.]

PRESIDENT FOULKE: We will have a further discussion of this same subject, more general in its character, however, by Prof. Augustus Raymond Hatton of the Municipal Association of Cleveland, upon the subject of "The Liquor Situation in Ohio."

[For Prof. Hatton's paper see page 395.]

MR. HULL: Mr. President, believing that the League ought to express its appreciation to the city of Buffalo, I have prepared this short resolution.

*Resolved*, That the National Municipal League gratefully acknowledge the many courtesies which have been shown it by the City of Buffalo during the sessions of the Sixteenth Annual Meeting now closing. Especially do the delegates acknowledge the gracious hospitality of Ansley Wilcox, Esq., Chairman of the Reception Committee who has been untiring in his efforts to make us remember Buffalo with pleasure.

**Resolution of  
Thanks**

*Resolved*, also that we express our appreciation to our hosts the Chamber of Commerce and Manufacturers' Club and the Municipal League of Buffalo, and also to the several clubs all of which have so kindly thrown open their doors to us.

*Resolved*, further that these resolutions be spread upon the records of the League.

The resolution was unanimously adopted.

PRESIDENT FOULKE: Unless there is some objection upon the part of the League that consent will certainly be given.

PRESIDENT FOULKE: We now are to listen to a paper upon another very important phase of city government, "An Effective Civil Service Law in Cities", by Elliot H. Goodwin, Secretary of the National Civil Service Reform League."

MR. GOODWIN: I am discussing here a somewhat technical subject. This is not an argument in favor of civil service reform. My paper takes it for granted that the people of the city, or the legislature, as the case may be, have voted in favor of the adoption of the principle of civil service reform in connection with the city charter, and then discusses how that can be made effective.

[For Mr. Goodwin's paper see page 304.]

MR. HARPER: This resolution in its body says all that is necessary to explain its purport. Therefore, with the permission of the chair, I desire to present it.

*Resolved*, That the National Municipal League desires to express its approval of the inauguration of the comprehensive inquiry now in progress into the business methods of the national government, with a view to securing more efficient and economical administration of national affairs.

Real progress in improving governmental conditions must largely come through such painstaking inquiries, and the formulation of definite concrete measures of reform. The League stands pledged to use its efforts to stimulate similar work in its field of municipal government, and expresses the hope that among the earliest fruits of this inquiry will be the passage of an appropriation Act for the city of Washington that will embody the functional arrangement of the budget and the standard classification of expenditures so essential to government accounting.

The resolution was unanimously adopted.

PRESIDENT FOULKE: The time has now come for the adjournment of the annual meeting. I think there is no one who has been present at our various sessions but who must have been impressed with the extreme value of many of the papers and of some of the discussions. Indeed I would say that if there were to be any change in the future, we ought to have rather more discussion, and I am going to use what little influence the president is supposed to possess with the real authority, [laughter], to see to it if we can have either one or two more sessions so that we can give a little more time to the discussion, or else that there be rather fewer papers so that in that way there will be greater opportunity to discuss them.

I am sure that we not only feel very grateful to our friends of Buffalo for the entertainment they have given us but I believe there is not a member of the League but who feels that on the whole this has been a very successful conference and convention.

I now declare the convention adjourned until the further call of the Executive Committee.

## The Civic Secretaries' Conference.<sup>1</sup>

At the suggestion of Mr. Clinton Rogers Woodruff, Secretary of the National Municipal League, a meeting of secretaries of civic associations in America was called to be held in connection with the Buffalo conference on good city government. As this is the first time that the members of this comparatively new profession have been called together, the invitation suggested an informal discussion on three points:

1. The purpose of local civic associations. How does it differ from that of a business organization, such as a chamber of commerce, a charity organization society, the city government? Should one civic organization seek to arouse the interest of citizens in all phases of community welfare, or should there be a separate organization for each of those matters which are of the greatest importance, such as housing, government, civic adornment, sanitation, etc?

2. The basis of membership in local civic associations. Should they be branches of other organizations, such as a chamber of commerce, and consequently draw their membership entirely from the latter or should they be independent? Should the effort be made to secure members from all classes of society?

3. The methods to be used by local civic associations. Should these be simply educational? Should the association as an association take an active part in securing the election of officials in sympathy with its views?

Twenty associations were represented by their secretaries at the meeting, and so evident was the value of the conference that a permanent organization was formed under the title, "Civic Secretaries Committee of the National Municipal League," for the purpose of "considering questions which arise in connection with the organization and methods of work of civic associations." The officers elected were Chairman, Elliot H. Goodwin, New York, Secretary, John Ihlder, 105 East 22nd Street, New York City, Treasurer, Addison L. Winship, Boston City Club.

Each member of the committee undertakes, first, to put all the other members on his mailing list to receive the publications issued by his organization; second, to make his office, if his organization is local in character, an information bureau regarding all matters of civic interest in his city; if national, regarding all matters falling within its province.

In order that the discussion might begin immediately brief papers outlining the subject from three points of view were prepared by Dr. W. H. Atherton, Secretary of the Montreal Civic Improvement League, Addison

<sup>1</sup> Edited by John Ihlder, Field Secretary National Housing Association and Secretary of the Civic Secretaries' Committee.

L. Winship, Civic Secretary of the Boston City Club and Edward J. Ward, Advisor in Civic and Social Center Development, University Extension Division, University of Wisconsin. Dr. Atherton was prevented at the last minute from attending the conference, but Dr. J. George Adami, President of the Montreal League came in his stead, so federations, such as the League represents, had their spokesman.

The discussion brought out the fact that civic organizations may be roughly divided into three classes: one typified by the Boston City Club, which provides a meeting place and seeks to bring together men interested in civic affairs, and by association and contact to stimulate and strengthen this interest, but to leave the actual carrying out of constructive work to other organizations usually composed of these same men; a second typified by the St. Louis Civic League, the municipal affairs committee of the Grand Rapids Board of Trade and the Pittsburgh Chamber of Commerce, and the Pittsburgh Civic Commission which seek themselves to carry through constructive programs for civic betterment; and a third typified by the Chicago Municipal Voters' League and the Minneapolis Voters' League which concern themselves almost entirely with the records of candidates for public office.

Mr. Winship opened the discussion by describing the Boston City Club, one of the most active and successful civic organizations in America.

### **The Boston City Club**

The purpose it avows is to arouse the interest of the citizens in civic or municipal affairs; the basis of membership is practically as wide as the citizenship; the methods are to bring men together, educate them, stimulate their interest and then send them forth to do constructive work on concrete problems as members of other organizations. "I believe," he said, "that the purpose of a local civic organization is to find that desire for good and civic betterment in a man that is rather in his heart than in his head, and when you have found it in his heart you will find that you have a man who will be a continuing force, a man who can be put upon any committee and not prove a floating piece of driftwood. I notice that my friend Dr. Atherton, of Montreal, has taken his perspective from the Athens of old, "Beautiful, Wholesome City." I think perhaps I may be pardoned for a little reasonable pride and loyalty if I ask you to look for a minute from the perspective of the modern Athens which I have the honor to represent.

"What I have to say will be entirely from my own experience in the Boston City Club, which I suppose holds rather a unique position in the roll of city clubs, because it has gone about its work in rather a different way. In it a thousand men get together every day. There are a great many organizations, sub-organizations, I might call them, that have been formed and have gone out under their own heads and secretaries to do their own specified work; at the same time they have their regular meeting place in the club house. They come in there, perhaps five or six

different organizations in a day, instead of having only one general weekly or semi-weekly or bi-weekly or monthly meeting. In that way they are kept constantly in touch with the work that each organization is doing. The spirit that is engendered by that association is what we have found to be the best element for accomplishing results. In the membership of this club, to accomplish the greatest good and secure the greatest activity throughout the city, we have enlisted not only the governor, the governor-elect, all of the living ex-governors, the mayor and the ex-mayors, the heads of all the departments in the city hall, the heads of many of the departments of the State House, about twenty of the judges of the various courts in the city, about half of the membership of the Boston Bar, and twenty-eight of the clergymen of the city. I think there are representatives of almost every activity in the city represented in the membership. And by a thousand of these men getting together every day there is an interest aroused and kept alive that I think can be brought about in no better way than by a city club organization. Of course the president and governing board of such a club must be progressive picked men, elected to office for a sufficiently long term to conceive and organize just the right committees and to take the initiative in all activities.

"In bringing together men of all parties, creeds and hobbies, diplomacy in a superlative degree must be used and tact constantly be 'on the job.' I believe the city club function should be to *organize* wisely and thoroughly, but not to *execute*. An important duty in a large city club is to have some one official keep constantly in touch with, and feel the pulse of, every group represented in the membership, and report to an intelligent governing board. Further, to cement all groups together this official should see that the club's motto is not allowed to pass into innocuous desuetude. In fact he must be an intelligent mixer, ready and able and willing to preside over or discuss with a religious body, a political group, a literary group, a meeting of the brewers' association or an educational group. His acquaintance must be a large and diversified.

### **The Cementing of Groups**

"City clubs organized and operated on the lines of the Boston club are destined, in my mind, to accomplish more ultimate good than organizations with partisan and belligerent policies.

"We have brought into the City Club men on opposite sides of a good many questions, who had been bitterly opposed to each other. We have in a good many cases brought about, through the acquaintance that has sprung up between those men, a cordiality of feeling and a working in unison that I think could not be accomplished by any other method. Twenty or thirty men connected with the newspaper profession; a good many of those men were not personally known to each other; have formed a group that meet every day around a long table; the same thing occurred in a group of judges; the same thing in a group of the



dramatic and musical professions; and out of those groups have been picked committees and workers to take part in the great "Boston—1915" movement, and in the United Improvement Association, an association that brought together some eighteen or twenty separate organizations all over the city which had been working at cross purposes for years. The idea of uniting them all under one head was born in the City Club. Their meetings are all held there. Groups in Dorchester, Roxbury, Charlestown, South Boston and East Boston that were working for perhaps the same purpose, striving to get from the mayor and from the council appropriations to accomplish certain things,—perhaps things that overlapped one another,—now meet in the Boston City Club every month, their sub-committees meet every week, and they are working together harmoniously.

"The motto of our club is that 'every member knows every other member without an introduction.' We have kept that motto in life, it has been worked out in practice, so it is unlike some other city clubs that I have known in this country, where you might go in every day for a year and never have a man speak to you, never know what you were there for or know what he is doing or what he is there for. Through carrying out the motto of our organization we have broken down a great many of the barriers that exist in any city and especially perhaps in a city like Boston.

"Within a week the civic secretary of this club has been called into three meetings that were being held at the same hour in the various rooms of the house; one of those meetings was a meeting of the alumni of the Massachusetts Institute of Technology; another was a meeting of clergymen connected with the American Board of Foreign Missions and another was a meeting of the brewers and liquor dealers of Boston, many of whom are members of the club,—for a purpose. The object in asking the secretary into these meetings was to tell something of the work that the club is trying to accomplish. There was furnished an audience of at least 350 men in those various luncheon parties and out of the 350 men not more than 50 were members of the club. The knowledge that they obtained resulted in applications for membership in the City Club of some seventy men; but owing to the fact that the limit of the club membership had been reached they were obliged to go upon the waiting list.

"There are in our organization representatives of almost every race and political party and creed in the city of Boston. Boston is a great cosmopolitan city and the different nationalities have sent through our club, into the active work of a lot of the organizations, some of the brightest young men in the city. They are the leaders in some of the better civic movements. When such men can be brought together at one dinner, or at one time, and meet other men who are engaged in the same work, there can be nothing but good come of it.

"One of the results of the City Club's work was, indirectly—perhaps

directly—the adoption of the new charter. Another result is the growing sentiment for a better organization of the public works of the city. Mr. Louis K. Rourke had not been in office more than a month before he introduced an ordinance to consolidate the highway, sewer, water and engineering boards of the city into one department, the department of public works. He has taken an entirely fearless stand in that position. The progress that he is making in his campaign of education is being worked out in the club by a series of meetings. He is meeting there representatives of the chamber of commerce, representatives of different groups of our own members, some 200 or 250 at a time. Whether his policy meets with the entire approval of the present mayor of Boston is something of an unknown quantity. Apparently it does meet with his approval, but the general opinion is that perhaps Mr. Rourke is going a little further in his methods of overcoming the evils that have existed than the present mayor really intended or expected. Nevertheless he is getting and will have the support of the various civic organizations. The support that is being given him was born and was carried out by the City Club. In doing all this work the City Club has never yet, through the diplomacy of its first president and its present president, made any local rows or squabbles that have been at all to its discredit.”

DR. J. GEORGE ADAMI, *President of the Montreal Civic Improvement League*: We found a great number of organizations already in the field. These were the charity organization society, the national council of women, which is doing very active work in connection with women and children, their protection and advance, the parks and

**A Federation of Associations**

playgrounds committee, a new temperance league,—a very large number of these bodies, each working hard. We recognized they were overlapping, so we started our improvement scheme practically in order to be a link to bring the others together so that they might get to know each other. If a society brings forward a plan,—for instance, housing,—that is for the good of the city, we do not attempt to take it out of their hands, rather we attempt to back them, give them means of getting larger audiences together, so that when one organization goes to the council with a petition, it is backed by the whole league and goes before the council with the endorsement of all those who are interested in the betterment of the city. That is our main plan, and it is working well. As certain difficulties that I hear mentioned arise, if the matter has not been taken up by any of these organizations, then we as a Municipal Improvement League form a branch which looks after it. In doing this, of course, we have occasionally a little bit of jealousy from other smaller local associations. On the whole the work that has been done is so marked that a matter of rivalry or local feeling from the central organization is of no importance and we can pass it by. The association of the various betterment societies is materially improving the city condition.

The difficulty in connection with this is the matter of funds. We are, a *society* society, having practically the leading members of each society on our board and council. We permit these various societies still to retain their membership and continue their subscriptions. Gradually we are getting the main body of citizens interested in these subsidiary bodies to give us a small subscription, our idea being to have the subscription so small that any man, even a laboring man, can join,—two dollars a year,—and that we find slowly bringing about its purpose. But we have to let the individual societies get the larger subscriptions. The plan is working well though it isn't perfect.

We have another very difficult problem to deal with, a community which is one-third English Protestant and two-thirds Roman Catholic. Broadly speaking, our main object is to get those two bodies together. In Montreal we have these widely different communities living together, so we could hardly get up a city club along the lines of Boston. Our line is rather that of getting the leaders of the various organizations to know each other, to appreciate each other and to work in harmony. It is not difference of religion, but difference of language that is the stumbling block. For instance, in the matter of the city planning; we have to arrange to have double meetings, a meeting for French citizens, a meeting for English citizens, and very carefully select our speakers so that they will appeal to one or other. At our council meetings of the Improvement League, the leaders of course know two languages thoroughly and we can hammer at the points of divergence and importance from the point of view of the two races perfectly easily, being a small number. We frequently have a preliminary harmonization of divergencies of views. This council meeting works well.

MR. MAYO FESLER: Most of us, of course, have thought over these questions at great length and very frequently. The question that came to me, as I read Mr. Winship's paper was how far can these organizations be thrown off from the central organization and yet maintain themselves permanently? Mr. Winship, I think, made this as his general proposition: Here is the large central organization—when there is a need for a housing movement or a short-ballot movement, those movements will be organized and will swing off from the central organization, secure their own membership, select their own secretaries, get the backing and assistance of the right men, and go to work. My experience has been that you cannot get the financial support for so many different movements. Boston, it seems, has been able to do that. I do not believe we could have done it in St. Louis. We did not try it, because we adopted the policy of centralizing the work, but I do not believe it could have been done, even if we had tried, with all of the other interests, charitable and so on, that are asking for support.

Another difficulty is that you have to call upon somewhat the same

men, unless the experience of the other men in the other cities has been entirely different from mine. There is always the same small group of men who may be led into these movements and induced to lead in them. Of course, Mr. Winship makes a good point there, that in getting a thousand men around the table at a city club every day you find a lot of men who will work, who have not been called upon before, but who are willing to help in these new movements. My own impression is that the Boston plan, that of swinging off these various movements from the central body, is going to mean a lot of temporary organizations, with little vitality, which will soon exhaust themselves, and the main work will have to come back to the central organization after all.

We, in the central west, have had some experience, I think probably most of you have had, in the last two or three years, with the effort, particularly from New York, of the various national organizations, to organize branches in every city. I recall Mr. Veiller's desire to organize a housing association in St. Louis last spring. He was very anxious to have it organized. I said, "It is not practicable. We have enough trouble here to keep the Civic League going without organizing branch organizations." Another national association that is coming into the local field is the Short-Ballot Organization, the objects of which can, in my opinion, be as effectively promoted by some already existing organization; it can, I am sure, be promoted by the Civic League of St. Louis, the organization with which I have been most familiar. Now Mr. Goodwin very gladly co-operates with any local organization for the promotion of the merit system; in fact it was his support that enabled the Civic League to present as good a report and lend as active a hand to the civil service movement in St. Louis, as we did.

The point I am trying to make is this: that for permanent civic work it is better to have a central organization and committees under the central organization, for the reason that you can raise the money more easily and you can always have the force of the larger organization back of the particular work. Of course, there are certain difficulties in this plan. If the organization is criticised in one line it will hurt its work in another. But that difficulty is not as serious as the very practical issue of getting funds to maintain the various organizations whose combined maintenance cost must necessarily be more than the expenses of one central body.

How far this centralization can go is another question. Can all of these civic movements be combined under one big commercial organization, such as the Chamber of Commerce in Cleveland, which does not only the commercial work of the city but a great deal of civic work? If you will pardon a reference to the organization of which I have recently become secretary, the Municipal Association of Cleveland,—the feeling in Cleveland is that the Chamber of Commerce, while it is doing splendid

work and doing very broad work, probably broader work than any other commercial organization in the country, yet there is a distinct field which the Chamber of Commerce does not cover and which it can not cover. For that reason, the members of the Municipal Association want to build up that organization, broaden its field of work and make it a stronger force in the community. I have not been there long enough to determine in my own mind whether their interpretation is correct or not, but I am inclined to believe that there is a distinct field for the Municipal Association, which is not dominated by commercial influences.

**THE CHAIRMAN:** How would you say then that the strictly municipal organization should be differentiated from the commercial? The Cleveland Chamber of Commerce has done a great deal of this civic work, yet they have felt in Cleveland the need of another organization. Will you draw the line between the two? Why is it that the Chamber of Commerce has not met the need fully?

**MR. FESLER:** I am not speaking from personal experience; simply stating the opinions expressed to me by the men with whom I have talked,

**The Cleveland  
Chamber of  
Commerce**

both in the Chamber and outside. The feeling seems to be, on the part of many, that a chamber of commerce, composed primarily of business men, does not give sufficient attention to the value of free open public discussion of municipal questions. They do not

stop to discuss with every possible type of citizen the questions at issue. The business man is inclined to rush ahead and do things. He does not believe in opening the subject to any considerable amount of discussion, but gets a committee in a small room, draws up the conclusions of the committee, submits them to a small board of directors, issues them as the opinion of the Chamber, and seeks to have them enforced. That is the most natural method of procedure, because the big business men, who are the leaders in the community and with whom the best ideas most often originate, work that way in their own private affairs.

Furthermore there is always the criticism that the commercial organization represents the moneyed interests including the public service corporation, and, as a result, is biased in their favor.

The Municipal Association is not affected by these commercial influences and can take up many problems with which the commercial organization can not grapple, because of arousing too much antagonism on the part of its membership.

The difficulties experienced in financing autonomous committees as in St. Louis and in financing the central organization as in the case

**Membership  
and Finance**

of Montreal led to a series of questions directed at Mr. Winship whose organization apparently has no such difficulties. He first replied to an argument that a small number of men support civic movements.

"That was one reason why the Boston City Club was established. In the

years before you would always see the same names attached to every movement. The City Club brought out a great deal larger group from which to select men. It brought new men to the foreground, so you will see some of the older men in the association dropping out and giving place to new men of greater activity.

"Another question raised was that of financing these various things that come up, the speaker thought it would be difficult to find financial aid for these various propositions. In the primary meeting, getting the men together and forming committees, the Boston City Club assumes the expense of the necessary maintenance and dinners. It is able to do so because as an organization in the five years of its existence it has averaged a surplus of from fifteen to twenty-six thousand dollars a year. Then through the bringing of these men together, forming these committees, we find the men out of the larger group, not the same small group, who are ready and willing to finance the smaller and separate lines.

In answer to a question by Mr. Baldwin, of the St. Louis Civic League, as to how many of the organizations represented included women in their membership, three or four delegates raised their hands.

**Work of Women Members** In answer to a second question as to whether any of the organizations with women members concern themselves with the qualifications of candidates for public office only one delegate replied in the affirmative. Mr. Hull, of the Cambridge Taxpayers Association sought in vain to learn what work the women in the other organizations are doing. "One of our women members once asked me what they could do. I confessed I was stumped. Finally I suggested that they ride around East Cambridge, inspect the dirty streets—not their own streets, which are clean, but those on which the poor live—and make it their business to get these cleaned. But that did not appeal to them."

The question of endorsing candidates led to a spirited discussion. The representatives of organizations devoted to this purpose declared that they had exerted a very considerable influence in the selection of officeholders. Mr. Melvin P. Porter of the Buffalo Municipal League said that during the campaign just closed his organization had secured the election of men, irrespective of party, who are better representatives of the people than their opponents. Mr. Stiles P. Jones of the Minneapolis Voters League said that the work of his organization in publishing the records of dishonest officials had driven many corrupt men out of office. Mr. Anthony Pratt of the Detroit Municipal League said that while it had not succeeded in defeating the men it opposed, yet it had forced those men to reform their methods.

The majority of the delegates, however, seemed to feel that the "militant" organizations could not bring about fundamental or lasting improvements. Several instances were given where such organizations

had gradually lost influence until they finally dissolved, or, by adopting a constructive policy, made a different appeal to the community and so entered upon a new life. Mr. Hull told the story of the Good Government League of Cambridge which has been succeeded by the Taxpayers Association. The latter, by its constitution, is permitted to endorse candidates. But both the executive committee and the membership at the last annual meeting voted against endorsement as the association is chiefly interested in constructive measures such as the creation of the new highway commission and the laying out of a scientific street plan, for which it has employed a well known engineer. It would be difficult to secure the co-operation in such work of officeholders whom it had opposed. Even more important than this would be the questioning of its motives by the community if the organization, having seen its candidates defeated, sought to secure better methods of administration or the adoption of progressive policies by triumphant opponents. The result might be that the association would become a mere partisan organization dependent for results upon getting its friends into office.

Mr. Jones admitted that the Minneapolis Voters League makes no attempt to further a constructive program. Mr. Charles Sumner, of the Kansas City, (Mo.) City Club, spoke of the old Civic League which had endeavored to influence the selection of officials and its failure. If a matter could be made a party measure it went through and officials endorsed by the league voted for it with officials opposed by the league. So the City Club has decided to devote its attention to measures and to working out a program of constructive legislation. It took an active part in the fight against the proposed street-car franchise which was defeated last spring; and though it lost two hundred members because of its stand, it is now stronger than ever.

The use of public buildings for free discussion of all matters of public interest came up several times during the meeting. One of the most important services rendered by the Boston City Club is admittedly through

### **Use of Public Buildings**

discussions held in its auditorium, which has a seating capacity of 800. Here city officials and citizens present both sides of every question before the people and though the club as a club never takes a formal stand on one side or the other, the free discussion enlightens public opinion and gives the other organizations to which the club members belong information of the greatest value.

Mr. Edward J. Ward, through his work in the Rochester school civic centers and now at the University of Wisconsin, has had long experience in seeking to secure the wider use of public buildings. He led the discussion.

"Let me take as a starting point a conversation that I had in the Boston City Club with Mr. Lincoln Steffens. I had been boasting about the development of the civic organizations in Rochester and urging Mr. Steffens to come on to Rochester to speak before one of the neighborhood

civic clubs. Then Steffens spoke of the Boston City Club and said: 'Now I guess this will fork up your Rochester talk because they haven't done anything that will compare with this.' I said, 'No, but what we are working toward is very much finer than this because this really isn't a city club, a selected organization of people who are thought to be qualified, by a group who constitute themselves the selectors. What we are going to have is a city club in which the people of the city will be members by virtue of their membership in the city, in which the city hall, with its municipal banqueting hall and gathering place will be the club house, and we are going to develop a civic spirit, through association in the municipal machinery, instead of duplicating it by having a group who simply give part of their time to public questions.' Steffens paused for a minute and then said, 'Don't forget the municipal banqueting hall. You know the stomach isn't very far from the heart and I doubt whether you will ever get the true spirit of interest in the city, the true devotion and the true good feeling toward members of one's city, within the city, except as you have that municipal banqueting hall. You get that into the city hall, get the mayor as toastmaster, get the people gathering there to welcome the city's guests and to discuss public questions over a board as they do in many of the city clubs and I believe you will have something better.' That sounds ideal, it sounds up in the air, but that is the ideal toward which we are working in Wisconsin,—the idea of developing the consciousness of community membership, not to organize separate associations and use new buildings, but to use the buildings which already belong to the people, from the city hall to the school houses, as club houses. The city of Milwaukee is particularly favorable to that sort of development with the administration that is now in office, which welcomes investigation along all lines and which welcomes the largest use not only of other public buildings but of the city hall. The common council chamber is used every night in the week out there as the center for the Municipal and Social Service Institute, which takes up problems of improvement along all sorts of lines.

### **A Municipal Service Institute**

The institute is the product of a co-operation which is quite wonderful as indicating the excellent feeling toward the administration of the city. Three thousand dollars was put into the hands of the mayor by a person whose name is not supposed to be known,—who is not a socialist,—to be used for the investigation of social and municipal problems. The mayor, instead of saying 'This is a fine chance to propagate socialism,—we'll form a committee of socialists and use this \$3,000 to teach socialism in Milwaukee and out through the country,' went up to the University of Wisconsin and said to Dean Reper, the head of the extension department, 'Here's this money, here's the building that may be used, here's a city that may be studied,—you direct the organization of this institute, let it be under the auspices of the university; we'll put the city at the dis-



posal of the university, as a laboratory, we'll make every extension of its service possible, but we would rather that it should be conducted in an entirely non-partisan way, by the university, than to have it controlled in the slightest degree by the administration.'

"So that institute, which is running all through this winter takes up the whole field of philanthropic, social, educational, recreational activity and also the methods of dealing with the various public municipal problems. The money is furnished by a capitalist; it is given to the socialist mayor; it is turned over by him to a non-partisan university; and the city hall is the place where people gather for those institute meetings, afternoons and evenings.

"The question of the relation between such a civic organization and the government is most easily answered. It is the government. The duty and the aim of work on that line is to develop the consciousness of democracy, the consciousness on the part of the government of the people, who are the government. There went to a second reading in the Republican convention and it was cut out only because the platform was too long, a declaration that the people anywhere in Wisconsin had the right to use their public buildings, in so far as their use did not interfere with the prime use; as meeting places for the discussion of public questions,—the free and gratuitous use. Such gatherings in public buildings would have the right to call upon public servants to report upon the condition of their office; they would have the further right to call upon representatives of public service corporations to report upon the service that they are rendering to the community.

"There is splendid work done by civic organizations, whose leader in many ways is the Boston City Club, but it seems to me that the great thing that we ought to strive for is not good government, but self government, the awakening of the responsibility of the last man in the community. So we have gone on the idea in Milwaukee, and in cities in other parts of the state,—that in this new civic association every man in the community is a member; he may be an unconscious member,—we want to wake him up; he may be a passive member,—we want to make him active. We want to put up to every man and ultimately every woman the idea that as a member of society, as a member of the city, as a member of the community, they have certain responsibilities and that these things are not to be taken care of by others, by any groups.

"It is absolutely necessary that there should be a preparation of the soil as well as a selection of the seed,—that there should be a common civic intelligence. And I feel that while the work of the chambers of commerce and the work of the special civic bodies, legislative and voters' leagues, and so on, are all desirable, the great fundamental thing to aim at is the organization of the citizenship into a conscious democracy."

But with all this as an ideal, an ideal perhaps possible of realization

in Milwaukee and Wisconsin, Mr. Ward admitted the necessity of volunteer associations in other cities where the administration or public sentiment is not favorably inclined toward the free use of public buildings. Then, he said, the first thing that must be done is to declare and acquire the right of the people in any community to freedom of discussion of politics and everything else in their own buildings.

### **Freedom of Discussion**

That right does not exist in the majority of the American cities. The right to the use of the buildings must be gained, and that first. And I know that in very many cities,—in Indianapolis, for instance, and Minneapolis and here in Buffalo that is one of the objects toward which civic associations of various kinds are working, the establishment of that right. Then the next step which it seems to me will lead on toward the valuable use of public property as meeting places is the securing of a list of speakers, a list of people in public office, and people who are capable of speaking intelligently upon public questions, who will give up their time to address neighborhood civic organizations upon public questions and who will debate, who will speak on all sorts of questions interestingly and so will make the programs of these bodies intelligent. But the basis of it all and the ultimate control of it all is in the people and the hope there is in the developing of the consciousness that they are the government. "The practical working out of this will come in different ways. In the city of Milwaukee we have had absolutely no appropriation for equipment of any kind, and it has simply come about by the action of the existing federation, civic societies, going up to the university and saying 'We want this sort of thing developed, we want you to help us.' The request came from other neighborhoods throughout the state also, so the university entered upon the work."

MR. JONES, of the *Minneapolis Voters League* endorsed what Mr. Ward had said and added: "We have just had a notable election in Minneapolis, notable in many ways, notable for the tremendous up-

### **The Uprising in Minneapolis**

rising of the people behind a socialist candidate who was barely nosed out, without any glimmering of the fact that such a result was coming, but notable also for the election of a woman to the school board, as a reformer. As a result there are half a dozen schools with large auditoriums to be thrown open for all kinds of municipal uses,—social, political, civic. All new buildings will be equipped with auditoriums and they also will be thrown open; the probability is that those schools will be equipped as polling places at elections.

In most of the wards in Minneapolis we have been unable to hold meetings for the discussion of political problems, for the discussion of a bad alderman's record or a good alderman's record or the discussion of a bad mayor's record or a good mayor's record. We have been unable to get the facts before the people, for the lack of meeting places.

Where there was a place somebody would get in a year ahead and hire it for a week or two, in order to nose somebody else out. So we have been without meeting places, without the means of educating the people politically. Now we are going to use the school house. Every ward in the city of Minneapolis will have a forum for the discussion of all kinds of topics and we believe we are going to educate the people civically, politically, socially. We militant reformers have come to the same conclusion as Mr. Burns of Pittsburgh, that good government is not so much what we need as self-government."

Mr. Ewing, of the Pittsburgh Civic Commission told of a method of reaching the people devised by his organization.

"The point made of the difficulty of reaching the people themselves has struck us all, and while I do not feel qualified to speak for my chief,

**The Pittsburgh Plan** Mr. Burns, I think it may interest you to know the way the Pittsburgh Civic association has tried to work that out. We cannot work through the schools.

So we tried a different way by getting ward chairmen, carefully picked, and then in each ward getting a carefully selected body of ten men who should be representative of the working men, the business men, Catholics, Protestants, Jews, Italians, and other foreigners. In that way we got our organization about completed just before the Roosevelt meeting on September 10th. Then we plunged right into a political campaign.

"We do not endorse candidates, but we do endorse policies. The bond issue was a policy and we have discovered that it split us up almost as badly as would the endorsement of candidates. You have heard from two or three gentlemen who have been so fortunate to be on the right side of some of these elections. As soon as we have recovered a little we will tell you how it is to be on the wrong side. But we did carry eight wards of the city, on a very difficult split ballot. There were eight items voted and a ten-million-dollar issue; we endorsed only three items because the money couldn't be stolen. But they all went through, though our three went through with the biggest majority, showing the effect of our endorsement. We are getting letters from all classes of citizens congratulating us. We have great faith in this new ward organization. We don't control it. We have men of a class that we cannot control, that is, we couldn't tell them what to do. We have picked them from men of open mind and submit questions for their vote.

The Kansas City, Mo. City Club is following the Rochester instead of the Pittsburgh plan in trying to get at the people. "We have," said

**Kansas City's Experience** Mr. Sumner, "a university extension society which invited Prof. Zueblin to lecture to us. He happened to mention that a three-cent car fare might be a reasonable fare, and the "kept" newspapers immediately called upon the school board to prevent the use of the building for Prof. Zueblin's lecture. The board did so.

"The president of the Society for the Friendless sought permission to use the school building; the school board said 'We haven't any objection at all to letting you have the use of this school auditorium but there is another committee tonight going to ask for the use of the school and we feel we haven't any right to let anybody use it.' One of the members of our little committee was Judge McCune who was one of the vice-presidents of the National Municipal League. We created such a stir that a vacancy occurring in the school board, he was selected to fill it. Immediately the leaven began to work. This year, without any change of the laws, they are opening the school buildings, they are having night schools, they are discussing trade schools. Without changing the law they are permitting the use of the public library building for various societies; they are going to let anybody who can show that he isn't an anarchist, or, perhaps, a socialist, have the use of the high school building. And I noticed the other day they are letting a Sunday-school occupy a school building outside of the city."

As the hour for adjournment had come the chairman called on Mr. Goodwin of the Civil Service Reform League to sum up the discussion.

Mr. Goodwin devoted his attention chiefly to the most effective form of organization, by one large central association acting through committees or by separate organizations each confined to one particular purpose. As he had been appealed to by Mr. Fesler as one who approved of the single large organization his explanation was received with considerable interest. "From one point of view," he declared, "I welcome the consideration of the various civic activities under one leadership. It means a great economy, a great saving of energy. Where you have different organizations as we have in New York there is no doubt as to the duplication of work, as to the waste of funds, drawing very largely, as someone pointed out, from the same people, who appear in different capacities,—charitable, civic and social. On the other hand, from my point of view as a civil service reformer I will say frankly that I would not be willing, working in New York City, to go in and bind myself even as one of a committee in any general organization. I am perfectly willing to consult and co-operate to the extent of my power—I am a member of many other organizations—but as far as concerns our local situation there regarding civil service reform, in a large city which contains a political organization known as Tammany Hall, I want to have an organization that is directed simply and solely to upholding the civil service law. Again, I am very glad as a secretary to have my field so narrow. It is a field I believe in thoroughly.

"Working in connection with the City Club, I have realized some of the difficulties that a secretary of a general civic association is up against. I served for some years on the municipal affairs committee of the City Club in New York and I remember during one year, under able leader-

ship, we investigated the entire police department in the City of New York, looked into the subject of street cleaning in the City of New York, built a monument to the Tombs Angel and took up and discussed the matter of schools,—any one of which (except the monument) would be worthy of a whole year's activity. I say I welcome the narrowness of my field and the fact that I am confined to just one object and that my organization is not going to be split apart because of the different views of members on direct primaries or women suffrage, with which we have nothing to do as an organization.

“The New York City Club unlike the Boston City Club has its militant side. It has its civic secretary and an office organized on quite a large scale for civic work and it expends a considerable

**New York  
City Club**

sum of money on its civic work each year. Although I know that this has raised difficulties at times in the club, I do not think they have lost by it. I have known of exciting meetings where there was large difference of opinion, where members have gone out, but I do not believe in the end the Club has lost by it at all. I do not believe there is any reason to be afraid of that sort of thing; you will gain as much as you lose. If you take a partisan attitude you are only going to get partisans, that is true. If you are taking a straightforward, honest attitude on a public question or a public man, I see, no reason why the club should be split apart, through the fact that it takes a definite, militant attitude.

“On the other hand, it seems to me, it has got to confine its program to a certain extent, to certain leading issues. It can't take up everything connected with the city, from the trees and the pavements to the candidates for mayor,—at least if it is going to be effective. If it does want to cover the whole civic field it seems to me the Boston plan, as outlined here to-day, is a perfectly logical conclusion. In my connection with city work, in a large city, I would say I was an opportunist largely and the question of the nature of the organization, what it intends to do, depends entirely upon local or political conditions.

“Mr. Hull has raised the question whether his association should endorse candidates. I cannot think that can be answered by general experience, without knowing the situation in Cambridge. If there is someone else in Cambridge who does thoroughly the work of looking up the records of candidates and reports on them, then there is no question that a taxpayers' association can carry on its work better without doing that. If there was no one in New York City to take up the civil service reform it would be the duty of the City Club to do so and thereby it would hurt some of its members, hurt its membership through those among it who may be opposed to civil service reform. But they leave that absolutely alone, they turn it over to the Civil Service Reform Association.

“While I have said that I believe in the City of New York, under our conditions, it is impossible to consolidate into one organization that shall

look after all the activities, I can see in other cities where it is most highly desirable. Mr. Fesler referred to me earlier this afternoon as being willing to go to St. Louis, not to try to build up a civil service reform association there, but to work with the Civic League that I found there, which was willing and anxious and had already taken up the matter of civil service reform for the charter. Of course I am. I am an opportunist. If I could have gone in there and built up a civil service reform association I certainly would have done it. But finding that the field was occupied and that there is somebody else to push it, I will work with it wherever I can. In another place where I find the sentiment and no organization in the field, of course I will work for the creation of an association. I believe, that the kind of a civic association and the scope of its duties very largely depends upon the political and social conditions existing in a particular place.

I believe the enforcement of a civil service law depends almost entirely on the attitude of the community, on their watchfulness, more so than almost any other kind of law that you can have, because all the officers except the civil service commissioners are interested in breaking through that law for selfish purpose. So it needs an organization to watch them constantly.

# Nomination Reform.

## ROUND TABLE LUNCHEON DISCUSSION.

TUESDAY, NOVEMBER 15TH, 1 P. M.

HORACE E. DEMING, *Chairman.*

THE CHAIRMAN: The National Municipal League confines its efforts to the field of city government. What is particularly desired therefore at this conference is a frank interchange of opinions and experience as to methods of making nominations to elective city office. Are direct primaries a good method for this purpose? Do they secure a better class of men as successful candidates than other methods? What is their effect in eliminating national and state political partisanship from influence in the conduct of city government? These are types of the questions to which the speakers are requested to direct their attention.

There are several varieties of direct primaries. In Des Moines, Iowa, for instance, the nomination of a candidate for city office is made very simply by the petition of twenty-five of his fellow citizens. The primary is an open one. The ballots used at the primary contain the names of all

**Varieties of** candidates arranged alphabetically under the title of  
**Direct Primaries** the office they seek. No political name or mark is allowed on the ballot. Des Moines is a commission-governed city. The elective offices are a mayor and four councilmen. The names of the two nominees for mayor and of the eight nominees for councilman who receive the highest vote at the primary are the only ones allowed on the election-day ballot which like the primary ballot, has no political mark or designation. This is the Des Moines method for excluding national and state politics from local elections and having city officers elected by a majority vote.

In some cities no primaries at all are allowed. In Grand Junction, Colorado, candidates are nominated very simply by the petition of twenty-five citizens. The names appear alphabetically on the election day ballot on which no political designation of any sort is permitted, and the preferential vote is used in order to make sure that those elected are the choice of a majority of their fellow citizens. Boston is another city which forbids primaries altogether in city elections and uses ballots on election day on which no political designation is permitted. In Boston also, as in Des Moines and Grand Junction, the names of candidates appear alphabetically under the title to the office. In order to become a candidate for elective city office in Boston five thousand of one's fellow citizens must join in a petition nominating him. A plurality vote on election day is sufficient to elect.

Boston is a large city. It has towards 600,000 inhabitants. Des Moines has approximately 90,000; Grand Junction has—I do not recall the exact number—but it is less than 25,000. This suggests another matter which has an important bearing upon the topic to be discussed at this conference. The word “city” in this country means anything from a village of fifteen hundred or two thousand inhabitants to a community numbering millions, according to the whim of a state legislature. Therefore, when you make your arguments, if you want those arguments to apply to big cities, I hope you will say so. If you mean to have them apply to the small cities, I hope you will say so.

We shall now have the privilege of listening to Mr. Louis M. Greeley of Chicago and Mr. Richard S. Childs of New York, who have prepared the two papers, printed copies of which have been furnished you in advance as a basis for the discussion. Each is entitled to ten minutes to present a summary of the main points in his paper.

[For Mr. Greeley’s paper on “The Present Status of Direct Nominations,” see page 328. For Mr. Childs’s on “The Principle of Wieldy Districts,” see page 340.]

THE CHAIRMAN: Gentlemen, this question is now open for general discussion. Mr. Ansley Wilcox, of Buffalo.

MR. ANSLEY WILCOX: *Mr. Chairman:* New York State has been, during the whole of Gov. Hughes’ second administration, the especial battleground on which the subject of direct nominations has been fought out.

**The New York Situation** Gov. Hughes more and more during his term of office took advanced ground in favor of direct nominations applied in a sweeping way, comprehensively, to the entire state machinery and to all local governmental machinery as well. His reasons for opposing the present system, no doubt those of every thinking man, his arguments against the machine system by which our state has been governed in the past, were unanswerable. Large numbers of people followed him to the end and adopted all his conclusions. Some of us, who believed in his purposes, who wanted to work with him earnestly and heartily, could not believe it safe or proper in a state the size of New York, to apply the system of direct nominations to the entire state and local machinery of government at the same time, and I was one of those. I thought it safer and wiser to begin in a moderate way—and many other men were of that opinion—to apply it to small communities first. In thinking about it, it has always seemed to me that the places in which it could first and most safely be applied were in small, compact municipalities where people are in touch with one another, where they know the men within their limits, where they read the same newspapers and get the same information, or misinformation, as the case may be, and where public sentiment



can concentrate upon individual candidates. By small municipalities, I mean cities with populations of not more than 100,000 people. And as applicable to cities of that class I want to outline here and to hold before this body of thinkers a plan of direct nominations which originated with myself in 1896 and '7, as a result of changes in our organic law which had been created immediately before that time, which I still believe to be altogether the best and most workable plan of direct nominations in cities of that class.

In 1896, as a result of our new constitution adopted at that time, this State separated local elections from national and state elections, absolutely, by constitutional amendment, so that our local elections must occur in odd-numbered years when there is no general election. That was a constitutional declaration in favor of eliminating party politics from local elections, and a constitutional safeguard thrown about it. About the same time, by legislative enactment, the state provided for the personal registration of voters in cities. Now, taking those two features of separate local elections and personal registration: I suggested a direct primary held by both parties at the same time, and at the same place. When men go to enroll themselves as voters, and under the authority of the governmental officers then and there seated and doing their work. Everybody has to be registered or he cannot vote, and my idea was to make a man vote at the primary election before he was allowed to register, so as to make it compulsory for him to be at the primary election. Let there be a Republican and a Democratic title to the ballot, if you please, but vote at the same ballot-box.

Now, what is simpler and what is better than that? It insures a large primary, in the first place; it insures a secret primary in the second place, saves all question of expense and new machinery in the third place, and it simply sifts the candidates, sifts them out and picks out those whom the largest number of people want to vote for on election day.

Now, this plan, simple as it is, seems to have qualifications. It could not possibly succeed in Buffalo to-day, because we have to vote under a party, and there is where I want to put my hand in the hand of Mr. Childs, and say that he is advocating the best movement for municipal reform that is before the people of this country to-day, and that is the short ballot. [Applause.] One way or another we **The Short Ballot** have got to get the short ballot in our cities or we will never get good government. That we must have.

If there are to be ten or a dozen candidates to vote for, any system of primary election you can think of will be a failure, in a large or a small community. Then, in addition to having the short ballot, in the cities, you must absolutely do away with the party column. You must have a ballot arranged alphabetically or in some way, so that every candidate will stand upon the same basis and each one be voted upon individually, and if you have those two things, in addition to the things I have sug-

gested before, I believe direct nominations in cities will go a long way towards solving the problem of our city government. [Applause.]

LEWIS STOCKTON, of *Buffalo*: One way of solving the difficulty of getting the candidate elected in a large city without the aid of organized political machines is the actual successful practice in the city of Grand Junction, Colo.; and it seems to me we do not have

**Preferential  
Voting**

to go any further to accomplish the purposes at which we are aiming. If you are going to take the city out of politics, you are not going any longer to have two parties, and you must therefore no longer have plurality votes, but majority votes, as a means of ascertaining the will of the people. Under the Grand Junction system every candidate for an elective city office is elected at large; you can vote for one person for first choice, as you do at present, and stop there; or you can vote further and vote for some other candidate as your second choice and stop there; or you can go still further and vote for everybody except for those for whom you do not want to vote at all. In Grand Junction, political machines are removed from city elections and every successful candidate is elected by a majority vote.

The Boston scheme was a very excellent scheme, but it failed to get hold of this idea that if they were going to establish non-partisan government of the city they ought not any longer to have plurality elections as expressive of the will of the people. The result was that the good people of Boston with all their intelligence were very much surprised to find they had elected Fitzgerald as mayor. Under the Grand Junction plan Mr. Fitzgerald would not have been elected on the first ballot, the only one that was taken, because that showed that he did not get a majority vote of the people of Boston. What would have been the result I do not know, but certainly the result might have been different, which a great many people in Boston would have been very glad to see. But it seems to me, gentlemen, that we ought to bear in mind that if we want a non-partisan system of election, the plurality vote is out of date, that the majority vote is the true test and is extremely easy to secure, according to the testimony of those who have tried it.

F. S. SPENCE, of *Toronto*: Perhaps a word or two concerning the general experience of Canadian cities might be of interest if not of any other value. Toronto has a population of 400,000. The question that you are discussing to-day has never given us any serious

**Canadian  
Experience**

trouble. I might say that our city is governed by commission. Perhaps it will be almost as accurate to say that it is not, because we have endeavored to separate to some extent the two functions of government, which some of your political economists taught us long ago, the function of admin-

istration and legislation. We elect what we call a board of control by the city at large, composed of four persons, who, with the mayor make up the administration. On the English system of responsible government, every member of an administration must be also a member of the legislative body, sitting there to have his administration criticised and be responsible to the legislative body. We have then the mayor and four comptrollers, elected by the city at large. Then we have the ward system which elects the common council. That attends to the legislative work and criticises the administrative work of the smaller and more compact expert body. When our election comes, any two citizens may nominate any citizen they choose for mayor; any two citizens may nominate a citizens for comptroller; any two may nominate a citizen for alderman in their ward. A majority vote elects the mayor on one ballot provided by the city with nothing on it but "mayor". Another ballot contains the names of all who are candidates for comptroller, and the four highest are elected. Another contains the names of all who are candidates for aldermen, and the three highest are elected from each ward, because we have three representatives from each of the seven wards in our city. We have a board of control of five more, making up 26. That gives us our common legislative council with our centralized administrative body. That legislative body advises, criticises, corrects, and to a certain extent controls.

We have never had any trouble with the question of nominations. Somehow ideas center around individuals, and as a matter of practice a man who gets to be a comptroller graduates from the position of alderman. He is acquainted in his ward, he is selected there and the publicity that his career in council gives him is what gives the public the measure of whether he is fit for mayor or for the board of control, and a term in the board of control gives the people an idea whether or not he is a proper man to be elected as mayor.

For mayor rarely more than four names are nominated. Public interest concentrates on two. Our mayor is almost invariably elected by a majority of the votes cast. Members of the board of control are elected by the city at large. Sometimes the board of control ballot has contained as high as nine or ten names. From among those the four with the largest votes are chosen. A citizen is not always required to be a resident of the ward in which he runs, but he nearly always is as a matter of fact. There are three aldermen elected upon the ward ballot. As a rule there would not be more than five or six names put upon the ballot.

The three aldermen, the mayor and comptrollers are all elected on New Year's Day, which is a public holiday, and the municipal election is always separate from any other election whatever.

The term is only twelve months at present. We have no recall. We

have no referendum. We find that coming back once a year gives the people sufficient control over their officials. When I say the term is only one year, I speak of the city of Toronto. My friend here from Montreal is from a city where they elect the aldermen, I think for two years, and the mayor for four years.

STILES P. JONES, of *Minneapolis*: Perhaps it is proper for me to say a word as coming from a city and a ward and a state in the United States which have used the direct nominations system for the longest term of years. We have had direct primaries in the State of Minnesota for ten years, and in the eighth ward of Minneapolis for twelve years.

**Minneapolis'  
Experience**

We tried it in that ward first on the principle of trying it on the dog, and it worked so successfully that immediately, without any trouble whatever, a bill went through the legislature with hardly a politician protesting, for the direct primary for municipal, legislative, congressional and judiciary offices, all offices up to the state officers. Agitation is now on for the extension of the system to the state officers.

As to the results: I shall speak specifically of the city of Minneapolis and not of any other community. The effect of the direct primary has been to bring practically all the people of the city into participation in the nomination of the officers. From 75 to 95 per cent, according to the wards of the city, or according to different conditions in different campaigns, participate in the direct primary, as against 15 to 20 per cent under the old system. That is the first result. It has absolutely eliminated the intolerable evils of the old convention system which are many and serious. It has practically eliminated the influence of the partisan political bosses. Then, best of all, perhaps, it has broken down partisan lines in the community almost to the vanishing point. We have got to the point now where strong Republican wards are electing Democratic aldermen, and a strong Republican city, of say 12,000 majority for the Republican party, elected for a fourth term, on November 8th, a Democrat for mayor. Then, finally, it has been a tremendous educational influence on the voters. It has given them an interest in their community, in their city and in politics which they never had before, and has brought to them an appreciation of their responsibilities as citizens, which they never assumed before. The educational value of the system, I believe, is its greatest asset. There are many politicians, who would put us back into the groove of the old days, but there are none who will dare run the risk of political annihilation by suggesting it in the legislature. The probability is that at the coming session of the legislature there will be a tremendous agitation, and I think it will result in extending the primary system to state officers and to United States senators. I think that the direct primary movement is almost irresistible in the State of Minnesota. [Applause.]

MR. GEORGE A. O. ERNST, *of Boston*: As one of those who helped to draw the charter amendments and as one of those who was very bitterly disappointed in the result of the mayoralty election, I will say that I am not at all discouraged because of that result. We found this situation in Boston,—we had the direct primaries, but we had the party nominations. Boston is overwhelmingly Democratic. The result was that you could not make any combination of any kind with men who happened to be Democrats or Republicans on national and state issues, but who thought the same on municipal issues.

### **Boston's Experience**

Now, we had the alternative. We had found that the convention simply meant manipulation by certain people who wanted their own way and generally got it and that as a matter of putting up satisfactory candidates it was more or less a failure with us, whatever it may be anywhere else, and we wanted to get rid of the convention. We could go on with the primaries and make them what is called an open primary, but we understood that when that was done, the result was that there were sometimes nominated two men neither one of whom the citizens wanted to vote for, and one of the unsatisfactory men was elected. We felt that there was danger in what was known as the open primary, and we felt that direct nominations by the people themselves was an experiment worth trying.

We never have claimed for the amendments to Boston's charter anything more than that they were experiments in what we believed to be in the right direction, which ought to be tried so that the people could be tested. The election of last year was not really a full test, because we were starting for the first time and we had not got our ballot down as short as we wanted it. We were unanimous believers in what is known as a short ballot. We made a short ballot. We reduced the election down to its lowest terms. We made a city council of nine members. We

### **Boston's Short Ballot**

had to start by electing those nine at the beginning, because we had to have a city council. Hereafter we shall have only three. Next January, for example, the only names that will appear upon the ticket will be three members of the city council and two members of the school board. It is about as small a ballot as you can possibly get. What we are afraid of is that the people will lose absolutely all interest in the election next January because there are so few names on the ballot. We fear there is nothing there to arouse them, to excite them. The test is going to be simple, and the question is whether the people will be interested in municipal decency and good government, and that is going to be tested in Boston.

If you really analyze the vote of last year you will find that while some of us were disappointed in regard to the mayoralty, yet, out of nine members of the city council, one candidate for mayor and one candidate

for school committee, making eleven officers in all, the so-called reform movement won out on seven of the city council and on the school committeeman, and lost the mayor by only a meagre minority. A change of 702 votes in the city of Boston would have given us the mayor that we wanted, and he lost for reasons which it is not worth while for me to go into, but which some of those who are his warmest supporters felt were satisfactory reasons. We wanted him, but we were sorry that certain methods were adopted. He spent, for example, \$92,000 in his election. Now, we do not believe in \$92,000 being spent even by a reformer. [Applause.]

We have in Boston a registration of 110,000. There were about 96,000 votes cast, and the people when they went to the polls had not a sign on the ballot as to who and what the candidates were, absolutely nothing except the names of the candidates. Now, when for the first time in a great community like Boston, made up as it is of all sorts of people, you find those people going to the polls without any guide,—heretofore for years they have had “Republican” or “Democratic” or “Socialist” candidate, or whatever it might be to put their cross against—I say the result of the election was the strongest of proof that you can trust the people. If you will only not get discouraged at the first election when it goes wrong, but will keep on and keep on and on, you can trust them, and sooner or later they will vote, and vote right. [Applause.]

We know that in the cities of England ten electors can nominate a man for the council, but we felt that if only ten are interested sufficiently in a candidate to join in his nomination, this is not much evidence that the people are interested in him. We thought it safer to have evidence that at least 5,000 people were interested. That is less than 5% of the registered vote of 110,000. Now, if you haven't got 5% of the registered vote interested enough in a candidate to nominate him, you haven't got any movement at all for him. We recognize, of course, that if the signatures to the nominating petition are to become articles of merchandise, they will not represent any real popular movement; but wait at least until next January and see whether or not your short ballot will work, because then for the first time it is going to be truly tested in Boston.

HON. WILLIAM DUDLEY FOULKE, *of Richmond, Ind.*: I come from a small city and from a county in which the experiment of the open primary was tried a long while before it was tried even in Minneapolis. When I went there in 1876 it was in practice and it is in practice still. It was not tried under any legal sanction whatever, but was simply the voluntary action of the Republican party, which is a party in very large majority in the county, and quite a fair majority in the city; and while I cannot fully concur in the opinions of the gentleman from Minneapolis, who refers to it as a complete success, I will say that in comparison to the convention system it works well; but it has several

**Experience of  
Richmond, Ind**

serious infirmities. One of the most serious is perhaps this: as I said to you, the county is reliably Republican; as is the city. This undoubtedly induces some of our Democratic friends and some of the candidates to desire to manipulate their votes, to get them to vote in the primary for the weakest and poorest Republican candidates. This practice can only be controlled imperfectly by the Republican organization. Under a system which allows a man to determine for himself to which party he belongs, his own party affiliation, it could not be controlled at all.

MR. CHILDS: Mr. Ernst of Boston says they will have a short ballot there in January. I do not think that will be a true short ballot. It will not accord with the short ballot principle as defined by the short ballot organization, which says, first, "That only those offices

### **The Real Short Ballot**

should be elective which are important enough to attract and deserve public examination." That is one wing of the short ballot principle. The nine aldermen or councilmen of Boston have very little power. They are overshadowed by the mayor, and their power is very largely merely obstructive. The power to determine policies vested in city council, is not large enough to get the city of Boston excited over the issue and I do not believe that the people of Boston will really rise up and fight except over the mayoralty under that plan. The power should be more evenly divided among the elective officers.

I do not know whether membership in the school board is an interesting office to the people of Boston.

MR. ERNST: In 1906 we reduced the school committee from 24 to 5 for the very purpose of doing what I understand Mr. Childs and those who believe in the short ballot want, to have the people able to pick out five strong men. They did it. We have had five strong, able men, and the schools have never been better in the city of Boston than they are to-day. We have a very strong school board, and Boston takes intense interest in its schools.

JOHN IHLDER, *of New York City*: In Grand Rapids we have a school board of nine members elected at large, three each year. We do not have very much excitement, as they expect to have in Boston, yet during the five or six years since we have had this board, we have elected to it each year, without excitement, some of the best men in the community. Our school board has been transformed from what it used to be under the old ward system, and we now have better schools than we ever dreamt of having before.

GEORGE H. SMITH, *of Rochester, New York*: I merely wish to say in the way of illustrating the interest in school questions that since Rochester

cut down its school board from one to a ward to a board elected at large, numbering five, intense interest has concentrated around the election of members to the school board.

DR. ALLEN, *of New York*: The proposition that the more the public is interested in a candidate the more efficient the candidate's service is apt to be, can be illuminated by the experience in New York City. I should like to ask Mr. Childs whether in his judgment it is true that in New York City those offices on which public attention has been concentrated, at the last election or anyone of the last ten elections, have been more efficiently administered than those offices which the public has paid no attention to and voted for merely as a matter of routine. That is the test, is it not, of the short ballot theory?

MR. CHILDS: I think they have been more efficiently administered. Compare the board of estimate with the board of aldermen, for example.

MR. ALLEN: I would like to accept that challenge, and I wish it were possible for the National Municipal League to make an analysis of the experience in New York City and to contrast, not a legislative body with an administrative body, which Mr. Childs does, but to contrast an administrative officer like the mayor with an administrative officer like a borough president, or a registrar of deeds or something like that, that nobody has paid much attention to. I would like to have the verdict of the National Municipal League as to where the largest percentage of inefficiency and incompetence and waste and obstruction to good government is found in New York City. I believe it will be found that in New York City malfeasance in office under the mayor, upon which the public attention has been concentrated at the time of the election, vastly exceeds in proportion, as well as in amount that which exists under these neglected offices, which we are told ought to be abolished under the short ballot. If that is true, and I have tried to find out whether it is true or not, it is only fair that a body like the National Municipal League ought to consider the fact in discussing the relative merits of the short ballot, and it comes back to the statement made several times to-day that this attempt to get a short cut to good government by disregarding the fundamental need of knowledge on the part of the public as to what is happening is bound to run us up a tree, whether we call it commission, bicameral, or short or long ballot, and it is a great pity that in our talk about the commission form of government, which New York City has for 99% of its service, we cannot find a little more space and time for the education of the public as to the gap between what we think we ought to get and what we actually are getting. [Applause.]

MR. GREELEY: It seems to me that the moral of Mr. Foulke's remark



is that we should have a closed primary, should have registration with party affiliation and should require a man who has once voted at a given party primary to stick to that party for a very considerable period. That is what we have in Illinois. It seems to me that would obviate the objections that he finds to the direct primary as it works in his county and city.

**Illinois'  
Experience**

With regard to the difficulty of having fusion candidates under the present direct primary system, I do not think that is inherent in the system. I see no reason why legal provision could not be made by which fusion candidates could be had whenever it is desirable. That is a problem with which we are wrestling in Illinois now. We are cursed in Illinois with minority representation, and it is responsible for the legislative scandals which exist in our state and which have become notorious the country over. There are three legislators to be elected in each district; and any voter may vote either at the primary or at the final election, three votes for one candidate, a vote-and-a-half for two, or one vote for three. The present primary law with regard to legislative candidates permits the party committee to determine the number of party nominations that shall be put up, whether one or two or three.

The Illinois Supreme Court has made recently a Delphic utterance on the subject which really does not tell us whether the provision is legal or is not legal, and we do not know how we stand.

MR. WILCOX: My argument was intended to express the idea that the places where direct nominations could be tried most successfully and with the best hope of satisfactory results, was in the small urban communities. That gives the best chances of success. I believe in beginning in the way which offers the best chance of success and where you can watch the working of the plan most closely and improve it, if the mechanism needs to be improved, before you apply it on a large scale.

MR. A. P. ROSE, of Geneva: I would like to say that although we have not a non-partisan primary where I am, yet practically we have proved that its theory will not work, because in my county a Republican nomination is equivalent to an election, and it is constantly the rule that the Democrats will go in and carry the Republic caucus, and they would do the same even if they could not thereafter vote in their own caucus, because it is of no consequence what they do in their own caucus, and it is very important what is done in the Republican caucus. Therefore the Democrats will, as they constantly do, vote in the Republican caucus and carry that caucus for such candidate as they wish.

SAMUEL H. RANCK, of Grand Rapids: Mr. Chairman, I just want to point out one thing that I think has been overlooked, which has been raised as a criticism as to certain features of the primary, as I have

seen them in operation in three states, Pennsylvania and Maryland for certain things, and Michigan, and that is the expense connected with a primary campaign. That expense in the municipal election is keeping out, I happen to know, certain men who would make good officials, simply because they say they cannot afford the expense connected with the primary campaigns. That feature was not touched on, I believe, to-day, but I think it is something that will have to be considered in working out the solution of this thing.

**Expense of the Primary**

MR. PLEYDELL, *of New York*: Mr. Chairman, a word in emphasis of what Mr. Ranck has said. The direct primary for a small compact district like a township, or even some counties, can be worked cheaply. As has been said, a man can go around and canvass among his neighbors, knowing all about them. I live and vote in a small district, not in New York, and I saw a man turn a vote of 900, in a community of 3000, into a majority of 450, simply by personal effort, last week. A man can do those things where he can go around among his neighbors. As you enlarge the district you make it harder and harder for a man to get out a primary vote for himself, unless he has one of two things, either plenty of money or the newspapers, and unfortunately in some of the direct primary contests I know of, the money has bought the newspapers,—not always their influence, but the space,—and the man who has had the money has had that newspaper notoriety which has been equivalent to carry the primary and is only a substitute for the political machine without the responsibility that there always is on the political machine.

MR. CHILDS: I want to use a minute because I do not want to leave Mr. Allen's challenge unanswered. My work begins after his ends. Through the Bureau of Municipal Research he finds out if a public official is not doing right. That public official perhaps comes up as a candidate for re-election. If he is running for a conspicuous office and one in which the people are taking an interest, Mr. Allen's exposure will hurt him. If he is a candidate for an obscure office in which the people are taking no interest, Mr. Allen's exposure will be of no avail. There will be no excitement over any exposures he can make in the county clerk's office compared to the excitement there would be over the exposure of some conspicuous officer. What I am after is obedient government. Efficient government is incidental. If the people want efficient government they must get it by means of getting an obedient government first, and then demand efficiency. [Applause.]

THE CHAIRMAN: Now, gentlemen, we will adjourn to the regular session. I see that Mr. Paine has gone, thus withdrawing his consent that we stay here.

# The Police Problem Luncheon.

WEDNESDAY NOON, NOVEMBER 16, 1910.

MR. ELLIOT H. GOODWIN, Secretary of the National Civil Service Reform League, as chairman, called the meeting to order at 1.45 p. m. and stated that the subject of discussion would be the police problem, as set forth in a pamphlet prepared for this meeting, entitled "The Organization of Police Forces," by Dr. Leonhard Felix Fuld, the author of "Police Administration" and an examiner of the Municipal Civil Service Commission of New York. [See page 281.] He reviewed the points raised by Dr. Fuld in regard to the application of civil service rules to appointments and promotions in the police force and called attention to the striking inconsistency involved in requiring candidates for entrance to submit to a very severe physical examination, but after they have once been appointed no provision is made for further physical examination, unless a man offers himself as a candidate for promotion. He stated it as his opinion that one of the main reasons for inefficiency in the enforcement of the law by the police was the multiplicity of laws, ordinances and regulations, frequently confusing and occasionally conflicting, which the individual patrolman was expected to enforce. This left it to the single policeman on the beat to decide whether or not a particular offense committed in his presence should cause an arrest and by thus lodging discretion in the performance of his duties in the patrolman the door was thrown wide open for corruption, favoritism and neglect of duty.

PROF. HATTON, *Cleveland, Ohio*: Mr. Goodwin pointed out that one of the reasons why we do not have more effective police service in many of our cities, is on account of the multiplicity of laws to be enforced. I am willing to agree that it does complicate our police situation in America, that we do expect the police to attend to more things than they are expected to look after in foreign countries. I am inclined to think, however, that it is not a fundamental defect in our police work, because I believe with the proper form of police organization and police control, it is possible to secure a pretty thorough enforcement even of the great mass of law which a policeman is now called upon to enforce.

**Multiplicity of Laws**

I will give you this illustration. In some investigations I have made of the liquor question in cities, especially in talking it over with chiefs of police, it has frequently been said to me that the saloons could not be closed on Sunday because to do so would require the use of the entire police force, it being necessary, it was stated, to place a policeman in

front of every individual saloon. I am frank to say that I do not think the Sunday closing law, in many of our cities, could be entirely enforced. However, the line of reasoning which I have suggested is wholly fallacious, because it would not be necessary to place a policeman in front of every saloon in order to close it on Sunday. If we could bring about a condition under which any man found violating the Sunday closing law would be promptly arrested and punished, you would need only one policeman for forty or fifty saloons. The difficulty of the situation is that our police forces are so organized and so controlled that it is possible through a system of petty graft, either on the part of the patrolman or, more usually, on the part of his commanding officer, to grant immunity to the saloon-keepers who wish to keep their saloons open on Sunday. In other words, there is a lack of harmony between the local sentiment in the city and the state sentiment which forces the Sunday closing law upon the statute books. Until we can work out some system whereby the state can force a local police force to put in operation fully these statutes passed by the state, we shall continue to have violations of that sort of law. It seems to me that the root of the police question is to be found in the method of controlling the police force. The solution of the problem of police control, in my opinion, is a condition precedent to any satisfactory answer to practically any of the other police problems.

### **Sunday Law Enforcement**

I hope that before this discussion is closed, Mr. Goodwin or someone else, will outline a little more clearly just what sort of efficiency records can be established. Dr. Fuld in his book and in his paper says, and I think very properly, that one of the necessary conditions of efficient police service is the establishment of efficiency records upon which to base recommendations for promotion. While that is true, yet that is one of the most difficult problems set for the modern police reformer, in my opinion. The question that puzzles me is how to work out an efficiency test of actual police service, because it is almost always necessary to depend for a decision of the question of how

### **Efficiency Tests**

a particular policeman has performed his duty upon the record made by some higher official. In other words, the elimination of the personal equation in making these records upon which efficiency is to be based, is the serious problem, and one that I have not yet worked out satisfactorily to myself. I know that a number of police departments and some civil service commissions are working earnestly upon that question now.

Dr. Fuld, as I understand, thinks that the head of the police department should be appointed by the mayor. He makes the suggestion that he should be appointed for a long term, in his opinion for ten years, and that once having been appointed the head of a police force should not be removed except upon a statement of charges and after the right to

be heard. He says further that the head of the police force ought to have the right to appeal from the original trial board to the courts. He says very plainly that this principle is not sound as to most other appointive offices; but he thinks that so far as the police commissioner is concerned, he should have a right to appeal to the courts, because the office involves so many political possibilities, and the charges urged against a police commissioner are likely to be so purely political.

As to the first proposition that the police force should be under the control of one man, I take it we are all agreed. That he should be appointed for a long term, I believe every student of the police question will agree. I am in some doubt, however, as to whether the suggestion that a chief of police should be appointed for ten years is a proper one. I am rather inclined to believe that a chief of police should be appointed for an indefinite tenure and that, in the long run, it will perhaps be wiser to make him removable by the appointing power upon the simple public statement of the charges against him. I am aware that in certain cities this has resulted in removals for purely political reasons, but my observation has led me to believe that, in most of our cities where the mayor may remove the chief of police, but only upon the statement of charges, public sentiment is gradually becoming strong enough to force a mayor who might wish to remove a chief of police for purely political reasons, to leave him in his office. I may be wrong in this, but, for the present, I would be rather inclined to say that our chiefs of police should be appointed for an indefinite period and made removable by the mayor upon a public statement of charges.

One word more. I do not believe we can have any effective policing in the United States until we establish a system of inspection by some power outside of the city that will standardize our police work among the cities and until there is granted to some central authority, perhaps the governor of the state, the power to remove chiefs of police for the failure to enforce state law.

MR. WILLIAM CHURCH OSBORN, *New York*: I am inclined very strongly to agree with Professor Hatton in his observations with reference to the length of term of the police commissioner. I at one time sat on what was known as the Committee of Nine on the police department of New York City, and I think it is no violation of confidence to say that when that committee first assembled there were two principles of police administration which took the position of being fixed facts. One of them was that the term of the commissioner of police should be a fixed term. The other was that a patrolman should not have the right of appeal to the courts. That committee sat for a period of many months and had before it all of the experts and in experts on the police situation in the city of New York and elsewhere, and at the close of our consideration there were but two subjects on which the committee was united; first, that the term

of the commissioner should not be fixed, and, second, that the right of appeal to the courts should be left to the patrolmen.

Briefly, the reasons for holding that the term of commissioner of police should not be fixed were two-fold. In the first place, while as a matter of principle the term of such an officer should be fixed, when two principles collide, the greater principle should have the right of way. It was perfectly apparent that the principle of responsibility of the mayor for the conduct of the government of the city was rapidly becoming the leading principle in municipal affairs, at any rate so far as New York City was concerned; that in no department of the city government could the application of that principle be more important than in a police department, and that the citizens of the city must take, as Professor Hatton has well suggested, the position that public opinion must be so alive to the police problem, so keen upon the action of the mayor, that no mayor would dare to remove a police commissioner for purely partisan reasons.

### **The Mayor's Responsibility**

There is another reason, namely, that in many elections there comes before the people of the municipality the question of the enforcement of three series of statutes: first, the statute against gambling; second, the statute with reference to the closing of the saloons and the excise question in general, and third, the enforcement of the laws against disorderly houses, and within the memory of every gentleman present I am well assured that election after election has turned upon the attitude of the police board with reference to the enforcement of laws dealing with those topics. Now when the population of a city has become really aroused on any one of those topics there is but one thing that it wants to do. It wants to get at the chief of police and change him, and in my judgment the people of any city ought to have the right to get at the chief of police and change him, and the way to do it is to do it through the mayor. For instance, as you well know, we have been having during the last six months in the city of New York a very active, although somewhat quiet, discussion of that very topic, what the relation of our police should be toward these various resorts. Sooner or later the election of the mayor of New York is going to depend upon the question of the enforcement of those statutes and the people should be able to say, "We wish a mayor who has a certain view upon those subjects."

To pass from that topic to the topic of the patrolman. That is a thoroughly practical matter. The conclusion that we arrived at was this; that on an examination of the very large proportion of the cases which had been brought up on appeal to the courts by patrolmen, as to the reasons for and the propriety of their removal, the committee was well satisfied, that the right of appeal was well exercised by the patrolmen, and that the reinstatement of the patrolmen by the courts was only what was just and proper in view of all the circumstances of the case, not on technical grounds, but on actual broad grounds of fair dealing with the

men. The appeal to the courts has been taken very freely by the patrolmen and there have been many, many cases where they have not been re-instated, but in our judgment the larger proportion of the cases in which they were re-instated were cases in which the appeal was correctly taken.

MR. REGINALD M. HULL, *Cambridge, Mass.*: Cambridge is facing a very serious problem. It cannot trust its elective officials to manage its police department. Conflict of authority is constantly arising. Within two months a Cambridge patrolman was shot at by a Somerville patrolman. When that man was tried in Somerville the witnesses from the Cambridge force were not invited to be present. Action was taken on the accounts which were given by the Somerville chief of police.

We believe that a great deal more efficiency can be obtained through a state-appointed commission. We have had a fine example of that in Boston. There is not a Boston man here who will not agree with me that the Boston service is as good as any service that we know anything about and the man at the head of it is an ideal police commissioner.

### **State-appointed Commission**

Cambridge wants that same sort of thing. A state commission could prevent duplication of work, duplication of stations, duplication of various systems of criminal identification, would increase tremendously the speed with which criminals could be apprehended, and in every way to my mind,—except as to the question of home rule, which I think is a dream in that particular,—I think would prove extremely valuable.

Our system allows the mayor to discharge a patrolman only after he has been heard by the board of aldermen, and we have been unable to get rid of a drunken patrolman. Within the last year we have had two cases of drunkenness brought before the board of aldermen. They have retained men for various reasons, sympathy and other things that I cannot dwell on, and they hark back to the fact that the mayor let a drunken policeman stay on the force earlier in the year, and say, "The mayor did that, why can't the board do this?"

Somerville is not satisfied with her system and there are a good many other towns around Boston that are not satisfied with theirs. A metropolitan commissioner could do a great work; a state commissioner could do even a greater work.

DR. HORATIO N. POLLOCK, *Albany*: I have been much interested in what Professor Hatton has said concerning the civil service aspects of the police situation. It seems to me that the civil service program might be applied to the whole of the police system, including the commissioner and chief of police. I believe that if we could get the right kind of a commissioner, we would do much towards solving the whole problem. The men in uniform follow the head of department. If the sentiment

of the head of the department is in favor of decent law-enforcement, the policemen catch the spirit. I believe that we could by the application of the merit system determine whether a man would be a capable commissioner of police before he is appointed to the office.

In regard to efficiency records. For seven years I was senior examiner of the New York State Civil Service Commission, and during that time the question of promoting candidates in the various departments was one of the principal questions we had to consider.

**Efficiency  
Records**

We tried to consider all of the elements entering into a man's experience in determining his grade for promotion, and in some cases we used the efficiency records or the grading given by the head of the department. We found this to be the case. Often the head of the department was a new man; the men who were being graded had served a long time in the department; the head of the department simply gave his impressions. He looked over whatever records there might be in the office and he reported anything that there might be against the man, but as a rule his report was simply an impression of the quality of the man. I think in the majority of cases that impression was perfectly worthless, as it was not founded upon sufficient data. I think a man's record in the department ought to be one element merely, and it should not be given great weight in promotion examinations.

It seems to me that, in the majority of cases, the examinations might better be open competitive examinations rather than promotion examinations; that is examinations that would be open to men in the department and at the same time to men outside. If the men in the department have gained any efficiency, have established a record for efficiency, have shown their ability, they ought to be ahead of the men who would naturally come in from the outside. I believe in the open examination so far as it is possible to use it.

EDWARD J. WARD, *University of Wisconsin*: Is there not an element in this problem that we are prone to forget? That is, the human element. If there is graft in the system would it not be simply a change from retail graft to wholesale graft to put the control of the police in the state instead of in the hands of the city government? Is there not a difficulty in the attitude of the citizens toward the police? The citizens say, "You force us to be good if you can". And, again, in the attitude

**Co-operation  
of Citizens**

of the authorities over the police toward the citizens, in saying, "We will force you to be good?" Is it not the great fact that the citizenship of the city is itself a subordinate part of the police system, and should not the idea be cultivated that the police are not playing a game against the citizens, are not at war with the citizens, but that they are special agents to do what the citizens themselves want to see done?



The city of Milwaukee has been cleaned up to such an extent that the publicity man of the former mayor told me that from a sporting man's point of view Milwaukee is now off the map. It has been cleaned up, not because the police have been forced to make the people obey the laws, but because the people have recognized their police responsibility in co-operating with the police in reporting the breaking of laws. It seems to me that the effect there demonstrates the value of emphasizing the fact that the police are not hired to fight the instincts of the people, to prevent them from having a good time. We should emphasize the idea that ultimately the responsibility is not only upon the police, the few specialists, but is upon the whole citizenship, which is, ultimately, the complete police system. I simply ask whether, like the franchise question, this question does not come back upon a cultivated sense of civic responsibility rather than upon a question of shifting the machinery from city to state or back from state to city.

PROFESSOR HATTON: I want to say in reply to Mr. Hull that it seems to me the trouble he detailed between the Cambridge and the Somerville police forces is due to a very fundamental defect

### **The Boston Situation**

which is exemplified by the entire metropolitan Boston situation. I have not very much sympathy for the outlying municipalities about Boston which complain of the bad government in the city of Boston or which complain of such conflicts of jurisdiction as have been described. As a matter of fact the outlying districts about Boston are getting from Boston just as much as they deserve, and so long as they insist upon staying out,—and these are really the places where the intelligent people who work in Boston go out to sleep,—just so long will they be dissatisfied with the conditions in Boston and just so long will there be this conflict of jurisdiction. It is a manifestly absurd situation to permit these manifold separate municipalities with absolutely no dividing line between them to continue to exist.

In regard to the question as to the relative merits of state appointed and local appointed chiefs of police, after a very careful investigation of all of the instances in the United States of state appointed boards or state appointed police chiefs, I reached the conclusion that, at the very least, one thing was shown; that the state appointed chiefs or boards had given better results than the locally appointed boards. I think unquestionably what Mr. Ihlder suggested would be true of Ohio and Indiana. Certainly it was found in St. Louis that the state controlled police force resulted in most deplorable conditions. The whole theory of state appointed boards rests upon the idea, it seems to me, that a state is necessarily more virtuous than a city,—and it is not necessarily more virtuous than a city. It is more virtuous in certain lines than the city, and in certain other lines it is not quite so virtuous. It is just a difference in point of view or a difference in the quality of the virtue.

Unquestionably you have now fairly good results from a state appointed police commissioner in Boston, because the situation in Boston is exceptional. In the first place the state capitol of Massachusetts is a kind of secondary city hall,—or the primary city hall,—for Boston. It is all in Boston, where the whole thing is under the supervision of the city of Boston, and the influences that can be most effectively directed upon the working of state administration in Massachusetts are in Boston. Therefore you have had great advantages in that respect. If in Ohio, for instance, we transferred the appointment of the chiefs of police to Columbus, a hundred miles away, we would have chiefs of police in our cities appointed to fit the particular political views of the governor for the time being, and that is what has resulted in other states.

As to the relation between the appointment of police commissioners and the question of home rule, let me state again a view that I have previously stated to the National Municipal League,—the question of the enforcement of law is not a matter of policy. There is no question of policy involved in it providing the same jurisdiction is making the laws. The trouble that comes in our police conditions is that the states make some laws that are opposed in the cities. Those are laws against gambling, laws against selling liquor under certain conditions or on certain days, and, to a much less extent, laws against the social evil. Your cities on the other hand make the laws they wish enforced, that is, the local ordinances. If your police force were enforcing only city ordinances, unquestionably you could leave that entirely to the locality. Your police force in the city can be left practically free to enforce ordinary laws against crime. That is, the people of our cities do not want murder and arson and such crimes to be committed without being suppressed. They are just as much interested in suppressing these as any people outside of the city are interested in it. It is only upon those questions where there is a difference of opinion between the people of the city and the people of the state, that we have any difficulty in this police matter.

It seems to me that the solution of the question is, to leave it to the cities to appoint their police commissioners or police chiefs. I would, however—and I think this is fundamental—place it in the power of the governor to remove chiefs of police; not to appoint someone in their place, but to remove them whenever they are failing to enforce laws that

### **Home Rule**

have been passed by the state legislature, and for no other reason. That seems to me to be fundamental, for we are cultivating in this country a widespread disrespect for law because laws made in one place are enforced by officials elected in another place, and officials elected by people who are opponents of particular lines of state policy.

It is not a true principle of home rule, it seems to me, that we should leave to localities the administration or control of those questions only which affect them alone. That is a starting point perhaps. You can

never lay down an absolute dividing line of course, but the principle of local self-government, if that is what you want to call it, demands that we leave just as much of the administration of all forms of governments, whether it affects the people of the locality alone, or people of the locality in conjunction with the rest of the state, to the people in the locality.

I outlined last year a system which I think would work, and it is not pure theory, because it has worked in certain localities. I would let the mayor appoint the chief of police, let the governor remove the chief of police if he refuses to enforce state laws, but let him be re-appointed again in the locality. I think we need the inspection they have in England and other countries in order to standardize the work of our police departments so that the police work of one city can be compared with the work accomplished in another city, and that we should provide that the state government shall pay part of the expense of the police force upon condition that the standard of the work of that force is sufficiently high. I think that would go a long way toward getting efficient enforcement of state laws, because no municipality would want to tax itself for the refusal to enforce certain laws. If the people of the state are so vitally interested in the efficient policing of a city, as I grant they are, it would be nothing more than fair that they should by taxation pay a portion of that expense.

Finally I think we need a state bureau of police, to which all police forces should be required to report, so that you can have one central bureau of information regarding police conditions. And, further, I think we ought to have small state detective forces at the control of the governor, who could send men to see whether the statutes are being enforced. I do not think we are going to get in any of our states any such thorough-going system introduced immediately, but a long first step would be to give the governor the power of removing the chief of police for failure to enforce state law. Then the next step would be to require state inspection. That far we might go now without doing violence to any of our principles of home rule.

MR. MAYO FESLER, *Cleveland, Ohio*: I should like to say in behalf of the plan suggested by Professor Hatton, that Governor Hadley, of Missouri, whose life has been made miserable by the police situation in two cities, and who spent about half his time chasing between Kansas City and St. Louis, fully agrees with the position taken by Professor Hatton in his address last year before the National Municipal League. He had some doubt about the state inspection of the forces, but that was a matter of temporary difficulty only.

MR. JOHN MARTIN, *New York*: Professor Hatton said that the argument for the appointment of a police commissioner by the state rests on the assumption that the state is more virtuous than the city. I cannot

help thinking that his contention that the governor should have the power of removal of a police commissioner who neglects to enforce state laws, is based upon a similar assumption, namely, that the up-state legislators are more virtuous or wiser than the local legislators, and that anything that they lay down is necessarily for the highest morality and should of necessity, whether the locality desires it or not, be enforced in that locality. Fundamentally I think we have to come back to an examination of the basis upon which we deny the cities the authority to say for themselves what shall be the rule with respect to these matters upon which there is such difference of opinion, gambling houses, saloons and places of ill resort. His examples drawn from England, I think, do not apply in this country, for the simple reason that in England the imperial government is much superior in power, in experience, in impartiality, to the local governments. In America that is not the case with the state governments, at any rate not so markedly.

No New Yorker would admit offhand that Albany was superior in wisdom, in virtue, in impartiality, to New York City. For example, in England, subsidies are made by the imperial exchequer to local communities, and the administration of the police is based effectively on that subsidy. The imperial taxes are drawn from other sources than the localities to which the subsidies are granted. If we had that in New York State it would be simply taking money out of Father Knickerbocker's pocket with one hand and putting part of it back in the shape of a subsidy with the other hand, and therefore the same method would, I think, not prove effective. In fact, I should say that the first step to be taken is not to diminish home rule by empowering the governor to remove a police commissioner who in his opinion is not enforcing the state laws, but to extend home rule by limiting the pettifogging interference of the state with the regulation of purely local affairs, such as the hours during which the saloons shall be opened in the cities.

MR. ANTHONY PRATT, *Detroit*: We have a rather peculiar situation in Detroit. Two and a half years ago there was a strong local sentiment for the removal of the police commissioner. We had not the power to remove the commissioner in the city, but had to apply to the governor, and the governor refused to act. Many of us felt at that time that had we been able to have the power of removal placed in the hands of the mayor, even the street railway question, which had been the paramount issue in elections for years and years, might have been subordinated at that time to the question of the re-election of mayor on the ground of his action in matters of police regulation.

## Commission Government Luncheon.

A largely attended luncheon to consider the question of the commission form of municipal government was presided over by Harvey S. Chase, of Boston, a member of the Executive Committee of the League. In view of the fact that that committee has in contemplation the publication at an early date of a volume dealing with this question only a general outline of the very interesting discussion will be given. Sufficient, however, is included to present in concise form the main arguments pro and con.

Dr. Bradford's paper on "A Comparison of Commission Forms of Government to Date" (see pages 246-280) was made the basis of discussion.

DR. BRADFORD: Any form of government which can command one hundred American cities is worthy of the most careful and respectful attention from students of government. With this idea, with the thought

### **Popularity of Commission Government**

that it might be possible to determine what the results have been in various cities, and what the commission plan really is, it was my privilege to visit a considerable number of cities, Galveston, Houston, Des Moines, Cedar Rapids, Keokuk, Burlington, Huntington, W. Va., and other cities, and at the beginning I was very doubtful as to what the commission plan could do. Any one who has observed the fads which come in the fields of government and politics as well as in other realms, naturally views with considerable hesitation and some doubt the advent of a brand new system of city government which is heralded as a panacea for all municipal ills, so it was with much skepticism that I studied the charters of these cities, and not until I had visited personally the cities I have mentioned did I come to have a proper conception of what the plan is, how it works and how different it is from the present aldermanic plan under which most of our cities are operating.

KNOWLTON MIXER, of Buffalo: The impelling factor in the movement for a new charter has been the widespread dissatisfaction with the present charter. Our investigation has developed this important fact that under the existing charter this city's financial interests are not properly protected. No mayor, no comptroller, no auditor, however honest, can under the present system prevent waste of the taxpayer's money.

The movement for a new charter was initiated in 1908, by a resolution adopted by the common council of Buffalo, and approved by the mayor, submitting to the electorate of the city a question which in substance read:

"Shall the city of Buffalo ask the Legislature of the state of New York for a new and simplified city charter, which shall provide for the

largest possible amount of home rule; to be submitted to the common council of the city, and afterwards to the electors before taking effect?"

Pursuant to the adoption of this resolution the Commissioner of Elections of Erie County placed the question upon the ballot to be voted at the general election held in November, 1908.

**The Buffalo  
Commission  
Movement**

When the actual vote on this question was duly canvassed it was found that the people of Buffalo had voted affirmatively on all three of the foregoing questions by the following vote:

Affirmative .....	13,286
Negative .....	4,346
	<hr/>
Total vote .....	17,632

Considering that this vote was an expression by the people on a principle, the poll was remarkably large, being approximately 25 per cent of the total vote cast, and the favorable plurality of more than three to one gave unmistakable evidence of the desire of the voters of Buffalo for a new, simplified and home-rule charter as expressed therein.

During the campaign of 1909 there was submitted to the electorate a petition containing the following question to be placed upon the ballot in November:

"Shall the city of Buffalo ask the Legislature of the state of New York to enact a charter for Buffalo in substance similar to the charter proposed by the Referendum League of Erie County."

The second vote was taken at a general election, when forty or more city and county officers were elected. More than the number of names required under the Public Opinion Ordinance were obtained to this petition, and pursuant thereto the Commissioner of Elections placed the question upon the ballot and a vote was duly taken in November, 1909, resulting in an affirmative vote of the city as follows:

Voted "Yes" .....	8,848
Voted "No" .....	2,498
	<hr/>
Total vote .....	11,346

**ANSLEY WILCOX:** Fortunately, there are many things upon which we all agree, and these can be merely stated and passed away from at once. All of us present here are undoubtedly in favor of reformation in the American form of city government, of which Buffalo has a rather bad example—not the worst, but among the worst—calling for radical improvements, either by way of an entirely new charter or a very decided simplification of our existing charter. All of us favor the highest degree of publicity in municipal affairs; all of us favor the most effective form of popular nomination

**Points of  
Agreement**

of municipal candidates—direct nominations, if that is practicable, and most of us believe that it is practicable, at least in cities; all of us favor a short ballot for cities—few officers to be elected, and such simple, safe and sure electoral machinery as will enable the voters most readily to record their choice and make it effective; all of us favor the thorough and effective application of the merit system through civil service laws and rules of the highest efficacy; all of us favor the simplest form of city charter, which will fix responsibility directly upon those who possess power; all of us are in favor of home rule in the highest degree that is possible, that is, giving our cities the largest possible degree of authority to rule themselves, even to make their own charters, if that is desirable, and many of us think that it is.

Then we come to the question whether a particular method by which it is sought to accomplish these results is the best one, either as applied to cities in general or as applied to the class of larger cities, of which Buffalo is one; and that brings us to the topic of the day, the commission form of government, as applied to the larger American cities, meaning cities of more than 200,000 inhabitants, I will say, to take a fair dividing line.

The conspicuous thing about the history of this movement in these last nine years since it started after the flood in Galveston, in 1901, has been that it has been applied to a large number of small cities, none of which I think, reaches 100,000 in population, except Memphis. Memphis adopted it within the last year and has not yet given it anything like a trial; but Des Moines and Kansas City, which had adopted it before, have each about 85,000 inhabitants, and they were the largest up to the time when Memphis adopted it, if I am rightly informed.

Another fact to which attention should be called is that most of these cities, even as small cities, have tried the plan for only a short time.

The first inquiry in the mind of every serious man who wants to decide this question on its merits is whether any real trial has yet been given this new plan, if it is a new plan—and I do not think it is really new,—whether it has had a period of trial which demonstrates its successful working. The old saying that a new broom sweeps clean is as applicable to this as to everything else.

The two radical defects in this system are, first, that it is not a complete simplification of the city government, it is not a sufficient step in the direction of concentrating authority and fixing responsibility. There are five men to whom is given the executive authority, and among whom the responsibility is divided. I object to this division of responsibility. I advocate one man—absolutely one. Then there is no escaping from responsibility. We do not need and do not want five generals for an army, or five masters for a household, or five mayors for a city, but only one.

I am a stronger advocate of simplicity, in that respect, than the advocates of this plan are.

The second fundamental and radical defect in the system is that it is a combination of the legislative and executive functions of government in the hands of one small group of men. A body of five is too many for the chief executive, because that should be only one. It is too few for the legislative work in a city of the size of Buffalo. Five may be enough for Des Moines and Cedar Rapids, but five cannot represent the entire sentiment of Buffalo, and give reasonable room for division of opinion and for debate and decision of things by majorities. A majority of three in five is too small for legislative action of whatever character, in my judgment. Clearly and beyond debate, this commission plan of city government involves a fusion of all the executive and legislative powers in the hands of five men. It creates a combination of five men, who initiate everything, pass upon everything, carry through everything and then certify everything. They make your laws, if you are going to have municipal laws; they make up your budget, they assess your taxes, they spend your money, they conduct your public works—then they certify themselves. They would be a true oligarchy, an elected oligarchy.

It is perhaps possible that in a smaller community, under 100,000 people, or in a community as large as Memphis, the legislative function may be so slight that it can profitably be combined with executive functions. It is possible that that is so; I do not believe it, but I am not going to argue against it to-day, because it is not necessary. But I say to you, that the affairs of a city of the size of Buffalo, and still more when you go beyond Buffalo to the larger cities, like Boston, Philadelphia, Chicago and New York, take you into a class of questions which cannot safely be entrusted to any five men, working either *in camera* or in public. If they work in public it means that they have newspaper men at their elbows, to find out everything they do or propose to do, and be informed in advance about the differences of opinion, thus preventing the putting through of negotiations for the benefit of the city. If they work in secret, they are crippled and hampered by the fact that in a body of five men, three can manipulate the control of everything that comes up, and the responsibility is divided so that the people cannot say who is to blame if things go wrong.

I stand for a simple form of city government, which I like to call the federal plan because it closely follows the model of our national constitution, with a single executive head, the mayor, having power to appoint and remove all other executive and administrative officers, like the President of the United States, but subject, of course, to laws regulating such appointments and securing a thorough merit system; and a legislative body of moderate size and broad powers, but strictly legislative. This should be preferably about fifteen men, some of them elected by larger districts so as to preserve the old and popular idea



of local representation, say nine in a city like Buffalo, and some elected at large,—I suggest six in Buffalo, so as not to destroy the possibility of a short ballot.

LEWIS STOCKTON, *of Buffalo*: Commission government has been tried in large cities in principle, and not only in large cities but in the largest cities, in principle. The City of New York is practically governed by a board of estimates and apportionments. Perhaps

### New York an Example

we are differing merely because we are not understanding one another. We are not trying to center responsibility in one man, possibly, but we are trying to transfer responsibility from a number of men and from the different departments of city government into one board, which considered collectively is a unit. The reason why we cannot go as far as Mr. Wilcox in centering responsibility upon a single individual is because of the frailty of human nature. They tried Mr. Wilcox' plan in remote San Francisco, and Brother Schmidt broke down. They tried it in Boston under the old plan and "Honey" Fitz broke down. While there is nothing new under the sun, there are combinations of things which are new.

SIMON FLEISCHMANN, *of Buffalo*: So far as this discussion has proceeded, *pro* and *con*, it appears that my friend Mr. Wilcox and I are the *con* up to this point, and I do not know that we can muster any further recruits. With the profoundest reverence for the dictum of President Eliot, who said that the running of a municipality is nothing but business, I am justified in dissenting from that opinion, because we have the equally great authority, possibly greater on this subject, of the former president of this League, Mr. Bonaparte, who on Monday night told us, in eloquent and impressive words, that if there is anything that is true of municipal government it is, that it is not simply a matter of business and that it is not analogous to the running of a private corporation. Mr. Deming said so last night.

Now, practically, in regard to many matters, after this system has run long enough in any large community, you will have the simple problem presented of reaching a majority of a small board instead of a majority of a large board, and the public itself, because corruption will not be known unless it manifests itself in some way that can be pointed out. You will have the situation that led Governor Altgeld, some years ago, in this city, in a most eloquent and forceful address, to relate this incident, basing his opposition to the enlargement of government by commission upon it, in part. He said there was some new commission to be created in Chicago, and the president of one of the great systems of some kind that was to be affected by it came to him and urged him not to sign the bill. He asked why not, and the man stepped up closer and whispered to him, "For the Lord's sake, Governor, don't put me in a position where

I will have to buy up another commission." That told a great truth applicable to this situation.

WILLIAM BURNET WRIGHT, JR., *of Buffalo*: I do not believe, as Mr. Fleischmann has said, that you have got to go on the hypothesis and on the belief and basis that the American people are innately rotten. I believe they are honest, and I believe if we put the facts before them they will understand them and act honestly and in accordance with good judgment, when they understand the facts. He speaks of finding the will of the people. Isn't this government worth while for us to find out what the people want? This whole movement is nothing more than a world-wide desire for self-government. You can see it in China, you can see it in Lisbon, you can see it right in this country. The movement is going right on, and you might just as well try to stop the running of Niagara as to stop this desire of the people to govern themselves. He says it will be expensive to find out popular opinion. What are we here for as an organized body? If it isn't worth while to spend our time and our money to find out what we want to do, then we have no business to have decent government.

Mr. Wilcox says that he believes the supporters of this commission idea haven't any faith in it because they want three things attached to it; the initiative, the referendum and the recall. Suppose you had a platform that you were going to stand on, and that is what a charter is, it is your constitution of your city,—wouldn't you put good supports under that platform in order to hold it up? If you had a vest you wanted to put on, and it needed three buttons, wouldn't you sew them on there to hold it over your body?

MR. WILCOX: I want to point out, briefly, the fallacy of those who argue in favor of a control of the affairs of a municipality by a board of five men, from any supposed analogy to the management of great business or railway corporations. As a matter of fact the great corporations of the country do not furnish any sort of precedent or parallel for this form of government, but certain small corporations do. This is an illustration of the danger of assuming that because a small city may thrive under this system, a large city would thrive under it. In the case of small corporations, as has been correctly said, the stockholders usually attend the annual meetings, they vote for the directors, they take an interest in the annual reports and they actually do select the directors, who to some extent at least direct the affairs of the corporation. In the case of the great corporations of this country, especially railroads, whose affairs are extensive and whose stock is widely dispersed, it is fallacy to say that there is any popular election of directors. The stockholders of the corporation are always notified of annual elections and asked to vote. But the ticket is made up by the old managers or by a few controlling

stockholders, and there is ordinarily no chance for any opposition or for any other ticket to be elected. The majority of the stockholders do not vote willingly. They do not vote at all except as they are drummed up and asked again and again to vote, for the sake of supporting the administration if nothing else, where there is no contest. They send you their forms and beg you to send a proxy, and give you a stamped envelope to mail it in, and then send personally to ask you for it, if you haven't sent it the other way, in order to get the votes out. Then all the votes are cast by the man who holds these proxies.

In this way directors of a big corporation are elected in form, but they are in effect self-perpetuating bodies, except after some great change in the ownership of stocks. If there is any one fact that has been patent in American industrial history for the last fifty years, it is that the directors of large corporations have not directed their affairs. A vast amount of criticism has been poured out upon the typical American board of directors for not attending meetings, for not knowing what is going on, for allowing the executive officers to run the corporation, and that criticism has been to a large extent just. I myself carried a case to the United States Supreme Court based upon that very proposition, in the endeavor to hold the directors of a national bank personally responsible for staying away from the bank and allowing the president to ruin it, through their non-attention to their duties.

As a matter of fact the great corporations of this country are controlled by a few big stockholders who have major interests in the stock, who make the board of directors by voting for them, who control them after they are elected, who practically select the president and the executive committee that may work with him. Such an executive committee, where it exists, is usually made up to work in harmony with the president, and be under his domination. The president, or some one man, however named, is usually the executive force in control of a great corporation in this country. That is absolutely correct, as a statement of practical results, whatever may be the theory of corporate management. Surely there is no precedent in this practice of corporations that we want to follow in our city governments. No inference in favor of the commission plan of city government can be drawn from any supposed analogy to the directors of a great corporation.

Mr. Wilcox also discussed the initiative, referendum and recall, and pointed out some reasons for doubting the value of these processes, as governmental agencies in large American cities; but argued that if they are good things they can as well be applied to a city government organized on the federal plan, which he supports, as to the commission plan, which he opposes.

MR. HOWLAND: Mr. Wilcox says that in large cities, among which he classes New York, we should not have legislative work done by an exe-

cutive body, and Mr. Fleischmann says that legislation by an executive body is an impracticable thing, that we want to retain a legislative body in a large community and not mix it up indiscriminately with the business end. In New York we have incautiously done exactly that thing. The most important of the legislative functions in New York City are exercised not by the board of aldermen but by the board of estimate and apportionment, a body composed of eight or nine, a body which is primarily an executive body, but also, and equally importantly, a legislative body. Our board of aldermen is at the present time a vermi-form appendix which has absolutely no usefulness and which we could cut out with positive good to the body politic. This experience of our city, where the conditions are at least as complicated and as difficult as those which we find here, it seems to me might well be considered by Buffalo, even if you do not feel that the experience of smaller cities, even to the extent of a round hundred, of value to you.

ALFRED D. MASON, *of Memphis*: I speak from a rather long and bitter experience in Memphis. The Civic Club started the idea of the commission form of government in our city, and we fought it out before that club for eight months before it ever went out of the club at all, but after a while it simmered down to this point, that to a considerable extent the "interests" as they are termed, were the principal opponents of the commission plan of government. After that discussion a charter was drawn. After a great many months of that sort of thing we put the matter up to the people to vote as to what they wanted. When the election time came the commission form won by nearly two to one, so that we sent to Nashville out of the nine men who were elected from Memphis seven men who were pledged to vote for the commission form of charter for our city. We have been working under this charter since January 1. Our new commissioners, five in number, were sworn into office at 8.30 a. m. and although it was a holiday, at half-past ten o'clock they were notified that a contest in the courts would be instituted, first, as to the constitutionality of the act, and, second, as to the election of our mayor. The first suit, as to the constitutionality of the act, was decided by

**The Experience of Memphis** our Supreme Court, on the fifteenth of July, in favor of the charter. The second suit is still pending and to-day I expect, in Memphis, they are counting the votes in the Circuit Court, to decide whether E. H. Crump or J. J. Williams was elected mayor. In spite of the contest, much has been accomplished. A number of blood suckers who were sapping the city's pores have been cut off. The commissioner of public utilities went to the city stable in his part of the town on the morning of January 2 and gave orders that the carts and other things from that stable should leave there at six o'clock in the morning and not at nine as they had been doing for years; not only so,

but he told the foreman that he wanted by the following Saturday a complete inventory of everything that belonged to the city in that department. The mayor issued a similar order to every department in the city to have an inventory in hand by Saturday noon, and they did. We had been fighting for a union station in Memphis for about fifteen years. [Laughter.] Our union station is up to the second story. We had been fighting for subways for twenty years, trying to get the railroads to do something other than cross the streets on grade. Three or four subways have already been built and more have been contracted for. We had been trying for some time to get a contagious diseases hospital in Memphis. It took the commission just two weeks exactly to pass an ordinance for the contagious diseases hospital and to appoint three men who under the instruction of the commission were to buy the ground and get busy with the contagious hospital. At the end of another two weeks the ground had been bought and bids had been advertised for competitive designs for the plan. In just four weeks' time we got it. As to economy a good many unnecessary office holders were dropped, and unnecessary work eliminated.

MR. PETERS: I merely wish to throw out one suggestion in connection with our experience in Kansas City, which I would like the people who are studying the commission form of government to try to observe as closely as possible. Under our Kansas City charter we have tried to vest all the power possible in the mayor. The mayor appoints all of our several boards, and each of those boards is under the charge of a commission of three citizens. These three citizens for the most part serve without compensation. Some of these citizens who serve on these commissions are men whose time is worth probably fifty or a hundred dollars a day. They serve on these committees and are glad to give the city their services. In these several departments it happens then

#### Citizen

#### Co-operation

that in each administration we have fifteen, twenty or twenty-five citizens who are working in these departments and are educated in citizenship. In this experience we have educated a very large body of the citizenship and we have accomplished effective government, perhaps not so well as a commission form proper would have accomplished it, but we have accomplished the necessary and important purpose of developing an effective citizenship; and, as all will agree, the public sentiment of a community, regardless of forms of government, is the mainstay of good city government.

MR. CHARLES SUMNER: I wish to endorse all that Mr. Peters said about our present government, but at the last session of the legislature of Missouri we tried to get a constitutional amendment which would permit us to have the commission form of government, and we have a bill now

prepared to submit next January which gives that power, because the people of Kansas City are, I think very strongly in favor of the commission form. The bicameral feature of our government, the upper house elected at large and the lower house by wards, and the mayor having the veto power simply plays into the hands of "the interests." We cannot progress unless we are so overwhelmingly in favor of a thing that we can simply carry three-quarters of the town.

I approach this subject as a representative of organized labor. I am trying to be a real democrat, as I understand the term. I find there is just as much confusion in labor unions on that point as there is in government. I believe it is apparent to all of us this afternoon that the contest now on is a contest between autocracy and democracy. I visited Galveston. The man who said he conceived the idea in Galveston, said that the defect in the Galveston plan was that it did not have the initiative, the referendum and the recall, which in Fort Worth, where he afterward went and helped frame their charter, he saw to it they did have. There was a great need in Galveston for immediate action and they cut the red tape, and the people realized that the government had hampered the people in doing what they saw the need of doing, and they accepted the commission form of government. Inasmuch as it is practically an autocracy, it had to be safeguarded and protected, and immediately upon that fact taking hold in other cities where they appreciated the value of the commission form of government, the people, who were considering the idea from the point of view of a democracy, said, "We must safeguard it by the initiative, the referendum and the recall, and get the advantage of concentrated responsibility and directness of action, but have it protected, so that the people shall be safeguarded in their guarantees." [Applause.] It seems to me evident to anyone who has visited the West where those cities are using that system, that there can be no division of opinion as to its efficacy and its protection.

MR. JONES: I come from a city that has not the commission form of government, but public sentiment is growing so strong now that something is bound to happen. We do not know whether it will be the commission form of government or probably a modified form,—but whatever the system is it will contain the main, probably all the essentials of the Des Moines system of government.

I am intimately acquainted with the situation in Des Moines. I have had long confidential talks with members of the commission at various times. Two of them are friends of mine; and here is the cheerful fact that may be emphasized, and which has not been brought out hitherto. Of the original commission elected by the people, three of the five were not men whom any of us here would pick for positions of that responsibility. Seemingly they were not big enough for the job. The conditions were

**Des Moines**

such that you were almost ready to prophesy failure, and yet what were the results? They were splendid. They got good, clean government, and effective administration, and why did they get it? Because there was developed under that system a sense of responsibility on the part of the officials, the location of responsibility in specific officials, the development of responsiveness on their part to the people, and, on the part of the people, a sense of responsibility in the government. What happened in Des Moines following the result of that first election? Innumerable civic clubs were formed all over the city, men's clubs in the churches, neighborhood clubs, ward clubs, precinct clubs, scores and scores of them all over the city,—for what? To discuss city government, calling their officials before them, educating themselves in citizenship. Now, gentlemen, there is the real test of a charter system, as I see it. What is the effect of that on the citizenship? It is to develop, as Mr. Deming so well said, last night,—it is to preserve and develop the instincts of self-government in the people.

DR. BRADFORD: Home rule is an entirely different thing from commission government. Home rule says, here is a field within which the city shall operate. The commission plan says, within this field

**Home Rule.** the single board of five men shall be supreme. Then again we must bear in mind that state government by commissions is a different thing from a single board of five in control of a city. The very fact of expanding the number of commissions, making them numerous, changes the principle from a small board, a single group of five men, which might properly be called a unit. It seems to me that clear definition, as Mr. Deming has suggested, is extremely valuable in all of our discussion, and after we have defined our terms, then we can make our decision.

MR. MASON, of *Memphis*: In Memphis, under this new plan, we have the lowest tax rate that we have had in twenty years. We have paid off a lot of old debts that hung over from previous administrations. We have paved more miles of streets than in any previous years, and we are now getting after the county, and telling it that it must reduce its county rate.

RALPH BOWMAN, of *Buffalo*: I wish to call attention to the statement which was made in regard to the vote taken on the referendum charter question in Buffalo. The attempt has been made by the politicians to belittle that vote. That vote was in the nature of a primary vote in that it asked the privilege of the legislature for the people to vote on a charter of the commission plan. As such it should be considered as a primary vote, and as such it was twice as large as the primary vote of the Republican party; twice as large as the primary vote of the Democratic party,

and it was larger in ten wards (41 districts) than the combined vote of all the parties. It was more than double the vote taken on any other referendum. It was sixteen per cent of the total vote cast.

Here is a comparison I would like to have you note. In one of the assembly districts of New York state there was a tie vote on a candidate, and a second vote had to be taken. At that second vote only forty-nine per cent of the people voted on the question, and only twenty-five per cent of the total voted for the candidate who was elected. That candidate came out this fall, and advertised that he would be in favor of a referendum vote on the charter question provided it carried with it a clause that at least fifty per cent of the people should pass upon it, a very wise and careful thing from the point of view of a good many people. But, gentlemen, by that same course of reasoning, only twenty-five per cent of the vote voted for him.

**CHAIRMAN CHASE:** A telegram has just come in from J. Horace McFarland, President of the Civic Association, which has been so closely connected with us in past years. He says:

"Only absence on the firing line of civic advance in the South prevents attendance upon the convention. I send my hearty good wishes and reiterate my settled belief that the National Municipal League is largely responsible for the acute interest in good city government now so widely evident."

**MR. WILCOX:** I do not want any of my friends from abroad, even to suggest that I am advocating a form of government which could possibly be called autocratic when I propose, as I do, that the

### **Autocracy**

executive power of a city government should be concentrated in its mayor. That is not creating an autocracy. It is an absolute misuse of the term, which no intelligent man should be guilty of in that connection. The mayor of course would be responsible, and it is in order to make him responsible, readily and instantly, that I propose that thing, and you could still have your recall as to the mayor far more effective in that connection than a recall as to one of five men, because there would be no doubt as to whom you should recall if you wanted to recall anybody. The government of the United States is not an autocracy, and I am proposing exactly the same scheme for the municipality.

As to legislation the very fountains of my scheme are the fountains of extreme home rule. You want to enlarge the power of the municipalities. Give the municipalities as far as possible the power to legislate for themselves within their own borders, to make and

### **Legislation and Administration**

unmake their own charters, to make laws for the people within their own borders—they may be called ordinances, but they are really laws. That will mean in Buffalo enlarging the powers of local legislation right alongside of



this idea of giving to a small executive body the power of legislation. Is that rational? Is it consistent? Should your legislation be done by the same men who are executing those very laws, or should you have a separate legislative body? I am not going to argue it but I submit it to you for consideration. I do not think the notion of combining the legislative and executive functions upon the plea that the legislative functions are small and inconsiderable and therefore can safely be so combined, is consistent with the idea of enlarging the legislative functions, with trusting your municipalities to legislate for themselves.

PROFESSOR HATTON: I should like to correct the statement that the union of the legislative and executive power is everywhere unsuccessful. As a matter of fact you would have a very hard time convincing the people of the English cities or of England generally of the truth of that. There is absolutely no division of those powers, and that is true of most governments of the world working under the parliamentary system. I think we ought not to labor under these misconceptions as to what experience has shown in regard to these forms of government.

MR. FISHER, of Rochester: Our board of education, some 12 years ago, was practically turned over to a commission. We had twenty wards in the city of Rochester. Each one of those wards elected a member of the board of education, and we had the same kind of trouble there that you now have in other cities where you elect your ward representatives. That was abolished 12 years ago, and the entire administration of the schools was placed in the hands of five commissioners who have absolute control over our educational matters. That board spends a million dollars of our money and it is so wisely done that if you had lived in Rochester before they went into power and came back to-day, you would not recognize the place; and there you have the absolute combination of administrative and legislative action by the same board, and that to the best interests of the people.

CHAIRMAN CHASE: I think the time has come for us to adjourn. I am going to make one observation, that all the matters which we have had before us this afternoon point to the necessity of clear thinking among us and to have clear thinking we must have accurate information, and to have accurate information we must have, as the National Municipal League has insisted for years, good accounting and full publicity.

This meeting now stands adjourned.

## The Dinner.

The Buffalo Committee of Arrangements tendered the officers and members of the National Municipal League a dinner at the Ellicott Club, Buffalo, on Wednesday, November 16, Ansley Wilcox, Esq., presiding as toast master. Mr. Wilcox, in the course of his happy opening introductory remarks, said, "This is the hardest-working crowd of men and women that I have ever seen. It works all the morning, it works all the afternoon—that is not unusual,—but they have a special working session at noon, which fills up every minute between the two day sessions—and they work in the evening. That shows their earnestness and their zeal. While it deprives us of the opportunity of entertaining them, it enables them to do the more good to us and to others like us who need instruction."

Richard S. Childs was the first speaker and devoted his time to a very clear presentation of the principles of the short ballot. He was followed by the Hon. John Lord O'Brian, United States Attorney for Western New York, who spoke of his legislative work and of the need for organizations like the National Municipal League to suggest new standards and supervise the work of public officials. In concluding he said, "let the people understand what is going on and we need have no fear of democratic government. That man in my judgment is the best friend of democratic government and of efficient democracy in our cities to-day who joins in forcing men to take the responsibility for their votes and to accept the responsibility once it has been placed upon them by the result of the ballot cast on election day."

Elliott H. Goodwin, in the course of his address, pointed out that the progressive movement now manifesting itself in so many sections of the country was not the first wave of democracy that had swept over the United States. In discussing some of the measures advocated by present-day progressives, he said, "I regard the referendum as valuable, but clumsy; the recall as desirable where it is desired to establish long terms for municipal offices, but a recall only at stated periods; but in the initiative I am unable to see anything of permanent value, anything in keeping with our institutions as they were founded. Are we going to give up that principle which comes to us from Anglo-Saxon times, that legislation which shall be the result of debate, discussion and amendment?"

Horace E. Deming, Esq., of New York, discussed what he called "the commonest fallacy in regard to municipal reform, namely, the statement that 'city government is business, not politics'". He said, among other striking things, "Do not fancy that by calling municipal government

'business' you are going to drive politics out. There will always be important questions of city policy about which men will divide. That does not mean that it shall be questions of national policy or national politics. That does not mean that it shall be questions of state policy or state politics, but if you can run a city government of any size for more than a few months without having some important question of public policy to decide, as to which there will be a wide division of opinion, it won't be in this world."

Clinton Rogers Woodruff, Esq., the Secretary of the League, responded to the toast, "The National Municipal League", portraying the influences and organizations represented in such a meeting as it was then holding in Buffalo.

President William Dudley Foulke, in a speech of great eloquence and power, spoke of the influence of commercialism in politics, and especially in municipal politics, showing by a wealth of historical references the disastrous results of the influence of concentrated wealth upon free institutions.<sup>1</sup>

The very interesting and successful dinner was concluded with an address by Dr. Andrew V. V. Raymond, who closed his remarks with the statement that "every man is under obligation to the community in which he lives, which represents to him the conditions which God has made for his life".

<sup>1</sup> Pres. Foulke has requested the privilege of revising the report of his speech and publishing it subsequently as a magazine article.

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<sup>1</sup> See page 203.

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- Pierce C. Williams, Pittsburgh,  
Chamber of Commerce.
- Clinton Rogers Woodruff, North American Bldg., Philadelphia,  
National Municipal League.

# Draft of a Civil Service Law For Cities.

PREPARED BY ELLIOT H. GOODWIN,  
Secretary of the National Civil Service Reform League.

(This draft has been prepared in response to a demand for a law in brief form suitable for insertion in a city charter which shall contain all provisions essential to the proper enforcement of the merit system. It is drawn with particular reference to the needs of smaller cities.)

Section. 1. The mayor<sup>1</sup> shall appoint three persons as civil service commissioners to serve one for two years, one for four years and one for six years. Each alternate year thereafter, the mayor<sup>1</sup> shall appoint one person as the successor of the member whose term shall expire, to serve for six years.<sup>2</sup> Any vacancy shall be filled by the mayor<sup>1</sup> for the unexpired term. Not more than two of the members shall be adherents of the same political party and no member shall hold any other salaried public office. The mayor<sup>3</sup> may remove a commissioner during his term of office only upon stating in writing the reasons for removal and allowing him an opportunity to be heard in his own defence.

Sec. 2. The commission shall appoint a chief examiner at an annual salary of \$——<sup>4</sup> who shall also act as secretary. This position shall be in the competitive class. The commission may appoint such other subordinates as may, by appropriation, be provided for.

Sec. 3. The civil service of the city is hereby divided into the unclassified and the classified service.

The unclassified service shall comprise:

- (a) All officers elected by the people.
- (b) All heads of principal executive departments.<sup>5</sup>
- (c) One deputy and one secretary to each principal executive officer.
- (d) Superintendents, principals and teachers in the school system of the city.<sup>6</sup>

<sup>1</sup> Or "council" in those commission cities in which the appointing power is lodged in the council.

<sup>2</sup> If the term of the mayor is one year, the terms of the commissioners should be three years, one expiring each year.

<sup>3</sup> Or, in commission cities where the council is the appointing power, "the council by unanimous vote".

<sup>4</sup> This amount should be stated but will vary according to the size of the city. In all cases it should be made large enough to secure the services of a competent and high-grade man.

<sup>5</sup> Or, in commission cities "all members of executive boards," e. g., the school board.

<sup>6</sup> Only where the school system is under the jurisdiction of a school board distinct from the city government.

(e) All judges and one secretary to each.<sup>7</sup>

The classified service shall include all other positions now existing or hereafter created.

Sec. 4. The commission shall prescribe, amend and enforce rules for the classified service, which shall have the force and effect of law, shall keep minutes of its proceedings and records of its examinations and shall make investigations concerning the enforcement and effect of this chapter and of the rules. It shall make an annual report to the mayor.<sup>8</sup>

The rules shall provide:

- (1) For the classification of all positions in the classified service.
- (2) For open, competitive examinations to test the relative fitness of applicants for such positions.
- (3) For public advertisement of all examinations at least ten days in advance in at least one newspaper of general circulation and by posting a notice in the city hall.
- (4) For the creation of eligible lists upon which shall be entered the names of successful candidates in the order of their standing in examination. Such lists shall remain in force not longer than two years.
- (5) For the rejection of candidates or eligibles who fail to comply with the reasonable requirements of the Commission in regard to age, residence, sex, physical condition or who have been guilty of crime or of infamous or disgraceful conduct or who have attempted any deception or fraud in connection with an examination.
- (6) For the appointment of the person<sup>9</sup> standing highest on the appropriate list to fill a vacancy.
- (7) For a period of probation not to exceed six months before appointment or promotion is made complete, during which period a probationer may be discharged or reduced with the consent of the commission.
- (8) For temporary employment without examination with the consent of the commission, in cases of emergency and pending appointment from an eligible list. But no such temporary employment shall continue longer than sixty days nor shall successive temporary employments be allowed.

<sup>7</sup> It is customary, but not necessary, to include also in the unclassified service employees of the legislative branch. Certainly this should not be done in commission-governed cities.

<sup>8</sup> Or "council."

<sup>9</sup> Or "of one of the three persons." The State Constitution in New York has been held to require the certification of more than one name for each vacancy and in New York, Massachusetts, the Federal service and frequently elsewhere the rule for certifying three names is in force. The rule for certifying the highest name only is best suited to small cities where candidates are few. It is, however, the rule in Chicago.

- (9) For transfer from one position to a similar position in the same class and grade and for reinstatement within one year of persons who without fault or delinquency on their part are separated from the service or reduced.
- (10) For promotion based on competitive examination and records of efficiency, character, conduct and seniority. Lists shall be created and promotions made therefrom in the same manner as prescribed for original appointment. An advancement in rank or an increase in salary beyond the limit fixed for the grade by the rules shall constitute promotion. Whenever practicable vacancies shall be filled by promotion.
- (11) For suspensions for not longer than thirty days and for leaves of absence.
- (12) For discharge or reduction in rank or compensation after appointment or promotion is complete only after the person to be discharged or reduced has been presented with the reasons for such discharge or reduction, specifically stated, and has been allowed a reasonable time to reply thereto in writing. The reasons and the reply must be filed as a record with the commission.
- (13) For the appointment of unskilled laborers in the order of priority of application after such tests of fitness as the commission may prescribe.
- (14) For the adoption and amendment of rules only after public notice and hearing. The commission shall adopt such other rules, not inconsistent with the foregoing provisions of this section, as may be necessary and proper for the enforcement of this chapter.

Sec. 5. In case of a vacancy in a position requiring peculiar and exceptional qualifications of a scientific, professional or expert character, upon satisfactory evidence that competition is impracticable and that the position can best be filled by the selection of some designated person of recognized attainments, the commission may, after public hearing and by the affirmative vote of all three commissioners, suspend competition, but no such suspension shall be general in its application to such position and all such cases of suspension shall be reported, together with the reason therefor, in the annual reports of the commission.

Sec. 6. All examinations shall be impartial and shall deal with the duties and requirements of the position to be filled. When oral tests are used a complete record of questions and answers shall be made. Examinations shall be in charge of the chief examiner except when members of the commission act as examiners. The commission may call on other persons to draw up, conduct, or mark examinations and when such persons are connected with the city service it shall be deemed a part of their official duty to act as examiners without extra compensation.

Sec. 7. All persons in the city service holding positions in the classified service as established by this chapter at the time it takes effect shall retain their positions until discharged, reduced, promoted or transferred in accordance therewith. The commission shall maintain a civil list of all persons in the city service, showing in connection with each name the position held, the date and character of every appointment and of every subsequent change in status. Each appointing officer shall promptly transmit to the commission all information required for the establishment and maintenance of said civil list.

Sec. 8. No treasurer or other public disbursing officer shall pay any salary or compensation for service to any person holding a position in the classified service unless the payroll or account for such salary or compensation shall bear the certificate of the commission that the persons named therein have been appointed or employed and are performing service in accordance with the provisions of this chapter and of the rules established thereunder. Any taxpayer of the city may maintain an action in any civil court of record to recover for the city treasury any sums paid contrary to the provisions of this section from the person or persons authorizing such payment or to enjoin the commission from attaching its certificate to a payroll or account for services rendered in violation of the provisions of this chapter or of the rules established thereunder.

Sec. 9. In any investigation conducted by the commission it shall have the power to subpoena and require the attendance of witnesses and the production thereby of books and papers pertinent to the investigation and to administer oaths to such witnesses.

Sec. 10. No person in the classified service, or seeking admission thereto, shall be appointed, reduced or removed or in any way favored or discriminated against because of his political opinions or affiliations.

Sec. 11. No officer or employee of the city shall, directly or indirectly, solicit or receive, or be in any manner concerned in soliciting or receiving, any assessment, subscription or contribution for any political party or political purpose whatever. No person shall, orally or by letter, solicit, or be in any manner concerned in soliciting, any assessment, subscription or contribution for any political party or purpose whatever from any person holding a position in the classified service.

Sec. 12. No person holding a position in the classified service shall take any part in political management or affairs or in political campaigns further than to cast his vote and to express privately his opinions.

Sec. 13. Any person wilfully violating any of the provisions of this chapter, or of the rules established thereunder shall be guilty of a misdemeanor.<sup>10</sup>

<sup>10</sup> In case the general penal laws of the state do not provide a penalty for general misdemeanors for which no special penalty is provided, a specific penalty should be provided in this section.

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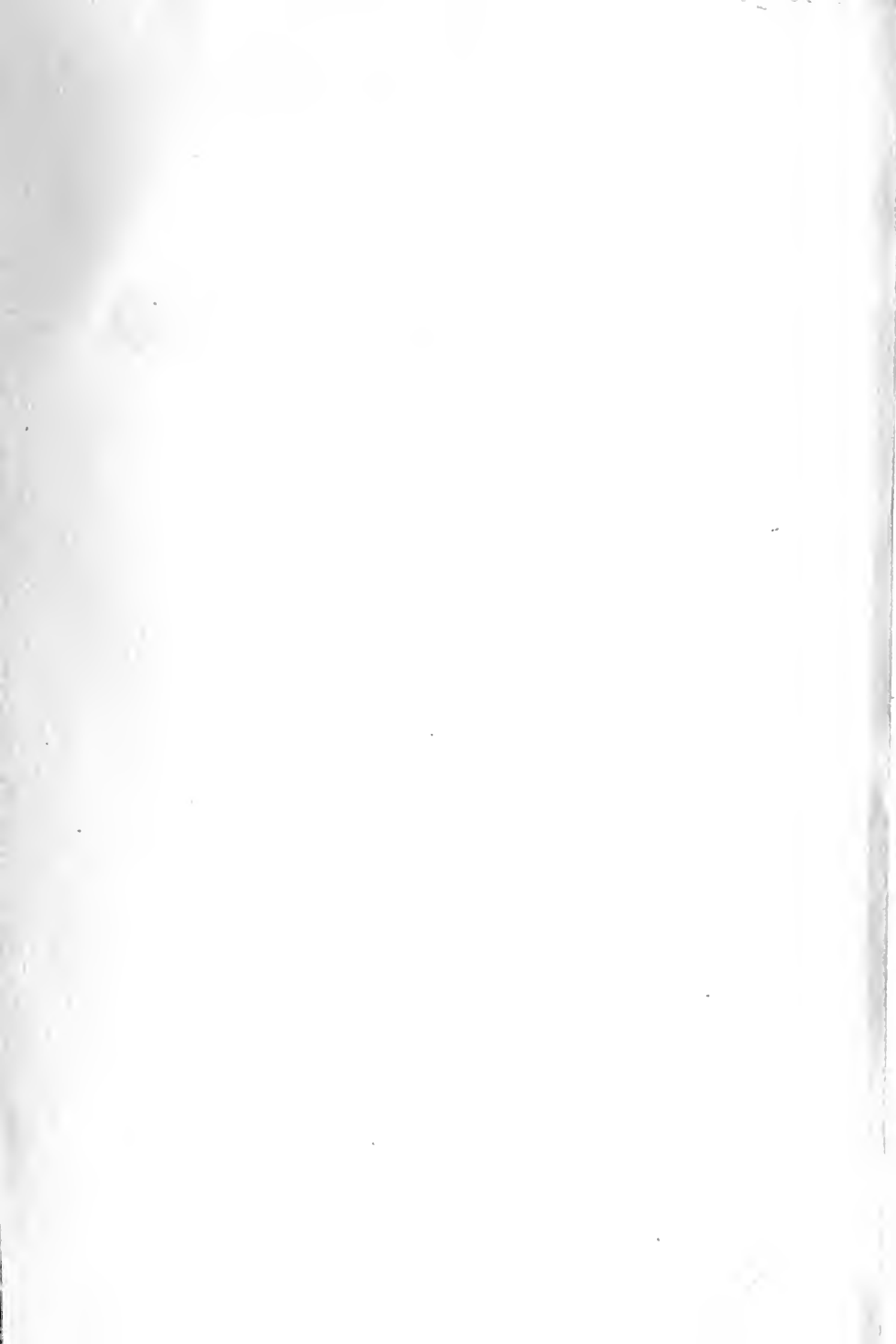
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