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OF
ECONOMICS, POLITICS, AND
SOCIOLOGY

EDITED BY

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GREAT CITIES IN AMERICA

**THE CITIZEN'S LIBRARY OF
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GREAT CITIES IN AMERICA

THEIR PROBLEMS AND THEIR
GOVERNMENT

BY

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AUTHOR'S PREFACE

THREE years ago the author undertook to prepare a contribution on "The Government of Great American Cities" to be published in Germany in a series of articles and monographs devoted to a description of city government in several leading countries of the Western World. This series appeared in the *Schriften des Vereins für Socialpolitik* under the general title, "Verfassung und Verwaltungsorganization der Städte." Although the author's contribution was published in English, both the form and the substance of the monograph rendered it practically unsuited for general use in America. Accordingly, the work has been thoroughly revised and prepared for publication here as a separate volume in *The Citizen's Library*.

It is a matter of regret that the limitations of space have compelled the author, in this revised work, to confine the discussion to six cities only, — Washington, New York, Chicago, Philadelphia, St. Louis, and Boston. If the method of treatment here adopted should prove acceptable to the public, it may be that at some future time the story will be extended to include Cleveland, Los Angeles, Detroit, Pittsburgh, Denver, Milwaukee, and other cities of the second class in which history is now being made.

The present volume is offered to the public with considerable diffidence, for two reasons. In the first place, the method of treatment is experimental.

Instead of discussing the government of America's great cities by topics, the author has taken each city up separately, devoting a chapter to a general description of its government and problems. In view of the wide variations in organization, functions, accounts, and relations to other political subdivisions, no comparative charts or statistical tables are presented in this volume. In the second place, the author is conscious that the pictures drawn by him are full of shadows. Indeed, the study of the great cities, one by one, in the preparation of this book has often given a shock of surprise and dismay to one already long inured by study and associations to a contemplation of the shortcomings of American cities. He is particularly uneasy about Philadelphia. As a native-born American and a fundamental democrat, he is loath to drag this national skeleton out of its closet, but there is some hope that this additional publicity will strengthen the arms of those brave men who are fighting to redeem the "City of Brotherly Love" from its political degradation. With the recent Denver election in mind, we have reason to believe that no American city is so far "gone" as to be immune from the shock of shame when the searchlight is turned on.

The author's thanks are due to the city officials who have courteously supplied the official documents necessary to be consulted in the preparation of this book. An apology is due to officials and citizens of other cities who have furnished information which could not be used in the present volume on account of lack of space.

DELOS F. WILCOX.

ELMHURST, N. Y.,
June 8, 1910.

CONTENTS

CHAPTER I

INTRODUCTORY

	PAGE
1. The careers of cities	1
2. The city as a means to an end	2
3. The city as an end in itself	3
4. The influence of the city as a municipality upon the city as a population centre	4
5. Reputation of American cities	6
6. The truth would make us free	7
7. Conditions that are peculiar to American cities	8
8. Diversity in the governmental environment of American cities	10
9. The great cities in their relation to municipal democracy	12
10. Great cities in their relation to national leadership	13
11. The cities chosen for review	14

CHAPTER II

WASHINGTON

12. The unique position of the nation's capital city	16
13. How the city was established	20
14. Forms of municipal organization during the period of self-government, 1802-1871	23
15. The era of Alexander R. Shepherd	27
16. Congress as a city legislature	29
17. The commissioners of the District of Columbia	30
18. The judicial system of the District of Columbia	32
19. Taxation, assessment, revenues, expenditures, and debt	33
20. Methods of paying for local improvements	37
21. Police, fire, and sanitary administration	38
22. "Alleys, tenements, and shanties"	44

	PAGE
23. The public schools in Washington	48
24. Streets, parks, and plans for improvement	51
25. Sewerage, water supply, and other public utilities	56
26. A national opportunity	60

CHAPTER III

NEW YORK

27. The world's metropolis of wealth and municipal extravagance	67
28. The city's early charters	69
29. Guaranties and inhibitions of the state constitution	75
30. The control of the city by the state legislature	82
31. State administrative control in New York	83
32. The charter of Greater New York	86
33. The five boroughs	88
34. The borough presidents	90
35. Local improvements	92
36. The shadow of a city council	94
37. The commission form of government under another name	96
38. The granting of franchises	98
39. Rapid transit franchises	101
40. The executive departments	106
41. The mayor and his duties	107
42. The powers and functions of the comptroller	109
43. The corporation counsel	110
44. The police department	112
45. The department of water supply, gas, and electricity	118
46. The street-cleaning department	120
47. Control of the city's parks	122
48. The department of bridges	124
49. Docks and ferries	129
50. Public charities and subsidies to private charities	135
51. The city's penal institutions	138
52. Activities of the board of health	139
53. Tenement house supervision	144

CONTENTS

ix

		PAGE
— 54.	The fire service	150
— 55.	The city's schools	154
56.	The public libraries	158
— 57.	The city's judiciary	161
58.	The assessment of property for taxation	164
59.	Wealth, debt, the sinking funds, and the tax rate	169
60.	The army of the civil service	175
61.	Reports of official work	177
62.	The future of New York	179

CHAPTER IV

CHICAGO

63.	The newest of the world's great cities	182
64.	The city's early charters	184
65.	The relation of the city to the state	187
— 66.	The relation of the city to other governmental bodies	190
67.	The city council	194
68.	The powers and duties of the mayor	201
69.	The organization of the administrative departments of the city	204
70.	The public schools and the library	211
71.	Parks, playgrounds, and civic centres	213
72.	Crime and vice in Chicago	216
73.	The city's drainage, sewerage, and water supply	221
74.	Taxation, revenue, and debt of the city	222
75.	Municipal ownership and the city's public utilities	227
76.	Chicago's terminal facilities	237
77.	The city's struggle for a new charter	240
78.	The character and power of the people of Chicago	242

CHAPTER V

PHILADELPHIA

79.	Philadelphia's civic reputation	244
80.	Philadelphia's official claims to respectability	246

	PAGE
81. What is the matter with Philadelphia?	249
82. A typical reform movement	254
83. The gas works	257
84. The revolt of John Weaver	259
85. The aftermath of the revolution	262
86. The street railway "settlement"	263
87. The water works — another candidate for private operation	269
88. Philadelphia's harbor	273
89. Public health and charities	275
90. The public schools	279
91. The constitutional status of the city	286
92. Councils	287
93. The mayor	290
94. Organization of the city administration	291
95. Assessment, taxes, income, expenditures, and debt	301
96. An illuminating contrast	305

CHAPTER VI

SAINT LOUIS

97. The discovery of the city of St. Louis	308
98. Constitutional home rule	312
99. The municipal assembly	316
100. The mayor and the city administration	318
101. The St. Louis Board of Education	324
102. Public utilities in St. Louis	327
103. The city's finances	331
104. The Civic League of St. Louis	333
105. "Billboard advertising in St. Louis"	337
106. Working for a new charter	341

CHAPTER VII

BOSTON

107. Boston's unique position among American cities	346
108. Control of the city by the state	349

CONTENTS

xi

	PAGE
109. State control of public utilities in Boston	351
110. Metropolitan district commissions	357
111. Municipal departments administered by state ap- pointees	361
112. Charter legislation prior to 1909	367
113. Public schools, school buildings, and the public library	369
114. Public baths, gymnasia, and convenience stations .	372
115. Rapid transit in Boston	373
116. The department of statistics	375
117. The finances of the city	376
118. The spoils system in Boston culminating in the first Fitzgerald administration	381
119. Non-partisan elections secured	388
120. The council under the new charter	390
121. A new experiment in concentrated responsibility .	391
122. Contracts, appropriations, and debt	392
123. The administrative departments	394
124. The finance commission	396
125. The problems of Boston's future	400

CHAPTER VIII

THE PROBLEM OF THE GREAT CITIES

126. The natural measure of city growth	402
127. Artificial checks upon city growth	406
128. The artificial stimulation of city growth	408
129. The relation of great cities to concentration of power	410
130. The relation of great cities to democracy	412

GREAT CITIES IN AMERICA

CHAPTER I

INTRODUCTORY

1. *The careers of cities.* — The world has grown so large that individuals are comparatively unimportant in it. With the development of a democratic civilization and the unprecedented diffusion of knowledge, we have reached a state where the wisest and the best of men are of minor consequence even to the generation in which they live. If in the ancient and mediæval worlds leadership and control were frequently assumed by communities whose significance as such in the history of civilization is perpetuated in the glorious memories of cities like Athens, Sparta, Rome, Venice, and Florence, the conditions of the modern world render it doubly necessary that the leadership of communities should be recognized and cultivated. Modern progress in its fundamental and enduring aspects must depend more upon the civic ideals and civic power of Paris, Glasgow, New York, Chicago, Los Angeles, and other communities that have a distinctive character, than upon any but the most notable individuals. It is possible that Bismarck, Tolstoy, Henry George, Roosevelt, and a few others

may through their accumulated world-wide influence count more in the sum of progress than some of the great cities. There is something ephemeral, however, about the works and influence of the individual man that makes them seem cheap and transient compared with the enduring force of a city. When we come to look upon cities as individuals, leading figures in the pomp and pageantry of modern civilization, wasting their resources by prodigality, or overcoming natural obstacles by indomitable energy; giving themselves over to the stolid enjoyment of material prosperity, or striving like men in whom a great purpose has been conceived to attain to the glory of intellectual and moral leadership, the dulness and lack of interest that so generally attach in the popular mind to problems of municipal finance and municipal administration, disappear like the dew before the morning sun. Cities, like men, have careers, which to a great extent are determined by environment and to a great extent by the innate energy and the habitual ethical standards of their inhabitants. The city can no more escape from the penalties of early heedlessness than a man can remove from his life the scars left by recklessness and wickedness in his youth.

2. *The city as a means to an end.* — There is a prevalent conviction that a great city is not a normal thing. Many men regard a city as an economic necessity — a thing to be used but not to be loved — as a means to riches, power, and pleasure, but in no sense as an end in itself. Those who build up

great cities are in haste to be rich, and are in almost every case careless of the city they build so far as its fitness for a permanent habitation of men is concerned. After a city has become great, those of its citizens who are well-to-do get away from it as much as they can, and those who are poor envy them their opportunity. A close view of urban conditions has led irresistibly to the conviction that a city is not a place for a child to be born in; that it is fit only for transients; that it is a great eddying whirlpool upon whose troubled waters men launch only to be swallowed up. There is something about the activities of a great city that suggests a holiday. The people do not seem to be living a normal life, but rather to be absorbed in the strivings and pleasures of the passing moment. The fact that great cities have seldom had sufficient power of reproduction to maintain themselves without constant accretions from the rural population has been the stubborn argument in favor of the hypothesis that a city in its very nature is abnormal and temporary. We often speak of the population of cities as being congested, as if all the people were sick.

3. *The city as an end in itself.*— On the other hand, with the improvement of sanitation and the development of the arts, an increasing number of men have begun to consider as inadequate and even false the old view that the city is merely a means to an end. Apparently great cities are here to stay. Apparently a large and increasing proportion of the entire population of the country will be born and live in

cities. Indeed, the idea is beginning to assert itself that city life is to be desired, or at least, that it may be so modified by human effort as to become desirable. We hear it said that the city is the flower of civilization; that it is the centre of intelligence and culture; that normally man is an urban animal; that every citizen should love his city instead of trying to get away from it; that in the city not only the battles of industry but also the battles of politics and human progress are to be fought. To many the city has come to be "the hope of democracy," a great experiment station of government, a place where necessity shall first compel men to attain freedom. Unquestionably among a multitude of citizens there is a certain feeling of affection for the city in which they live. This affection is often blind, attaching itself merely to the near things and the habitual ways of life. The city habit is strong even when it is unconscious, but this almost universal attachment to wonted scenes and associations is the raw material of civic patriotism, and out of it, if out of anything, will come the conscious love of city which alone can make the city an end in itself, a permanent abiding place.

4. *The influence of the city as a municipality upon the city as a population centre.* — The word city is frequently used in a double sense. It frequently means the aggregation of people attaching to a common centre of work, business, and pleasure. In this sense the geographical boundaries are not sharply defined and the actual residences of its people are not carefully investigated. On the other hand, the city as

a body politic is a definite territory with the people who permanently reside upon it organized in the supreme category of human society — government. The city as a municipality may be weak or it may be strong. It may be wise or it may be foolish. Its functions may be carefully curtailed or enthusiastically expanded. But in any case, in a modern state, a city as a body politic must perform a series of functions that give it a commanding importance in relation to the city as a social and industrial centre. Those who most strongly oppose the expansion of municipal functions base their objection for the most part upon the inefficiency and corruption already existing in the government of the municipality. While such an objection may be a valid one at a particular time and place, it is clear that no person who believes in the city as an end in itself can accept it as permanent. The functions which the most restricted municipal government in any American city performs are charged with such vital importance to the lives and welfare of the people, that a condition of incompetence or corruption cannot in any case be permitted to endure. The open streets, which are the symbols of a city's freedom and the channels through which the city's life-currents pass, are entrusted to the keeping of the municipality. The readiness and efficiency of the fire force, which stands as a delicate barrier between the city and its destruction, depend upon municipal foresight and vigilance. The safety of life and property and the orderly regulation of traffic in the crowded streets lie in the hands of the police, who are municipal agents. The sewers,

which carry away the deadly wastes of a congested civilization, are planned and built and maintained by the municipal government. The free schools in which the children of the city are trained to intelligent effort and the coöperation without which a city would be impossible, are maintained and controlled through governmental agencies. Surely, no city can afford to neglect its government. Indeed, the function of municipal government as relating to the welfare of a city's people can only be compared with the function of the will in the human organism.

5. *Reputation of American cities.* — American cities as units of government have a bad name. When the roll of civic honor is called, there are few to respond, except the neophytes that boast of having been virtuous for a few months past. What Mr. Bryce describes as the "one conspicuous failure" of American government has become only less conspicuous during the twenty years since he wrote "The American Commonwealth" by a growing realization of corruption, extravagance, and inefficiency in other branches of government. New York City stands in the fame of the world for Tammany Hall, enormous indebtedness, and corporation domination. Chicago, though its reputation has somewhat improved of late, has not yet erased from its scroll of fame the words "Yerkes," "grey wolves," and "Satan's invisible world displayed." Philadelphia is known as "corrupt but contented," the most shameless in its infamy of all cities of the western world. St. Louis is known as a city where the boodle aldermen trafficked in the public treasures until brib-

ery was regarded as a venial offence. Boston, proud of its culture, is nevertheless known as the city whose petty graft and multiplication of ward heelers has made its government more expensive than that of any other city in the Christian world. Baltimore, since it emerged from the era of ballot-box stuffing ten or twelve years ago, has maintained a good name. Pittsburgh is known as the city of smoke and iron, whose existence is purely incidental to the grasping passion of the over-lords of industry. Cleveland, like Baltimore, has been earning a fair name. Cincinnati stands for cynical civic degradation. San Francisco, as gay and wicked as Paris, even as it rose from the ashes of conflagration and the throes of earthquake, maintained the unspeakable alliance between labor and crime. New Orleans, that for generations spurned cleanliness and health and grew great in spite of itself, has only within the last decade even dreamed of civic progress. It is useless to call the roll any further. The general reputation of American cities and the individual reputations of most of them, are undeniably bad. The very vigor of their growth has enabled them, like mad striplings, to defy the laws of civic health and squander with apparent impunity their native strength. The gods may laugh, but nevertheless in the careers of the great cities of America are the elements of tragedies as profound as those personal tragedies which have held the ear of the world since the first great bard began to sing.

6. *The truth would make us free.* — If the inhabitants of any great city were to become conscious of the interest

they have — I do not say the interest they *might* have, or *ought* to have, but *have*—in the municipal government in the midst of which they live, civic reform would straightway strike so deep into the body politic as to become equivalent to revolution. The need is for the Word, the magic wand of feeling and intelligence that will make all cities walk before us clothed in the habiliments of human personality. The city is at once the parent and the child of every citizen. No more vitally do the honor, efficiency, and affection of a father concern the character and welfare of his son than do the city's good government and foresight affect the happiness and well-being of its citizens. No more do the self-sacrifice, patience, and courage of a parent affect the character, development, and future career of his child than do a citizen's loyalty and civic pride affect the destiny of his city. The ties which bind a city and a citizen together are so intimate and so vital that nothing but civic torpor can keep a citizen selfish and inactive. If a Divine Hand could lay upon our blind eyes the healing clay and quicken our dull instincts to an appreciation of things as they are, the truth would make us free. There would no longer be any question as to the worthfulness of city life. The names of American cities would no longer stand in the eyes of the world as symbols of civic shame.

7. *Conditions that are peculiar to American cities.* — The study of municipal government in the large cities of the United States is of unusual importance for the reason that here for the first time in the history of the world the principle of universal manhood suffrage has

been applied on a large scale to the solution of the intricate problems of city administration in the midst of rapidly changing social and industrial conditions. The difference between universal suffrage as it is found in an American city and the suffrage of the great British towns, is very significant. In America, only those may vote at a city election who have actually resided within the limits of the city for a certain short period of time ; but there is, as a rule, no limitation upon the principle of manhood suffrage, based upon privilege, property, inheritance, or education. In England, the slight tax-paying qualification operates to exclude from the suffrage what in American cities is known as the floating vote, while at the same time the suffrage is thrown open to business men who reside in the suburbs. The floating vote is especially large in American cities on account of the fluid condition of industry and the constant changing of residence. The floaters constitute the most easily corrupted class of citizens and are frequently sufficiently numerous to hold the balance of power. Furthermore, every American city is, in its population elements, a world city. Even Philadelphia, which is known as the most American of the great cities of the United States, has an enormous foreign population representing many nationalities. While it is not denied that the mixture of races may in the end develop a more intelligent and virile citizenship than is found in any one of the constituent peoples, it is obvious that during the process of amalgamation the multiplicity of national ideals and social customs existing side by side in the same community renders the

problem of efficient political coöperation extremely difficult. Combining the principle of manhood suffrage with the conditions of a citizenship aggregated from the four corners of the world, we have a problem that is doubly complex. London, Paris, and Berlin, so far as the permanent elements of their population are concerned, are substantially homogeneous as compared with hundreds of American cities.

Another peculiarity of American conditions is the extraordinary vigor and activity of private enterprise, which has stood ready on all occasions to assume the semi-public functions of the city and exploit them for private gain. American cities have not only unlimited suffrage and heterogeneous population to control, but also the powerful combination of private interests banded together to gain riches from special privileges in the streets and ready if need be to apply an almost resistless power of organized greed to corrupt the sources of the civic polity.

8. *Diversity in the governmental environment of American cities.*—It is a striking fact that of the thirty-eight cities which had a population of more than 100,000 each at the date of the Federal census of 1900, thirty-seven fell under the jurisdiction of nineteen different commonwealths, and the thirty-eighth was directly subject to the jurisdiction of Congress. City government outside of the District of Columbia is affected by the national Constitution and the national government only in a remote and indirect way. So far as the building-up, the reorganization, and the control of cities is concerned, each separate commonwealth is sovereign.

The result is that there is no uniformity of the governmental environment of cities in the United States. In one state the cities are the helpless creatures of the state legislature. In another they are guaranteed almost sovereign rights by the constitution itself. In another the legislature is limited by elaborate provisions against its interference with municipal government in certain particulars. There is, however, one commanding influence that tends toward substantial uniformity of municipal conditions. I refer to the clauses of the United States Constitution that forbid the taking of property without due process of law or the impairment of the obligation of contracts. These clauses, enforced everywhere by the Federal judiciary, have given to private property and franchise rights a uniform preponderance of security that is in marked contrast with the variations in the forms of municipal government and the nature of municipal experiments. The diversity of governmental environment, on the other hand, is accentuated by the prevalence in the United States of what is known as legislative control as opposed to the administrative control which prevails in Great Britain and the countries of western Europe. The caprices of the state legislature, which in a remarkable degree is ignorant and irresponsible so far as the details of municipal administration are concerned, tend not to uniformity, but to the utmost diversity in the methods and purposes of municipal control. Central administrative boards or bureaus, such as exercise a substantial control on the part of the state over the doings of cities in Great Britain, France,

and Germany, base their actions upon investigation and intelligence. In the nature of the case, therefore, the tendency is toward uniformity in excellence rather than diversity in failure. American conditions are favorable to experimentation and may in the long run prove to be pregnant with municipal progress. In the meantime, however, as the multiplicity of races not yet amalgamated tends to confusion, so the multiplicity of municipal experiments not fairly tried tends to waste and inefficiency.

9. *The great cities in their relation to municipal democracy.* — During the past century there has been a world-wide and apparently resistless movement toward democracy. This movement, to the liberal and advanced minds in every country, has come to be almost a religion. It is not easy to give an altogether satisfactory definition of democracy, but in general, it is the spirit of brotherhood which recognizes the right of every human creature to be well-born, and the right of every individual once born to have an opportunity to develop his native powers in a friendly environment unhampered by caste, inherited preferences, or the special privileges that in the past have been given by the government to favored individuals. In many respects great cities are the most favorable fields for the working out of democracy. The very nature of city life compels manifold coöperations. The individual cannot "go it alone"; he cannot do as he pleases; he must conform his acts in an ever increasing degree to the will and welfare of the community in which he lives. In the city the opportunities for public

discussion and the immediate exchange of ideas are ever present. The citizen who has any wits for public affairs has a chance to cultivate them. The gigantic common interests which compel the establishment of public utilities offer an unrivalled field in a practical way for the development of civic spirit and municipal efficiency, both of which are essential to a realization of democracy. And so it is that while the failures of what has been called democracy in the great cities of America are numerous and noteworthy, there are not lacking those who say that democracy has not yet been tried and that in its trial and in its success in the great centres of population rests the hope of the future.

10. *Great cities in their relation to national leadership.* — About 20 per cent of the population of the country live in cities of over 100,000 inhabitants. By sheer force of numbers the great cities are assuming national leadership. As centres of trade, culture, and intelligence, their influence far surpasses what would be expected of them by reason of their population. In the great cities the books and magazines are published and the metropolitan newspapers collect the news of the world and give color to the daily reading matter of the whole country. By reason of aggregation, the wealth of the great cities increases out of proportion to their population. They form the most conspicuous example of the development of the unearned increment, and their site values, along with the coal fields, the iron mines, the oil wells, the water power sites, etc., constitute the great natural resources of the country. It is in the cities that the obvious contrast between

wealth and poverty shows in the ugliest light. It is there that the evils of landlordism grow apace and the iniquities of the exploitation of the public streets are most easily discerned. It is to be expected, therefore, that the cities will more and more assume national leadership and tend to dominate the policies of the nation.

11. *The cities chosen for review.* — On account of the limitations of this volume some of the cities which are called great must obviously be passed over without a detailed discussion of their problems. The purpose of this work requires only that attention should be given to the cities of the first class. I have chosen for special consideration the following : —

- (1) Washington, the city made to order, presenting the curious anomaly of being the capital city of a great republic and at the same time having no municipal electorate.
- (2) New York, the gateway of the western hemisphere, of world cities the second in population and the first in congestion, municipal debt, and annual expenditures.
- (3) Chicago, the inland metropolis, representing better than any other city of the world the gigantic power of the city movement, and standing out preëminent among great cities of America for the curious mixture of civic courage and intelligence in the midst of raw conditions that is characteristic of the United States.

- (4) Philadelphia, the Quaker City, the city of brotherly love, the city of homes, the city of thrift, the city of smug respectability, the city that combines with prosperity and traditions of elegance the stolid civic shamelessness that has made it a by-word even where New York is respected.
- (5) St. Louis, a typical German-American city in the heart of the country, half South, half North, where trade has been so dominant that the finer types of civic culture have until recently had no opportunity to develop.
- (6) Boston, the business centre of a great metropolitan district, where the culture and conservatism of New England join hand in hand with the municipal extravagance that is in a measure characteristic of the Irish-Americans.

CHAPTER II

WASHINGTON

12. *The unique position of the nation's capital city.*
— The most striking thing about the government of the city of Washington is that it has no electorate. The American people do not yet fully appreciate the astonishing fact that for nearly forty years past the citizens of the United States residing in the District of Columbia have had no vote on either local or national affairs. That a city of the western world of more than 300,000 inhabitants should be governed absolutely by a national legislature and a national administration, in the choice of which the city's people have had no voice, is almost beyond belief. Yet such is the fact in the case of the city of Washington, or, more accurately, the District of Columbia; for, strictly speaking, there has been no city of Washington as a municipal corporation since 1871. But the District of Columbia, which now comprises an area slightly less than that of St. Louis, about one-third that of Chicago and less than one-fifth that of New York City, may reasonably be treated as a municipal unit.

Every other American city is subject primarily to the jurisdiction of a state legislature. This jurisdiction is limited in some cases by the provisions of the state constitution prescribing certain forms of local govern-

ment, limiting the functions of the city, or guaranteeing it against the interference of the state government. Washington, however, stands in a direct relation to the Federal government, without any actual or possible constitutional guarantees. "The city is really 'a big government reservation' and has to be treated as such," says Mr. C. Meriwether.¹ "It is a resort for the idle and shiftless, a paradise for Negroes, a Mecca for tourists, at the same time a growing centre of fashion and culture, and withal, despite civil service reform, a vast hotel for transient office seekers." Whether or not these conditions justify the abandonment of the principle of local self-government altogether, as Mr. Meriwether thinks, it is certainly true that the facts to which he calls attention are of striking and peculiar importance in the national capital. Not only was the District of Columbia established for the purpose of providing for Congress and the other departments of the Federal government a permanent home under their exclusive control, and free from the local influences which might have been brought to bear upon the government if it had occupied as its permanent seat Philadelphia, New York, or any other city subject to the jurisdiction of one of the states, but the city of Washington was itself made to order, carved out of the woods under the auspices of commissioners appointed by President Washington, and adapted especially to the convenience of the government. Not only are the streets and avenues of the capital city

¹ "Washington City Government," published in *Political Science Quarterly*, September, 1897.

owned by the United States in fee simple, but the public buildings and grounds owned by the government constitute more than half in value of all real estate in the District. Partly as a result of this fact and partly as a justification of its assumption of control over the city's local affairs, the Federal government pays every year out of its treasury toward the expenses of the District government a subsidy equal to the amount of revenue realized from local taxation.

At the time of the last Federal census Washington had a larger Negro population than any other city in the United States. It surpassed even Baltimore and New Orleans in this respect. At the present time there are about 100,000 colored people living in Washington. This is probably the largest Negro population assembled in any one city in the world.

Moreover, as the national capital, Washington receives a vast multitude of transients coming as visitors, office seekers, or office holders, and constituting a peculiar element in the city's problem.

Another unusual feature of the civic life of Washington is the combination of beauty and squalor which has resulted from the magnificent plan upon which the city was originally laid out, more than half of the entire area being comprised in the streets and avenues, and of the neglect on the other hand of an adequate development of the alley system. The Washington alleys are unique. Mr. Charles F. Weller, a keen observer of the housing problem and the social conditions among the poor in the capital city, says:¹

¹ "Neglected Neighbors in the National Capital," p. 10.

“If permissible, a civic conundrum might be devised : ‘six parallel rows of houses between two rows ; six tortuous streets surrounded by the four streets of a city square ; hollow like an egg ; rotten like a bad egg ; what is it?’ Answer, ‘Average Alley.’ Walk around the outside of this block and you will see nothing peculiar about it. There are two imposing apartment buildings, the former residence of a Senator, a handsome clubhouse, several stylish boarding establishments, and a number of three and four story wholesome private houses. Your attention would have to be directed specifically to the four narrow wagon ways which run inward irregularly from the four sides of the square. A visitor from another city would take these to be passage ways merely for the removal of refuse from back yards. But walk down one of these obscure byways and you find yourself on the borders of a new and strange community. At right angles to the entering roadways are others, with a third set branching from them. All are lined with little wooden or brick houses, whose rear doors point toward the rear entrances and separate yards of palatial residences upon the outside streets. There is not the slightest relationship between the inside and the outside set of homes. Longer acquaintance only strengthens the first impression that the alley is a new and unfamiliar world. It is a case of Dr. Jekyll and Mr. Hyde in brick and wood, a dual nature incorporated in a prosaic city square.”

Surely the city of Washington, with its magnificent layout, its beautiful improvements, its neglected alleys,

its army of transients, its vast Negro population, its national subsidies, and its paternalistic government is an urban community of both curious and patriotic interest.

13. *How the city was established.* — The great convention that framed the Federal Constitution in 1787 was convinced that for the purpose of establishing a strong national government it would be necessary to set apart a district to be under the exclusive jurisdiction of the Federal authorities where the national capitol should be built, the national Congress meet, and the national administration be centred. There was accordingly inserted in the eighth section of the first article of the Constitution a grant of power to Congress “to exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular states, and the acceptance of Congress, become the seat of the government of the United States.”

Maryland and Virginia in 1788 and 1789 offered to cede to the United States the required territory for the Federal district, which was finally located on the Potomac River, a portion lying on each side of that stream. The part ceded by Virginia was turned back half a century later to the jurisdiction of that state, as not being needed by the United States government. What now comprises the District of Columbia, or the city of Washington, lies on the north bank of the Potomac River, and has a total area of 69.25 square miles, of which 60 square miles are land. In 1791 President Washington appointed three commissioners to make a

preliminary survey of the Federal district. After the limits of the district had been fixed, Major Pierre Charles L'Enfant, a French engineer who had served in the American army, was employed to design a plan for the proposed Federal city. L'Enfant's plan was approved by President Washington in August, 1791, but the distinguished Frenchman, having one of the characteristics of genius, became so impressed with his own importance in relation to the matter that the President's commissioners could not get along with him. His employment was terminated early in 1792, and he was succeeded by Andrew Ellicott, who was directed to "finish the laying of the plan on the ground." This original plan of the city, including the rectangular system of streets intersected by broad, diagonal avenues so arranged as to furnish an appropriate setting for the public buildings of a great capital, has made the city of Washington one of the most beautiful and convenient cities of the world. L'Enfant's plan was so well established under the supervising care of Washington and Jefferson that in spite of more than half a century of neglect during the later period, the capital city has followed out in most essential particulars the original scheme, and in 1888 Congress passed a law directing that future subdivisions of land in the District of Columbia, outside of the limits of the city proper, should conform to this general plan.

The Federal government was finally established in Washington in the year 1800, when the city proper had a population of 3210, while the entire population within the present limits of

the District of Columbia was 8144. The citizens of the District took part in the presidential election of 1800, but when exclusive jurisdiction over the District finally vested in Congress in December of that year the citizens lost the right of suffrage in national elections. Under the acts of Congress, however, they enjoyed municipal suffrage until 1874. Since the latter date they have been without authoritative voice in either local or national affairs. It may be doubted whether the state of Maryland would ever have consented to cede a portion of its territory to the United States for a Federal district if it had been supposed that the citizens of this district would be without political rights. In urging the ratification of the Constitution by the state of New York, Mr. Madison in "The Federalist" said : —

"The indispensable necessity of complete authority at the seat of government carries its own evidence with it. It is a power exercised by every legislature of the Union, I might say of the world, by virtue of its general supremacy. Without it, not only the public authority might be insulted and its proceedings be interrupted with impunity, but a dependence of the members of the general government on the State comprehending the seat of the government for protection in the exercise of their duty might bring on the national councils an imputation of awe or influence equally dishonorable to the government and dissatisfactory to the other members of the Confederacy. This consideration has the more weight as the gradual accumulation of public improvements at the stationary residence of the gov-

ernment would be both too great a public pledge to be left in the hands of a single State and would create so many obstacles to a removal of the government as still further to abridge its necessary independence. The extent of this federal district is sufficiently circumscribed to satisfy every jealousy of an opposite nature. And as it is to be appropriated to this use with the consent of the State ceding it ; as the State will no doubt provide in the compact for the rights and the consent of the citizens inhabiting it ; as the inhabitants will find sufficient inducements of interest to become willing parties to the cession ; *as they will have had their voice in the election of the government which is to exercise authority over them ; as a municipal legislature for local purposes derived from their own suffrages will of course be allowed them ;* and as the authority of the legislature of the State, and of the inhabitants of the ceded part of it, to concur in the cession will be derived from the whole people of the State in their adoption of the Constitution, every imaginable objection seems to be obviated.”¹

14. *Forms of municipal organization during the period of self-government: 1802-1871.* — The first officials of the city of Washington were the three commissioners appointed by the President in 1791.² This Board of Commissioners that laid out and established the city

¹ “The Federalist,” No. XLIII, p. 267 of Lodge’s edition. The italics are mine. — D. F. W.

² For historical data see “Origin and Government of the District of Columbia,” by William Tindall, clerk of the Board of Commissioners, issued by the Government Printing Office, 1907.

was abolished in 1802 and the inhabitants were incorporated for municipal self-government by act of Congress. Under its first charter the city was governed by a mayor appointed by the President of the United States and a city council elected by the people. The first mayor, appointed in June, 1802, was re-appointed each year until 1812. In that year a new act of Congress devolved upon the city council the duty of electing the mayor annually. This plan was followed from that time until 1821, when Congress passed another act under which the mayor of the city was elected by the people for a term of two years. This system continued without substantial change until 1871, when city government as such was abolished altogether. Throughout this period of self-government the city council was composed of two chambers. During the early part of the period the suffrage was limited to free white male citizens of full age who had lived within the city for a period of twelve months and had paid taxes there within that time. In 1848 the suffrage was given to all free white males twenty-one years old who were subject to the school tax of \$1 a year and who had paid this and all other personal property taxes assessed against them. In 1867 the suffrage was extended to all males of full age without distinction on account of color, race, or tax-paying qualifications.

Outside of the city of Washington, in what is now the District of Columbia, there was the town of Georgetown governed as a separate municipality, and, including the whole area, was the county of Washington

governed by a Levy Court whose members were designated by the President of the United States from among the justices of the peace. After 1863, however, the members of the Levy Court were appointed by the President and the Senate and were not necessarily chosen from among the justices of the peace.

The government of the city of Washington during the first seventy years of the nineteenth century was far from progressive. "Up to 1860, the capital was in reality little better than an overgrown village," says Mr. John Addison Porter. "It had attained a population of nearly 70,000 inhabitants, but the growth had been slow; Washington was repeatedly outstripped by cities which were not founded till long after it was well established. It had little wholesale business and literally no manufactures. When Congress was not in session, it collapsed like an empty balloon. It was an extremely disagreeable place to visit except for lobbyists, of whom it was the paradise. The hotels were provincial in appearance and poorly kept. Great clouds of fine dust from the unpaved streets were in summer the torment of pedestrians, and the extent and quality of the mud in winter were proverbial with visitors. There were no regular grades throughout the city, and both the resident and the travelling public were at the mercy of equally poor and extortionate conveyances. Till 1862 there were no street railroads even in the main thoroughfares. The sewerage of the entire city, high and low, was fearfully and conspicuously defective. There were no fine parks or drives, no public museums or theatres of metropolitan size and

convenience. . . . The people of the United States were tired of Washington because it was apparently a dismal failure and beyond the prospect, if not beyond the hope, of redemption. It seemed destined by some inscrutable decree of fate to remain forever a hideous burlesque on the ambitious but abortive dreams of its illustrious founders.”¹

The Civil War directed the attention of the whole country to Washington and temporarily awakened the civic patriotism of its people. After the war was over the city's ambition to become a worthy national capital began to take concrete form. From 1866 to 1871, the last five years of the self-governing régime, a public debt of nearly \$3,000,000 was incurred and altogether \$8,000,000 were spent upon improvements. Under the last mayor the plan of reducing the width of the carriage ways on all but the most important streets was inaugurated. This policy included the parking of the strips of land on either side taken from the roadway, and the money saved by reason of the narrower width of street improvements was expended in the planting of trees throughout the city.

In order to bring the police force directly under the control of the Federal government during the war period, a metropolitan police district had been established in 1861 with a Board of Police Commissioners consisting of the mayors of Washington and Georgetown and five persons appointed by the President. “During and immediately after the Civil War,” says

¹ “The City of Washington,” *Johns Hopkins University Studies in Historical and Political Science*, Third Series, XI-XII, p. 24.

Mr. W. F. Dodd, "Washington had served as a city of refuge for negroes from all parts of the South; a large proportion of this colored population was without means of support and was dependent upon public charity. The war had also attracted to Washington a large number of whites who were either a charge upon the public or an addition to the criminal classes. These conditions made local government more difficult, and the difficulties were now augmented by the abolition of property and race qualifications for voting."¹

15. *The era of Alexander R. Shepherd.* — In 1871 Congress concluded to abolish the separate governments of the city of Washington, the city of Georgetown, and the county of Washington, and to erect in their place a territorial government for the District of Columbia with a governor appointed by the President and Senate for a term of four years, and a legislative assembly composed of a council of eleven members appointed in the same way and a house of delegates of twenty-two members elected by the people. The District was also to choose a delegate to the House of Representatives with the same privileges as those enjoyed by territorial delegates. There were also a Board of Health of five members appointed by the President and Senate and a Board of Public Works appointed in the same way. On October 9, 1871, the Board of Public Works chose its vice president, Alexander R. Shepherd, to be its executive officer. During the next

¹ "The Government of the District of Columbia," p. 40. This book published by John Byrne & Co., Washington, 1909, gives an excellent description of municipal administration in Washington.

three years Mr. Shepherd, who in 1873 became governor of the District, was practically dictator of Washington. He was a man of extraordinary ability, who rode rough-shod over the conventional restrictions that stood in the way of the realization of his ideas. When he came into office, the work of improving the city had only just been begun. The Board of Public Works, of which he was the dominating spirit, evolved an elaborate plan for grading, paving, and extending streets and beautifying the city, which, as approved by the other branches of the government, was to involve the expenditure of \$6,000,000, of which two-thirds was to be raised by loan. In the elaborate execution of this plan, the Board of Public Works managed to spend or contract away about \$18,000,000. This work was carried through boldly and ruthlessly, without regard to law or precedent. Money was secured in every possible way, and certificates of indebtedness to the amount of many millions were issued to contractors. Anything seemed permissible to Mr. Shepherd's Board of Public Works except to forego the prosecution of the projects in hand. The District of Columbia was temporarily bankrupted. The fierce hostility of the well-to-do citizens was aroused, and finally Congress, after an investigation, concluded that heroic measures must be taken. The existing government of the District of Columbia was wiped out, the function of the local legislature was assumed by Congress, and the control of the local administration was transferred to a board of three commissioners appointed by the President. Mr. Shepherd was over-

whelmed with obloquy, but as the years have gone by, his fame has been reëstablished and students of Washington's civic history are disposed to agree that his high-handed methods were necessary to transform the city from a straggling, dirty, southern town into a worthy and beautiful national capital.¹

16. *Congress as a city legislature.* — The commission system of government was established in Washington in 1874 as an experiment. After four years' trial, Congress adopted the plan as a permanent form of government for the District. Under this system, the national legislature, composed of the Senate and the House of Representatives, whose members are gathered together from the four quarters of a great nation, has assumed the functions of a city council. True, certain minor ordinance powers have been delegated to the Board of Commissioners for the District of Columbia, but in all important matters, including appropriations and the granting of franchises, Congress is supreme. The unfamiliarity of its members with the local needs of Washington, their absorption in the great problems of national politics, and the unwieldy size of the national legislature, especially the House of Representatives, make it wholly impossible, however, that Congress should be an efficient board of aldermen for Washington. The actual control of legislation is for the most part vested in the committees of the two houses on the affairs of the District of Columbia and the sub-committees of the committees on Appropria-

¹ For an excellent account of the Shepherd era, see John Addison Porter's "The City of Washington," *already cited*.

tions. These committees become familiar with the affairs of the District and their decisions are seldom overruled by Congress. On important legislative matters, the committees are in turn guided to a great extent by the judgment of the Commissioners, from whom reports are received on pending bills. Nevertheless, it is very difficult to induce Congress to give the time and attention necessary to the passage of needed local legislation. The result is that civic reforms, so far as they depend upon legislation, are difficult of attainment in Washington.

17. *The commissioners of the District of Columbia.* — The executive and administrative functions of the city government are vested in a board of three commissioners appointed by the President of the United States with the consent of the Senate. Two of the commissioners are appointed from civil life for terms of three years. In practice one is selected from each of the two leading political parties of the country, although there is no law requiring it. The third commissioner is detailed by the President from the Engineer Corps of the United States army. Each of the commissioners receives an annual salary of \$5000, and each of the two commissioners appointed from civil life is required to give a bond to the United States in the sum of \$50,000. The board of commissioners annually chooses one of its number to be President, and any two of the commissioners sitting as a board constitute a quorum for the transaction of business. For convenience in administration, the commissioners have arranged their duties in three groups and have assigned to each one

of their number one of these groups of duties. The recommendations of any commissioner in regard to affairs under his supervision are acted upon by the board as a whole, but in practice it appears that each commissioner wields very great authority in regard to the affairs of his particular departments. The commissioners have power to abolish any office in the municipal administration, to reduce the number of employees, to appoint most of the city officials and to remove them at pleasure. The power to consolidate or abolish offices is, however, chiefly theoretical; for Congress makes the detailed appropriations. The scope of the commissioners' administrative authority is limited also by the fact that jurisdiction over parks and public grounds and the water works is in part entrusted to the War Department of the Federal government. Their jurisdiction is also limited by the fact that the judges of all the courts and members of the Board of Charities are appointed by the President of the United States, while the members of the Board of Education and the Board of Children's Guardians are appointed by the judges. The commissioners are required to prepare and submit to the Secretary of the Treasury an annual estimate of the income and expenses of the local government. In the case of the school estimates, however, the commissioners must transmit unchanged the figures presented by the Board of Education. The estimates are revised by the Secretary of the Treasury, and, as approved by him, are transmitted to Congress for final action. In addition to their administrative and executive powers, the com-

missioners have been granted extensive authority in the matter of making ordinances. They are authorized to make and enforce rules and regulations for the police and fire departments, to adopt building and sanitary regulations, etc.

18. *The judicial system of the District of Columbia.*—Inasmuch as the city of Washington is not under the jurisdiction of any state government, it is necessary that its judicial system should include courts corresponding not only to municipal but also to state tribunals. There are, indeed, six courts in the District of Columbia. The Municipal Court has been established by a recent act of Congress to take the place of the justices of the peace. Judges of this court are to be five in number, appointed by the President for terms of four years. Among the qualifications required for holding this office are five years' residence in the District and five years' practice of law before the District Supreme Court. The Municipal Court is a court of civil jurisdiction in cases not involving more than \$500. There is also a Police Court composed of two judges appointed for a term of six years. This court has jurisdiction over all offences against municipal ordinances and regulations, and also has concurrent jurisdiction over most crimes and offences not punishable by imprisonment for more than one year. For the benefit of youthful delinquents there is a Juvenile Court, which "has original and exclusive jurisdiction over all crimes and offences committed by persons under seventeen years of age," with certain exceptions. This court also may punish an adult who is responsible

for the wrongful act of a child. This court may also punish persons guilty of violations of the Child Labor Law and husbands who desert their wives, or fail to support them, as well as parents who fail to support their children. There is one judge of this court and he is appointed for a term of six years. The Supreme Court of the District of Columbia consists of a chief justice and five associates. This court divides its business among its members, who act as trial judges in special term. "The special terms are known as the circuit court, the criminal court, the district court of the United States, the equity court, the probate court, and the bankruptcy court," says Mr. Dodd.¹ Finally there is a Court of Appeals of the District of Columbia, consisting of one chief justice and two associates, which has jurisdiction over cases taken up on appeal from the District Supreme Court, the Police Court, and the Juvenile Court. The judges of the Court of Appeals and the District Supreme Court hold office during good behavior.

19. *Taxation, assessment, revenues, expenditures, and debt.* — One half of the expenses of the District of Columbia is paid out of the United States Treasury. The other half is provided for out of local revenues. Much the larger part of these revenues is derived from a direct property tax. For the purpose of securing an assessment upon which this tax may be levied, the commissioners appoint an assessor and five assistant assessors. These officials are not, however, removable

¹"Government of the District of Columbia," *already cited*, p. 132.

by the commissioners except for inefficiency, neglect of duty, or malfeasance in office. The assessor receives an annual salary of \$3500, and each of the assistant assessors receives \$3000. Three of the assistant assessors are detailed by the chief assessor to value real estate and buildings and to act as an excise board. The two other assistant assessors are detailed to appraise personal property. A new valuation of real estate is made every third year. The value of the land is estimated separately from the value of the improvements, and any new improvements made between the periods of the triennial assessments are added to the tax rolls from time to time as they come to the attention of the assessors. Intangible personal property is reached by a tax upon the earnings of various classes of corporations. Building associations pay 2 per cent of their gross earnings; savings banks and electric light, telephone and street railway companies, 4 per cent; gas light companies, 5 per cent; and national banks and other incorporated banks and trust companies, 6 per cent.

The total assessment of all real and personal property for purposes of taxation for the fiscal year ending June 30, 1908, was \$300,728,719, made up of the following items: ¹ —

Value of land	\$137,200,589
Value of improvements on land	118,124,245
Tangible personal property	33,903,438
Gross earnings of building associations	810,058

¹ "Annual Report of the Commissioners of the District of Columbia," year ended June 30, 1908, Vol. I, pp. 7, 94.

Gross earnings of electric light and telephone companies and incorporated savings banks	\$2,196,986
Gross earnings of gas light companies . . .	1,882,993
Gross earnings of national banks and other incorporated banks and trust companies . . .	2,701,336
Gross earnings of street railway companies . . .	3,909,074

Upon the assessed valuation of real estate and tangible personal property, an annual tax is levied at the standard rate of $1\frac{1}{2}$ per cent, or \$1.50 on each \$100 of valuation.

The total receipts of the District government for the year ending June 30, 1908, amounted to \$12,571,808.63, made up of the following items :¹ —

Tax collections	\$4,628,133.61
Licenses, including saloon licenses	653,441.38
Market and other rents	36,429.23
Fines	24,009.82
Fees	84,218.68
Miscellaneous collections	68,214.46
Water rates	547,505.95
Various special and trust funds	531,750.85
Moneys advanced out of the United States Treasury to be repaid by the District	307,139.46
Regular subsidy paid by the United States government constituting one half of the amount expended under the appropriations for current expenses	5,690,963.19

The expenditures for the same period amounted to \$12,717,780.65; leaving the cash balance at the end of the fiscal year about \$146,000 less than at the

¹ "Annual Report of Commissioners," *already cited*, pp. 118, 127-129, 150.

beginning of the year. These expenditures were distributed as follows: ¹

Improvement of streets, alleys, and roads . . .	\$989,934.56
Maintenance and lighting of streets, alleys, and parkings	1,243,123.32
Construction, maintenance, and repair of bridges	473,643.63
Construction and maintenance of sewers and sewage disposal plant	709,125.01
Maintenance and improvement of parks and public grounds	304,272.62
Salaries and expenses of administrative offices .	625,906.47
Salaries and expenses of the police department .	958,468.12
Salaries and expenses of the fire department .	616,055.13
Salaries and expenses of the electrical department, including fire alarm and police patrol .	95,047.64
Salaries and expenses of all the District courts .	295,358.57
Expenses of the public schools, including \$379,000 for construction	2,230,856.12
Expenses of the health department	88,973.20
Cost of poor relief, hospitals, correctional institutions, etc.	1,054,649.49
Expenses of the militia	76,190.30
Maintenance and distribution expenses of the water works	753,983.68
Salaries and expenses of the free public library	54,644.18
Construction of new municipal buildings . . .	498,685.60
Purchase, maintenance, and equipment of public playgrounds	35,019.74
Construction and maintenance of bath houses and convenience stations	21,920.36
Interest and sinking fund on account of the bonded debt of the District	975,408.00
Miscellaneous expenditures	107,193.60
Expenditures from miscellaneous special and trust funds	522,723.03

¹ "Annual Report of Commissioners," *already cited*, pp. 119, 132-149.

In the act of Congress of 1878 permanently establishing the present form of government in the District of Columbia, it was provided that there should be no increase in the funded debt as it existed at that time. On June 30, 1908, there remained outstanding of the old funded debt \$10,602,750.¹ In addition to this, there was an unfunded debt consisting of loan advances by the United States government to the amount of \$3,650,563, making the total indebtedness of the District approximately \$14,250,000.

20. *Methods of paying for local improvements.* — We have already noted that in the general assessment of property in Washington, the values of land and improvements are differentiated. The principle of taxing land alone is applied to some extent in most American cities in connection with the making of local street improvements. The levy of special assessments for the whole or a part of the cost of such improvements upon adjoining property supposed to be benefited by them, is in accordance with the single land tax theory. In the city of Washington this system does not extend to the cost of grading or paving streets. It is used, however, in the improvement and repair of alleys, the construction and repair of sidewalks, and the construction of sewers. In all of these cases one half the cost of the improvement is levied upon abutting property pro rata according to frontage. When minor streets and alleys are opened, widened, or extended, damages to abutting property are awarded and assessments are levied against adjoining property for the amount of

¹ "Annual Report of Commissioners," *already cited*, p. 6.

benefits received. For the laying of water mains, a special tax of \$1.25 per linear foot of frontage is levied against all land abutting upon the streets in which the mains are laid. The total cost of service connections with water mains and sewers is also assessed against the lots for which the connections are made. Special assessments are also made for the cost of certain work done by the authorities which the property owners have neglected to do. This includes the removing of dangerous buildings, the enclosing of dangerous wells or other excavations, the removal of weeds on unoccupied land, the draining of lots, the cleaning of offensive cesspools, the erection of fire escapes, the removal of sand, ice, and dirt from the sidewalks, etc. Where streets are paved adjacent to street railway tracks the cost of that portion of the work lying between the exterior rails of the tracks and for a distance of two feet on either side is charged to the street railway companies. The companies also have to bear the cost of keeping this part of the pavement in repair.

21. *Police, fire, and sanitary administration.* — The police department of the city of Washington is under the immediate supervision of a superintendent appointed by the commissioners. All members of the police force are appointed and promoted by the commissioners. Policemen are required to be able to read, write, and speak the English language, and must be citizens of the United States and residents of Washington of at least two years' standing at the time of their appointment. Only men between the ages of twenty-two and thirty-six years, of good health and reputation,

who have passed an examination in the elementary branches of education and relative to their knowledge of the principal localities of the city, are eligible. No applicant is accepted who is under five feet eight inches in height. No officer can be removed from the police force except on written charges and after an opportunity for defence; but a man once removed is ineligible to reappointment to any office in the department. Any person who has ever been convicted of crime is ineligible to appointment in the first place. On June 30, 1908, the police force numbered 730 individuals, of whom 658 were privates.¹ After making deduction for special assignments, absences on leave, etc., there were available for actual patrol service 409 men. Distributed throughout the twenty-four hours, this force afforded about 100 patrolmen for service throughout the daytime and 200 during the night. There were 33,415 arrests made by the police during the year ending June 30, 1908, of which 17,430, or more than 52 per cent, were of colored persons, although the Negroes constituted less than 29 per cent of the total population. The arrests for misdemeanors numbered 31,139, and for crimes 1050.

The fire department is under the immediate control of a chief engineer appointed by the commissioners. The total number of men on the force in 1907 was 434, ranging in salaries from \$480 for one laborer to \$3500 for the chief engineer.²

The health administration of the city is under the

¹ "Annual Report of Commissioners," *already cited*, p. 337.

² *Ibid.*, p. 425.

supervision of a health officer appointed by the commissioners, who under the statutes is required to be a physician. The duties of his department are the inspection of schools, the keeping of vital statistics, the enforcement of the anti-smoke law, the care of contagious diseases, the abatement of nuisances injurious to health, the inspection of dairies, live stock intended for slaughter for local consumption, markets, and grocery stores with a view to the prevention of the sale of injurious articles of food, and the impounding of vicious and unlicensed dogs. The health officer complains of the insufficiency of the appropriations for his department. He says that with the small force at his disposal, it is impossible to test the efficiency of measures that were designed to protect the public health.¹ "It is folly," he exclaims, "to spend money in controlling and auditing the expenditures of public funds in order to see that services and supplies of proper quality and amount are obtained therefor, and yet to provide no efficient means for seeing that the very services and supplies which the funds purchase are expended so as to bring about the desired results." He continues: "So far as relates to the work of the health department, it is impossible now to keep any efficient oversight of the net results which it accomplishes toward the end for which it was created, that is, toward the protection of public health. In the first place, the number of clerks and inspectors in the service of the department is not sufficiently great; in the second

¹ "Report of the Health Officer of the District of Columbia," 1908, pp. 7, 8.

place, the salaries paid are insufficient; and in the third place, the tenure offered employees is not such as to invite the best men into public health work. Employees now in the service, clerks and inspectors, are so burdened with routine, more or less mechanical duties, that anything like a scientific study, even by a single clerk or inspector, of the purpose and effect of his own duties, cannot be expected, and there is no one who has the time and force at his command to investigate and report regularly upon the whole situation. The salaries paid in the health department are no better than, in fact are hardly as good as, those paid in other offices, where the work is of a simpler character. The average man coming into the service of the department must expect, if he remains in the service, to live out the balance of his days on a salary not in excess of \$1200 per annum. There is no increase by reason of longevity. There is no pension even though disease or death may result from the discharge of official duty. His tenure of office is not safeguarded by law, and he is not guaranteed by law even a hearing before dismissal. It is not to the point to say that dismissals, except for cause, have, for some years past, been unheard of; a man entering the department with the expectation of spending thirty or forty years in its service desires something a little more definite to rely upon than an office custom of a few years' standing. Under the circumstances pointed out above, the health department does not, and cannot, obtain men who have fitted themselves for its work and who, abandoning all hope of private income, are ready to enter its

service for the balance of their days. Until a broader conception of the nature of the work of the health department exists in the minds of the public and of those who alone have the power to mould its policies and to shape its future, and until better provision is made for the discharge of that work by providing a sufficient force with sufficient remuneration, with tenure of office established by law, the present state of affairs must continue."

The general death rate for the calendar year 1907 in the District of Columbia was 19.25, but the death rate among the colored population was 28.22, leaving the death rate of the whites only 15.55.¹ The birth rate for the entire population, not including still births, was 20.9, the rate among the colored people being 24.1 and among the whites 19.5. It appears from the statistics that 2714 colored persons died, while only 2322 were born living during the year. On the other hand, among the whites there were 3629 deaths and 4551 births. There has been no marked change in the death rates during the last ten years. The excessive death rate among the colored population has sometimes been attributed to the fact that a large percentage of the Negroes live on alleys in the interior of the blocks, under extremely insanitary conditions. The health officer shows in his reports, however, that the death rate among the colored people living on the alleys is practically the same as among those living on the streets. The diseases in which the mortality of the two races shows the greatest differences are those

¹ "Report of the Health Officer," *already cited*, pp. 9, 228.

affecting the lungs and the digestive organs, and those incident to childbirth and infancy.

The health officer in his report for the year 1905-1906 summed up his conclusions relative to this matter in the following paragraph :¹—

“The high death rate among colored people in this District is, in my judgment, due to bad housing (incident to a certain extent to defective location and construction of houses, but probably to an even greater extent to bad housekeeping), to bad clothing, to bad feeding, and to the absence of needed medical advice and treatment at the proper time. And all of these are due to poverty and ignorance. Whether an equally large aggregation of persons of Caucasian extraction whose average and extremes of poverty and ignorance were like those of the colored people living in this district would or would not show an equal death rate, it is impossible to tell. There are, so far as I am informed, no available figures bearing on this point. But it must be borne in mind that defects of housing and of clothing, which are largely responsible for the diseases of the respiratory system which bear so heavily on the colored race, are incident to civilization, and that while the white race has possibly become inured to such conditions by reason of the long years during which it has been subjected to them, the colored race has had no such immunizing experience. It is, from an ethnological standpoint, in the position of a race just entering into what is termed civilized life, and it is a matter of common belief that under such con-

¹ Page 22.

ditions death levies a heavy tribute for the advance of the race."

The commissioners, commenting upon the health officer's report, called attention to the fact that during the past thirty years the colored death rate had fallen from 40.78 to 28.81 (for the year 1905), while the white death rate had fallen from 19.54 to 15.16. As a remedy for high death rates they indorsed the health officer's recommendation of sanitary reforms, the establishment of public baths and day nurseries, the extension of public playgrounds, and especially the encouragement of efforts for the education of the individual "in the art of good living; in the art of keeping the home, however poor it may be, clean, and of making the best use of such facilities as it affords for lighting, heating, and ventilating; in the art of keeping the person and the clothing clean, and of rightly preparing and using foods; and in the art of recognizing at an early stage evidence of diseases, of appreciating their significance, and of instituting proper measures for their mitigation and cure, calling on the physician for advice and assistance when necessary."¹

22. "*Alleys, tenements, and shanties.*" — I have already quoted Mr. Weller's definition of the "average alley" in the city of Washington. According to the police census of 1897, there were 303 of these alleys with a total population of 18,978 people, of whom 16,828 were colored and 2150 white.² In taking the census

¹ "Annual Report of the Commissioners," year ending June 30, 1906, p. 30.

² "Neglected Neighbors," *already cited*, p. 11.

of 1908, the police department found only 261 of the alleys and an alley population of 15,851, of whom 14,237 were colored and 1614 white. This shows that while the alley problem is a serious one, the percentage of the total population living in the alleys is decreasing. In fact, the alley population is only about 6 per cent of the entire population of the city proper, or less than 5 per cent of the inhabitants of the entire District. Indeed, since 1892, there has been a law on the statute books forbidding the construction of dwelling houses in any alley except on certain stringent conditions. The alley must be at least thirty feet wide and the buildings must be set back an additional five feet ; the alley must be provided with sewerage, water, and gas ; the alley must run straight through to the public street and open upon it at right angles with an opening not less than fifteen feet wide. It was stated in 1904 by the inspector of buildings, that although there were 1170 squares in the city, there were only 19 alleys which came up to the specifications required under the law for residence alleys. Mr. Weller suggests three methods of eliminating the alleys. One is the enforced repair or condemnation of insanitary dwellings under an act of Congress passed in 1906. This method by itself is not entirely satisfactory, because the destruction of insanitary and overcrowded dwellings, without any provision for the construction of other houses to take their place, is likely to result only in worse overcrowding elsewhere. The second method suggested for eliminating the alley is the purchase of alley properties by business men and the transformation of the neigh-

borhood into a high class residence district. The third method suggested is the conversion of the alleys into minor streets. This policy was recently applied in the case of one notorious alley, but in this case the amount of the damages assessed to property owners was recovered by the city through assessments for benefits levied on the surrounding lands and houses. Progress along this line has been blocked, however, by a decision of the United States Supreme Court to the effect that a jury cannot be required to assess in all cases benefits equal to the damages.

There are, as yet, comparatively few tenements in the District of Columbia. "There is some danger," says Mr. Weller, "that Washington will let slip its opportunity of being a model city free from the tenement-house evils which have become deep-rooted elsewhere. There is small excuse, if any, for the development of bad tenements in the national capital. Here are no great factories or industrial centres which might appear to justify the concentration of large groups of laborers. Local opportunities for employment are both diversified in character and scattered in location. No confining natural boundaries exist, such as the two great rivers which compress New York City and pile up its inhabitants layer upon layer in many-storied, crowded tenements."¹ Mr. Weller suggests that the tenement-house evil may be forestalled in Washington by legislation limiting the proportion of each lot which may be covered with buildings for human habitation. He also

¹ "Neglected Neighbors," *already cited*, p. 189.

suggests as an alternative remedy the fixing of regulations as to the dimensions and arrangement of the vacant places left for ventilation. Such regulations would require adequate air shafts and inner courts. The minimum amount of air space to be provided for every occupant of a room might also be fixed. Many other rules in regard to the construction of buildings might be laid down in such a way as to discourage the construction of tenements, surely of bad tenements.

Another unfortunate feature of Washington life is the shanties built by the very poor upon rented ground. Mr. Weller states that a study of conditions in southwest, northwest, and northeast Washington suggests the fact that there is a kind of "dead belt" around the city. "This region of atrophied city life extends," says he, "around the eastern and southern borders of the national capital, and is also to be traced upon its western edges. . . . The community's 'circulation is poor,' and some of her extremities, although not far extended, are partly atrophied."¹ Further on he continues:² "The problem of the shacks and shanties is fundamentally a question of substitution. A better home should be developed in place of every one condemned, otherwise the whole effort defeats itself. There is no gain in driving the families out of two insanitary hovels, if they both crowd together in a third shanty which is little better than the others were." Summing up the whole problem of "Neglected Neighbors," Mr. Weller says:³—

¹ "Neglected Neighbors," *already cited*, p. 242.

² *Ibid.*, p. 249.

³ *Ibid.*, p. 261.

“Every effort put forth should be with the definite purpose of determining and enforcing wholesome standards of life. If this is understood, there will be no compromise with the evils of the alleys, tenements, and shanties because of the familiar false charity which says, ‘What will those poor undeveloped creatures do if we destroy their rookeries?’ The pigsties are to be banished for the exact purpose of compelling men to rise from swinish to human modes of life. And the principle should always be remembered in every community that people are injured, not by raising, but by lowering their standards of life.”

23. *The public schools in Washington.* — The first provision for public schools in Washington was made by act of Congress in 1804. The schools established at that time were for the instruction of children whose parents were not able to bear the expense of their education. Until 1844 the public school system existed only for charity pupils. After 1844, all white children between six and sixteen years of age were admitted to the schools after paying a tuition fee of not more than fifty cents a month, and the pupils were required to furnish themselves with books. An exception, however, was made in cases of obvious inability on the part of the parents to pay the tuition or furnish the books. In 1848 all tuition requirements were abolished. At the head of the school administration there is now a Board of Education, consisting of nine members appointed by the judges of the Supreme Court of the District of Columbia from persons who have resided within the District for at least five years

prior to their appointment. The members of the Board of Education serve without pay for terms of three years, and cannot be removed from office before the expiration of that period. The construction and repair of school buildings are under the supervision of the commissioners. Supplies for the District of Columbia are purchased by a committee of three officials, of whom the secretary of the Board of Education is one. All matters relating to the general policy of the schools are determined by the Board, which also controls the expenditures for educational purposes and appoints the superintendent of schools and all his assistants. The school system includes kindergartens, primary and grammar schools, manual training schools, high schools, and normal schools. The total number of pupils enrolled for the year 1906-1907 was 52,739, of whom 17,383, or 33 per cent, were colored.¹ Separate schools are maintained for the two races and the proportion of colored teachers is approximately the same as that of colored pupils. Altogether, 1575 teachers were employed. It is significant that the proportion of colored children in the kindergarten and the first four grades of primary schools was considerably larger than the proportion in the higher grades, being 38 per cent of the total. It is also to be noted that while in the high schools only 17½ per cent of the pupils were colored, in the normal schools and manual training schools the proportion of colored pupils was even greater than in the primaries, being nearly 41

¹ "Report of the Board of Education to the Commissioners of the District of Columbia," 1906-1907, pp. 23 *et seq.*

per cent of the total. The average enrollment of pupils in the Washington public schools increased from 21,600 in 1880 to 45,594 in 1907, and the total enrollment increased during the same period from 26,439 to 52,739. Washington is one of the cities where free textbooks are supplied to school children up to the eighth grade. The cost per pupil for books, supplies, and miscellaneous expenses during the year 1906-1907 was \$1.18, and the cost of books alone was 52 cents. The entire expenditure for the public schools during the year was a little over \$2,230,000. Included in this total was \$1,492,000 paid for salaries for teachers, janitors, officers, medical inspectors and clerks; \$379,000 for the purchase of school sites and the construction of school buildings; \$84,000 for fuel and light; \$40,000 for plumbing; \$68,000 for repairs to buildings and heating apparatus; nearly \$11,000 for furniture, and other amounts for miscellaneous expenditures. The total cost of the school buildings in Washington up to June 30, 1907, was \$4,663,000, and the aggregate value of the schoolhouse sites was reported to be \$1,819,000.

In their report for the year ending June 30, 1908, the commissioners of the District of Columbia called attention to an item of \$2,218,500 for additional buildings and grounds transmitted with the Board of Education estimates. They explained that the great size of this item was probably due in large measure to the fact that "the estimates for public school buildings and grounds have been cut every year in the past, so that the appropriations have not kept

pace with the growth of the schools, but have left large arrears of work to be done in order to provide for the future.”

24. *Streets, parks, and plans for improvement.* — The total area of the city proper, as originally laid out in 1791, was 6110 acres, of which 3606 acres, or more than half, constituted the portion reserved for avenues, streets, and alleys. In addition, 982 acres, comprising 10,136 building lots, were assigned to the United States government, and 541 acres more were purchased by the government for public use ; leaving only 982 acres, or less than $\frac{1}{6}$ of the entire area of the original city, to be turned back to the former owners of the site.¹ The streets and avenues of Washington, with very few exceptions, range from 80 to 160 feet in width. The principal east and west streets are designated by the letters of the alphabet, north and south streets by numbers, and avenues by the names of various commonwealths of the Union. The city was planned primarily for the purpose of furnishing an adequate setting for the public buildings of a great nation. The wide diagonal avenues were to furnish the necessary vistas. The small squares and triangles at street intersections reserved for public use were designed for ornamentation and as locations for memorials and statuary. The only large parks included in the plan were the public grounds surrounding the capitol and other Federal buildings. At that time the idea of the large modern park for recreation purposes was practically unknown.

The care of the streets necessarily involves a con-

¹Tindall, *work cited*, p. 22.

siderable proportion of the entire expense of the District government. Street cleaning is done partly under contract and partly by employees of the commissioners. During the fiscal year ending June 30, 1908, the cost of machine sweeping, which was done under contract, amounted to upwards of \$96,000, the price paid being $22\frac{3}{4}$ cents per thousand square yards.¹ The cost of the hand sweeping done by the employees of the District was a little over \$80,000, or an average of 18.91 cents per thousand square yards. In addition, public alleys and unimproved streets were cleaned under contract at a total expense of about \$37,500.

The collection and disposal of garbage, dead animals, and other refuse is taken care of by contract under regulations prescribed by the authorities. The law requires that garbage shall be disposed of by the reduction process, and that no garbage or other vegetable or animal matter shall be dumped into the Potomac River, fed to animals, or dumped upon the land. At the present time the garbage is taken twenty-five miles down the river to a reduction plant, where it is made into fertilizing materials and by-products. The city pays \$78,400 a year for the collection and disposal of garbage.² Collections are made every day from markets, hotels, and other similar places; every day except Sunday from residences within the fire limits, and twice or three times a week elsewhere. Dur-

¹ "Annual Report of the Commissioners," *already cited*, pp. 61 *et seq.*

² *Ibid.*, p. 68.

ing the fiscal year ending June 30, 1908, there was collected garbage to the amount of 44,309 tons. During the same year there was collected a total of 19,181 dead animals, mostly dogs and cats, at a cost of \$2360. Ashes, night-soil, and miscellaneous refuse are also collected under contract, the expense for the year being about \$92,500. It is to be noted that although there is a police regulation against the littering of streets with waste paper, there were 370,932 bags of paper collected during the fiscal year.

Altogether there are 450 miles of streets in the District, of which 286 are paved.¹ Of these, 170 miles are paved with sheet asphalt and asphalt blocks, and 83 miles are macadamized, leaving 25 miles of granite pavements, 7 miles of cobblestone, and less than one mile of vitrified block.

The largest public park of the District is under the joint control of the commissioners and the Chief of Engineers of the United States army. The National Zoölogical Park is controlled by the regents of the Smithsonian Institution. The rest of the park system, including all the important squares and public grounds, is under the direct control of the Chief of Engineers. The public playgrounds, on the other hand, are controlled by the commissioners. A few years ago the Senate Committee on the District of Columbia appointed a special park commission consisting of four experts of national reputation to prepare plans for the development of the general system of parks and public grounds in the District. This commission, after a

¹ *Ibid.*, Vol. II, Engineer Department Reports, pp. 9 *et seq.*

careful study of the problem, recommended that the original plans of L'Enfant be restored and more fully developed to meet the requirements of a great capital.¹ The commission found that during the past century private interests had in many cases encroached upon the reservations which L'Enfant designed for the beautification of the city, and that public buildings had frequently been located without strict reference to their æsthetic surroundings. They found, however, that most of the departures from the original plan could be remedied at comparatively small expense. In addition to elaborate designs for the formal treatment of public grounds within the city proper, the commission prepared a comprehensive plan for parks, bridges, drives, and other improvements throughout the District. They believed that the topographical situation of Washington, coupled with the dignity of its public buildings and the beauty of its street plan, could be made to yield the finest city in the world from the æsthetic standpoint. The plans proposed by the commission have not been officially adopted by Congress, but their suggestions have been substantially followed whenever any positive steps have been taken, and all new government buildings have been placed in accordance with the commission's recommendations.

The commissioners of the District of Columbia

¹ See "The Improvement of the Park System of the District of Columbia," Senate Report No. 166, 47th Congress, 1st Session, edited by Charles Moore, clerk of the Senate Committee on District of Columbia.

have full control of the parking and trees along the sidewalks. On June 30, 1908, there were 94,035 trees on streets and parkings, sidewalks and schoolyards, in the District, being a net increase of 1329 trees during the year.¹ The commissioners are of the opinion that the entire system of parks of the city, exclusive of the grounds around the White House and the other government buildings, should be transferred to their jurisdiction, or at the least, that the city's parks should be placed under the joint control of the commissioners and the Chief of Engineers.

One of the great improvements brought about largely through the efforts of the commission of experts has been the construction of the magnificent Union Railroad station as a portal to Washington. Incidental to this improvement, the railroad tracks crossing the Mall between the Capitol and the Washington monument have been removed, and grade crossings within the city proper have been eliminated. It is said that the new railroad station is the most magnificent railroad terminal in the world. The entire cost of these railroad improvements is estimated at \$25,000,000.² The sum of \$1,500,000 was contributed by the United States government, and an equal amount was contributed by the United States and the District of Columbia jointly. The estimated cost of street alterations and grade damages, also being paid jointly by the Federal and the local governments, was \$2,500,000.

¹ "Annual Report of the Commissioners," *already cited*, Vol. II, p. 32.

² *Ibid.*, Vol. I, p. 10.

25. *Sewerage, water supply, and other public utilities.* — The sewage of the city of Washington is disposed of by means of trunk sewers carrying the waste to a point below the city where it is discharged into the Potomac River. The present system has been planned for a population of 500,000. On June 30, 1908, there were 521 miles of sewers in the city, and the total cost of the system up to that date had been \$15,972,000.¹ No effort is made in Washington by means of sewage farms or special processes to render the sewage either profitable or harmless. It is thought that if the wastes are discharged into the Potomac River at a point where the flow of the water will carry them downstream, nothing further is necessary.

The water supply of the District of Columbia is obtained from the Potomac River and is brought to the city from Great Falls through an aqueduct 17 miles long, which was constructed about fifty years ago. The dam at Great Falls, the aqueduct, the reservoirs and the slow sand filtration plant completed in 1906 are under the control of the Chief of Engineers of the United States army. They had cost, to June 30, 1908, about \$8,500,000.² Only the distributing system is under the immediate control of the Engineer Department of the city. The commissioners of the District of Columbia recommend that for the sake of economy, efficiency, and simplicity in administration,

¹ "Annual Report of the Commissioners," *already cited*, Vol. II, p. 75.

² "Annual Report of the Chief of Engineers," 1908, Appendix FFF.

the aqueduct and filtration plant should be transferred to their jurisdiction. On June 30, 1908, the city had about 460 miles of mains in operation, ranging in diameter from 75 inches down to $1\frac{1}{4}$ inches.¹ The total cost of the water mains laid from July 1, 1878, to June 30, 1908, was \$2,304,000. The average daily consumption of water is about 68,000,000 gallons, while the ultimate capacity of the aqueduct is only 90,000,000 gallons per day. The commissioners urge the necessity of the construction of an additional conduit. The revenues of the water department for the year ending June 30, 1908, amounted to \$547,000. In an attempt to curtail the waste of water, the District authorities have during the past few years been installing meters in large numbers. On the date just mentioned there were 12,606 meters in use, and it was the intention to continue the work of installing meters until all private residences connected with the water works were supplied with them. The average cost of installation was reported as being \$19.25 for a meter $\frac{5}{8}$ inch in size and \$23.44 for a $\frac{3}{4}$ -inch meter. "The early and vehement objection on the part of some of the residents to the installation of these meters has practically subsided," say the commissioners, "and it is believed that the citizens appreciate that this is the only accurate method of determining the charges for the use of water. These meters also prevent the waste of water, which had assumed large proportions prior to their installation. The rate charged is 3 cents

¹ "Annual Report of the Commissioners," *already cited*, Vol. II, pp. 47 *et seq.*, and Vol. I, pp. 56-58.

per 1000 cubic feet, with a minimum rate to all consumers of \$4.50 per annum."

Partly because the water of the Potomac was muddy, and partly for the reason that the typhoid fever death rate in Washington was comparatively high, the United States government a few years ago authorized the construction of a slow sand filtration plant, which was completed in 1906 at a cost of \$3,468,000. The installation of the filtration system did not mark any perceptible diminution in the number of typhoid fever cases. The average number of deaths for the four years 1902 to 1905 inclusive was 124 per annum, while for the year 1906, immediately following the installation of the filters, the number of deaths was 162, and for 1907 the number was 114. In 1906 the health officer reported that upon the failure of the purification of the water supply to show any effect on the prevalence of this disease, his department "found itself without even a theory as to the cause of typhoid fever in this jurisdiction." Upon his recommendation the commissioners of the District invited the coöperation of the United States Public Health and Marine Hospital Service to investigate and report upon the causes of typhoid fever in the national capital, and the proper remedies to be adopted. Two reports were made as a result of this investigation.¹ The results, however, were extremely meagre. Of 866 cases investigated for the period from June 1 to November 1,

¹ *Hygienic Laboratory Bulletins*, No. 35 (February, 1907) and No. 44 (May, 1908), by M. J. Rosenau, J. J. Lumsden, and Joseph H. Kastle.

1906, more than 69 per cent could not be accounted for. About 15 per cent of the cases were traced to infection contracted outside of the District; about 10 per cent were traced to infected milk or ice cream, and about 6 per cent to infection from contact. Of 670 cases investigated in the summer of 1907, 174 were accounted for as having been contracted outside of the District, 48 were attributed to infected milk, and 102 to infection from contact; leaving 346 of which the origin was altogether hidden. The Marine Hospital Service reported that the filtered Potomac River water during the typhoid season of 1907 was, according to existing bacteriologic standards, of good sanitary quality, and so far as could be ascertained was not responsible for the spread of the disease. In the report of the commissioners for the year ending June 30, 1908, they say:¹ "Typhoid fever continues as one of the most conspicuous features in our mortality table, not so much because of the number of its victims, but because of the absolute mystery that as yet envelops the causes of its undue prevalence here."

Public utilities other than sewerage and water supply are owned and operated in the city of Washington by private companies acting under franchises granted directly by Congress. These franchises are indeterminate; that is to say, they are subject to amendment, alteration, or repeal at any time. There are two operating street railway companies. All the lines in the central portion of the city are equipped with the underground trolley system. Both companies charge

¹ Page 15.

a five-cent fare and sell six tickets for a quarter. The companies do not issue free transfers to each other's lines, but transfer at one point upon payment of two cents in addition to the regular fare. The commissioners of the District formerly exercised a certain amount of control over the service of the companies, but as their powers were inadequate they asked Congress for the authority of a public service commission. Congress responded by transferring jurisdiction over the street railways to the Interstate Commerce Commission. The companies pay ordinary taxes on their real estate and in addition an annual tax of 4 per cent on their gross earnings. Gas is supplied in the District by two companies, and the rates to be charged are prescribed by act of Congress. Each company has to keep a set of books according to forms prescribed by the Interstate Commerce Commission. Telephone service is supplied by a single company. The rates are regulated by Congress. Electricity for light, heat, and power is furnished by several companies. The rates to be charged have been fixed by Congress.

26. *A national opportunity.* — The capital city of the Great Republic should enlist the patriotic interest of the citizens of all the states. It is perhaps not to be desired that the capital should rival in the forms of aristocratic splendor the great cities where kings and emperors have their seats of government. Magnificence of public buildings and beauty of public streets and parks are not, however, inconsistent with the spirit of democratic institutions. Insomuch as a nation in which government springs from the people

is more secure and represents a higher type of human institutions than a monarchy, it is fitting that the symbols of the nation's dignity and power should be more commanding. Washington belongs to the whole country. It is the only city upon which the attention of the people throughout the length and breadth of the Union can be effectively concentrated. It must represent in large measure our national ideal of what a city should be.

The policy of Congress in treating the District of Columbia as a subject principality and maintaining a purely paternalistic government there, arouses in those who have a direct interest in the affairs of the capital city conflicting emotions. It cannot be denied that the circumstances are unusual. The city was formally laid out by the President of the United States. The entire District was set aside as a seat for the several branches of the Federal government, and Congress was given exclusive jurisdiction over the area included within the District limits. In an important sense the city of Washington is incidental to the functions of the government. When the people were deprived of the suffrage thirty years ago, there sprang up all over the city local associations of citizens organized for the purpose of securing improvements within their respective districts by *influence*. Being deprived of an authoritative voice in their affairs, the citizens chose to exercise persuasion, and accordingly there has been a more notable development of citizens' associations composed of private individuals banded together for the study of public affairs and the promotion of the public welfare

than in any other city in the country. It is said that now there are more than thirty of these local associations. There are also certain important general organizations, including the Washington Board of Trade, the Washington Chamber of Commerce, the Civic Center, and the Washington Playground Association. In the Board of Trade has been concentrated for many years the organized influence of the business community so far as it relates to general public affairs. The present organization of the District government does not give universal satisfaction. In 1909 a convention of fourteen of the citizens' associations submitted a proposal to Congress for a scheme of self-government which would include the election by the people of a governor vested with all the executive authority now exercised by the commissioners; the election of five citizens who, with five others appointed by the President, would form a Board of Commissioners having the local legislative authority; the election of a delegate to the House of Representatives and the granting of suffrage to all males twenty-one years old who have lived in the District for one year, are able to read and write English and have paid taxes upon \$500 worth of property. It does not seem probable that Congress will in the near future permit a return to the plan of self-government in the District. It seems that the anomalous political situation of the District is due in large measure to the cowardice of politicians. The present dominant party in Congress is compelled by its history to profess to favor equal suffrage as between the white and colored races. But it is believed that

the political leaders are afraid to "face the music" by carrying out their political theories in the District, where practically one-third of the voters would be Negroes. It is also to be noted that so long as the Federal government pays one half the expenses of the District, Congress will be disinclined to release its grip upon the control of the local government, while on the other hand the citizens themselves will be less clamorous for the right of suffrage, fearing that the reestablishment of self-government would be accompanied by the withdrawal of the national subsidy.

It is hardly to be expected that a great contribution to the art of government will be worked out under circumstances like these. Yet, if the paternalistic policy is to be carried out, it behooves the nation to see that the benefits rather than the evils of paternalism shall be enjoyed. The commissioners, in their latest available report, present a summary of "the chief examples of physical and moral improvement in the affairs of the District of Columbia" during the period since the celebration of the city's centennial in 1900. The list of things accomplished and under way, including the railway improvements, the construction of a sewage disposal system, the installation of a filtration plant, the erection of a District government building, and a number of important bridges, is an impressive one. The commissioners place at the head of the improvements still to be effected the purchase of new school grounds and the construction of new school buildings. The total amount of the extraordinary expenditures authorized by Congress from 1900 to 1908 was more

than \$17,000,000, while the cost of the additional improvements which the commissioners regard as still urgent is estimated at about \$4,250,000.

There is no civil service law applying to the employees of the District of Columbia. An informal civil service system has been installed, however, by the commissioners, with the help of the National Civil Service Commission. One of the legislative projects most strongly urged by the commissioners is the passage of a civil service law. The commissioners also ask for legislation reducing the price of gas, providing for the regulation of public service corporations, repealing the law authorizing gas companies to water their stock, improving the liquor law, protecting the milk supply, and providing for a number of other advances. "With these measures in operation the commissioners feel that so far as laws are concerned, the District of Columbia will bear comparison with other jurisdictions," they say.¹

In a paper read before the National Municipal League in 1895, Mr. Frederick L. Siddons, referring to the committees of Congress having charge of the affairs of the District of Columbia, said: "For the people of the District these committees care little. Hearings before them are generally a waste of time. A little coterie of bankers, real estate speculators, and street and steam railway projectors or owners, dominate the committees. A judicious supper will at almost any time bring forth a valuable street franchise

¹ "Annual Report of the Commissioners," *already cited*, Vol. I, p. 12.

or a handsome appropriation for some street improvement in a subdivision where no one lives or is likely to live for a quarter of a century to come. But when some labor organization or body of disinterested citizens asks for increased school facilities, little or no attention is paid to them, until, from 'damnable iteration,' our local legislators are compelled grudgingly to listen to the moderate demands thus made."¹ With reference to the executive department of the government, Mr. Siddons admitted that the commissioners had always been men who in the main were honest. He said, however, that no one from any part of the District except the northwestern section had ever been appointed commissioner. He stated also that no man not satisfactory to the "real estate ring" could be nominated, or if nominated, could be confirmed. "The 'ring' has the ears of the commissioners at all times," said he. "Favoritism and partiality in the matter of public improvement is shown to them. The grossest inequalities in the assessment of property for taxation are permitted to exist in favor of the 'power behind the throne.' Corporations owned or controlled by the 'ring' are treated tenderly and their repeated violations of law meet with but feeble rebuke."

Conditions have undoubtedly improved to some extent since 1895. Dissatisfaction with the existing plan of government was sufficient, however, to induce President Roosevelt in 1908 to urge upon Congress

¹ "Municipal Condition of Washington," in the Report of the Proceedings of the Minneapolis and Cleveland Conferences for Good City Government, 1895, p. 364.

the adoption of the plan suggested by Mr. James B. Reynolds. Under this plan a governor appointed by the President would take the place of the three commissioners so far as executive functions are concerned, while a municipal council composed of the heads of distinct administrative departments would assume all local legislative functions. One of the unique features of this plan was the suggestion that the President be authorized to appoint as governor either a resident of the District, or a non-resident who had had experience as mayor of a city of not less than 50,000 inhabitants. The idea of selecting for the head of the municipality a non-resident of experience in preference to a resident without it, is copied from the German practice. The Reynolds plan frankly accepts the control of the District as a dependency of the national government as final. Ultimately, however, after the Washingtonians, like the Filipinos, have been sufficiently educated in enlightened politics, it will certainly be necessary to grant them some measure of home rule. Otherwise even the most beautiful city and the most perfect administration would only go to demonstrate the failure of democracy as a means of working out our great national problem of municipal government.

CHAPTER III

NEW YORK

27. *The world's metropolis of wealth and municipal extravagance.*— New York City uses more than \$160,000,000 a year for current expenditures. Its bonded indebtedness is about equal to the entire interest-bearing debt of the United States government. In 1909 more than 30 per cent of the city's budget appropriations was devoted to the payment of interest, debt, and sinking fund charges. New York has a population about two-thirds as great as that of London, but its expenditures are much larger. The ability of the city to maintain its credit with a constantly increasing budget and an enormous debt, growing by leaps and bounds, is one of the astonishing phenomena of modern times. The city is fabulously rich. The assessed valuation of its real estate exceeds the combined assessment of all of the states west of the Mississippi River. On certain blocks at the business centre of New York, lots 100 feet deep with 25 feet frontage, and not corner lots at that, reach the enormous assessed valuation of \$562,500 for the land alone. It is the apparently resistless upward tendency of land values on Manhattan Island that is the main prop of the city's financial system. New York's municipal career has been one of almost uninterrupted lavishness

and improvidence in expenditures. Starting out in its early years with the priceless heritage of ownership in fee simple of all the unoccupied land on Manhattan Island, the city sold its holdings from time to time to get money for municipal purposes. From time immemorial, under the system of government established by Tammany Hall, "little work for good pay" has been the rule in the administrative departments, and municipal supplies purchased and work done under contract have been proverbially expensive because of the inevitable rake-offs of the political bosses. New York shares with many other cities the improvidence of not collecting the taxes to pay the expenses of the current year until almost the close of the year, with the result that annually the city is compelled to borrow on short time bonds almost the full amount of its budget in order to meet the expenses of government as they are incurred. The city pays \$5,000,000 a year interest on revenue bonds. New York would have been bankrupt long ago if it had been able to make itself so. The city can hardly lose its credit so long as the resistless forces of the world's industry and commercial life continue to pour wealth into its lap at an ever increasing rate. But if, perchance, through the visitation of some great calamity, or the shifting of trade movements, or the decentralization of the control of the nation's industries, there should come a halt in the increase of the land values of the city, acute financial distress would ensue, and if the value of land should actually diminish, utter bankruptcy might be the result.

28. *The city's early charters.* — New York was first settled by the Dutch in the seventeenth century and was called at that time New Amsterdam. Its first municipal government was established April 14, 1652, with a "schout"¹ appointed by the West India Company, and two "burgomasters" and five "schepens" elected by the people. All these officials together formed a municipal court which sat once a week. After the English took possession, in 1664, the city was given its present name. On June 12, 1665, Governor Nicolls granted the city its first charter under English law. Under its terms this quaint charter was to supersede "the form of government late in practice within his Majesty's town of New York, under the name and title of Schout, Burgomasters and Schepens, which are not known or customary in any of his Majesty's dominions." It was declared by this charter that the inhabitants of Manhattan Island "are and shall be forever accounted, nominated, and established as one body politic and incorporate under the government of the mayor, aldermen, and sheriff." The officials mentioned were named in this charter for the period of one year. They were given "full power and authority to rule and govern as well all inhabitants of this corporation as any strangers according to the general laws of this government and such peculiar laws as are or shall be thought convenient or necessary for the good and welfare of this, his Majesty's corporation; as also to appoint such under officers as they shall

¹ An officer in the Dutch colonies combining the functions of sheriff and customs collector.

judge necessary for the ordinary execution of justice." The mayor was to have a vote in the council and no action could be taken under the Nicolls charter unless the mayor or his deputy was present. After outlining the forms of municipal government to be observed, Governor Nicolls proceeded to "strictly charge and command all persons to obey and execute from time to time all such warrants, orders, and constitutions as shall be made by the said mayor and aldermen, as they will answer the contrary at their utmost peril."

In 1686 the city petitioned Governor Dongan for a new charter conferring more extensive powers and privileges. Under the Dongan charter, granted in that year, all unappropriated lands on the Island, with certain reservations, were given to the municipality. The city was defined as including Manhattan Island to low-water mark.

In 1708 the Cornbury charter was granted, giving the city a ferry monopoly within certain defined boundaries and jurisdiction over the land between high and low water mark on the Long Island shore.

Under the Montgomerie charter granted in 1730, the city's old rights were confirmed and its boundaries extended to include other adjoining islands and the surrounding water to low-water mark on the opposite shores. Under this charter citizens elected to office, except the chamberlain, of whom a bond was required, were compelled to serve, under penalty of a forfeit of not more than fifteen pounds for refusal. The city's monopoly of the ferries was extended to include the water on all sides of Manhattan Island.

The city's old property rights were confirmed and it was granted in addition 400 feet of land under water in the East and North rivers. It should be noted, however, that under all these early grants the city held its privileges from the Crown and was required to pay feudal dues. Under the Montgomerie charter, its annual payment to the Crown included thirty shillings in addition to the former rental of a beaver skin and five shillings.

The city's colonial charters were confirmed by the first constitution of the state of New York adopted in 1777.

According to the Federal census of 1800, New York had a population of 60,489. Up to this time, municipal suffrage had been limited to freeholders. In 1804, however, as a result of the general democratic revolution in this country, the municipal suffrage was extended to every male citizen who had lived in the city six months, rented a tenement of the yearly value of \$25 or more, and paid taxes. In the preceding year De Witt Clinton, one of the great democratic leaders, had resigned his position in the United States Senate to accept the position of mayor of the city of New York. In 1826 manhood suffrage was established in the city without the taxpaying qualification. Three years later the first city convention was held for the purpose of framing a new charter. The convention was composed of five delegates selected from each ward, and the charter framed by this body, after being approved by the people, was sent to Albany and enacted into law by the state legislature in 1830. Under this

charter a bicameral council was established and the mayor was given the veto power. The second state constitution, adopted in 1821, had provided that the mayors of all cities should be appointed by the common councils. By an amendment adopted in 1833, the mayor of New York City was made elective by the people.

During 1833, also, a legislative commission was appointed to look up a source for a municipal water supply. Two years later the commission reported in favor of the Croton Aqueduct to be built at an estimated cost of \$5,500,000. The project was approved by popular vote, 17,330 electors voting in favor of it and 5963 against it. The construction of the aqueduct was put in the hands of a commission appointed by the governor.

A new charter convention was called in 1846, but the amendments proposed by it were defeated at the polls. This convention was in session at the same time as the constitutional convention which framed the third constitution of the state of New York. The proceedings of the city convention and its demands for municipal home rule mark perhaps the highest point reached in New York by the idea of city independence as against the state. In 1849 a new charter was passed by the legislature, submitted to the people of the city, and ratified by them by an overwhelming vote. Under this charter the bicameral city council was continued, and a number of independent city departments were organized to be under the control of single heads elected by the people.

By 1850 the population of the city had increased to 515,000, the municipal debt to \$15,240,000, and the annual tax levy to \$3,230,000. During 1851 and 1852 street railways were first introduced.¹ At this time New York was governed by a common council known as "The Forty Thieves." Another new charter was passed by the legislature in 1853 and ratified by the people. By this act the ward boundaries of old New York were changed for the last time. The charter contained stringent provisions relative to the expenditure of public money and the leasing of public property and privileges. It also contained a special provision making the bribery of an alderman or other public official punishable for both parties to the crime by imprisonment for ten years and a fine of \$5000. A police act adopted in this year provided that policemen must be citizens and residents of the ward for which they were appointed. Each applicant for a position on the force was required to present to the mayor a certificate signed by twenty-five citizens, at least two-thirds of them residents of the ward, stating that they had known him personally for the preceding five years and that he had borne a good character for honesty, sobriety, and morality. It was required that every policeman should be able to read with ease and write legibly the English language and understand the first four rules of arithmetic. Police

¹The New York and Harlem Railroad Company had been authorized to operate down Fourth Avenue and certain other streets twenty years earlier. Its "small cars" in the lower part of the city were operated by horses to connect with its "large cars" operated by steam on its main line running north from the city.

officers could be removed only for cause and after trial.

In 1857 the charter was again revised by the legislature; this time, however, without the revision being submitted to the people for ratification. During the same year the control of the police was taken away from the municipal authorities and a metropolitan police district, including much the same territory that is now included within the limits of Greater New York, was established. The police force was made subject to a commission appointed by the governor, with the consent of the senate. This scheme was changed in 1864 so as to make the metropolitan police commissioners elective by the legislature. In the succeeding year a metropolitan fire district under the control of commissioners appointed by the governor and senate was established, and in 1866 a metropolitan sanitary district was also created.

Up to 1871 the tax levy for the city had been passed annually by the legislature as a special act, and as early as 1856 the legislature had begun to interfere with the items as fixed by the city authorities. As an illustration of the effect of constant legislative interference on the responsibility of the city council, it is interesting to note that of the \$23,293,000 contained in the budget for 1868, only \$3,711,000 represented expenditures that were under the direct control of the council, while the sum of \$4,151,000 was set aside for the commissions appointed directly by the state. Of the remainder, \$4,365,000 was for city departments not appointed by the state government, but independent of

the council ; \$391,000 was for obligatory expenditures for the College of New York and asylums ; \$1,847,000 was for interest and redemption of the city debt ; \$3,264,000 was for county expenditures, including interest ; and \$5,564,000 was for state taxes.

Following the gigantic frauds of the Tweed régime, from 1869 to 1871, the charter of 1873 was enacted, which provided among other things for a unicameral council and a board of estimate and apportionment. The latter was to consist of the mayor, the comptroller, the president of the board of aldermen, and the president of the tax department. In the council the principle of minority representation was established. In 1882 all the laws relating to New York City were assembled into what was known as the Consolidation Act, under which the city continued to be governed until the Greater New York charter went into effect January 1, 1898.

29. *Guaranties and inhibitions of the state constitution.* — Before proceeding to discuss in detail the provisions of the Greater New York charter, it may be well to explain briefly the status of the city as fixed by the constitution of the state of New York.

Article XII of the constitution requires the legislature "to provide for the organization of cities and incorporated villages and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit so as to prevent abuses in assessments and in contracting debt by such municipal corporations." The legislature is also authorized to regulate and fix the wages or salaries and the hours of

work or labor and to make provision for the protection, welfare, and safety of persons employed by any municipality of the state or by any contractor or subcontractor performing work for a municipality.

Article VIII of the constitution provides that no city shall give any money or property or loan its credit to any individual or corporation, or become the owner of any stock or bonds of any corporation or incur any debt except for city purposes. This provision is not to be construed, however, as preventing the city from making lawful provision for the aid or support of the poor. This article also limits the indebtedness of any city or county to an amount equal to 10 per cent of the assessed valuation of the taxable real estate within its limits. An exception is made, however, in the case of bonds issued for water supply, but the term of such bonds may not be more than twenty years, and provision for retiring them at maturity must be made by annual contributions to a sinking fund. Water debt incurred by the city of New York prior to January 1, 1904, however, must be counted as a part of the city's debt in determining the city's right to incur further indebtedness. It is provided that counties wholly included within the limits of a city shall have no further power to incur debt, but existing county debts are not to count against the city's debt limit.

By an amendment to this article ratified by the people in November, 1909, certain further exceptions are made in favor of the city of New York. In the first place, the debt limit is not to be construed as preventing the city from issuing bonds to be redeemed out

of the tax levy for the year succeeding the year of their issue, to a total amount not exceeding one-tenth of one per cent of the assessed valuation of taxable real estate in the city. The second exception in favor of New York City is the famous "debt limit amendment" which was drafted for the special purpose of releasing credit for use in the construction of additional subways and the purchase or construction of additional dock facilities. By the terms of this amendment "any debt hereafter incurred by the city of New York for a public improvement owned or to be owned by the city, which yields to the city current net revenue, after making any necessary allowance for repairs and maintenance for which the city is liable, in excess of the interest on said debt and of the annual installments necessary for its amortization, may be excluded in ascertaining the power of said city to become otherwise indebted, provided that a sinking fund for its amortization shall have been established and maintained and that the indebtedness shall not be so excluded during any period of time when the revenue aforesaid shall not be sufficient to equal the said interest and amortization installments, and except further that any indebtedness heretofore incurred by the city of New York for any rapid transit or dock investment may be so excluded proportionately to the extent to which the current net revenue received by said city therefrom shall meet the interest and amortization installments thereof, provided that any increase in the debt incurring power of the city of New York which shall result from the exclusion of debts heretofore incurred shall be avail-

able only for the acquisition or construction of properties to be used for rapid transit or dock purposes. The legislature shall prescribe the method by which and the terms and conditions under which the amount of any debt to be so excluded shall be determined, and no such debt shall be excluded except in accordance with the determination so prescribed. The legislature may in its discretion confer appropriate jurisdiction on the Appellate Division of the Supreme Court in the First Judicial Department for the purpose of determining the amount of any debt to be so excluded. No indebtedness of a city valid at the time of its inception shall thereafter become invalid by reason of the operation of any of the provisions of this section."

There is a further provision in Article VIII to the effect that payments by cities for the support of charitable and reformatory institutions wholly or partly under private control may be authorized by the legislature but shall not be required by it. In any case such payments may be made only on behalf of inmates of the institutions who have been received and are detained there pursuant to rules established by the State Board of Charities, such rules being subject to control by the legislature.

Cities are divided by Article XII into three classes, according to their population as shown by the latest state enumeration. The first class includes all cities having a population of more than 175,000. Laws relating to the property, affairs, or government of cities and their several departments are "divided into general

and special city laws." The legislature has unrestricted authority for passing laws which relate to all the cities of one or more classes, except as this authority is limited by other restrictions of the constitution. "Special city laws" are defined, however, as laws relating to a single city or to less than all the cities of a class. It is provided that any bill for a special city law after it has been passed by both branches of the legislature must be transmitted to the mayor of each city affected by it for his consideration. The mayor is required to return the bill to the legislature within fifteen days thereafter, or if the legislature has adjourned, to the governor, with the mayor's certificate stating whether or not the city has accepted the bill. In cities of the first class the mayor on his own authority gives or refuses the city's acceptance, but the legislature is authorized to provide for the concurrence of the city's legislative body in such action. The legislature is required to provide for public notice and opportunity for a public hearing concerning any specific city bill in every city to which the bill relates, before action is taken on it. If the bill after passing the legislature is accepted by the city, it goes to the governor for his approval or veto. If, however, the bill is not accepted by the city and the legislature is still in session, it may be re-passed by both branches of that body and then transmitted to the governor for his action. If, on the other hand, the legislature has adjourned, or if the bill is not passed a second time, no special city bill to which the city objects can become a law. Inasmuch as there are now three cities of the first class, namely,

Rochester, Buffalo, and New York, this provision of the constitution operates as a great deterrent to special legislation affecting New York City alone. Every year a considerable number of local bills vetoed by the mayor of New York fail to become law either because they are not repassed by the legislature, or, more often, because the legislature has adjourned pending the mayor's action on them. This provision of the constitution guarantees that the people of the city shall be apprised by the state legislature of any proposed local legislation affecting them, and through their chief executive shall have opportunity to make known their approval or disapproval of the proposal. It does not secure, however, absolute home rule; for in several matters of grave importance the legislature has exercised its authority to override the city's wishes. The act consolidating old New York, Brooklyn, and other towns into Greater New York was passed in spite of the disapproval of the mayors of New York and Brooklyn. The Greater New York charter itself was passed without the acceptance of the mayor of old New York. The Public Service Commissions law of 1907 was also passed in spite of the disapproval of the mayor.

Another important provision of Article XII of the state constitution requires that all elections of city officers, and county officers in New York and Kings counties, must be held in odd-numbered years, so that local elections may be separated by a period of one year from state and national elections. It should be noted, however, that the separation is not quite

complete, for the reason that members of the lower house of the legislature are elected annually in November.

Article X of the constitution requires that city officers whose election or appointment is not provided for in the constitution shall be elected by the people or appointed by such of the city authorities as the legislature may designate for that purpose.

A further restriction, not only upon the legislature, but also upon the city itself, is contained in Article V of the constitution, which provides that "appointments and promotions in the civil service of the state and of all the civil divisions thereof, including cities and villages, shall be made according to merit and fitness to be ascertained so far as practicable by examinations which, so far as practicable, shall be competitive." This provision establishes "Civil Service Reform" in all the cities of the state.

The authority of the legislature relating to municipal affairs is further restricted by Article III of the constitution, which prohibits the passage of a private or local bill for the purpose of laying out, altering, or discontinuing a highway or alley; for the purpose of changing the fees or allowances of public officers during the terms for which they were elected or appointed; or for the purpose of granting a railroad franchise or any exclusive privilege, immunity, or franchise whatever. It is specially provided that "no law shall authorize the construction or operation of a street railroad except upon the condition that the consent . . . of the local authorities having the control of that portion

of the street or highway upon which it is proposed to construct or operate such railroad, be first obtained."

30. *The control of the city by the state legislature.* — The legislative history of New York City for the past sixty years has been the history of persistent interference by the state legislature in local affairs. Such constitutional restrictions as are now in force date for the most part back to the new constitution of 1894. The provision that the legislature shall not grant a street railway franchise without the consent of the local authorities has been in effect since 1875. As we have already seen in a preceding paragraph, it was the custom of the legislature to enact the New York City budget from year to year until about forty years ago. Prior to that time, also, the legislature had in several important instances taken municipal administrative functions entirely out of the control of the local authorities and put them in the hands of metropolitan boards appointed by the state. The temptation to legislative interference with the affairs of New York City has been accentuated by the fact that during a great proportion of the last century different political parties have been in control of the local and the state governments. The political control of New York City, with its stupendous budget, its great army of employees, and its prodigious contracts for public improvements has been apprised of sufficient magnitude not only to build up the most powerful local organization for public plunder known in the modern world, but also to swerve the legislature of the Empire State from its function of passing laws for the welfare of a great

commonwealth. The mayor's provisional veto on special city legislation, which has been in force during the past fifteen years, is a considerable check upon legislative interference. It remains true, however, that in the passage of the Greater New York charter itself, the legislature has undertaken to determine in almost limitless detail the forms and functions of the city government. The charter is a document of more than 330,000 words, prescribing not only the detailed organization of the city administration, but even fixing or limiting the salaries of the policemen, the firemen, the street cleaners, and the teachers.

31. *State administrative control in New York.* — In addition to the control exercised directly by the legislature, the state of New York restrains and supervises the affairs of the city of New York in several ways. Under the charter the mayor, the borough presidents, and the police commissioner are subject to removal by the governor of the state on charges after a hearing. In fact, the governor's authority has been twice exercised recently in the removal of borough presidents.

The city has a civil service commission, but the members of this commission may be removed for incompetency, inefficiency, neglect of duty, or violation of the civil service law or regulations, by the state civil service commission, and all rules and regulations adopted by the local commission are subject to approval by the state commission.

Other instances of the control by state authorities in New York of affairs that are usually considered local are found in the functions of the superintendent of

elections and the commissioner of excise. The former is an appointee of the governor with a special staff of assistants whose duty it is to detect and prosecute violations of the registration and election laws in New York City. The latter is a state official who through his special deputies collects the liquor tax in the city of New York and other important cities of the state. One-half of the proceeds of this tax is turned over to the city and one-half is turned into the state treasury.

The board of state tax commissioners not only has general supervision of methods of assessment and taxation, but determines on its own account the valuation of all special franchises subject to assessment in any city. When it is remembered that all the street railway tracks and gas mains, electric light wires, telephone wires, electrical conduits, etc., in the city of New York, together with the franchises granted by the city to all public service corporations, are subject to assessment by this board, but also for municipal taxation, the importance of this item of state control becomes clear.

But by far the most important instance of the control of the affairs of New York City by a state board is found in the Public Service Commission for the First District. In 1907, at the instigation of Governor Charles E. Hughes, the legislature passed what is known as the Public Service Commissions Law. Under this law the city of New York constitutes the first district, while all the rest of the state constitutes the second district. In each district there is a board of five members appointed by the governor with the consent of the senate.

The Public Service Commission for the First District has general supervision over the railroad, street railway, gas, and electric companies of Greater New York. No new franchise can be exercised by any of these companies without the approval of the commission. Authority to regulate the rates charged by the companies, to supervise their equipment, and to dictate the service furnished by them is given to the commission. This jurisdiction extends even to those companies whose rates and service, under their franchises, are subject to regulation by the board of estimate and apportionment. All these functions of the Public Service Commission might possibly be regarded as strictly state functions with which the city would logically have nothing to do. Under the terms of the charter, however, the city in the granting of franchises is specifically required to provide for adequate service at reasonable rates and for the permanent up-keep of the property. But the Public Service Commissions Law goes still further. Upon the commission have been bestowed the powers formerly vested in the local rapid transit board. Franchises for subways, tunnel railroads, and elevated railroads originate with the commission, and the actual letting of contracts and the control and operation of rapid transit lines are part of the commission's functions. In this capacity the commission acts directly as a representative of the city of New York. The entire expense of maintaining the commission, except the salaries of the commissioners themselves and the secretary and counsel to the commission, must be paid by the city. Indeed, there is no limit

placed by the legislature upon the amount of the expense which the commission may incur, and no authority vested in the board of estimate and apportionment or other local body, to revise, amend, or limit the commission's budget. It is true, however, that all of the positive steps taken by the commission in the granting of franchises and the letting of contracts must be approved by the local authorities. In other words the local authorities have power to prevent the commission from accomplishing anything in relation to rapid transit matters, but have no power to limit the commission's administrative expenses.

The potential control of the commission over the city is even greater than the actual control, for it is provided that if the city should embark upon the policy of municipal ownership of gas works or an electric light plant, it might be required by the commission to render an annual report in detail of its activities, and indeed, the city is not authorized to build, maintain, or operate any such plant for other than municipal purposes, except with the commission's consent.

32. *The charter of Greater New York.* — On May 11, 1896, the act creating Greater New York went into effect. By the terms of this act, not only the city of Brooklyn, but also the county of Richmond (Staten Island) and a portion of the county of Queens, including one city, three towns, and a portion of another, and eight incorporated villages, were consolidated with the old city of New York. This act provided for a commission to draft a charter for the government of the greater city. In addition to the mayors of New York,

Brooklyn, and Long Island City and certain other persons serving *ex officio*, nine commissioners were appointed by the governor. This commission chose a committee of seven to do the actual work of drafting the charter. Among the celebrated men on this committee were John F. Dillon, Seth Low, and Benjamin F. Tracy. The charter was submitted to the legislature on February 13, 1897, and became a law on May 4 of the same year without the acceptance of the mayor of old New York. The scheme of government provided by the new charter went into full effect on January 1, 1898. "In designing a governmental system for a city of 3,000,000 people," said Mr. William C. De Witt, chairman of the committee that drafted the charter, "the Constitution of the United States naturally occupied a conspicuous place among the models to be consulted. The rare combination of powers grouped in one republic, the exquisite welding of states sovereign over their domestic affairs, and in turn made up of towns, villages, cities, and counties, each enjoying an adequate measure of home rule into an indissoluble union under a supreme Federal authority, have rendered the Constitution of our country the most perfect fabric of civil society the world has yet seen. . . . Any governmental system to be agreeable to the genius of our institutions should yield to each distinctive community an appropriate measure of home rule in any common association however large, whether imperial or republican. This organic principle by which large states are made up of small states, wheels within a wheel, sustaining and not conflicting; a galaxy, not a solid;

each orb moving in its sphere, yet all revolving around a central sun — is quite as appropriate to the organization of great cities and is just as indispensable to proper distribution of their municipal powers as it is to states. It was not made applicable to any city by the master builders of our republic because there was no great city in the country when the Constitution was formed.”

The charter drafted as an experiment in 1897 has been amended or revised almost every year since. There was a general revision in 1901, and very important amendments in 1905. A new charter commission was appointed in 1908 and its report was made to the legislature at the session of 1909. Its recommendations were not adopted, but were referred to a special legislative commission for further consideration and report to the session of 1910. This latest commission has been continued by the legislature to make a further report in 1911.

33. *The five boroughs.* — The commission that drafted the original Greater New York charter was influenced by the belief that the administration of so great a city could not be carried on successfully without provision for decentralization. The commission took note of the fact that London and Paris are both divided into districts or local subdivisions for purposes of local self-government and for convenience in administration, while at the same time a strong central authority is maintained to preserve the unity of the government. Greater New York accordingly was divided into five boroughs, following lines already laid down by nature and history. The central and most

populous borough, consisting of the Island of Manhattan, was named "Manhattan." All the rest of old New York, constituting that part of the greater city lying north of the Harlem and East rivers on the mainland, was called "The Bronx." The city of Brooklyn, comprising the entire county of Kings, was transformed into the borough of "Brooklyn." The remaining portion of the territory of Long Island included within the limits of the city became the borough of "Queens." Finally Staten Island, standing at the entrance of New York harbor, which had long constituted the county of Richmond, was called the borough of "Richmond."

"The need and the propriety of these divisions for administrative work will not be gainsaid by any enlightened man," said Mr. De Witt. "We have in Mr. Joseph Chamberlain the highest authority for the statement that a population of one half million is practically the largest number that can be governed administratively from one centre with an individual attention and constant assiduity that have contributed so much to the usefulness and popularity of corporation work. It needs only common knowledge and perception to understand that all the administrative business of Greater New York could not be transacted from one city hall with any regard for the convenience of the people or for the expedition of public business." Mr. De Witt said that at one time, even before the boundaries of New York were enlarged to their present dimensions, the horses engaged in street cleaning were stabled so far away from some parts of the city as to require

at times half a day to go to and come from the places where they were needed for the work in hand. In spite of Mr. Chamberlain's dictum, however, Mr. De Witt and his associates established one borough with a population of nearly 2,000,000, and another that now has over 1,500,000 inhabitants, along with three others with large areas but with populations only a fraction of the half-million maximum proposed by Mr. Chamberlain.

34. *The borough presidents.* — The chief administrative official of each borough is the borough president, who is elected by the people of the borough for a term of four years. The salary of the borough president in each of the three most populous boroughs is \$7500, and in the boroughs of Queens and Richmond, \$5000. Borough presidents may be removed from office by the governor of the state on charges filed, and after a hearing. In case of a vacancy the office of borough president is filled for the unexpired term by an election by a majority vote of the members of the board of aldermen from the borough where the vacancy occurs. In case of a tie at such an election, the mayor has the deciding vote. The borough president is a member of the board of estimate and apportionment, which is the central governing body of the city, and is the head of the local administration of the borough. He has the appointment of the commissioner of public works for the borough and is a member of the various local boards of improvement within the borough. He has complete control over the personnel of the employees of the borough administration, subject to the provisions of the

civil service law. The jurisdiction of the borough presidents includes the control of the construction, grading, paving, and repairing of streets; the control of the laying of street railway tracks, with the form of rail to be used, the character of the foundation, the method of construction, and the restoration of the pavements; the control of bridges and tunnels within the borough limits; the control of sewers and drainage; the control of the construction and maintenance of public buildings, except schoolhouses, almshouses, penitentiaries, and fire and police stations; the control of the location, construction, and maintenance of public baths and comfort stations and of street signs; and the granting of permits to open the streets. The borough presidents of the outlying boroughs of Queens and Richmond also have control of the sweeping and cleaning of streets, the removal of snow and the removal of ashes, garbage, and other refuse. In the office of each borough president there is a bureau of buildings, at the head of which is a superintendent appointed by the president. The superintendents of buildings have charge of the enforcement of the laws and ordinances relative to the construction, alteration, and removal of buildings. On account of the congestion of buildings on Manhattan Island and the extraordinary height to which office buildings are raised, the office of superintendent of buildings in the borough of Manhattan is probably more important than any similar office anywhere else in the world.

Up to 1910 the borough administrations under the charter of Greater New York were, with some ex-

ceptions, conspicuous for inefficiency and extravagance. During the four years 1906 to 1909 inclusive, two borough presidents were removed on charges by the governor, another retired in disgrace, and a fourth was under investigation. It is to be noted that the borough presidency is an office requiring a rare combination of executive and moral qualities. Its occupant has immediate charge of all that great department of city government where the pressure of extravagance and corruption is strongest. The borough president needs not only sterling honesty but keen insight, unflinching courage, and the ability to infuse into an army of subordinates sufficient civic spirit to enable them to resist the pressure of political greed at its strongest point. In other words, to use a homely figure, the borough president has charge of the "public crib." At the November election in 1909, three new borough presidents were elected, with great improvement in personnel, especially in Manhattan and The Bronx, the two boroughs over which Tammany Hall formerly exercised most direct control.

35. *Local improvements.* — "For the purposes of home rule and local improvements" the city is divided into twenty-five local improvement districts, each of which is given a local historic name. Every district has a local board consisting of the president of the borough within which the district is situated and the members of the board of aldermen residing in the district. It is the function of this board to initiate proceedings for local improvements where the cost is to be paid in whole or in part by special assessments, such

as the construction of bridges and tunnels, the acquisition of land for parks, streets, and sewers, the opening, closing, or improvement of streets, the construction of sewers, the laying of sidewalks, and the setting of street lamps. In case of improvements affecting more than one district, action can be taken only at a joint meeting of all the local boards of the borough. The local board also has authority to hear complaints in regard to nuisances in the streets and complaints against disorderly houses, gambling dens, saloons conducted in violation of the law, or other matters concerning the peace, order, comfort, and good government of any neighborhood within the district, or concerning the condition of the poor. Furthermore, the local board may pass resolutions in these matters in so far as such action is not inconsistent with the powers of the board of aldermen and the various administrative departments. All such resolutions must be submitted to the mayor. If within ten days thereafter he declares them to be general in character, they are invalid. In case a local board passes a resolution to initiate proceedings for a local improvement, a copy of the resolution must be transmitted to the board of estimate and apportionment for approval or rejection. If it is approved, the borough president is then authorized to go ahead with the work. The board of aldermen or the board of estimate and apportionment, as the case may be under the particular circumstances, determines what proportion, if any, of the cost of the local improvement shall be paid by the city at large. The charter provides that the remainder of the cost shall

then be assessed upon the property benefited by the improvement. In general, the function of the local board is to act as a go-between for the residents of the district in their efforts to secure street improvements, the abatement of nuisances, etc., by the city government.

36. *The shadow of a city council.* — The board of aldermen has been a typical nightmare to the citizens of New York. Since "The Forty Thieves" were in power in the middle of the nineteenth century, there has scarcely been a time when the city council was not a disreputable body. The framers of the Greater New York charter believed it to be essential to good government that the local legislative body should have dignity and power. Accordingly, they adopted an elaborate plan for a municipal assembly of two chambers and conferred upon this body large and important functions. The plan resulted in a disappointment, and after four years' trial the legislature abolished the municipal assembly and reestablished the single-chambered board of aldermen. After four years' further trial this body was shorn of its most important remaining powers, which were transferred to the board of estimate and apportionment. The board of aldermen is now little more than a shadow. It consists of seventy-three members, chosen from as many aldermanic districts for terms of two years, together with the president of the board of aldermen, a sort of vice-mayor, who is elected by the people of the whole city once in four years, and the several borough presidents. In the absence of the mayor the president of the board

of aldermen succeeds to the duties of that office. The president of the board also is a member of the board of estimate and apportionment and of the sinking fund commission, so that in spite of the insignificance of the board of aldermen itself, its presiding officer is a person of great power in the city government. His salary is \$5000 a year, while that of the individual aldermen is only \$2000 a year. Any vacancy in the office of alderman is filled by the election of a person of the same political party by a majority of all the members of the board. Ordinances and resolutions passed by the board are subject to the mayor's veto. In case any measure is disapproved by the mayor, the board of aldermen must after ten days and within fifteen days thereafter proceed to a reconsideration and vote upon the proposition. It requires a two-thirds vote of all the aldermen to pass any ordinary ordinance or resolution over the mayor's veto. In case, however, the measure involves the expenditure of money, the creation of debt, or the levying of an assessment, a three-fourths vote is required. The powers of the board of aldermen include the adoption of regulations in regard to the use of firecrackers, the inspection of hay, the regulation of public bathing, the regulation of processions and parades, the regulation of the activities of street vagrants, etc. While many of the functions of the board look very imposing in the charter, in practice the enactment of the building code is perhaps the most important of all their functions. Their power over the budget extends only to a review of the estimates submitted by the board of estimate and appor-

tionment with the right to reduce items, but neither to increase them nor to insert new ones. Moreover, any action taken by the aldermen reducing an item in the budget is subject to veto by the mayor, who, as president of the board of estimate and apportionment, has already passed upon the budget in detail and as a whole. If he vetoes the action of the aldermen, it requires a three-fourths vote to override his objections. The aldermen formerly had the franchise-granting power, but this was taken away from them a few years ago because it was believed that they were holding up necessary franchises for boodle.

37. *The commission form of government under another name.* — New York has long been proud of the board of estimate and apportionment, which is considered as the peculiar contribution of the American metropolis to the organized machinery of municipal government. This board was originally established in 1871. As finally established in the reform charter of 1873, following the downfall of the Tweed régime, the board consisted of the mayor, the comptroller, the president of the board of aldermen, and the president of the tax department. In 1893 the corporation counsel was made a member of the board. Thereafter, the mayor, with two other members appointed by him, constituted a majority of the board and had practically complete control of the finances of the city. The framers of the Greater New York charter felt, however, that the board of estimate and apportionment should be an elective body rather than an appointive one. They realized that the power to enact the bud-

get was the most important legislative power conferred upon the city, and regarding it as anomalous to give the final control of appropriations and the levying of taxes to the administrative officials who would have the spending of the money, they reorganized the board. It now consists of eight members, casting in the aggregate sixteen votes. The mayor, the comptroller, and the president of the board of aldermen have three votes each. The presidents of the boroughs of Manhattan and Brooklyn have two votes each, and the presidents of The Bronx, Queens, and Richmond have one vote each. In this reorganization the principle that the appropriating power should be separated from the spending power, which is characteristic of the older theories of municipal politics in this country, was not logically carried out. While the board is now composed entirely of elective officers, it is nevertheless controlled by officials who are directly charged with administrative duties. Indeed, through the power of appointment, removal, and supervision, the mayor has almost absolute control of expenditures in the departments under him, so that the only member of the board of estimate who cannot be said to be a spending officer is the president of the board of aldermen. Upon the board of estimate and apportionment are conferred most extraordinary powers. It prepares and passes the annual budget subject to the very limited revision by the board of aldermen to which reference has already been made. It grants all franchises subject to veto by the mayor. It authorizes the issue of bonds for all lawful purposes. In

short, this board holds the purse strings of the city and by means of its control of the taxing, borrowing, and appropriating power is in a position to dominate, at least in a negative way, the entire administration of the city. New York has in reality a close approximation to the "commission" form of government.

38. *The granting of franchises.* — The control of the streets is vested in the board of estimate and apportionment. Under the constitution of the state, street railway franchises cannot be granted without the consent of the local authorities, and while there is no such limitation upon the legislature with reference to other franchises, the policy of the state with reference to special privileges in New York City has been definitely outlined in the charter and the necessary proceedings in the granting of such privileges prescribed. In the first place, no franchise may be granted for a longer period than twenty-five years, with the right of renewal for an additional period or periods aggregating twenty-five years upon a fair revaluation of the grant. An exception is made, however, in the case of tunnel railroads. For the construction of such a road an original grant may extend to the full period of fifty years with the right of renewal for twenty-five years more. An exception is also made in regard to rapid transit franchises which are granted in the first instance by the public service commission, though they must be approved by the board of estimate. The charter provides that at the termination of any franchise granted by the board "all the rights or property of the grantee in the streets, avenues, waters, rivers, parkways, and highways

shall cease without compensation." This clause has been interpreted by the corporation counsel to mean that any company's physical property lying within the street limits shall revert to the city without cost at the expiration of the franchise. Accordingly, pursuant to the advice of its lawyer, the board of estimate has adopted the policy of including in every franchise grant a provision that at its expiration the fixtures in the streets shall become the property of the city without payment therefor. Under the express authorization of the charter the city may provide that upon the termination of any franchise the grantee's plant with its appurtenances shall become the property of the city without further compensation, or that the city may purchase the property at a fair valuation. In case the property reverts to the city without cost, the city may take it and operate it as a public utility or may lease it for a term not exceeding twenty years. If the city is to pay for the property, the amount of the payment is to be a fair valuation, excluding any value derived from the franchise. In this case the city may either operate the plant, or lease it, together with the license to use the public streets in connection with it, for limited periods. The charter requires that every franchise shall make adequate provision by forfeiture or otherwise "to secure efficiency of public service at reasonable rates and the maintenance of the property in good condition throughout the full term of the grant." It is expressly required that before any franchise grant is made the proposed specific grant shall be embodied in the form of a franchise with all the terms

and conditions included. Provisions as to rates shall be entered in full in the minutes of the board of estimate and shall be published twenty days in the city record and at least twice in two daily newspapers designated by the mayor. The expense of these publications must be borne by the applicant for the franchise. No franchise may be granted except after a public hearing duly advertised. The board of estimate is required to make an investigation as to the money value of the franchise before granting it. No franchise can be passed without the concurrence of three-fourths of the total number of votes on the board. At least thirty days must intervene between the introduction and final passage of any franchise resolution. The separate and additional approval of the mayor is necessary to the validity of any franchise.

Franchises now granted by the board of estimate take the form of contracts, so that there may be no room for the companies to question the franchise conditions imposed with the grant. The necessity of safeguarding the public interest in this way has been learned by bitter experience in New York, where the courts are sometimes inclined to confirm the privileges and cancel the obligations of the public service corporations. No franchise granted by the city may be exercised without the approval of the public service commission. By far the larger proportion of franchises exercised by the public utility companies of New York were granted, however, long before the restrictions contained in the present city charter had been enacted. The courts of New York have held that in the

absence of a specific limitation of the duration of a franchise grant, such a grant is perpetual. Accordingly, franchises once granted and put to full use, no matter whether they were acquired by fraud and bribery or not, cannot be terminated except possibly by condemnation.

39. *Rapid transit franchises.* — Franchises for elevated and tunnel railroads are on a different footing in New York City from all other franchises. The great need for rapid transit railways, which began to be felt more than forty years ago, led to special treatment by the legislature. The first rapid transit franchises were granted at about that time directly by legislative act. In 1875, however, a law was passed authorizing the mayors of New York and Brooklyn to appoint rapid transit commissions for the purpose of laying out routes and organizing companies to build them. It was under this act that the elevated railroads of Greater New York were constructed. Various acts had been passed by the legislature from time to time having for their purpose the construction of underground railroads, but all these came to nothing. Meanwhile the elevated roads were built and proved successful from both financial and rapid transit standpoints. The pressure of population in lower New York became so great, however, that the elevated lines were inadequate as a solution of the transportation problem. Accordingly, in 1891 the legislature passed a new rapid transit act and established a board of rapid transit railroad commissioners, the purpose of which was to bring about the construction of subways. After

considerable agitation, the question as to whether the subways should be built by the city or not, was submitted to popular vote in 1894. The policy of municipal ownership was endorsed by an overwhelming majority of the electors voting on the proposition. It was ten years after this vote was taken before the opening of the first section of the present subway. The story of the building of the subway is a story of long-continued and persistent struggle and the overcoming of almost numberless and seemingly insuperable difficulties. On Manhattan Island subways have to be built for the most part through solid rock. The comparatively narrow streets, the existence of high buildings standing close to the street line, and the network of subsurface structures already in the streets, render subway construction extremely difficult and expensive. After the contract had finally been let for the construction and operation of the original subway, and the work had progressed far enough to demonstrate the feasibility of subway building, the rapid transit board began to lay out other routes and to make plans for a general system of subways to satisfy the transportation needs of the greater city. Under the terms of the contract for the construction and equipment of the original subway, the city furnished the capital for the construction of the subway itself, including the tracks, and the contractor furnished the capital for the equipment of the road. It was agreed that the contractor should have the right to operate the road for a period of fifty years, with the right of renewal for twenty-five years more at a revaluation. During the first

period of fifty years the contractor was required to pay the city the interest on the money it had borrowed for subway construction and, in addition, one per cent on the cost of the subway for a sinking fund to retire the bonds. It was arranged that at the end of fifty years the subway would be the property of the city and the subway bonds would have been paid off without cost to the taxpayers. At the end of the grant, however, upon assuming control of the subway itself, the city was to take over from the company the equipment at a reasonable price.

The subway was a great success from the moment it was opened. The people began to think that the city's interests had not been properly protected in the granting to a private company of the fifty-year contract with the twenty-five year renewal. Accordingly, in response to the demands of public sentiment, the rapid transit act was so amended as to limit the original term of lease of future subways to twenty-five years with the right of renewal for twenty years. After the construction of the original subway one extension to the north was secured as an extra under the original contract. An extension to the south and under the East River into the heart of Brooklyn was secured under a second contract, which was soon assigned to the company controlling the original subway. Except for these comparatively short extensions and except for the construction of a short loop in Manhattan to connect the Williamsburgh, Manhattan, and Brooklyn bridges, the construction of subways came to a standstill. Routes were laid out, but the board of estimate

and apportionment was unable or unwilling to furnish the necessary funds for additional construction. In the first eleven years after consolidation, the Greater City issued nearly \$600,000,000 of long-term bonds. Its total debt was so huge and had been increasing at such a rapid rate that there appeared to be no money for subways. It was also claimed that private capital could not be secured for this purpose under the somewhat stringent terms provided by the rapid transit act as amended. At the instance of the public service commission, therefore, the legislature in 1909 passed a general revision of the rapid transit law under the terms of which it is believed that subway construction can proceed.

As the law now stands, the initiative in the construction of rapid transit lines is taken by the public service commission. The routes are first laid out and submitted to the board of estimate and apportionment for approval. If they are approved, the commission then attempts to get the consents of the property owners. Failing this, an application is made to the Appellate Division of the Supreme Court for authorization to construct the road. After a route has been finally authorized, the commission prepares detail plans and specifications and a proposed form of contract, and advertises for bids for construction according to the terms specified. If bids are received, a contract may be awarded subject to the approval of the board of estimate and apportionment. It is optional with the commission to determine whether or not tunnels for pipes and wires shall be constructed

in connection with the subway. In case such pipe galleries are provided, they are to be maintained by the city under the care of the commission. In order to enable the commission to take advantage of any available offers of private capital, the new law authorizes the granting of a franchise for construction and operation without the assistance of the city's credit. In case such a franchise is granted, it is provided that at any time after ten years the franchise may be terminated by the city and the plant and property may be purchased for a sum not to exceed its actual cost plus a bonus of 15 per cent. If the property is not taken over at the end of ten years, but acquisition by the city is delayed for a longer period, then the price to be paid will gradually decrease from the maximum just mentioned to a sum equalling the fair value of the equipment, limited to its original cost plus 15 per cent as a maximum figure in case the city puts off the purchase until the expiration of the definite period for which the grant was made. It is also stipulated that a franchise shall require a division of the net profits between the city and the company. After paying operating expenses, taxes, payments for reserve and amortization funds, and not to exceed six per cent annual interest on the actual cost of construction and equipment, the grantee must turn over one half of his surplus profits to the city.

In case, however, the commission determines upon the policy of municipal construction, it may lease the road for equipment, maintenance, and operation for a term of not to exceed twenty years, or for an indefinite

period subject to termination by the city at any time after the end of ten years. On the other hand, the commission may, subject to the approval of the board of estimate and apportionment, equip the road at the city's expense and lease it for maintenance and operation for a period not exceeding ten years. Or with like approval the commission may itself maintain and operate the road on behalf of the city or provide for the use of the tracks by some railroad company for the operation of its cars under a contract for not more than five years. For the purpose of providing means for the construction or equipment of a subway or for the acquisition of one already built, the city may issue bonds, or it may levy a portion of the cost upon the property benefited by the improvement.

The rapid transit law describes in great detail the powers and duties of the public service commission under it. This law is one of the most involved and difficult pieces of legislation that has ever come to the writer's attention. It covers eighty-six printed pages and includes nearly 40,000 words. It is entirely beyond the comprehension of the ordinary citizen and can be mastered by a specialist only after long and arduous labor. Indeed, it has been suggested that if practical men were given the choice between the task of building a subway and of comprehending the rapid transit act under which the subway must be built, probably nine out of ten would choose the former as the less difficult undertaking!

40. *The executive departments.* — Under the Greater New York charter the executive power is vested in the

mayor, the presidents of the five boroughs, and the officers of the several departments. The mayor stands at the head of the general city administration. He may be removed from office by the governor for cause after charges have been filed and a hearing granted. The mayor may himself remove from office any public officer in the city holding appointment from him, except judicial officers, trustees of certain educational and charitable institutions, and members of the board of education. The charter states that no public officer shall hold his office for a specific term except as otherwise expressly provided by law. The general city administration, not including the functions delegated to the borough governments, is divided into fifteen separate departments, the heads of which are in all cases except one appointed by the mayor. The exception is the department of finance, at the head of which is the city comptroller, who is elected by the people. Each head of a department, as well as each president of a borough, has control of the purchase of fuel, furniture, utensils, books, and other articles for the public offices within his department.

41. *The mayor and his duties.* — The mayor is elected for a four-year term and receives an annual salary of \$15,000. He is required to make an annual statement to the board of aldermen relative to the finances, government, and improvements of the city; to recommend such measures as he deems expedient; to keep himself informed of the doings of the several city departments, and to be vigilant and active in causing the ordinances of the city and the laws of the state to be

enforced. The mayor is required to appoint and may remove at pleasure two commissioners of accounts, one of whom must be a certified public accountant. These officials are the mayor's eyes. Through them he is enabled to keep in touch not only with the administrative departments, the heads of which are appointed by him, but also with the borough and county offices, whose incumbents are elected by the people. Once every three months the commissioners examine the books of the city comptroller and the city chamberlain and submit to the mayor a detailed statement of the financial condition of the city. They are also required to make such special examinations of the accounts and methods of the departments of the city and the four counties included within the city limits as the mayor may direct. These commissioners have full power to compel the attendance of witnesses and to take testimony under oath for the purpose of ascertaining facts in connection with their investigations. It is made mandatory upon the board of estimate and apportionment and the board of aldermen to appropriate a sum sufficient to pay their salaries, but by a curious discrepancy, the charter leaves the appropriation of "a sum sufficient to enable them to employ the necessary assistance to carry out the provisions of this section" to the discretion of these boards. Another special feature of the city government is the civil service commission, consisting of three members appointed by the mayor. Not more than two of these commissioners may be appointed from the same political party. This commission acts as the local authority for enforce-

ing the state civil service law. The mayor is president of the board of estimate and apportionment and casts three of the sixteen votes on that board. He has an absolute veto upon all franchise grants whether made by resolution of the board of estimate and apportionment or by the public service commission.

42. *The powers and functions of the comptroller.* — At the head of the department of finance is the city comptroller, who, like the mayor, may be removed by the governor on charges. Also, like the mayor, he receives an annual salary of \$15,000 and casts three votes on the board of estimate and apportionment. The comptroller has power to inspect and revise the financial acts of all departments of the city. He may prescribe the forms of keeping their accounts. All payments by the city, unless otherwise specially provided by law, are made through a disbursing officer of the finance department by means of warrants drawn on the city treasury by the comptroller and countersigned by the mayor. Whenever any claim against the city is presented to the comptroller he may require the person presenting it to be sworn and to answer any questions in regard to its validity. His authority to settle and adjust all claims against the city does not authorize him, however, to dispute the amount of any salary established under authority of law or to question the performance of his duties by any public official except when necessary to prevent fraud.

There are six bureaus in the department of finance. One of these is the bureau for the collection of rents and revenue arising from the use or sale of property

belonging to the city. This bureau has charge of the city's markets. It is the duty of the second bureau to collect the taxes; and of the third bureau to collect special assessments and delinquent taxes and water rents. The fourth bureau has charge of the auditing of accounts. The fifth bureau is the city treasury and is in charge of an officer called the city chamberlain, who is appointed by the mayor. The sixth bureau has charge of municipal investigations and statistics. At the head of this bureau is a supervising statistician and examiner. As many expert accountants may be employed under this official as the comptroller deems necessary. The principal duty of this bureau is to compile statistics. It also has charge of the old records of the various municipalities which were consolidated to form Greater New York. All of the heads of bureaus in the finance department except the city chamberlain are appointed by the comptroller. It can readily be seen that the office of the comptroller in New York City is hardly second to that of mayor. As experience has demonstrated in the last few years, when the comptroller is opposed to the construction of subways with municipal funds, he is in a position to throw many obstacles in the way and make it practically impossible to proceed without resorting to private capital.

The appropriation for the maintenance of the department of finance outside of the city treasury was \$1,489,090 for the year 1909. The appropriation for the chamberlain and his subordinates in the treasury bureau was \$55,950.

43. *The corporation counsel.* — At the head of the

city law department is the corporation counsel, who is appointed by the mayor and receives a salary of \$15,000 a year. The office is one of very great importance, especially in connection with the city's relations to public utility corporations. The corporation counsel is attorney and legal adviser for the mayor, the board of aldermen, and every other city officer, board, and department of the city, except as otherwise expressly provided by law. He has charge of legal proceedings necessary in the opening, widening, and closing of streets; in acquiring real estate for public purposes by condemnation proceedings, and in the preparation of all leases, deeds, contracts, bonds, and other legal papers of the city. Three bureaus of the law department are established by the charter. These are the bureau of street openings, the bureau for the recovery of penalties, and the bureau for the collection of arrears of personal taxes. The corporation counsel, however, may establish such other bureaus for divisions of service in the department as he deems best. The appropriation for the expenses of this department in the year 1909 amounted to \$879,340.

The corporation counsel's office in New York City has been a training school for many corporation lawyers and judges. As notable among the products of this office may be mentioned the name of William C. Whitney, who for many years before his death was the "king" of the traction interests. It is sometimes alleged that the corporation counsel who serves the city well according to the judgment of Tammany Hall is likely to be rewarded with a promotion to the

Supreme Court, where he will have an opportunity to serve the vested interests with which Tammany is allied.

44. *The police department.*—The police are the stumbling-block of municipal politics in almost every great American city. It is through the control of the police that corrupt political machines are usually enabled to keep their hold on municipal government in the face of adverse public sentiment. It is to be feared that the average chief of police, or police captain, often goes on the theory that “it takes a thief to catch a thief.” At any rate it is notorious that the police are frequently in alliance with vice and crime for their own personal profit or for the benefit of the political organization which has control of their jobs. While under civil service laws the policemen of New York are protected from arbitrary removal, they know from frequent experience that the superior officers of the department, through control of police assignments and promotions, are in a position to make life extremely uncomfortable for them unless they act in such a way as to please their superiors. In a city as large as New York, with an area of 327 square miles, it can be readily seen that the transfer of a policeman from one end of the town to the other is a matter of serious importance to him. As a result of the theory of executive discretion in the enforcement of law, the policeman faces a constant temptation to discriminate for pay.

There are in the police force of New York City 10,000 men. The department is supported at an expense of

over \$15,000,000 a year. At the head of the department is a police commissioner appointed by the mayor for a term of five years, unless sooner removed. Either the mayor or the governor, if in the judgment of either the public interests require it, may remove the commissioner, and in that case he is ineligible to reappointment. His salary is \$7500 a year and he has authority to appoint and remove at pleasure three deputy commissioners. The charter makes detailed provision in regard to the qualifications of police officers, how they shall be promoted, how their salaries shall be paid, and what their salaries shall be.

It is believed that conditions in the department during the last few years have been much better than they were a number of years ago, but there is no reason for confidence that the force would not speedily lapse into inefficiency and ubiquitous corruption if public sentiment became less active and a police commissioner were appointed who would be the tool of the politicians.

In a letter addressed to the police commissioner March 29, 1910, Mayor Gaynor outlined an excise policy that was greeted with cordial approval by those whose knowledge of the problem gave them a right to express an opinion in the matter.¹ By way of introducing what he held to be the proper method of enforcing the law, the mayor said:—

“The only way to effectively enforce the laws is the way prescribed by law. If public officials are suffered to go outside of

¹ See *New York Times*, issue of March 30, 1910.

the law and do as they like in the ostensible enforcement thereof, the inevitable result is oppression, and hence extortion and blackmail. As you know, I began in January by notifying the district associations of liquor dealers throughout the city, which contain about 8000 members, that they had to cease collecting money of their members by means of so-called monthly dues, averaging about \$20 a month, and paying the same over to persons of supposed influence and police officials for 'protection,' as it was called. I had the leaders of these organizations come here, in order to make them understand that such a system could no longer be permitted to continue if we could stop it, and that we thought we could. I am informed that all of these associations have voted to discontinue such collections of money, and I believe that they have done so.

"The hotel and saloon keepers, especially the 2000 which do not belong to such organizations, have also been paying money weekly and monthly to policemen in plain clothes, and also the agents of private societies, who called regularly for it. This was not only made possible, but fostered by the irregular methods adopted for enforcing the liquor tax law here, which I have already mentioned, and the action of some good people who know nothing of the difficulties of government in the enforcement of laws, in urging such methods on. Policemen in plain clothes were sent or permitted to enter saloons on Sunday, purchase liquor, and then show their shields and arrest or threaten to arrest the proprietor on the spot and lock him up. The result was extortion of money from the proprietors of saloons and hotels all over the city."

The definite procedure commended to the commissioner was outlined by the mayor as follows:—

"First, the liquor tax law specifically requires that there shall be no screens, blinds, curtains, or other covering on the windows of any barroom or anywhere in such barroom, or any opaque or colored glass therein, during the hours when the sale of liquor

is prohibited, so that the bar and all parts of the barroom shall be open and visible from the outside and to all passersby. Let every policeman inspect every barroom from the outside continually during prohibited hours to see that this provision of the law is complied with to the letter. If the law is violated in this respect, the policeman must note the particulars thereof carefully and fully in his book, and report it at the desk when he comes in from his beat. The Captains and Inspectors must also make a similar inspection, and see that the patrolmen do their duty. Let any neglect of duty on this head by patrolman, Captain, Inspector, or other be cause for dismissal. There is no reason and can be no excuse for such neglect. Arrests and prosecutions for such violations shall then be had in the manner hereinafter pointed out.

“Second, the liquor tax law (Sec. 6) provides for a system of enforcement thereof throughout the whole State by the State itself by a Commissioner and a corps of deputy Commissioners and special State agents appointed by him and acting under him. This is separate and apart from the local police. It provides for a deputy Commissioner for each of the boroughs of this city, and for special State agents to visit hotels and liquor saloons under their guidance and direction to discover violations of the liquor tax law. It carefully provides that such agents are to make written complaints on oath of any violation they discover and turn the same over to the Commissioner, who is thereupon required to examine them and turn them over to the District Attorney, who is directed to prosecute the same by obtaining warrants thereon of a Magistrate for the arrest of the offenders. This is the time-honored, safe, and orderly method prescribed by the statute itself, and is strictly followed by the State authorities; whereas the police authorities of this city have ignored the statute and pursued the contrary course of having policemen in plain clothes visit liquor saloons and witness or procure violations and then threaten and make arrests on the spot at will. No better means of extortion could be devised, and the result has been general extortion, the bargain for the amount to be paid often being struck on the way to the station-

house, and the prisoner immediately let go from custody. The State agent or officer is not permitted to reveal his identity to the liquor place at all. The same rule must be prescribed for the city detectives or plain clothes men, with the penalty of dismissal if they reveal their official character or identity while on such duty. In that way the possibility of their extorting money is greatly reduced, if not wholly taken away.

“Third, the liquor tax law (Sec. 40) also provides for the enforcement thereof by the local police. Here again it specifically points out the method to be pursued, namely, that prescribed for the State’s own officers and agents, as I have already set forth in the foregoing. Let us quote it: ‘It shall be the duty of every Sheriff, Deputy Sheriff, police officer, or constable having notice or knowledge of any violation of the provisions of this chapter to immediately notify the District Attorney of the county in which such violation occurs by a statement under oath of the facts of such violation, and it shall be the duty of such District Attorney when such complaint on oath is made of such violation forthwith to cause the arrest of the offender and prosecute him.’

“This provision has been set at naught, and instead the arbitrary and disorderly method which I have described adopted and followed in this city, with the inevitable result that not only has the law not been enforced, but that large sums have been collected annually as extortion; a greater evil (an evil which is sapping and destroying government) being thus substituted for a lesser one. No wonder that many right-thinking persons would rather see the free sale of liquor than to have this eating canker of extortion continued. The policeman not only makes the arrest on the spot in this city, but is left to prosecute the case as best he can before the Magistrate, and when the hearing comes on his memory is often so vague that his evidence fails to show any violation. He should not be subjected to the temptation and danger of having anything to do with the defendant at all. I do not now go into the details of having blank affidavits of violations prepared for use at the station-houses, and of other things.

“Fourth, turning to the decisions of the courts, they are found to be no less plain that the method of procedure is not by arbitrary arrests, but by reducing the evidence to a deposition and obtaining warrants. The Larkin case arose under the liquor tax law, and carefully lays down this rule and points out the method for State agents and local constables and policemen to follow as I have given it in the foregoing. And the decisions of the courts in respect of offences in general which are not felonies and for which it is not presumable that the culprit would run away, agree that the orderly, safe, and proper way is for officers not to arrest on the spot, but to first obtain a warrant. ‘As a general principle,’ they say, ‘no person can be arrested or taken into custody without a warrant.’

“Fifth, if policemen were suffered to leave their own precincts and go at large throughout the whole city, away from the knowledge or supervision of their superior officers, visiting saloons and other houses and threatening and making arrests, the force would be disorganized and the door to extortion and blackmail thrown wide open. The majority of the force are good men, but even they should not be exposed to such temptation. As for the dishonest minority, no one can fail to perceive the use they would certainly make of such liberty of action.

“Let it be made known to the entire force that a policeman is on duty only under his superior officers and subject to their direction. And when he is given the regular time off prescribed by law or the rules for sleep, rest, and relaxation, so that he may return recuperated and fit for his work, and not droop or sleep on his post, his duty is to comply with such rules and take such needed rest. If he feels that he does not need rest, let him so report to his superior officers and be assigned to duty by them if they deem it wise to do so. It is true that if, while off duty during such periods of rest, a policeman should witness the commission of a serious crime or breach of the peace, he should act officially, and make an arrest, if necessary. But this is far from the notion that he may go where he pleases and do as he pleases, away from the supervision of his superiors, and where they could not find him if they had to send for him in an emergency.”

45. *The department of water supply, gas, and electricity.* — The municipal water works of New York represent an enormous outlay of capital. The average daily consumption of water for the entire city is about 500,000,000 gallons. Of this total, about 10,000,000 gallons are supplied in the borough of Queens by private companies. The main supply of old New York is derived from the Croton watershed, about forty miles up the Hudson River from the city. The city has recently embarked upon a vast scheme for developing an additional water supply of 500,000,000 gallons per day from the Catskill Mountains. The estimated first cost of this enterprise is \$161,000,000. The work of development is being carried on by a special board of water supply and is temporarily independent of the administrative department that is being considered in this section. At the head of this department is a commissioner appointed by the mayor at a salary of \$7500 a year. He not only has charge of the present city water works, but also of contracts with private companies for supplying the city with gas and electric light. He also has charge of the inspection of gas and electricity ; of the use and transmission of gas, electricity, pneumatic power, and steam for all purposes in the public streets, and of the construction of conduits and electrical subways. Subject to the approval of the board of estimate and apportionment, this commissioner has authority to select sources of water supply for the city anywhere in the state of New York. The city may take real estate and water rights required for this purpose by condemnation proceedings. It also

has authority to build aqueducts and conduits to bring the watersafely from its source, and may take necessary measures to prevent the pollution of the sources of supply. The city of New York may not, however, take away the sources of supply in actual use by any other city or village. The commissioner at the head of this department also has supervisory control over private water companies operating in the city. He is authorized to examine their sources to see whether they are wholesome and the supply is adequate, and to establish reasonable rules and regulations in regard to the supply for the convenience of the public. He may also regulate the rates charged for water, but may not reduce them below what is just and reasonable. In case of dispute on this point, the matter is to be determined on its merits by the courts. Water rates charged by the city water works are fixed by the board of aldermen on the commissioner's recommendation. The commissioner is empowered to have water meters, the pattern and price of which have been approved by the board of aldermen, placed on all premises where water is used for business consumption. If authorized by the board of aldermen, he may also place meters in private dwellings, but the expense of purchasing and installing the meters must be collected from the premises where the meters are placed. The commissioner of this department is further authorized to inspect electric lights furnished to the city, electric meters and electric wiring, and to test the illuminating gas manufactured or sold to any consumer within the city limits. He is required to submit from time to time for the con-

sideration of the board of aldermen ordinances for the regulation of electric wires, appliances, and currents.

No officer, agent, or employee of this department is permitted under the law to be in any way directly or indirectly financially interested in the manufacture or sale of gas, electricity, or steam, or of gas, electricity, or steam meters, or of any article or commodity used by gas or electric companies. No employee of the department is permitted to give written opinions to manufacturers or salesmen of any such article or commodity.

The entire appropriation for the current expenses of this department for the year 1909 was a little more than \$6,511,000, of which about \$98,000 was for the expenses of the bureau of electrical inspection; about \$4,252,000 for the bureau of lamps and lighting, most of this amount being devoted to the lighting of streets, parks, and public buildings; about \$176,000 for the expenses of general administration, and the remainder, or \$1,985,000, for the expenses of the water department. The receipts from the sale of Croton water, which supplies the boroughs of Manhattan and The Bronx, are paid into the sinking fund for the payment of interest on the city debt. The gross revenues of the water works of all boroughs aggregate more than \$10,000,000 a year.

46. *The street-cleaning department.* — Colonel George E. Waring, Jr., who was appointed commissioner of street cleaning in old New York by the Anti-Tammany administration in 1895, made the department celebrated throughout the United States. He introduced the policy of dressing the street sweepers in white,

and the force became known as "Waring's White Wings." The commissioner of street cleaning under the Greater New York charter is appointed by the mayor without definite term and receives a salary of \$7500 a year. He has charge of sweeping and cleaning the streets; of the removal of ashes, street sweepings, garbage, and other refuse and rubbish, and of the removal of snow and ice from the streets in the boroughs of Manhattan, The Bronx, and Brooklyn. It is his duty also to frame regulations controlling the use of the sidewalks and gutters for the disposition of refuse. These regulations are subject to the approval of the board of aldermen. The organization and size of the street-cleaning force and the maximum salaries to be paid are fixed in the charter, although, as in the police department, provision is made for the increase of the number of men by the commissioner with the approval of the board of aldermen and the board of estimate and apportionment. The commissioner has power to enter into contracts with responsible parties for periods of not more than five years for the final disposition of all or a part of the garbage and refuse collected by his department. Any such contract, however, requires the approval of the board of estimate and apportionment. In the large but sparsely settled boroughs of Queens and Richmond, street cleaning and the removal of refuse are functions of the borough presidents. For the year 1909 the appropriations for the street-cleaning department amounted to \$7,418,000 and the appropriation for the bureaus of street cleaning in the boroughs of Richmond and Queens amounted to

\$465,000 more. It is noteworthy that as much money was spent in New York City in 1906 for cleaning streets and collecting refuse as was spent for all municipal purposes in either Buffalo or Detroit. On account of the density of population in New York, the streets are the principal playgrounds of hundreds of thousands of the city's children. Ashes, garbage, and other refuse are placed in cans and set in the areas or on the sidewalks daily. It is of almost supreme importance to the people of the city in and about their homes that the street-cleaning department should be prompt and efficient in the performance of its duties.

47. *Control of the city's parks.* — At the head of the department of parks is a board of three commissioners appointed by the mayor, each drawing a salary of \$5000 a year. For the purpose of park administration the city is divided into three parts. One commissioner has charge of the parks in the boroughs of Manhattan and Richmond, a second of the parks in the borough of The Bronx, and the third of the parks in the boroughs of Brooklyn and Queens. With the approval of the board of estimate and apportionment, the park commissioners are authorized to employ a landscape architect to supervise all plans and works relative to the development and ornamentation of the city's parks, squares, and public places, and of the streets immediately adjoining them. It is the duty of each commissioner within his own jurisdiction to maintain the beauty and utility of the parks and to take all necessary measures for their improvement, both for ornamental purposes and for beneficial uses of the people. Acting

as a board, the commissioners have authority to make general rules and regulations subject to the ordinances of the board of aldermen. Each commissioner has authority to appoint the requisite subordinates for the administration of the parks in his separate jurisdiction.

Allied with the department of parks, but independent of the park board, there is a municipal art commission, which is composed of the mayor, the presidents of the New York Public Library, the Brooklyn Institute of Arts and Sciences, and the Metropolitan Museum of Art, one painter, one sculptor, one architect, and three others not members of any profession in the fine arts. The six last mentioned are appointed by the mayor from a list proposed by the Fine Arts Federation of New York. The members of the commission serve without pay. No work of art can become the property of the city by purchase, gift, or otherwise, unless it has been approved by this commission. The commission also has the right to pass upon the locations selected for municipal works of art. The term "work of art" is defined in the charter as including all paintings, mural decorations, stained glass, statues, bas reliefs, monuments, fountains, arches, or other structures of a permanent character intended for ornament or commemoration. The commission must also pass upon the designs of municipal buildings, bridges, gates, lamps, or other structures to be erected upon land belonging to the city, but the approval of the commission is not required in case the cost of any such structure is less than \$250,000 and the mayor or the board of aldermen requests the commission not to act.

The property subject to the jurisdiction of the department of parks had an estimated value, according to the assessed valuations of adjoining property, on December 31, 1908, of \$501,600,000. For the current expenses of the park department for the year 1909 there was appropriated \$3,319,000. This included, however, the maintenance of playgrounds, bathhouses, and comfort stations, the trees in city streets, the aquarium, the museums of art and natural history, the zoölogical and botanical gardens, and the museum of arts and sciences. New York City is well provided with large parks. Central Park is readily accessible to an enormous population, and Prospect Park in Brooklyn is also favorably located. During the last fifteen years the city has opened a considerable number of small parks and playgrounds in the crowded districts. The expense of acquiring land for open spaces in the built-up sections of the city is so great that it would be prohibitive if it were not for the amazing wealth of the city, which enables it to carry an ever increasing load of debt and taxation that is the amazement of other American cities.

48. *The department of bridges.* — It is unusual for a great city to have an independent executive department whose duties are limited to the construction and maintenance of bridges. The situation of Manhattan Island, however, separated as it is from the mainland to the north by the Harlem River and the ship canal, and from Long Island to the east by the East River, is such as to render a large number of very expensive bridges necessary for the accommodation of interborough traffic.

The first of the great bridges over the East River was opened in 1883, having been thirteen years in building. The construction cost of the New York and Brooklyn Bridge, with its improvements, has been about \$22,538,000. It was constructed, and operated for many years while New York and Brooklyn were separate cities. Prior to the date of consolidation, January 1, 1898, this bridge was under the control of a special commission representing the two cities. A cable railroad was operated on the bridge by this commission. During the first fourteen years of its operation, the total receipts from tolls and passenger fares amounted to about \$16,900,000, while the total expenditures for maintenance and operation during the same period amounted to about \$17,500,000. In 1898, however, the receipts and expenses of the bridge were both greatly reduced by the rental of the bridge railway to the companies operating elevated railroads in Brooklyn. This action was taken because of the congestion of traffic at the bridge and the added convenience and saving for passengers that would accrue from the operation of the bridge service in connection with the elevated railroads of Brooklyn for a single fare. Originally there was no street railway on this bridge, but traffic demands became so great that tracks were laid in the roadways, and the number of trolley cars crossing the bridge in 1907 reached the enormous total of 1,400,000, or an average of nearly 4000 cars a day. The street railway companies pay the city five cents per round trip for each car that crosses the bridge. Foot-passengers may cross the bridge without charge,

but a toll of three cents is levied on a single horse, five cents on a single horse and vehicle, ten cents on two horses and vehicle, and ten cents on an automobile. Local passengers desiring to use the trolley cars to cross the bridge have to pay three cents, or at the rate of five cents for two tickets. The present cost of maintenance of the bridge is about \$440,000 a year, while the receipts are a few thousand dollars more.¹ This means that the city contributes practically the interest on the original investment out of general taxation.

The second bridge across the East River, which is known as the Williamsburgh Bridge, was commenced in 1896 and opened for traffic in 1903. This bridge cost the city approximately \$23,275,000. It is much larger than the old Brooklyn Bridge and accommodates four street surface railway tracks and two tracks for elevated railways. The maintenance of the Williamsburgh Bridge costs about \$270,000 a year, and the receipts for tolls and rental are about the same amount. The total length of this bridge is 7200 feet, or 700 feet more than the length of the Brooklyn Bridge, while the width of the bridge is 118 feet as against 85 feet for the Brooklyn Bridge. Both bridges are 135 feet above highwater in the middle of the river, and are of the suspension type.

The Queensboro Bridge, which is of the cantilever type, was opened to the public in June, 1909, having

¹ It should be noted, however, that under the franchise tax law the principal railway companies have been permitted to subtract even the bridge rentals from their franchise taxes.

been eight years in construction. This bridge is 7636 feet long, and passes over Blackwell's Island in the centre of the East River. The cost of this bridge will be approximately \$17,800,000, and it is designed to accommodate four street surface railway tracks and two elevated railroad tracks.

The Manhattan Bridge, which is situated only a short distance north of the Brooklyn Bridge, was commenced in 1901, and was formally opened in December, 1909. The cost of the bridge, including about \$10,000,000 for land, will be approximately \$27,800,000. On this bridge will be four trolley tracks and four elevated railroad tracks.

In addition to these four immense bridges, any one of which would have been accounted a few years ago among the wonders of the world, there are important bridges over the Harlem River, Newtown Creek, and other streams within the limits of the city. One of these now under construction is the monumental bridge over Spuyten Duyvil Creek, for the construction of which \$3,000,000 of bonds have already been authorized.

All of the bridges owned or constructed by the city over navigable streams, or having termini in two or more boroughs, as well as any other bridges not included in public parks and not under the control of the borough presidents, are subject to the supervision and control of the commissioner of bridges, who is the executive head of the bridge department. He is appointed by the mayor and receives a salary of \$7500 a year. The department of bridges holds a very impor-

tant place in the city government, not only because of the enormous expense of the structures under its control, but also because the bridges are among the most beautiful and magnificent monuments of the city's wealth and energy. Even more important, however, is the strategic position which the bridges hold in the development of the transportation system. Manhattan Island is long and narrow and separated from its neighbors on the east and on the west by wide and deep rivers. The result has been almost intolerable congestion of population in old New York. It is the hope of those who take an interest in the city's future that the bridges across the East River will open to the denizens of Manhattan the great tracts of unoccupied territory suitable for residences in Queens and to some extent in Brooklyn. On account of their function as links in a future system of rapid transit, the ability of the new bridges to carry heavy loads is of the utmost importance. Their strength has been called in question during the process of construction, and in fact the original plans of the Queensboro Bridge were modified and the transit facilities offered by the bridge were curtailed in response to these criticisms. Whatever may be the outcome as to the new bridges, however, the old Brooklyn Bridge has shown strength and capacity far beyond the original expectations of the city.

In addition to the tolls from the bridges over the East River, which in 1908 amounted to about \$625,000, the bridge department requires nearly \$900,000 a year for maintenance and operation, without counting the inter-

est on perhaps \$90,000,000 of bridge bonds that are outstanding.

49. *Docks and ferries.* — After pursuing for seventy years the prodigal policy of disposing of its water front and wharfage rights to private individuals, the city of New York, about forty years ago, decided to reverse the process and buy back the terminals for its water traffic. It will be remembered also that the city received in its early charters a monopoly of the ferry rights across all the waters surrounding Manhattan Island. These rights have never been alienated, but it has been the policy of the city to lease the ferries from time to time for limited periods of years at such rentals as could be secured. Within the last few years, however, the city has purchased the boats and terminal buildings of two ferries, and is now operating them directly. The city's docks and ferries are combined under the control of a separate department, at whose head is the commissioner of docks, who is appointed by the mayor and receives a salary of \$7500 a year. This commissioner has exclusive control, subject in certain respects to the supervisory powers of the commissioners of the sinking fund, of all the city's wharf property, and of all ferries and ferry property. The commissioner also has regulative control of the wharf property and land under water not owned by the city. He is authorized, with the consent of the sinking fund commission, to modify or extend the comprehensive plan of the city's water front as established by law. He has authority to acquire, either by purchase or by condemnation, any wharf property

not owned by the city. By a charter amendment passed in 1909 the commissioner of docks was authorized to acquire by purchase or condemnation the terminal property of certain ferries formerly operating between Brooklyn and Manhattan. These are ferries which have recently been discontinued on account of loss of traffic resulting from the multiplication of bridge and tunnel facilities between the two principal boroughs of the city. The commissioner of docks has general authority, subject to the approval of the sinking-fund commission, to lease the franchise of any ferry for the highest rental that can be obtained at public auction, or by an advertisement for bids, but no such lease may be for a longer term than twenty-five years, and no renewal may be for a longer term than ten years. A ferry lease may, in the discretion of the dock commissioner and the sinking-fund commission, provide for the character of transportation service to be furnished, including the speed of the boats, the frequency of trips, the rates of fare, freight charges, etc. A ferry franchise may be leased by private agreement if such action is recommended by the commissioner of docks and approved by unanimous vote of the sinking-fund commission. The commissioner is required to furnish free of charge, upon requisition of the borough president, accessible berths for mooring free floating baths. He must also set apart wharves for the use of the department of street cleaning and the board of health. He is authorized to establish recreation piers which are to be so constructed that the second stories will be free for the use of the inhabitants of the

city, while the lower stories are open to the use of canal, river, and lake boats conveying merchandise. The commissioner has authority to appoint dockmasters and to require the removal of merchandise or other material when it obstructs the free use of any pier, wharf, or bulkhead. He also has authority to make general rules and regulations in regard to loading and unloading vessels. He has control of the repair, building, maintaining, and leasing of wharves and of all the cleaning, dredging, and deepening necessary in their vicinity. Whenever any of the public wharves, piers, or docks constructed by the city are open to public use, the commissioner has authority to regulate the charges for wharfage, crantage, and dockage of all vessels using them. He may appropriate any particular wharves to the sole use of special kinds of commerce. He may lease any of the city's wharf property for a term of not more than ten years and may agree to renew the lease at advanced rentals for additional terms of ten years each, but not exceeding fifty years in all. Unless, however, these leases are sold at public auction, duly advertised, their terms are subject to the approval of the sinking-fund commission. An interesting exception to the general authority given to the commissioner of docks is found in the clauses of the charter which forbid him to increase the wharfage rates for boats navigating the canals of the state of New York beyond the rates in force in 1871. The city charter goes into great detail in prescribing the use of docks and piers, and even goes to the extent of establishing maximum rates for wharfage for various classes of vessels.

The value of the property under the control of the commissioner of docks, as reported by the department of taxes and assessments on June 30, 1909, was \$66,522,700. The financial reports of the city of New York are so confused and inadequate that it is hard to determine the exact amount of outstanding indebtedness that was incurred for any particular purpose. It is stated, however, in the latest available report of the department of docks and ferries, that the amount of bonds issued for the purposes of the department from May 1, 1870, the date when the department was established, to December 31, 1908, was \$98,257,422. Of these bonds \$6,320,000 had fallen due and been redeemed prior to the latter date. This left a balance of \$91,937,422 of dock and ferry bonds then outstanding. In accordance with one of the vagaries of New York finance, however, practically the entire expense of repair, maintenance, and operation of the department, as well as the cost of new property acquired and construction undertaken, has heretofore been paid out of the proceeds of bond issues. While the income of the department from dock rents, ferry leases, and the operation of ferries had totalled approximately \$76,000,000 by the end of 1908, this entire amount had been turned from year to year into the city's sinking funds, so that none of it had been available for the payment of current expenses. The department's records show that the expenditures for the acquisition of property and on construction account up to the end of 1908 amounted to \$83,482,000. This figure appears to represent the cost of the property for which \$98,000,000 of bonds had

been issued, for which about \$92,000,000 of bonds are outstanding, and which is carried on the books of the tax department as exempt property of a value less than \$67,000,000.

The entire expenditures of the department on all accounts have been \$102,684,000 or \$4,426,000 more than the par value of the bonds issued. This discrepancy is probably accounted for by the fact of premiums received on bond issues and certain miscellaneous receipts on account of refunds and payments for services rendered.

The cost of repairs, maintenance, operation, and general administration for the year 1908 was \$2,178,165. The operating receipts of the department for the year amounted to \$4,563,382.02 distributed as follows: Wharf rents, \$3,440,949.52; ferry rentals, \$284,036.53; operation of municipal ferries, \$838,395.97. These figures indicate a surplus of about \$2,500,000 after current operating expenses are paid. If, however, interest on outstanding bonds is charged against the department at the rate of 4 per cent, the surplus for the year 1908 is turned into a deficit of \$1,292,000.

The city began to operate the Staten Island ferry on October 5, 1905, and the South Brooklyn ferry November 1, 1906. Up to December 31, 1908, the total construction cost of the municipal ferry properties was \$8,452,098.62, while the expense for maintenance and operation had totalled \$4,399,019.31. It appears from these figures that almost \$13,000,000 of the bonds outstanding should be charged against the ferries, leaving about \$79,000,000 against the city's dock properties.

For the year 1908 the operating expenses of the municipal ferries amounted to \$1,553,654.86. The receipts from the operation of these ferries for the same year amounted to \$838,395.97, leaving an operating deficit of \$715,258.89. If, however, we charge up against the ferries interest on the bonds outstanding that were issued for ferry purposes, at the rate of 4 per cent, this deficit will be increased to \$1,229,000, leaving a net deficit of approximately \$63,000 to be charged against the dock department proper.

In spite of the wretched finance shown in the handling of the city's docks and ferries, it cannot be seriously questioned that the policy inaugurated in 1870 of acquiring and developing the water front of Manhattan Island and to a certain extent of other portions of the city for municipal ownership and operation, has been sound. It is not pleasant to think of the situation in which New York would find itself if its water front remained exclusively in the control of private parties.

In addition to the two municipal ferries, there were thirty-six other ferries operated during 1908 under lease from the city.

The policy of the city in paying the current expenses of the dock department out of the proceeds of the sale of city bonds was severely criticised by the charter revision commission of 1909, and the legislature forthwith passed an act forbidding its continuance. In the budget for 1910, prepared by the board of estimate and apportionment, a new policy was adopted and regular appropriations were made to meet

this expense. Of a total of \$2,821,932, appropriated for the current expenses of the department, the amount to be devoted to the operation of the ferries was fixed at \$1,634,734.

The construction of bridges across the East River and of tunnels under both the East River and the Hudson River is having a material effect upon the business of the ferries. Some of the ferries have already suspended operation, being unable to pay expenses. It is even suggested in some quarters that the city, having under its old charters a monopoly of the ferry rights, is bound to operate the ferries when private companies are no longer able or willing to do so, on the principle that the possession of the franchise carries with it an obligation to maintain service. However this may be, the legislature in 1909 authorized the city to buy the terminal property of the five bankrupt Brooklyn ferries which suspended operation in 1908. While the certainty and speed of transit by bridge and tunnel are to be welcomed as necessary helps in the solution of the most pressing local transportation problem in the world, it is to be regretted if the future holds in store for the people of New York the practical elimination of the ferries. For generations the ferries have furnished a daily opportunity to many thousands of citizens to have a short ride on the water, which is infinitely to be preferred, both from the standpoint of picturesqueness and from the sanitary standpoint, to a ride under the river through a tube.

50. *Public charities, and subsidies to private charities.*— The appropriations for the department of chari-

ties for the year 1909 amounted to \$2,512,605. In addition there was appropriated for the city's hospitals \$1,102,745. Finally, subsidies amounting to \$4,760,650 were appropriated from the city treasury for the use of 143 different private charitable institutions. This makes a total of more than \$8,365,000, to be paid out of the treasury of the city during a period of twelve months for charities. The charter provides that payment shall not be made by the city to any charitable or reformatory institution wholly or partly under private control, for the care, support, secular education, or maintenance of any child except on the certificate of the commissioner of public charities that such child has been received and is being retained by the institution pursuant to the rules and regulations established by the state board of charities. The detailed conditions governing annual payments to private institutions are carried into the budget. All institutions receiving public moneys, together with their record books and accounts, are open to visitation and inspection at all reasonable times by representatives of the city finance department, and the records of inmates are open at all proper times to the department of public charities. A specific rule is made that city money shall not be given to a private institution which pays for the services of any officer, trustee, or member of its board of managers, or has any business dealings with such officer, trustee, or manager.

The department of public charities is under the control of a commissioner, who, like other heads of departments, is appointed by the mayor for an in-

definite term and may be removed by him. The commissioner's salary is \$7500 a year. He has jurisdiction over all hospitals, asylums, and almshouses belonging to the city which are devoted to the care of the feeble-minded, the sick, the infirm, and the destitute, except the insane asylums (which are now leased by the city to the state of New York), the hospitals for contagious diseases, and certain city hospitals which are under the separate control of a board of seven trustees, of which the commissioner, however, is a member. The charter requires that the poor shall be maintained by their near relatives wherever the latter are able to do so. Moreover, the poor must be maintained in a manner satisfactory to the commissioner of public charities. The charter provides that the commissioner shall not have power to dispense any form of "outdoor relief" except as expressly provided by law. He is authorized, however, to pay the cost of transporting any person who comes under his charge whenever he thinks that the city will thereby be relieved of an unnecessary and improper burden.

The Bellevue Hospital, and other leading hospitals of the city, are subject to the separate control of a board of trustees consisting of seven members appointed by the mayor, with the commissioner of public charities serving on the board by virtue of his office. In making the appointments to this board, the mayor is required to invite the United Hebrew Charities, the Society of St. Vincent de Paul, and the Association for Improving the Condition of the Poor to submit to him lists of suitable persons for appointment. However, he is not

required to make his appointments from these lists. During the year 1907 over 35,000 patients were treated in the city hospitals, and 250,358 visits were made to the out-patient departments, where 98,600 cases were treated during the year.

The magnitude of the city institutions devoted to charitable purposes is indicated by the fact that the assessed valuation of their land and buildings amounted in 1909 to approximately \$31,500,000.

51. *The city's penal institutions.* — The department of correction, at the head of which is a commissioner appointed by the mayor at a salary of \$7500 a year, has jurisdiction over all city institutions for the care and custody of criminals and misdemeanants, with certain unimportant exceptions. It is the duty of the commissioner to classify delinquents under his care "so that the youthful and less hardened offender shall not be rendered more depraved by the association with and evil example of older and more hardened offenders." The charter provides that any male offender between the ages of sixteen and thirty who is convicted of a first offence less than a felony may in the discretion of the court be committed to the city reformatory on an indeterminate sentence. In such cases the term of imprisonment is limited to three years and may be terminated before the end of that period by the board of parole, which consists of four members appointed by the mayor, and one city magistrate. The commissioner may establish and maintain such schools or classes for the instruction and training of the inmates of the institutions under his charge as

shall be authorized by the board of estimate and apportionment. Every inmate of an institution under the charge of the commissioner of correction, whose age and health will permit, must be employed in quarrying or cutting stone, in cultivating land, in preparing and building sea walls for the city, in public works carried on by any department of the city, in manufacturing such articles as may be required for ordinary use in the city's correctional institutions, or at such mechanical or other labor as shall be found from experience to be suited to the capacity of the individual. The hours of labor are in all cases to be fixed by the commissioner, and in case any person under his jurisdiction refuses to do the work allotted to him, or violates the rules established by the commissioner, or attempts to escape, he must be punished by solitary confinement, being fed on bread and water only, for such length of time as may be considered necessary. No other form of punishment, however, may be imposed, and no officer of any of the city's penal institutions is authorized to inflict blows upon a prisoner except in self-defence or to suppress revolt. During solitary confinement, each prisoner is examined daily by the physician of the institution, whose duty it is to report to the commissioner whenever he thinks the prisoner's health requires that he should be released. The total number of offenders or alleged offenders coming under the jurisdiction of the department of correction during the year 1907 was approximately 60,000.

52. *Activities of the board of health.* — The protection of the public health in a great city is a matter of

extraordinary importance. In New York the activities of the health department are controlled by a board consisting of the commissioner of health, who is the executive officer of the department, the police commissioner, and the health officer of the port, who is a state official. It is the duty of the board of health "to aid the enforcement of, and so far as practicable to enforce" all laws of the state applicable in the city "to the preservation of human life, or to the care, promotion, or protection of health." It is expressly stated in the charter that this provision includes "all laws relative to cleanliness, and to the use or sale of poisonous, unwholesome, deleterious or adulterated drugs, medicines, or food, and the necessary sanitary supervision of the purity and wholesomeness of the water supply and the sources thereof." The board of health has authority to maintain hospitals for the care of contagious diseases such as smallpox, diphtheria, cholera, plague, yellow fever, scarlet fever, and measles, and to remove to such hospitals persons suffering from any of these diseases. The board is authorized to amend or annul any portion of the city's sanitary code and "may therein publish additional provisions for the security of life and health in the city of New York and confer additional powers on the department of health, not inconsistent with the constitution or laws" of the state. The board is expressly authorized to embrace in the sanitary code all matters and subjects to which the authority of the department extends, "not limiting their application to the subject of health only." The secretary of the board of health is required to file the sanitary

code and any amendments to it with the city clerk, whereupon they become valid ordinances of the city. The extraordinary powers of the department are set forth in section 1178 of the charter as follows : —

“In the presence of great and imminent peril to the public health by reason of impending pestilence, it shall be the duty of the board of health, having first taken and filed among its records what it shall regard as sufficient proof to authorize its declaration of such peril, and having duly entered the same in its records, to take such measures, to do and order, and cause to be done, such acts and make such expenditures (beyond those duly estimated for or provided) for the preservation of the public health (though not herein elsewhere or otherwise authorized) as it may in good faith declare the public safety and health to demand, and the mayor shall in writing approve.”

Acting under these extraordinary powers in the early summer of 1907, when the department of street cleaning was tied up by a strike, the board of health organized a force, took possession of the street cleaning equipment, and proceeded to remove the garbage that had been piled up in the streets, until the striking street cleaners returned to duty.

The work of the health department is divided between two bureaus, which are under the control of officials known as the sanitary superintendent and the registrar of records, respectively. The sanitary work of the board is aided by a squad of fifty police officers selected for their peculiar fitness and assigned by the police commissioner to duty under the board of health. There are five divisions in the sanitary bureau of the department. The division of contagious diseases has supervision of all cases of scarlet fever, measles, small-

pox, croup, chicken pox, whooping cough, mumps, and German measles. This division also includes the medical inspection of the schools. In 1907 the field of inspection included 657 public and private schools with a total registration of 659,419 pupils. The general system of vaccination is also carried into effect by this division of the bureau. The division of communicable diseases has supervision over cases of typhoid fever, cerebro-spinal meningitis, diphtheria, pneumonia, and tuberculosis. The division of hospitals has charge of the contagious diseases and tuberculosis hospitals of the city. The division of laboratories has charge of the preparation of antitoxins and vaccine and of the chemical analysis of specimens of food and drink products the purity of which is under suspicion.

The division of inspection includes general sanitary inspection, the discovery and removal of nuisances, the inspection of factories, the inspection of dairies and the distribution of milk, the inspection of food products, the inspection of lodging houses, the inspection of the shores of the waters surrounding and dividing the city for the purpose of the discovery and removal of carcasses of animals and other unsanitary objects, and the making of complaints for criminal prosecution where provisions of the sanitary code have been violated. It was only in 1906 that the regular and systematic inspection of dairy farms by the city health department was started. In 1907 the "milk shed" was divided into five large districts, each in charge of a supervisor. During the year 22,250 inspections of dairy farms and 861 inspections of cream-

eries and shipping stations were made. The inspection of food products led to startling results, for a total of more than 7000 tons of foodstuffs was condemned and destroyed during the year 1907 as unfit for human use. This total included 1487 tons of meat and 3770 tons of fruit. The report of the department makes special mention of the fact that 52,299 pounds of "spot eggs," found almost exclusively in the possession of bakers, were condemned. These eggs are described as "partially decomposed."

The bureau of records has charge of the collection of vital statistics. It appears from the report of the department for 1907 that there were in that year in the city of New York 51,097 marriages, 120,720 births, 7351 stillbirths, and 79,205 deaths. The birth rate was 28.17, while the death rate was 18.48. Of the total number of births, 68.5 per cent were of foreign born mothers. Of the total number of deaths 62 per cent were native born. Out of every hundred deaths thirty-four took place in "institutions, including hospitals," forty-seven in tenement houses, sixteen in "dwellings," one in hotels and boarding houses, and two in the streets, rivers, or public places. The death rates per 100,000 population from various important diseases were as follows: typhoid fever, 17; measles, 18; scarlet fever, 19; diphtheria and croup, 40; cancer, 76; Bright's disease and nephritis, 132; tuberculosis, 249; and pneumonia 277. These figures show that a little more than one-seventh of all deaths were caused by pneumonia, a little less than one-seventh by tuberculosis, and only one-hundredth by typhoid fever.

The number of violent deaths during the year was 4911. This included 710 suicides, or not quite one per cent of all deaths. Nearly one-third of all deaths were of children under five years of age.

The appropriations for the health department for the year 1910 have been fixed at \$2,747,723.

53. *Tenement house supervision.* — In no other city of the world is the problem of congestion as acute as in New York, where about three-fourths of the entire population live in tenement houses. The evils of the tenement house have long been recognized and the struggle to mitigate them has gone on for forty years. The housing problem is an exceptionally difficult one for the city government to handle because it involves a somewhat minute inspection and regulation of the habits of life of great multitudes of people, and, more important still, it involves conflict with the landlord. I suppose there is no class of people in the world that can compete with the landlord for stubbornness and resistance to progressive measures that would limit the "unearned increment." Moreover, the landlord interest in New York is so stupendous that it is almost hopeless to get anything accomplished in the teeth of its opposition. As a culmination of the investigations of several special commissions and of the revelations of the most shocking conditions in connection with the housing of the people of the city, there was finally established on January 1, 1902, a separate department of the city government whose specific duty was to be the carrying out of the tenement house law and the keeping of adequate tenement house records.

This department, like most of the other executive departments, is in charge of a single commissioner, who is appointed by the mayor, at a salary of \$7500. The charter requires that there shall be at least three bureaus in the department. One of these is charged with the examination of plans and specifications for the light and ventilation of old tenement houses which are about to be altered, and of new tenement houses about to be constructed. It is also the duty of this bureau to inspect such buildings during the process of alteration and construction and to make a record of all violations of the tenement house law which it finds. There is another bureau of the department charged with the inspection of completed tenement houses. A third bureau has charge of the tenement house records. When the tenement house department was first established, special precautions were taken to prevent political and corrupting influences from entering into its administration. The commissioner was authorized to dismiss any subordinate from the service at any time in his discretion, as well as to suspend or fine any subordinate for neglect of duty, disobedience of orders, incapability, or absence without leave. The commissioner was required to keep complaint books open to public examination in which should be entered every complaint by any person in reference to tenement houses. All such complaints the commissioner was required to investigate. The duties of the health, fire, and building departments relative to the sanitary inspection of tenement houses, to their equipment with fire escapes, to the obstruction of fire escapes, and to

matters of the light and ventilation of tenement houses were transferred to this department. No person is authorized to construct or alter a tenement house or convert another building into a tenement house without first submitting to the department a detailed statement in writing of the specifications of the light and ventilation of the building. This statement is examined by the department, and in case the plans are found to conform to the provisions of the tenement house law, a certificate is issued authorizing their execution. It is expressly provided that in case any building constructed as a tenement house or altered into a tenement house after the establishment of the department shall be used as a human habitation without the department's certificate, then any bond or note secured by a mortgage on the building or lot may be declared due at the option of the mortgagee. It is also provided that in such cases no rent shall be recoverable by the owner or lessee and that the water department shall not permit water to be furnished to any such building.

Every completed tenement house, except those where the average rental of apartments amounts to \$25 per month or more, must be inspected by the department at least once a month. It is provided that "such inspection shall include examination of cellars, halls, water closets, privies, plumbing, yards, areas, fire escapes, roofs, shafts, courts, tanks, and all other parts of such tenement houses and the premises connected therewith." Tenement houses where rents average higher than \$25 a month for each apartment may be

inspected less frequently than once a month, in the discretion of the commissioner. All violations of the tenement house act discovered by the inspectors are to be reported immediately and the commissioner is required to issue such orders as may be necessary to stop the violation of the law. No preliminary injunction can be granted against the department except by the Supreme Court at a special term, after at least five days' notice to the department of the motion for such injunction. The tenement house commissioner and his subordinates are authorized by the law to enter, examine, and survey all premises in the city and to make plans, drawings, and descriptions of them.¹ Any tenement house inspector who knowingly makes a false report, or accepts a bribe or any gratuity from a person whose interests may be affected by his official action, may be punished by one year's imprisonment and a fine of not more than \$500. In case of conviction an inspector also forfeits his office.

The law requires that the tenement house commissioner shall provide a system for keeping the records of tenement houses by card catalogue of street numbers or otherwise. These records must contain the following information : —

“1. A diagram of each tenement house, showing the shape of the building, its width and depth, also the measurements of the unoccupied area, showing shafts, courts, yards, and other open spaces. Such diagram shall include a diagram of the

¹ Section 1344-E, of the Greater New York Charter. The words of this section are broad enough to include all dwelling houses, even those occupied by single families.

second or typical floor of the building, showing the sizes and arrangements of the rooms, and all doors, stairs, windows, halls, and partitions.

"2. A statement of the date or the approximate date when the building was erected.

"3. The deaths occurring in the tenement house during each year and the annual death rate therein. Such statement shall show whether such deaths were of adults or children, and, if occasioned by tuberculosis, typhoid fever, diphtheria, scarlet fever, smallpox, measles, or by any other contagious or infectious disease, it shall state the disease causing death.

"4. The cases of sickness from contagious diseases occurring in the tenement house and the nature of the disease. Such record shall also show whether such cases of sickness were of children or adults."

All dispensaries and hospitals of the city are required to make to the department weekly reports of cases of sickness in tenement houses, and the police department is required to report weekly all arrests of persons living in tenement houses.

In the first annual report of the department, July 1, 1903, Mr. Robert W. DeForest, tenement house commissioner, said : —

"Tenement conditions in many instances have been found to be so bad as to be indescribable in print: vile privies and privy sinks; foul cellars full of rubbish, in many cases garbage and decomposing fecal matter; dilapidated and dangerous stairs; plumbing pipes containing large holes emitting sewer gas throughout the houses; rooms so dark that one cannot see the people in them; cellars occupied as sleeping places; dangerous bakeries without proper protection in case of fire; pigs, goats, horses, and other animals kept in cellars; dangerous old fire traps without fire escapes; disease-breeding rags and junk stored in tenement houses; halls kept dark at night, endanger-

ing the lives and safety of the occupants; buildings without adequate water supply — the list might be added to almost indefinitely. The cleansing of the Augean stables was a small task compared to the cleansing of New York's 82,000 tenement houses, occupied by nearly three millions of people, representing every nationality and every degree in the social scale."

One of the crying evils which led to the establishment of the tenement house department was the prevalence of prostitution among the tenements. A more or less vigorous attempt to enforce the laws for the suppression of prostitution about fifteen years ago under the Roosevelt police administration had resulted to a considerable extent in driving the immoral women into the tenements, where they plied their trade in the midst of the working population of the city. A condition resulted that finally shocked New York into a great reform movement. A new tenement house law was passed in 1901. Under this law the tenement house department proceeded at once to eradicate the evil of prostitution from the tenements. The law provided that a penalty of \$1000 should be levied against the owner of any tenement who did not, within five days after receiving notice from the department, eject from his tenement any immoral woman who was plying her trade there. The law also provided that any prostitute maintaining her headquarters in a tenement house should be deemed a vagrant and be imprisoned for six months in the workhouse without the alternative of a fine. Using these two weapons, the department was successful in a comparatively short period in driving the prostitutes out of the tenements.

Another evil that the new department had to meet was the corruption which had become habitual in New York in connection with the enforcement of the building laws. So notorious was this corruption that the new department, instead of taking over the experienced employees of the department of health and the department of buildings, whose duty it had been to enforce the regulations for which the tenement house department was now to be responsible, chose rather to organize and discipline an entirely new force of men for this work.

“The opportunities for corrupt practices in a department of the size of the tenement house department,” said the commissioner, “where there are nearly four hundred employees engaged in administering a law so detailed as the tenement house law, where the inspectors come in close contact with both the tenement house dweller, the tenement house owner, agent and housekeeper, are so great that in perfecting its scheme of organization the department has constantly had in mind the dangers in this direction, and has sought by every means in its power to guard against such opportunities, and to adopt methods of organization that would lend themselves to the checking at all times of the employees’ work, so as to stamp out any tendency toward corruption that might exist.”

The appropriation for the tenement house department for 1910 has been fixed at \$833,102.50.

54. *The fire service.* — Nowhere else in the world would a great fire be so disastrous as in the borough of Manhattan in the city of New York. In September, 1905, the committee on fire alarm service of the New York Board of Fire Underwriters prepared a report on the fire alarm system in the borough of

Manhattan. The committee's electrical engineer, after making an exhaustive examination of the fire alarm system in all its features, said : —

“As a result of this investigation, which was carried out with the utmost care into every essential detail, it has been found that the fire alarm telegraph system of the borough of Manhattan is fundamentally wrong in design and is in bad physical condition. . . . It is liable at any time to such failures as to render it wholly useless to the fire fighting department in the time of greatest need.

“Faulty in original design and construction, the plant has deteriorated and has been patched and repaired in its various parts as they from time to time became unworkable. The system long ago reached the stage where it cannot be transformed into permanent proper working order by any further patching or even by radical repairs.

“After due deliberation and after consultation with the consulting engineer and with the insurance experts who were designated by you, I have satisfied myself that the only remedy for the present state of affairs is to establish in the borough of Manhattan a new fire alarm system separate and distinct from the present one, and that when the new system has been established and is in working order, the old one should be abandoned and dismantled.”

The engineer reported that the new fire alarm system could be constructed and put into operation, with 500 additional box stations needed, for about \$1,625,000, not including the cost of any land that might be required for office buildings.

The city has gone on patching up the old system since the date of this report. At the close of 1908 the fire department had 1122 miles of telegraph wires in the electrical subway ducts in Manhattan.

In the other boroughs the wires are still overhead.

At the head of the fire department is a single commissioner appointed by the mayor at a salary of \$7500 a year. Three bureaus are established in this department by the city charter, and the fire commissioner is authorized to increase their number. One bureau has charge of the prevention and extinguishment of fires and the protection of property from water used at fires. Another bureau is charged with the enforcement of the laws relating to the storage, sale, and use of combustible materials. The third bureau has for its duty the investigation of the origin and cause of fires. The fire commissioner appoints the heads of bureaus, their assistants, and all the officers of the department, but assignment to duty in the uniformed force may be made only upon the recommendation of the chief of the fire fighters. If any recommendation made by the chief is rejected, he is required to submit another name or names to the commissioner within three days, and in case of successive rejections he must continue to submit new names until the assignment or promotion is made. Promotions may be made only on the basis of seniority, meritorious service, and superior capacity as shown by competitive examinations. If any member of the uniformed force is nominated for an elective public office, he must decline the nomination within ten days after receiving notice of it or be deemed to have resigned from the department. No person can become or remain a member of the fire department who is not a citizen of the United States or who has ever been convicted of a felony. Firemen must be

able to read and write understandingly the English language. At the time of his appointment a fireman may not be under twenty-one, or more than thirty years of age. No member of the department is authorized to withdraw or resign without the permission of the fire commissioner, on penalty of forfeiting the salary due him. The fire commissioner has authority to punish a fireman by reprimand, forfeiture of pay, or dismissal from the force, but no member of the uniformed force can be removed except on written charges and a public examination conducted by the commissioner or his deputy. Causes for removal are conviction of any legal offence, neglect of duty, violation of rules, neglect or disobedience of orders, incapacity, absence without leave, conduct injurious to the public peace or welfare, immoral conduct or conduct unbecoming an officer of the department. Members of the uniformed force are forbidden to contribute money to any political fund or to become members of any political club or of any association intended to affect legislation for or on behalf of the fire department or any of its members. The grades and salaries of the members of the department are fixed in the charter. The salary of the chief of the force is \$6000 a year, and from this salaries range down to \$800 a year for members of the fourth grade of the uniformed force. A firemen's relief fund is provided, out of which pensions are paid to disabled members of the department or their widows, orphans, or dependent parents. There is also provided a life insurance fund made up from monthly assessments upon the salaries of the members of the department.

Out of this fund the sum of \$1000 is paid to the widow or legal representative upon the death of any member of the force who has contributed to the fund.

On December 31, 1908, the uniformed force numbered 4244 officers and men. The total expenditures of the department for the year 1908 amounted to \$7,272,000, in addition to \$177,000 expended on capital account. The appropriations for the department in the city budget for 1910 amount to \$8,153,000.

55. *The city's schools.* — The magnitude of the problem of public education in Greater New York is indicated by the fact that for the year 1910 the budget appropriations for the department of education amount to \$28,578,432, while the valuation of the land and buildings devoted to school purposes was reported in 1909 as being \$92,283,825. The educational problem of the city is rendered especially difficult on account of the unfortunate housing conditions that prevail, and on account of the limitless mixture of nationalities that has resulted from foreign immigration. There are about 18,000 teachers and 600,000 registered pupils in the public schools. Under the jurisdiction of the board of education there are over 500 schools, and there are about 200 parochial schools besides.

At the head of the department of education is a board consisting of forty-six members appointed by the mayor for terms of five years. The members of the board of education must be selected from the several boroughs in proportions fixed by the charter. The board elects its own president annually, and also appoints annually a standing committee of fifteen mem-

bers to constitute an executive committee for the care, government, and management of the public school system subject to the control of the full board of education. Each of the five boroughs must be represented on this committee and the president of the board is by virtue of his office chairman of the committee. The board has authority to appoint a secretary, a superintendent of school buildings, a superintendent of school supplies, a city superintendent of schools, and a supervisor of lectures. All of these officers except the secretary are appointed for terms of six years, but may be removed for cause at any time by a three-fourths vote of all the members of the board of education. In addition to the city superintendent of schools, there are eight associate city superintendents and twenty-six district superintendents appointed by the board of education. The district superintendents, however, are nominated in the first instance by the board of superintendents, consisting of the city superintendent and his eight associates. The board of education is authorized every five years to divide the city into forty-six local school board districts corresponding to the number of members of the board. The districts must be compact in form and as nearly equal as possible in school attendance. In each one of these districts there is a local school board consisting of seven members, five of whom are appointed by the president of the borough. The two other members are a member of the city board of education designated by the president of that board and the district superintendent assigned to duty in the particular district by the city superin-

tendent. These local school boards, subject to the by-laws of the board of education, are required to visit and inspect the schools in their respective districts and to call the attention of the board of education to any matter requiring official action. They are also required to report to the board of education whenever any additional accommodation is needed for kindergarten or elementary school purposes within their respective districts, together with a recommendation of available sites and plans for the erection of necessary buildings. They are also required to report any failure on the part of the superintendent of supplies, the superintendent of school buildings, the city superintendent of schools, or any of their assistants or employees, in the performance of their duties. These local boards also have authority, subject to approval of the board of superintendents and in accordance with the by-laws of the board of education, to excuse absences of teachers within their respective districts. They are also required to try and to determine matters relating to discipline and corporal punishment upon the complaint of pupils or parents against teachers. Furthermore it is their duty to try charges against teachers made by a principal, a district superintendent, or any parent for gross misconduct, insubordination, neglect of duty, or inefficiency. They are also required to present to the board of education charges against janitors who are guilty of dereliction of duty. They are required to see to the enforcement of the sanitary laws and by-laws relating to the schools. They have authority, subject to the approval of the board of superintend-

ents, to transfer teachers from school to school within their respective districts. They may adopt by-laws not in conflict with the by-laws of the board of education, regulating the exercise of their powers.

All members of the board of education and of the local school boards serve without pay.

Principals and teachers are appointed by the board of education on the nomination of the board of superintendents. Wherever practicable, teachers are appointed to serve in the boroughs where they reside. Teachers may be promoted or transferred from one school to another anywhere within the city, but they must not be transferred from one borough to another without their consent.

Salaries are fixed by the by-laws of the board, but the charter requires that there shall be a uniform schedule of salaries for the supervising and teaching staff throughout the city. This schedule must provide for a yearly increase of such an amount that within a given period of years teachers shall receive not less than a fixed minimum prescribed in the charter. A teachers' retirement fund is provided, from which pensions are paid to teachers after their retirement from active service. The board of education is authorized to place any teacher or supervisor upon the retired list after he or she has attained the age of sixty-five years and has been at least thirty years in the public service.

In the department of education, in addition to the primary, grammar, and high schools, there are two

colleges. One is known as the College of the City of New York, and the other as the Normal College of the City of New York. The former is under the control of a separate board of trustees, consisting of nine members, appointed by the mayor. The members of the board of education are, *ex officio*, trustees of the normal college, in which women teachers are trained for the public school system.

One of the most notable branches of the work carried on by the board of education is the system of free evening lectures which had its origin in a special act of the legislature passed in 1888. The lecture system flourished in old New York prior to consolidation, and was extended to all the boroughs of the greater city in 1901. During the winter of 1907-1908 lectures were delivered in 178 lecture centres by a staff of 663 lecturers before 5572 audiences, with a total attendance of 1,208,336 people. The subjects of the lectures cover the whole field of literature, science, art, and descriptive geography. These lectures constitute a "University for the People," and their wonderful development under the intelligent and enthusiastic care of Dr. Henry M. Leipziger entitles him to a permanent place of honor in the annals of American civic progress.

56. *The public libraries.* — The New York Public Library, the Brooklyn Public Library, and the Queensborough Public Library are separate corporations controlled by boards of trustees upon which the city is represented by the mayor, the comptroller, and the president of the board of aldermen. The people thus

have the advantages of free libraries and have the chance to contribute largely to their support out of the proceeds of taxation, but the city has only an advisory voice in their management. The employees of the libraries, numbering 700 or 800, are not a part of the municipal civil service.

The building now under construction in Bryant Park at the corner of Fifth Avenue and Forty-second Street, at the site of the old reservoir, when completed, will be one of the most magnificent library buildings in the world. The land was furnished and the building is being erected by the city of New York. The library that will be housed in this building is the consolidated New York Public Library formed in 1895 by the union of the Astor, Lenox, and Tilden foundations. The Astor Library had its origin in 1849, the Lenox Library in 1870, and the Tilden Library in 1887, each as the result of the munificence of a distinguished citizen of New York. The consolidation of these three libraries was effected with the understanding that the new corporation should "establish and maintain a free public library and reading room in the city of New York with such branches as may be deemed advisable, and shall continue and promote the several objects and purposes set forth" in the original acts incorporating the three constituent library foundations. At the time of the consolidation, the total number of volumes in the combined libraries was a little over 350,000, and the total endowment fund was \$3,446,500. Under the new arrangement the library is controlled by a board of twenty-five trus-

tees, including the mayor, the comptroller, and the president of the board of aldermen *ex officio*. All the other trustees hold office continuously, and vacancies are filled by coöptation. The library has grown rapidly until at the close of the year 1908 there was a total of 1,722,237 books and pamphlets available for the use of readers. In 1901 the public library absorbed by consolidation the former New York free circulating library with its eleven branches, and since that time about a dozen other libraries have been consolidated with the public library.

The expansion of the circulation department of the library system was made possible by the offer of Mr. Andrew Carnegie in 1901 to contribute \$5,200,000 for the construction and equipment of free circulating libraries on condition that the city should furnish the sites and bind itself to maintain the libraries when built. The city accepted Mr. Carnegie's offer and the fund was apportioned among the several boroughs of the city. Not more than fifty sites were to be acquired in the boroughs of Manhattan, The Bronx, and Richmond upon which buildings were to be erected from funds furnished by Mr. Carnegie. The sites and buildings of these branch libraries as well as of the central library are leased to the trustees of the public library so long as they maintain free libraries in them, and the city agrees to provide in its annual budget a sufficient amount for the maintenance of the libraries. The circulating libraries are open from 9 A.M. to 9 P.M. every day but Sundays. By the end of 1908 twenty-eight Carnegie branch libraries had been opened in these

three boroughs and construction was in progress on four other sites.

In the borough of Brooklyn Carnegie branch libraries are also being erected. As originally planned, the number was to be twenty and they were to be built at an aggregate cost of not to exceed \$1,600,000, but by economy in construction enough money has been saved to provide for two additional branches.

The Queensborough Public Library maintains sixteen branch libraries, of which six have been constructed with money furnished by Mr. Carnegie.

The value of the city libraries is placed at \$18,131,000 by the department of taxes and assessments. The appropriation made by the city for the maintenance of the public libraries amounts to \$1,165,758 for the year 1910. The total number of employees in the New York Public Library alone at the close of 1908 was 412.

57. *The city's judiciary.* — The highest court in the state of New York is the court of appeals. Below this is the supreme court, consisting of 97 justices, elected in nine districts. The state is also divided into four departments, in each of which there is an appellate division of the supreme court, the justices being assigned for service in this division by the governor. The county of New York, which is coterminous with the old city of New York, constitutes the first judicial district with thirty supreme court justices, and also the first judicial department with an appellate division of its own. The second judicial district comprises the five counties on Long Island and Staten Island, of which three are located wholly within the

limits of New York City. Of the seventeen justices in this district, fourteen are from the city. The county of New York still maintains a court of general sessions consisting of seven justices elected by the people, but the other counties within the limits of the city have county courts, each with a single justice, except the Kings county court, which has two. There is also in each county a surrogate's court corresponding to what is called the probate court in many of the states. New York and Kings counties have two surrogates each.

The more strictly local courts include the city court and the municipal court for civil matters, and the courts of special sessions and the magistrates' courts for criminal matters. The city court is a survival of old New York and has jurisdiction in the boroughs of Manhattan and The Bronx. There are ten justices of this court and they are elected by the people of those two boroughs. The entire city is divided into twenty-four municipal court districts, in each of which the electors choose from one to four judges, there being forty-four municipal court justices in all. These courts take the place of the justices of the peace, which have been abolished in New York City. For the court of special sessions there are a chief justice and fourteen associate justices, of whom seven must reside in Manhattan and The Bronx, five in Brooklyn, and one each in Queens and Richmond. There are two districts for the city magistrates' courts. In old New York there is a board of seventeen city magistrates appointed by the mayor, one of them being called chief city magistrate, and in the rest of the city there

is a similar board. The magistrates hold what is usually known in American cities as the "police court." The judges of special sessions must maintain separate children's courts, and the city magistrates must maintain domestic relations courts. The judges in the courts of New York City have terms of from ten to fourteen years and salaries ranging from \$6000 for the city magistrates of the second division to \$17,500 for the supreme court justices.

The courts of New York City have not been free from the scandals characteristic of the American judiciary. The judges, whether appointed by a Tammany mayor or nominated by a Tammany boss, have frequently been subservient to so-called "vested interests" in civil matters and have often lent themselves to the cause of injustice and political favoritism in petty criminal matters. About a dozen of the supreme court judges were present to do honor to Richard Croker at a semi-private dinner given by his friends a year or two ago on the occasion of one of his infrequent visits to the scene of his old conquests. The judges are sometimes involved in the scandals attending receiverships and condemnation proceedings which are used by political lawyers as a convenient means to traditional thievery on a large scale. The New York courts are notoriously friendly to the great public service corporations, which have, time out of mind, maintained cordial partnership relations with Tammany Hall leaders and other political bosses of predatory habits. In the realm of inferior criminal jurisdiction, the judges have in many cases held their jobs primarily for the pur-

pose of enforcing, not the law on the statute books, but the dictates of the men in control of the party organization. Judicial severity toward people without any "pull" or merely judicial leniency toward those for whom the district leader speaks a word, is the most powerful influence known in building up the sinister alliance between politics and crime that has brought reproach upon New York in common with other large American cities. There are, of course, exceptions among the New York judges, some of which may be accounted for on the theory that humanity is frail and even judicial creatures sometimes forget their creators.

58. *The assessment of property for taxation.* — The valuation of real and personal property for purposes of taxation is a difficult and somewhat thankless task under the best conditions. Under conditions that are not the best, assessors are likely to receive something more than thanks for *not* doing their duty. In New York City the process of assessment is simplified by the fact that there is no direct state tax to induce rivalry with other portions of the state in undervaluations. Furthermore, there is no county lying partly within and partly without the city limits to induce similar rivalries in relation to county assessments. There is an annual assessment of property throughout the city for all taxing purposes by one responsible department. The aggregate tax levy each year provides for about three fourths of the expenditures for current purposes. County taxes, amounting in the aggregate to a little more than \$5,000,000, are levied

separately, so that in each of the four counties there is a separate total tax rate. Under the "special franchise tax" law of New York, the fixtures and rights of public service companies in the streets are assessed by a state board. Other revenues besides the direct property tax furnish at least \$40,000,000 a year of the city's revenue. There remains, however, to be collected from property valued by the department of taxes and assessments the enormous annual tribute of approximately \$115,000,000. In charge of this department is a board of seven members appointed by the mayor. The president of the board is designated as such at the time of his appointment. He receives a salary of \$8000 a year, while each of his associates gets \$1000 less. The city charter requires that no more than five of the seven members of the tax board shall belong to the same political party and at least one of them must be learned in the law. The president must be a resident of the borough of Manhattan. The board is authorized to appoint forty deputies, distributed among the various boroughs as nearly as possible according to population. No deputy may be assigned to assessment work outside of the borough in which he is an elector except by vote of the board with the reasons for such assignment entered on the minutes. The deputies are required personally to inspect every piece of taxable real estate on each annual assessment and to enter in their reports to the board "the sum for which, in their judgment, each separately assessed parcel of real estate under ordinary circumstances would sell if it were wholly

unimproved; and separately stated the sum for which under ordinary circumstances the same parcel of real estate would sell with the improvements, if any, thereon." The annual assessment of real estate is begun on the first Tuesday in September, and the records must be opened for public inspection on the second Monday in January, and remain open for review and correction until the first of April. The tax rate is fixed by the board of aldermen in mid-summer and taxes are due and payable on the first Monday in October. If they are not paid until after the first of November, a penalty is added at the rate of 7 per cent per annum from the day they were first due.

Special assessments for local improvements are made by a board of three assessors appointed by the mayor. Their action is subject to review by a board of revision consisting of the comptroller, the corporation counsel, and the president of the department of taxes and assessments. A special assessment, except for rapid transit purposes, may never exceed one half the value of the property on which it is levied, improved or unimproved, as the case may be, and may never be levied to pay the cost of repaving a street which has once been paved at the expense of abutting owners, unless the repaving is petitioned for by a majority of such owners. In condemnation proceedings the city is required to apply to the supreme court for the appointment of special commissioners of estimate to determine what the city will have to pay for the property it desires to take for public purposes.

For some years the department of taxes and assess-

ments has been required by law to assess separately the unimproved value of each parcel of real estate. This has enabled the department to formulate general rules of assessment both for land and for buildings. One of the notable achievements of the department under the able presidency of Mr. Lawson Purdy, who has a national reputation as a tax expert, has been the publication of a book of land value maps, showing the assessed valuation per foot of frontage of standard lots 100 feet deep on each side of every block in the city. It is Mr. Purdy's hope that by means of this publicity and the assistance which it will enable real estate men to give the department, a true and just assessment of land values throughout the city may be attained. Nothing could be more potent than such an assessment to reveal the amount of the "unearned increment" that is added to the city's treasure each year and to stimulate public interest in tax reform. At the same time the department has worked out a scientific method of appraising buildings according to style of construction and area of floor space. Altogether, it may be said that the New York tax department is at the forefront in the application of intelligence to the problem of the assessment of real estate. It is not intended by this statement to convey the impression that the tax department is historically flawless and has been able uniformly to withstand the grave temptations of Big Business and Bad Politics. But the light begins to shine in a dark place.

The assessment of personal property for purposes of taxation is a travesty in New York as elsewhere.

“Swearing off” as applied to personal taxes is an ancient and honorable pastime in New York. “We only catch the widows and orphans,” remarked one of the New York City tax commissioners in 1891. Writing a dozen years ago on “The Finances of New York City,” Dr. E. Dana Durand, now Director of the Census, said :¹ —

“No one can for a moment doubt that in this, the very centre of capital in America, the personal property held far exceeds in value the real estate, yet it is assessed at but a little over one-fifth as much. . . . It is not because the assessors utterly ignore personalty that it thus escapes taxation. They regularly place on the rolls at the outset nearly double the number of names, and from six to ten times the amount of property ultimately retained. There is no provision in the state for listing personal property by the owner, and, in fact, no attempt is usually made to secure any sort of an inventory of the taxpayer’s property. A considerable part of the process of assessing personalty is indeed mere haphazard. The deputy assessor selects names from the city directory, using ‘his judgment—from his experience and from what he has passed through in regard to the affidavits of those who correct or swear off—in placing the sum opposite each individual name.’ An enormous proportion of the assessments so made are sworn off.”

Since Dr. Durand wrote, the personal assessment has dwindled to less than one-fifteenth of the amount of the real estate assessment. In 1909, when the “annual record” was opened for inspection, there were 81,799 names on the tentative personal tax roll, charged with a total of approximately \$1,260,000,000 of property. When the “swearing off” was done, 41,222 names and \$443,000,000 of property remained.

¹ Page 191.

The relation of the land and improvement values of taxable real estate in Greater New York as assessed for the years 1906 to 1909 inclusive is shown by the following table : —

REALTY VALUES IN NEW YORK

YEAR	ORDINARY LAND VALUE	PER CAPITA	VALUE OF IMPROVEMENTS	PER CAPITA
1906	\$3,367,233,746	\$811	\$1,959,179,364	\$472
1907	3,558,893,954	830	2,145,115,698	501
1908	3,843,165,597	869	2,298,334,522	519
1909	3,885,727,207	851	2,371,625,172	519

Mr. Purdy estimates the average annual increase of population in New York City at 3 per cent and states that the increase in the value of improvements is probably at about the same rate, while the increase in unimproved land values goes on somewhat faster.

59. *Wealth, debt, the sinking funds, and the tax rate.*—The stupendous problems with which the city government has to deal are indicated to some extent by the following figures :—

Total assessed value of land, buildings, and street franchises (including exempt property, except streets)	\$8,100,000,000
Value of land alone, not including public property and other property exempt from taxation and not including street franchises . .	3,885,000,000
Value of privately owned franchises and fixtures in the streets	474,000,000
Total par value of stocks and bonds of private companies operating street franchise utilities (approximately)	1,000,000,000

Value of property owned by the United States government and the state of New York within the city limits	\$71,181,750
Value of land, buildings, and structures within the city limits owned by the municipal corporation and used for public purposes (not including streets)	920,499,760
Value of private institutions exempt from taxation; churches, asylums, schools, hospitals, cemeteries, etc.	305,274,741
Amount of "Budget" for 1910	163,130,270
Rates of taxation on each \$100 of assessed valuation in 1909:	
Manhattan and the Bronx . . \$1.678	
Brooklyn 1.738	
Queens 1.725	
Richmond 1.775	
Annual rentals paid for housing city departments	800,000
Total amount of bonded debt, including revenue bonds, Sept. 30, 1909	1,000,926,278
Amount of bonds outstanding, Sept. 30, 1909, which had been issued in anticipation of taxes	146,215,540
Amount of bonds held by the sinking funds, Sept. 30, 1909 (not including revenue bonds)	218,390,914
Net permanent debt, Sept. 30, 1909	636,319,824
Water rents collected, 1908	10,593,828
Total value of public parks and parkways	501,589,188
Total area of public parks	7223 acres
Total area of city	327 square miles

New York finances are extremely complex. The municipal corporation was originally regarded not so much an agency of democratic government as a special privilege granted to a group of merchants and traders

doing business in a certain place. New York still clings to some of the forms of a private corporation. Its permanent debt is funded not as bonds, but as "corporate stock." The "Sinking Fund for the Redemption of the City Debt No. 1" was established in 1813, and certain definite revenues were pledged to it. Later the "Sinking Fund for the Payment of Interest on the City Debt" was established and certain other revenues were pledged to this fund. In course of time the revenues far outgrew the needs of these sinking funds, but the city has never found a satisfactory way to simplify its finances. By an expedient amounting to an evasion of the pledges, the city takes the surplus out of the sinking fund and uses it for current expenses, and in return for the cash issues to the sinking fund "general fund bonds" or municipal "I-O-U's," which it hopes never to pay. By this means a total of \$68,750,000 had been abstracted up to December 31, 1908. The principal special sources of revenue pledged to the two sinking funds already mentioned, with the amount of revenue derived from each during the year 1908, are as follows:—

Dock and slip rents	\$3,449,986
Interest on deposits and daily balances	700,352
Miscellaneous business licenses	201,336
Market rents	297,910
Railroad and gas franchises	320,092
Street vault rentals	203,527
Court fees, and fines and penalties	485,010
Croton water rent	7,423,542
Ferry rentals and receipts	1,024,807
Ground and house rents	236,764

Besides these two sinking funds there are eight others which are fed directly from taxation.

All the sinking funds are in charge of the sinking fund commission, which is composed of the mayor, the comptroller, the chamberlain, the president of the board of aldermen, and the chairman of the finance committee of the board of aldermen. The duties of this commission include the care of the property and investments accumulated for the purpose of paying off the city debt, the leasing of public property the earnings of which go to the sinking funds, and the sale or transfer of property no longer needed for the purpose to which it was originally devoted.

Both the budget and the debt of New York are growing with extraordinary speed, but the increases in these items are not more marked than the growth in the assessed valuations. It should be said, however, that the recent increase in assessments is out of all proportion to the actual increase of values, for the ratio of assessed to real values is probably double what it was in 1898. The comparisons for 1898 and 1909 as shown by the official figures are as follows:—

Net funded debt, Jan. 1, 1898	\$232,248,785
Net funded debt, Jan. 1, 1909	598,021,644
Increase in eleven years	157 per cent
Annual budget for 1898	77,473,085
Annual budget for 1909	156,545,148
Increase in eleven years	102 per cent
Increase in assessed valuations in same period .	135 per cent
Increase in population during same period (estimated)	40 per cent

For convenience the city sells corporate stock "for various municipal purposes" in job lots, and then distributes the proceeds from time to time to the various funds to which the money belongs. This is convenient because of the multiplicity of purposes which are carried out by means of borrowed money. New York never pays for anything out of current revenue if any possible excuse can be found for issuing bonds for it. If there is doubt, it is resolved in favor of bonds. It is impossible to segregate the outstanding bonds exactly according to the purposes for which the money was used. In "Volume One" of his report for 1907, the comptroller attempted to do this, but with indifferent success. The bonds issued in anticipation of the collection of taxes provided for in the budget are called "revenue bonds." The bonds issued to secure necessary current funds not provided for in the budget are called "special revenue bonds." They have to be taken care of in the next budget. For example, the current expenses of the public service commission for which a requisition is made on the board of estimate and apportionment after the adoption of the budget, are met out of the proceeds of the sale of special revenue bonds. The amount so used in 1908 appears in the 1909 budget as so much appropriated for the payment of city debt. The nature of the "general fund bonds" has already been explained. They are valid obligations against the city's credit, but the city does not expect to have to pay them. Eliminating these three classes of bonds, — "revenue," "special revenue," and "general fund,"— the comptroller distributed the remain-

ing \$672,411,465 of corporate stock and bonds outstanding December 31, 1907, substantially as follows :

Water supply	\$77,577,000
Docks and ferries	79,671,000
Bridges	70,630,000
Streets and roads	133,672,000
Schools and libraries	101,719,000
Public parks and places	58,630,000
Public buildings	45,571,000
Rapid Transit	50,394,000
Fire, health, police, and street cleaning departments	13,510,000
Refunding, miscellaneous, and unallotted	41,037,000

This total was increased by some \$113,500,000 during 1908 and the first nine months of 1909, but inasmuch as the increase is not fully segregated in the available reports of the comptroller, I have not myself attempted to do it.

A noteworthy ray of light was thrown upon the city's financial methods by a statement issued by Comptroller Prendergast in March, 1910. Mr. Prendergast showed among other things that there were outstanding revenue bonds amounting to over \$49,000,000 which had been issued from time to time in anticipation of the collection of taxes that proved to be uncollectible. In other words, a "temporary" debt had been incurred which the city had no means of paying off. The comptroller proposed to cut off \$10,000,000 of the amount by the use of various unexpended balances, and of the remainder to fund \$5,000,000 a year and take care of some of it by additions to the annual budgets. Issuing forty-year bonds

to retire floating indebtedness incurred for current expenses is a policy that can hardly be said to merit commendation. Much of the uncollectible taxes is from the levies against personal property. Mayor Gaynor and Mr. Purdy have set on foot an official agitation for the repeal of the general personal property tax law.

60. *The army of the civil service.* — At the beginning of 1909 the municipal civil service commission had under its jurisdiction 50,054 employees of the city, classified as follows : —

Exempt class	772
Competitive class	27,802
Non-competitive class ¹	4,493
Labor class	16,987

All appointments, promotions, and changes of status of persons in the classified service of the city must be made in accordance with the civil service law. The officers of the city whose duty it is to sign or counter-sign warrants are forbidden to draw up or issue any warrant against the city treasury for the payment of the salary of any person whose appointment or retention in office has not been in accordance with the civil service rules.

Under the civil service law and the rules adopted by the commission, the "classified service," which consists of the four classes just mentioned, includes "all

¹ The "non-competitive" class differs from the "exempt" class in that appointments to exempt positions rest wholly in the discretion of the appointing authority, while in the non-competitive class appointees must have first satisfied the civil service commission of their fitness.

offices and positions of trust or employment in the service of the city, of whatever function, designation, or compensation," except the following : —

1. The officers and employees of the board of aldermen,
2. Election and registration officers,
3. The heads of city departments,
4. Persons employed as superintendents, principals, or teachers in the public schools.

It should be noted also that in addition to the classes of employees exempted from the classified service by the civil service rules, there are nearly 600 employees of the public service commission who are paid by the city, but, being state employees, are not in any respect subject to the jurisdiction of the municipal civil service commission. Moreover, there are nearly 18,000 teachers in the public schools.

All told there are about 70,000 officers and employees on the regular pay rolls of the city. This means that there is one city employee for every eight or nine voters. Unquestionably, the civil service law has operated to protect faithful employees in the city's service who otherwise might have been thrown out at a change of administration for political reasons. It is to be feared, however, that along with this incidental benefit, there has gone a serious disadvantage in the protection of inefficient or unwilling employees against whom a superior official could not make charges that would actually warrant removal under the civil service regulations. The civil service law is undoubtedly of great assistance in opening the way for the entrance

into the city service of competent young men and young women who could not hope to receive positions through political influence. It also unquestionably tends to stability in administration and to the accumulation of knowledge which long service inevitably brings to public employees. It has not prevented, however, the development of inefficient and lazy habits in many of the city departments, and the charge is frequently made that the city's business could be better done with a smaller number of employees if they were "keen" for their work. It could hardly be maintained, however, that civil service employees are on the average any less industrious than political appointees. It is more from the reluctant and inefficient administration of the law by unfriendly officials than from inherent weaknesses in the merit system that the civil service sometimes gets into a state of dry rot.

61. *Reports of official work.* — Nothing is more important in the development of an efficient democracy than the adequate accounting of public officials to their constituents for the work done in the name and by authority of the people. Really adequate reporting of official work in American cities is practically unknown. In New York the conditions affecting publicity are peculiarly difficult and the methods adopted particularly crude. The activities of the city government are extremely complex, and the authorities responsible for them are to a considerable degree disjointed. Many of the administrative departments get out annual reports which are published in book or pamphlet form, but there is no general compilation

of the reports of all departments. The comptroller's report is an excellent example of what a city report ought not to be, and comparatively few of the departmental reports are any better. The board of estimate and apportionment makes no report. Even in the preparation of the budget detailed information as to past expenditures and detailed estimates of future needs have not been available until within the last year or two. In 1906 the Bureau of Municipal Research, a private foundation, took up the matter of scientific budget-making, and finally induced the comptroller and the board of estimate to introduce reforms which have been heralded abroad as an evidence of New York City's progressiveness. The detailed publicity achieved in connection with the making of New York City's budget does not, however, surpass, if indeed it equals, the publicity that has been attained in the budget operations of the city of Detroit these many years.

For publicity of the general operations of the city government New York depends principally on its daily official paper, the *City Record*, first established by the charter of 1873. The minutes of the board of estimate and apportionment and of the board of aldermen are printed in the *City Record* with reasonable promptness, and the proceedings of the dock department and the public service commission appear after a while. All official notices, proposals to contractors, and multifarious reports of departments are also printed in the *City Record*. The amount of general publicity thus secured may be judged from the fact

that the *City Record* is sold at the City Hall at three cents a copy, and in the course of a year puts forth in its more than 300 issues official literature equal in bulk to the reading matter contained in about 500 volumes like the one the reader has in his hand. It is clear that difficulties loom large in New York in the path of a democracy that ventures to aspire towards civic intelligence.

62. *The future of New York.* — The outlook for a civic career worthy of the opportunities of New York is not altogether encouraging. When houses are built, people have to live in them, and the prevailing type of houses in any city determines to a considerable extent the character of its citizenship. Congestion is the fundamental characteristic of New York. It seems quite unlikely that the expansion of transit facilities and the development of a round city instead of a long one will at this late day correct the evil results that have grown out of the long established building and living habits of New York. Nevertheless enlightened public sentiment has had great influence in changing the character of New York's municipal administration during the past fifteen years. Largely as the result of recurring reform movements that have stimulated civic patriotism and called attention to the intolerable conditions resulting from municipal neglect, there has been a great expansion of governmental activity along the lines of human betterment. Unable to overcome New York's long-standing habit of graft and extravagance in the primary functions of municipal government, and in this way to save enough money from

waste to carry out necessary improvements, progressive public opinion has nevertheless succeeded to a great extent in tacking its claims on to the annual budget and compelling the expenditure of great sums of money in addition to those formerly spent. In other words, New York has succeeded in eating its cake and having it, too. It is to be hoped that the civic pride and enlightened public interest that are undoubtedly stimulated by these expenditures for welfare purposes, will gather sufficient strength in the long run to compel the stoppage of leaks and the elimination of habitual waste and inefficiency in public expenditures.

In many respects New York's municipal administration is even now more progressive and efficient than that of most other American cities. It is startlingly extravagant, however, and historically corrupt. Yet, after all, this may not appear strange when the character of the city's population is considered. The mixture of races is so great and their assimilation so imperfect that unified political action can be obtained apparently only by a ruthless organization like Tammany Hall held together by the cohesive power of "graft," which is the only political idea understood and appreciated by all nationalities alike. In 1900, when the last Federal census was taken, only about one fourth of the population of New York was of American parentage. The tremendous influx of immigration into the United States through the port of New York since that date has doubtless kept this proportion from becoming any greater. The total population of the city in 1900 was 3,437,000, of which 2,644,000 were foreign born or

had one or both parents of foreign birth. The principal foreign nationalities, counting each person having only one parent born in the specified country as one half an individual, were represented as follows: Germans, 733,000; Irish, 667,000; Russians, 246,000; Italians, 218,000; English and English Canadians, 176,000; Austrians, 112,000; Scandinavians, 71,000; Poles, 54,000; Hungarians, 52,000; Scotch and Welsh, 48,000; French, 29,000; Bohemians, 28,000; Swiss, 14,000.

The government of the city of New York is a great experiment in democracy under the most difficult conditions. The wealth of the city tempts to extravagance and corruption. The congestion of the city tends to physical deterioration and, perhaps, even more to the feverish habits of crowded human life. The mixture of populations in the city and the ignorance of American institutions prevailing among large groups of its citizens, tend to create irresponsible political machines and in a sense to render them necessary. All the unfortunate contrasts that are characteristic of city life come to focus in New York. Extreme wealth, with its arrogance, frivolity, and sinister power over social welfare, flourishes side by side with the most cruel poverty and industrial dependence. Under these conditions it is perhaps a matter of wonder that American democratic methods have not failed more lamentably than they have, in this, the second city of the world. It should be added that with the opening of 1910 the prospects for thoroughgoing improvement in the city's administration are unusually bright.

CHAPTER IV

CHICAGO

63. *The newest of the world's great cities.*— The census of 1910 will undoubtedly show that the city of Chicago has a population of at least 2,300,000. Chicago is one of the half dozen most populous cities of the world. Unlike other world cities of the first rank, Chicago has no "ancient history." In August, 1833, a mass meeting of citizens of the settlement on the site of Chicago was called for the purpose of determining whether or not the people should be incorporated as a town under the general laws of Illinois. At this meeting there were thirteen voters, of whom twelve favored incorporation. A few days later an election was held for the purpose of choosing a board of trustees. At this election twenty-eight voters appeared. The population of the town at that time was estimated at 200 souls. The period of rapid growth of the future metropolis began immediately. By 1835 the population had increased to nearly 3300 and in July, 1837, when the first city census was taken, the population was 4170.¹

¹ Much interesting historical and descriptive matter, from which I have drawn freely in the preparation of this chapter, may be found in the souvenir publication of the League of American Municipalities for 1906, "Chicago: a Review of its Governmental History," by Hugo S. Grosser, city statistician.

The date of Chicago's birth as a city is March 4, 1837, which by way of coincidence was the day on which Andrew Jackson retired from the presidency of the United States. At the time of the organization of the city the total valuation of real estate within its limits was \$236,842. Two years later, in 1839, Chicago's first great fire destroyed \$65,000 worth of property. Eighteen years after that, in 1857, another great fire occurred which destroyed property to the value of \$500,000. Again in 1871, when the assessed valuation of the city's real estate had increased to \$237,000,000, what is known as "the Chicago Fire," one of the greatest fires of history, destroyed approximately \$192,000,000 worth of property. This great fire left the city in a deplorable condition. Nearly 200,000 people were without homes or without means of earning a livelihood. The city treasury was low and a multitude of claims were pressing for payment. The city had already reached the limit of its bonded indebtedness. The state of Illinois, however, came to the rescue and paid back nearly \$3,000,000 which the city had contributed to the construction of the Illinois and Michigan Canal. With this help, by strict economy and the use of heroic measures, the city tided over its period of disaster and entered upon a new career of prosperity. The population had increased from 4479 in 1840 to 28,000 in 1850, to 109,000 in 1860, and to 299,000 in 1870. By 1880 the number of Chicago's inhabitants had swollen to 503,000; by 1890 to 1,100,000; by 1900 to 1,698,000.

At the time of its incorporation in 1837 the city had

an area of 10.6 square miles. Thereafter the city limits were extended from time to time until 1889, when the immense area of 126 square miles was added to the city's jurisdiction, giving it a total area of 170 square miles. Since that time the limits have been slightly extended so that now the city's jurisdiction covers 190 square miles of land, which is about three-fifths of the area of Greater New York.¹ With this great territory, and all the rest of Illinois to draw upon in case of need, with a record of growth within the span of a single human life from nothing to a world metropolis, Chicago has every reason to expect to advance still further toward the primacy of the world.

64. *The city's early charters.* — The municipal organization effected by the town of Chicago in 1833 was very simple. The government was vested in a board of five trustees elected annually by the freeholders of the town. The board of trustees had authority to pass ordinances (not in conflict with the constitution and laws of the state) for numerous local purposes. It was authorized to restrain and prohibit gambling and disorderly conduct, license shows, establish and regulate markets, dig wells for the public water supply, construct and repair streets and alleys, and, when necessary, organize a fire department.² It had authority to levy special assessments to pay for street improvements

¹ "First Annual Report of Board of Supervising Engineers, Chicago Traction," for year ended Jan. 31, 1908, p. 1.

² Samuel E. Sparling, "Municipal History and Present Organization of the City of Chicago," p. 17.

and, after 1835, to levy a general property tax for public purposes, not exceeding the rate of 50 cents on \$100 of valuation.¹

Chicago is separated into three natural divisions by the Chicago River and its two branches. As early as 1835 these three divisions were recognized by law and made the basis of financial administration. An act passed by the legislature in that year required that all local taxes should be expended in the districts in which they were collected.

In November, 1836, the town trustees invited the citizens of the three districts to select delegates to meet with the trustees to consult upon the expediency of applying to the legislature for a city charter and to prepare a suitable draft to accompany the application. The delegates were chosen, the meeting was held early in 1837, and the proposed city charter was passed by the legislature. The municipal government started off with a common council of ten members, a mayor, and certain other administrative officers. At first the mayor and aldermen were elected annually, but a few years later the law was changed so that the aldermen were divided into two classes, half being elected each year. The city election was held in the spring at a different time from the state and national elections. This policy is still followed in Chicago. The mayor was the presiding officer of the council, then as now, but had no veto power over its proceedings. He did not, at this period, appoint the council committees or the subordinate administrative officers of the city.

¹ *Ibid.*, p. 24.

Practically all the municipal power was centred in the council itself.

The charter of 1837 with its many amendments was superseded in 1851 by a new organic law. The list of officials to be elected by the people had been considerably extended in 1849. Under the new charter it included mayor, city marshal, treasurer, collector, surveyor, attorney, and a chief engineer and two assistant engineers for the fire department. In addition to these, two aldermen and a police constable were elected from each ward and a street commissioner was elected from each of the three divisions of the city. The new charter, however, gave the mayor increased power. He was given the appointment of the standing committees of the common council and authority to veto ordinances and resolutions of the council, but these might be repassed over his veto by majority vote. The salary of the mayor was fixed at \$1200. The mayor was authorized to remove certain city officials with the consent of two-thirds of the council. In 1857 the mayor's power was still further increased by the transfer to him of the appointment of the important administrative officers of the city, subject to the approval of the council. At the same time the law was changed so that it required a two-thirds vote of the council to overcome the mayor's veto. His salary was increased to \$3500 a year.

The charter of 1851 with its amendments was in turn superseded in 1863 by a new charter, under which the term of office of the mayor was extended to two years. But his power and influence were considerably

diminished from time to time by the establishment of partially independent administrative departments until, in 1872, Mr. Joseph Medill, when nominated for mayor, refused to accept the office except on the condition that the charter of the city should be amended so as to bring the various independent administrative departments under the control of the mayor and council. As a result a law was passed by the legislature the substance of which was afterwards incorporated in the general laws governing cities and villages, by which the appointment of all officers and members of boards not elected by the people or appointed by the governor of the state was entrusted to the mayor subject to the approval of a majority of the council. The mayor was also authorized to investigate the records and books of all city officers at any time and was empowered to remove any of his appointees whenever, in his opinion, the interests of the city demanded it. He was required, however, to file with the council his reasons in writing for making any such removal.

65. *The relation of the city to the state.*—The year 1870 was a significant one in the history of Chicago. In this year the people of the state of Illinois adopted a new constitution, including a clause prohibiting the legislature from incorporating cities by special act. As a result of this provision the legislature in 1872 passed a general municipal corporations act which would apply to all cities and villages thereafter incorporated, and to any city already existing whenever the people by majority vote determined to adopt it. In 1875 the

people of Chicago voted to accept this general act and from that time until 1904 no special legislation affecting the city was permissible under the constitution. The legislature sometimes adopted a subterfuge, however, and passed acts applying to all cities having a population of more than 100,000. As Chicago is the only city in the state of Illinois that exceeds this limit, such legislative measures, while general in form, have been special in effect. Nevertheless Chicago has been much less governed in detail by the state legislature than almost any other great American city, and the Illinois cities and villages act is often cited as approaching nearer than any other American statute to the general municipal laws of European countries under which the cities enjoy a large measure of home rule in regard to the details of their government. By a constitutional amendment in 1904, however, the legislature was authorized to pass "all laws which it may deem requisite to effectually provide a complete system of local municipal government in and for the city of Chicago," subject to the provision that no such law can take effect without the consent of the people of the city expressed by majority vote at a regular or special election.¹

Another important restriction contained in the state constitution is the provision limiting the indebtedness of cities to 5 per cent of the assessed valuation of prop-

¹ "Digest of City Charters, together with other Statutory and Constitutional Provisions relating to Cities," prepared by Augustus R. Hatton, under the direction of the Chicago Charter Convention, 1906, p. 17.

erty subject to taxation. Owing to the peculiar conditions of assessment which have kept assessed valuations far below the true value of property, this 5 per cent limitation has proven a great hardship for the city of Chicago. Another constitutional amendment was adopted in 1904, however, under which the legislature may authorize the city to incur debt to the amount of 5 per cent of the full valuation of property. But no indebtedness, except for refunding debts already outstanding, may be created without the consent of the electors, and provision must be made in the case of all municipal indebtedness for an annual tax sufficient to pay the interest and provide a fund for the retirement of the principal within twenty years after the debt is incurred.

The state legislature is prohibited by the constitution from imposing taxes upon cities for municipal purposes. It is also prohibited from extending the terms of municipal officers beyond the period for which they were elected or appointed, from increasing or diminishing their salaries during their terms of office, and from granting extra compensation to a municipal officer for services after they have been performed or to a public contractor after he has entered into his contract. The constitution also provides that no person who is in default as a collector or custodian of public money or property for any municipality, shall be eligible to hold municipal office.

As already pointed out, the legislature has not exercised control over the city government of Chicago in the way that this control has been exercised in New

York. Neither has the legislature conferred upon the governor or other administrative officers of the state such control to any considerable extent. There is an exception, however, in the case of the parks, which are administered in Chicago by three separate boards, two of which are appointed by the governor of the state and the other by the judges of the circuit court of Cook County. The two park boards appointed by the governor were established in 1869.

In addition to the general municipal corporations law under which the city has been operating for more than thirty years, the legislature has passed several important municipal measures which became operative in Chicago upon their acceptance by the people of that city. One of these was the civil service law passed in 1895. Another was the law for the creation of sanitary districts passed in 1889. Still another was the law providing for the municipal ownership of street railways passed in 1903. All three of these measures were accepted by the people of Chicago and went into effect practically the same as if they had been local acts.

66. *The relation of the city to other governmental bodies.* — We have already noted that as early as 1835 the three natural divisions of the city were made political divisions for certain financial purposes. In 1849 the people of Cook County, in which Chicago is situated, adopted the "township system" of organization, which provided for a series of administrative officers to be elected in each township every year. The result of this action, taken sixty years ago, has been far-reaching and disastrous for Chicago. One of the great diffi-

culties that has long beset the city of Chicago is the problem of how to secure sufficient revenues for the ordinary purposes of municipal government and how to coördinate the local governmental authorities so as to insure an efficient and economical administration.¹ Lying wholly or almost wholly within the corporate limits of the city there are eight important taxing bodies — the city, the board of education, the public library, three park boards, the sanitary district, and the county. This does not count two or three unimportant suburban park boards and five townships, all of which lie partly within the city limits. From 1875 to 1898 the assessments of property for purposes of taxation were made by township assessors for all tax levies — municipal, county, and state. The result of these conditions was that each assessor strove to keep the assessment of property within his own township as low as he could in order that his constituents might be relieved as far as possible of the burdens of taxation. As a consequence of this competition among township assessors the valuation of property in Chicago became ridiculously low. Investigations made about 1895 brought out the fact that the average assessment of real estate was not more than 10 per cent of its actual value.² Inasmuch as the debt limitation of the city and also the limitations upon the tax rates of the various local governing bodies were based upon the assessed valuation of prop-

¹ See "Report of an Investigation of the Municipal Revenues of Chicago," by Charles Edward Merriam, 1906, published by the City Club of Chicago.

² "The Assessment of Taxes in Chicago," by Robert H. Whitten, published in the *Journal of Political Economy*, March, 1897.

erty, it can readily be seen that the sources of revenue were being dried up and the authority to incur debt was being practically nullified. In 1871, when the assessment for city purposes was made by city assessors, the total valuation of property was \$289,700,000. Twenty-seven years later, when the population of the city had more than quadrupled, the assessment of property by the township assessors was only \$220,966,000. Conditions had become intolerable, and the slow-moving political authorities were finally compelled to get an act of the legislature creating a board of county assessors. Assessments had been so low, however, both in Chicago and throughout the state of Illinois, that it was deemed impracticable to raise them to the full valuation of property. Accordingly the new law prescribed that for purposes of taxation property should be valued at 20 per cent of its real value. Even at this rate Chicago obtained some relief. The assessed valuation was increased to \$477,190,000 in 1908.¹ This is on the basis of 20 per cent of the real value as estimated by the board of assessors. It is generally considered, however, that this estimate of real value is not more than 70 or 80 per cent of what it should be. It appears, therefore, that the assessed valuation of the city by which the tax rate is fixed and the limit of indebtedness determined is even now only about 15 per cent of the actual value of property in the city.

A recent amendment to the constitution of Illinois, to which reference has already been made, authorized

¹ "Chicago City Manual, 1909," issued by the Bureau of Statistics and Municipal Library, p. 222.

the legislature to provide a complete and unified system of local government for the territory embraced within the corporate limits of Chicago, subject, however, to the acceptance of the people by vote at the polls. Under this amendment, also, when two or more of the taxing bodies are consolidated, the legislature may provide that the limit of bonded indebtedness shall be 5 per cent of the full valuation of property rather than 5 per cent of the one-fifth valuation now used as a basis for taxation. The legislature in 1907 passed an act to effect a consolidation of most of the taxing bodies of Chicago and to provide a new charter for the city. This act was, however, rejected by the people of Chicago by a vote of 121,523 to 59,555 at a special election held in September, 1907. The people felt that the politicians in the legislature had incorporated some bad features in the proposed charter which would more than offset the promised benefits. Accordingly, Chicago will continue for the present under its handicap of numerous independent taxing bodies and narrow limitation of debt-incurring authority.

Mayor Busse, in his message to the city council, April 12, 1909, referring to the shortage in the city's financial resources, said :—¹

“Last year was the year for the quadrennial revaluation of all real property by the assessing boards. We had a right to expect that the total assessed valuation of property in this growing and prosperous city would show a natural handsome increase which would add something both to the city's share

¹ “Mayor's Message and Thirty-third Annual Report, Department of Public Works,” etc., p. xvi.

of the tax levy and to its bonding power. On the contrary, the Board of Review *reduced* valuations, working a slight reduction in the city's share of the tax levy and leaving us with power to issue \$3,000,000 less of bonds than we issued last year to help pay for permanent improvements."

At another place in his message the mayor stated that for every \$100 of taxes assessed in 1907 and collected in 1908 the city received only \$28.83, including taxes for the support of the public library.¹ The remaining \$71.17 out of each \$100 collected in Chicago was distributed as follows:—

To the state	\$ 6.80
To the county	10.61
To the parks	11.35
To the sanitary district	6.40
To the schools	35.50
Miscellaneous51

"If the citizens could give the time," said the Mayor, "to acquaint themselves with the many and varied functions which the city is called upon to perform in comparison to those of other taxing bodies which share in the revenues collected within the city limits, they would realize the disproportion of the duties with the income."

67. *The city council.*—The city government of Chicago is organized very differently from that of New York. In Chicago more than in any other great American city the council is in practice as well as in theory the central governing body. The council is made up of 70 aldermen elected two from each of the 35 wards. In each ward one alderman is elected at the spring election every year. The general act for the

¹ "Mayor's Message and Thirty-third Annual Report, Department of Public Works," etc., p. ix.

government of cities and villages in Illinois, which serves as a charter for the city, is a comparatively brief law. Most of the departments of the city government have been organized by ordinances passed by the city council without special legislative requirement. In the state laws governing Chicago there are no provisions fixing the number and salaries of policemen, firemen, street cleaners, etc., as is the case in the charter of New York. Indeed, even the salaries of mayor and aldermen in Chicago have been left to be fixed by city ordinance. Each alderman now receives a salary of \$3000 a year, and the chairman of the finance committee gets an additional sum of \$2000 a year.¹ Aldermen are not permitted to hold any other public office under the city government and they are not permitted to be interested directly or indirectly in any contract to which the city is a party. Persons convicted of malfeasance in office, bribery, or other corrupt practices are disqualified from membership in the council. The mayor is the presiding officer of the council, but has no vote except in case of tie. The council appoints its own committees, but the mayor or any three aldermen may call special meetings of the council. All ordinances are subject to the mayor's veto, but may be re-passed over his veto by a two-thirds vote. When the mayor vetoes an ordinance he is authorized to submit a substitute which may be con-

¹ Chicago aldermen had received \$1500 a year until recently. The increase to \$3000 went into effect for the last of the aldermen in April, 1910, as provided by the annual budget ordinance approved by the Mayor, January 13, 1910.

sidered and passed at once by the council unless two members demand that it be referred to a committee. If such a demand is made, the mayor's substitute ordinance cannot be considered at once except by a two-thirds vote of the aldermen.

The council has general power to pass ordinances and make regulations necessary to carry into effect the powers enjoyed by the city, and may establish penalties not exceeding a fine of \$200 and six months' imprisonment for their violation.¹ The council has authority to regulate the relations between officers and employees of the city, and by a two-thirds vote may provide for the election by the people or the appointment by the mayor, subject to the council's approval, of such city officials as may be deemed necessary and expedient. The council may also, by a two-thirds vote at the end of any fiscal year, discontinue any office created by it. The council has authority to regulate and prescribe the powers and duties of the city officials. The council also may establish and regulate a fire department; regulate the keeping and storage of combustible and explosive materials; regulate the construction of buildings and the licensing of elevators; provide for the inspection of steam boilers; regulate the speed of vehicles and the use of the streets; adopt necessary regulations to promote health and suppress disease; define and abate nuisances; regulate the sale of meat and other food stuffs; license and regulate auctioneers, junk dealers, hackmen, pedlers, etc.; license,

¹ "Digest of Charters," *already cited*, gives a summary of the powers of the Chicago city council at pp. 127-140.

regulate and prohibit the sale of intoxicating liquors ; suppress gambling houses, lotteries, and houses of prostitution, and prohibit the sale of obscene or immoral publications or pictures. The council is expressly prohibited, however, from licensing houses of prostitution, and boards of health are prohibited from interfering in the management of such houses or providing in any manner for the medical inspection of prostitutes.

In Chicago there is no board of estimate and apportionment, and all the financial powers of the city are vested in the council, except that on certain matters the approval of the electors is required. The council is required to pass the annual appropriation bill within the first quarter of each fiscal year, and no further appropriations may be made during that year unless they are submitted to a vote of the people and approved by them. But in case of improvements made necessary by accident happening after the annual appropriations are made, the council may by a two-thirds vote order the necessary work to be done. Contracts cannot be entered into, or be approved by the council or any of its committees, unless an appropriation has been previously made for the expense. Not later than the third Tuesday in September of each year the council is required to levy the annual taxes upon all property subject to taxation within the city. The total amount of taxes levied in any one year for city purposes, not including amounts levied for the payment of the bonded debt or interest charges, is limited to 2 per cent of the assessed valuation of property for purposes of taxation.

Inasmuch as the assessed valuation is fixed by law at one-fifth of the real valuation, Chicago is limited to a tax of two-fifths of one per cent on the real value of property subject to taxation. It should be borne in mind, however, that this limitation applies to city taxes only, and does not include state taxes, county taxes, school taxes, park taxes, library taxes, or drainage district taxes. The limit upon the aggregate of these taxes, with certain exceptions, is 5 per cent. Including these exceptions, the total tax rate in 1908 averaged 7.65 per cent on the one-fifth valuations, or \$1.53 on every \$100 of "full" valuations, or possibly \$1.20 on every \$100 of actual market values. The council is authorized to make local improvements and cause them to be paid for by special assessments or by special taxation on adjoining property or by general taxation, but in case the improvement is to be paid for by special assessment or special taxation it must originate with the board of local improvements provided for that purpose.

The council has full power to lay out, construct, improve, and maintain streets, alleys, and sidewalks and may vacate any street or alley by a three-fourths vote. The council is given specific authority to plant trees along the streets, to provide for lighting and cleaning the streets, and to regulate the opening of the streets for the laying of gas pipes, water mains, sewers, tunnels, etc. The council has power to regulate the use of space over the streets and may for proper compensation permit the use of space more than twelve feet above the street level.

The council has power to construct and maintain bridges, viaducts, tunnels, and ferries. The council may not grant the use of the streets for any street railway track for a longer period than twenty years, and in any case the grant must be conditioned upon the consent of the owners of one-half the frontage on the street. In case the street is more than one mile in length consents for the majority of frontage on each mile are required. When the consents have once been granted, however, and the street railway constructed, the council may grant new rights in the street without a renewal of the consents. Theoretically, the council has authority, subject to the vote of the people, to construct or acquire street railways and to operate or lease them, but this power is practically nullified by the fact that any bonds issued for street railway purposes, whether issued against the general credit of the city or secured by a mortgage on the street railway system alone, must come within the city's constitutional debt limit, which under present laws is only 5 per cent on the assessed valuation of taxable property or less than one per cent on the actual value of property. When the people have voted to operate street railways, the council is authorized to fix the rates and charges, but such rates must always be high enough to pay the cost of maintenance and operation of the street railway system, pay interest on the debt incurred for street railway purposes, and provide for the accumulation of a sinking fund sufficient to meet the outstanding bonds at maturity. No bonds may be issued for a longer period than twenty years.

The council has authority to prescribe the maximum rates and charges for gas and electricity for power, heating, or lighting furnished by any private company, but such rates must be reasonable and may not be fixed for a period exceeding five years. The right of the council to permit the use of the streets for gas pipes and electric wires and conduits is subject to the same limitation in regard to the consent of the property owners as in the case of street railway grants. The city has authority to operate an electric plant for public lighting and to sell surplus current to private consumers for light, heat, or power within the city limits.

No telegraph or telephone company has the right to use the streets of the city without the consent of the council.

The city has authority to maintain water works and go outside its limits, if necessary, to acquire the property needed for this purpose. The jurisdiction of the city to prevent the pollution of any source of water supply may be exercised as far beyond the corporate limits as the water works extend. The council may grant to private companies the right to construct water works and distribute water at fixed rates, but no such grant may extend beyond a period of thirty years.

The council has the right to construct and maintain sewers, drains, and cesspools. It has authority to establish markets. It may deepen and improve water courses; construct and maintain canals and slips for accommodating commerce; build and maintain wharves and levees, and make regulations regarding the use of

harbors. The council has authority to provide for the erection of all public buildings necessary for the use of the municipality. The city has the right to acquire municipal parks, playgrounds, public beaches, and bathing places, but the control of the principal parks is almost wholly in the hands of the separate park boards, which are independent of the council.

The council has no authority over the schools of the city, except that its consent is required to the appointment of members of the board of education by the mayor and its consent is also required to all plans for the purchase of school sites, the erection of school buildings, and the borrowing of money on the city's credit for school purposes.

The council has authority to establish and regulate workhouses, houses of correction, hospitals, and medical dispensaries. Charities are under the control of the county and consequently the council has no authority over them.

The municipal history of Chicago during recent years has been marked by important movements and great civic endeavor. Starting out fifteen years ago with its council one of the most shamelessly corrupt governing bodies in the United States, the city of Chicago by the ceaseless effort of citizens' committees has improved its council until now it is one of the best municipal legislative bodies in the country.

68. *The powers and duties of the mayor.*— The gradual development of the office of mayor from that of mere presiding officer of the city council to that of head of the city administration has been briefly

recounted in preceding sections. Perhaps the spirit of the Chicago mayoralty may be best illustrated by quoting from the first message of Carter H. Harrison, Sr., who was five times elected chief magistrate of the city, and who perhaps had more political power than any other man in the history of Chicago. Upon first taking office in 1879, in addressing the city council, he said :¹—

“On me, gentlemen, devolve the duty and responsibility of carrying out your will and of enforcing the laws. . . . I have but one policy to declare ; that is to protect the lives, the property, and the health of the city at all times and in every emergency, and to do it in an honest and economical manner. I recognize but one science in finance. That is, to collect the revenues and live within them. Debts can be wiped out in but one way, by payment. Surplus can be acquired only by saving. Saving can be made only by honest expenditures for wise and legitimate purposes, and by preventing all leakage. . . .

“Ours is a cosmopolitan people, aggregated from many nationalities, within a little more than one generation of men. Each of the several elements has its own ideas of social and religious life, its own civilization. They have one bond of union, devotion to republican institutions and energy in pursuit of fortune. Each should study to accommodate itself as much as possible to the social life and prejudices of each of the others, and of the whole. For any one to attempt to make a Procrustean bed, to which the others should be forced to fit, would be both ungenerous and unwise. Time alone can make them all homogeneous. . . .

“A good sanitary condition is indispensable to the prosperity of the city. But sweet scents may not be its necessary con-

¹ League of American Municipalities Souvenir, “Chicago,” *already cited*.

comitant; nor is the converse necessarily true. Too many are alarmed at an unpleasant but innocuous odor, and inhale with pleasure a sweet perfume laden with disease. I shall endeavor to foster healthfulness, yet not destroy our great commercial interests."

Mr. Harrison continued to be mayor of Chicago for eight years. In 1893, the year of the World's Columbian Exposition, when Chicago needed her most eminent citizen to welcome the visitors from all nations, Mr. Harrison was again elected mayor. He was assassinated, however, before the close of his term.

The relation of the mayor to the council has already been partially explained in the discussion of the powers and functions of that body. The mayor receives at present a salary of \$18,000 a year, which is fixed by ordinance. In case of vacancy, if more than one year is left before the expiration of the mayor's term, the office is filled by the people at a special election; otherwise the council elects one of its number for the unexpired term. The mayor's veto power over ordinances and resolutions of the council extends to particular items in appropriation bills. Annually, and as much oftener as he sees fit, the mayor gives the council information as to city affairs and recommends such measures as he may deem expedient. The mayor is required to execute the laws and perform such duties as the council may prescribe by ordinance. He has power at any time to examine and inspect the books and records of any city official. To the mayor has been given, by ordinance, the appointment of all the heads of the administrative departments of the city

except the two or three who are elected by the people. These appointments, however, are made subject to approval by the council. The mayor has authority, upon a formal charge, to remove any city official appointed by him, but he is required to report his reasons for the removal to the council within ten days. In case he fails to make this report, or in case the council by two-thirds vote of all its members disapproves of the removal, the official whom the mayor sought to remove is restored to office, but is required to give new bonds and take a new oath, the same as when first appointed.

69. *The organization of the administrative departments of the city.* — Besides the aldermen and the mayor the people elect the city clerk and the city treasurer, each of whom is chosen for a term of two years, and the chief justice of the municipal court, who is elected for a term of six years. The city clerk acts as clerk of the council and keeps the city records. It is part of his duty to countersign warrants upon the city treasury. His salary is \$5000 a year. The city treasurer has charge of all moneys belonging to the city. He is not eligible to reelection at the end of his term. He has authority to appoint his subordinates and is required to give a bond fixed by the city council for not less than the estimated amount of taxes and special assessments to be collected for the current year. He is required to report the condition of the treasury once each month to the city council and must file with the city clerk, annually, a report of all his transactions for the preceding year. His annual salary is \$12,000.

The administration of the affairs of the city of Chicago is distributed among more than twenty departments, the majority of which have been established by ordinances of the council. Among these the most important are the department of finance, at the head of which is the city comptroller; the department of law, with the corporation counsel at its head; the department of public works, which is in charge of a commissioner; the department of health, which is also in charge of a commissioner; the department of police, at the head of which is a general superintendent; the department of fire, under the fire marshal; the department of supplies, at whose head is a business agent, and the department of education, which is administered by a board of twenty-one members. There is no logical coördination of the various departments of the Chicago administration as there is under most up-to-date city charters. Along with the great departments just enumerated, there are many independent departments which would ordinarily be organized as bureaus, such as the departments of the city collector, track elevation, electricity, inspection of boilers, buildings, inspection of oil and inspection of gas. Mention should also be made of the department of local improvements, which is under the control of a board of five members; the department of the public library, at whose head is a board of nine members, and the civil service department, which is administered by a commission of three members. It should also be noted that the assessment of property for taxation, the collection of current taxes, and the administration of public

charities are taken care of by the county government, while the administration of the parks is for the most part under the supervision of boards independent of the city administration.

The comptroller, who is appointed by the mayor subject to confirmation by the council, is the most important financial officer of the city. He is required to submit to the council every year a detailed estimate of the expenses of the year, which forms the basis of the annual budget. He has general supervision over all the officials of the city charged with the collection or disbursement of city revenues. He also has supervision over all contracts, bonds, and claims of the city. He audits and adjusts accounts in which the city is concerned. He receives monthly statements from the city's collecting and disbursing officers and has authority to prescribe the books and forms to be used by them. The comptroller appoints his own subordinates. He receives a salary of \$10,000 a year.

The corporation counsel is appointed by the mayor for an indefinite term and has power to appoint his own assistants. He has charge of the legal affairs of the city except prosecutions for the violation of ordinances, which are in the hands of a prosecuting attorney also appointed by the mayor. The corporation counsel's salary is \$10,000 a year.

The commissioner of public works has charge of the streets, bridges, wharves, and public grounds of the city; of markets and public buildings; of Chicago River and the harbor of the city, and of the city's sewers and water works. There are several bureaus

in the department of public works. At the head of one is the city engineer, who has charge of the construction and maintenance of the water works and intercepting sewers, and of bridges, viaducts, and harbor. The bureau of water has charge of the collection of water rates. The bureau of sewers has charge of the general sewer system of the city. The bureau of architecture has charge of the architectural plans for public buildings. The bureau of city hall has the care of the city hall, or of offices rented for the use of the city officials while the new city hall is under construction. The bureau of streets has charge of the maintenance and repair of pavements, the cleaning of streets, the removal of garbage, etc. The bureau of compensation has recently been established for the enforcement of the ordinance governing the use of space under the sidewalks for which heretofore the city has received small returns. It is expected that through the activity of this bureau the annual receipts for rentals of subsidewalk space will amount to \$250,000 a year.¹ This bureau also has charge of collecting fees for miscellaneous privileges in the streets. The bureau of maps and plats prepares assessment plats and other maps and plats required by the various departments of the city government. There is also in the department a chief accountant who keeps the books and makes financial reports for the various bureaus. The salary of the commissioner of public works is \$10,000.

The commissioner of health has general supervision

¹ "Mayor's Annual Message," etc., for the year ending Dec. 31, 1908, *already cited*, p. 330.

over the sanitary condition of the city. This includes the inspection of food stuffs, sanitary inspection, the medical inspection of schools, the collection of vital statistics, the maintenance of hospitals and public baths, etc. At the close of 1908 the city had fifteen free public baths and a site for another.¹ The land, buildings, and equipment had cost about \$420,000, and in 1906 the attendance had aggregated more than 825,000 bathers. There has been appropriated the sum of \$44,100 for the maintenance of the baths during 1910. During the year 1906 the department of health discovered, condemned, and destroyed 10,940,000 pounds of unwholesome and decayed food stuffs and collected fines aggregating more than \$10,000 for violations of the pure milk ordinance. The department inspected a total of 11,613 cases of contagious diseases.² The activity of the health department, coupled with the improvement of the drainage system and water supply of the city, has reduced the death rate in Chicago to very low limits. The annual rate has been below 16 per thousand population since 1896. The health department reported the death rate for 1908 as 14.10, which in the mayor's annual message redounds to the glory of Chicago as "11.40." Chicago claims to be healthier than any other American city of more than 350,000 population. The commissioner of health receives a salary of \$6000 a year.

¹ "Finances of the City of Chicago," Comptroller's report, 1908, p. 68.

² "Mayor's Annual Message," etc., for the year ending Dec. 31, 1906, p. xvii.

The general superintendent of police has full control of the officers of the police department and their work. He appoints all officers and members of the department and has power of removal over them. The total number of officers and employees in the department at the close of 1908 was 4733 and the total number of persons arrested during the year 1908 was 68,220. Owing to the increase of crime in Chicago, 1010 new patrolmen were added to the force during the year 1906 and there seems to have been an improvement in the suppression of crime-breeding resorts and public gambling. The general superintendent of police receives a salary of \$6000 a year. The total appropriation for the current expenses of the department for 1910 is \$5,904,900.

The fire marshal has the appointment and removal of the members of the fire department and has complete authority to organize, govern, and regulate the department. The total number of employees of the department at the close of 1908 was about 1800. The loss of property by fire during that year was estimated at approximately \$3,873,000. The fire marshal receives a salary of \$6000 a year. The fire department appropriation for current expenses during 1910 is \$3,001,159.

The purchase of supplies for all departments of the city, except those supplies which are bought under contract, is in the hands of the business agent, who receives a salary of \$6000 a year. Orders for supplies and repair work to the value of \$1,350,000 went through the hands of this official in 1908. The sup-

plies are paid for out of the appropriations of the various departments.

All the subordinate officials of the city government are appointed, promoted, and removed under the civil service law. This law is administered by three commissioners appointed by the mayor, one retiring each year. The president of the commission receives \$5000 a year, while each of the other commissioners, as well as the chief examiner appointed by the commission, receives an annual salary of \$3000. The civil service commission classifies the offices and employments under the several departments of the city government and holds competitive examinations for candidates who desire to enter the civil service of the city. Officials elected by the people or appointed by the mayor subject to confirmation by the council, election officers, members of the board of education, the superintendent and teachers of the schools, heads of the various municipal departments, members of the law department, and the mayor's private secretary, are exempted from the provisions of the civil service law. That is to say, the electing or appointing authorities have full discretion in choosing these officials without reference to any examination to determine merit and fitness. Those officers and employees who are in the classified service and therefore subject to the civil service law cannot be removed or discharged except upon written charges subject to the approval of the civil service commission. There are now upwards of 16,000 employees in the classified service. In 1907 the commission held 197

examinations, at which 10,360 applicants were examined. Of this number only 4276, or a little over 41 per cent, passed and were placed on the eligible lists. In 1908 over 22,000 applicants were examined and 5800 names certified for appointment. In 1908 the civil service rules were revised by the commission. "In the revised rules," says the Chicago City Manual, "particular attention is given to the subordination of scholastic to practical tests in examinations, to provisions for departmental efficiency records, and to the establishment of permanent standards for public employment, for promotion, for physical requirements for positions, and for all civil service tests and for grading examinations."

70. *The public schools and the library.* — Not the least of Chicago's claims to distinction is its progressive attitude in regard to the sphere of women. This is the only great city in the world, so far as the author is aware, where the superintendent of the public school system is a woman. The public schools of Chicago are under the control of the board of education, which is composed of 21 members appointed by the mayor. This board constitutes a separate corporation and is in most respects independent of the city council. The board of education has power to equip schools, hire buildings, employ teachers, fix salaries, and prescribe text-books and courses of study. With the approval of the council it may purchase school sites, erect school buildings, and issue bonds therefor on the credit of the city. The board certifies to the council the amount of money needed for the school budget each year and

the council has to levy a tax to meet this requirement. This tax is larger than the tax levied by the council for general city purposes. The school board appoints a superintendent of schools and a number of assistant superintendents annually. The total number of pupils enrolled in the public schools during the year ending June 30, 1908, was 292,581 and the average daily attendance was 230,109.¹ The total number of teachers employed at the close of 1907 was 6011.² At the end of 1908 there were about 315 public school buildings, which had been erected and equipped at a cost of \$32,580,000 in addition to the cost of sites, which, including unused sites, had cost \$6,700,000.³ The schools included one normal school and eighteen high schools, besides primary and grammar schools; schools for the deaf, for the blind, and for crippled children; practice schools, and the kindergarten department. The school board also maintains evening schools and pays particular attention to manual training, sewing, cooking, and physical culture. The cost of maintaining the department of education for the year 1910 is placed at \$17,656,225 in the budget passed by the city council in January. This includes, however, \$4,000,000 for building purposes. The school buildings of the city have practically all been constructed out of current revenues from taxation. The outstanding debt chargeable against the schools

¹ Fifty-Fourth Annual Report, Board of Education, City of Chicago, 1908, p. 203.

² "City of Chicago Statistics," Vol. VII, No. 4, p. 31.

³ City Comptroller's Report, 1908, pp. 172-213, 229.

is only about \$600,000, while the board of education owns lands, originally granted by the United States government for school purposes, now leased for annual rentals of more than \$637,000. Members of the board of education serve without compensation.

Chicago's public library is under the control of a board of nine directors appointed by the mayor, three of them retiring each year. This board, like the board of education, is a separate corporation and is for most purposes independent of the city council. Bonds may not be issued, however, for the purpose of library sites or the erection of library buildings without the approval of the council. On June 1, 1908, there were 352,000 volumes in the public library, besides 235,000 in the Newberry Library, and 215,000 in the John Crerar Library. The latter two are under private control. The public library also maintains delivery stations in different parts of the city, but, through lack of funds, has been unable to develop to any considerable extent the branch library system.¹ Members of the library commission serve without compensation.

71. *Parks, playgrounds, and civic centres.*—As already stated, the principal parks of Chicago are under the control of separate park boards not closely related to the city corporation. In the southern part of the city is a park board consisting of five persons appointed by the judges of the circuit court of Cook County. This board has undertaken enterprises of great magnitude and significance. The great park problem of American cities has been the problem of getting parks established

¹ See *City Club Bulletin*, Vol. II, No. 32, and Vol. III, No. 10.

where they will be accessible to the masses of the people. The south park board of Chicago spent between 1903 and 1907 approximately \$6,500,000 in securing land and erecting neighborhood club houses for fourteen parks with an area of from 5 to 60 acres each. The neighborhood club houses form recreation centres. There are playgrounds and athletic fields, outdoor gymnasium apparatus, wading pools and sand piles for children, and large swimming pools with bath house facilities and bathing suits. In the winter the playgrounds are flooded for skating purposes, and toboggan slides are erected. Each club house has separate gymnasias for the sexes, an assembly hall for neighborhood meetings or social gatherings not of a political or religious nature, a branch library and reading room, small club rooms for the free use of neighborhood societies, and a municipal restaurant where simple articles of food can be obtained at low prices.¹ In 1907 the expenditure of \$3,000,000 more for additional small parks was authorized.² The magnificent work done by the south park board of Chicago in establishing these neighborhood recreation centres, it is believed, reaches the high water mark of municipal progress thus far attained anywhere in the world in handling the problem of recreation for dense populations in great cities. But the beneficent enterprises of the South Park Commission do not stop here.

¹ See "Recreation Centres in Chicago Parks," by Graham Romeyn Taylor, Pamphlet No. 6, American Civic Association, Social Settlement Department.

² See Report of the South Park Commissioners for the period of 15 months ending February 29, 1908.

There is being developed under its jurisdiction immediately opposite the centre of Chicago on the lake front, Grant Park, which is expected to be "the most beautiful and most serviceable park contiguous to the business district of any city in the world." This park has an area of 205 acres and in it will be located the Field Museum of Natural History and the John Crerar Library building if pending litigation can be cleared away. It is expected that Grant Park will be connected "in due course" with Jackson Park in South Chicago by a parkway built along the lake front 1000 feet or more out from the shore line, and will also be connected with Lincoln Park in north Chicago by a lake front boulevard.

The western part of the city is organized into a park district under a board of seven members appointed by the governor of Illinois. The northern part of the city is under a similar board of five members. The park boards on the west and north sides of the city have not made anything like the same progress in the solution of their problems as that made in south Chicago. The south park district has the advantage of containing the enormous wealth of the down-town business section upon which to levy taxes. The park area under the control of the three park boards is about 3200 acres in addition to upwards of 60 miles of boulevards.

In addition to these three park boards, there is a small parks commission established by city ordinance, consisting of nine aldermen and six other citizens appointed by the council. It has control of the city's bathing beaches, about 60 small parks and squares, and

more than a dozen municipal playgrounds established by the city of Chicago.

Chicago also has an art commission consisting of the mayor, the president of the Art Institute, the presidents of the three park boards, and three others appointed by the mayor, one a painter, one a sculptor, and one an architect.

72. *Crime and vice in Chicago.* — One of the interesting developments in the early history of Chicago was the career of John Wentworth, elected mayor in 1857 and again in 1860. The significance of his administrations was the strict enforcement of the laws, upon which he insisted. During his first administration, on the night of June 18, 1857, he made a raid upon street and sidewalk obstructions.¹ An ordinance prohibiting the obstruction of sidewalks by signs, awnings, merchandise, etc., had long been on the statute books unenforced. After warning the citizens without effect, the mayor gathered a force of policemen with drays and wagons and took down all the sign and sidewalk obstructions on the principal streets and had them deposited in a pile in one of the public places of the city. The owners who came to recover them were fined for violating the ordinance forbidding the obstruction of the streets. On another occasion the mayor with the help of the police force took possession of a place on the lake shore beach which had been occupied by a large number of shanties without legal right, where the lawless and criminal classes held forth in drunken revels and vicious orgies. The mayor

¹ "Chicago, a Review of its Governmental History," *already cited*.

razed these shanties to the ground, burning many of them.

In 1860 Mr. Wentworth was elected a second time. In his inaugural message he explained the reasons why he had become a candidate for a second term.

“There are many laws and ordinances appertaining to our municipal government,” said he, “the propriety of which may be questioned; but the oath of office which I have just taken requires me to take care that all of them be duly enforced, respected, and observed. It is no part of the duty of executive officers to inquire into the justice or expediency of any law. It is enough for them to know that thus saith the law. Besides, the best way to bring about the repeal of an obnoxious law is to enforce it, and every law which ought not to be or cannot be enforced should at once be repealed. . . . The mayor’s office is not the place for any man who desires immediate political preferment of any kind, lest the desire to make friends and the fear to make enemies prove incentives to him to deviate from the peremptory requirements of the law. The mayor is but the right arm of the law, and there should be nothing of human ambition to paralyze the power of that arm.”

He then referred to the fact that he had five times been elected a member of Congress and that during his long residence in Chicago he had never had any desire to hold the office of mayor until after he considered his “political” career closed.

“Having finished my political career,” said he, “and thus being in a position in which I could afford to act independently and set at defiance the spirit of lawlessness which was overrunning the city, I consented to take the office of mayor. Remembering my oath of office I at once set myself at work to enforce all laws and ordinances of the city. This gave great offence to a class of voters who professed to entertain peculiar notions

respecting what they called necessary evils in large cities, of which evils they themselves were not only conspicuous patrons, but often large beneficiaries. They censured me for executing laws which they dared not petition to have repealed, and which should now be repealed if they cannot or ought not to be enforced. But, nevertheless, I continued to enforce the laws. Portions of our city confiscated to vice and crime were made orderly and respectable, and are now inhabited by some of our most law-abiding citizens. Gambling houses, brothels, and other abodes of lawlessness were broken up and their inmates brought to justice or compelled to leave the city. Many of these offenders, thus disturbed by an honest execution of long-existing laws, were persons of wealth, talents, and position. . . . Feeling the effects of such an administration, this class of men have been making it their business to see that there never should be another such mayor in any city in the Union, and so have tried, by every means in their power, to make my former administration odious, both at home and abroad. Not only has a portion of the press of our own, but that of almost every city in the Union been at work so to mould public opinion that no mayor in any city would ever again endeavor to enforce the laws against this class of offenders. Under this state of things I deemed it a great moral necessity to appeal to the people again."

Mayor Wentworth's ideals of law enforcement have not been followed by his successors in the mayor's office of Chicago. It should be noted that practically everywhere in the United States the law requires saloons to be closed on Sunday and prohibits the maintenance of gambling houses and houses of prostitution. The question of the Sunday closing of saloons reached a crisis in Chicago in 1873. In that year it was made the issue of the mayoralty election, and the candidates of the Law and Order party, which favored Sunday closing, were defeated by large majorities.

The law was not changed, however, and a crusade for Sunday closing is undertaken from time to time by citizens interested in temperance reform. A special investigating committee of the city council appointed in 1903 for the purpose of examining into the conduct of the city administration and the enforcement of the law reported against the advisability of strict enforcement.¹ The prevalence of crime in Chicago had led to a renewed discussion of the laws regulating the sale of liquor, gambling, and the practice of vice. The committee deprecated the tendency to confuse the movement for lessening crime with the anti-saloon movement.

“Chicago is a cosmopolitan city,” said this committee. “It has within its borders large communities of different nationalities whose habits and customs are at variance with those of the citizens of New England ancestry. Efforts to use the machinery of law to force a change of habits and customs of these people of diverse nationalities must inevitably invite resentment and endanger the overthrow of movements looking to the suppression of crime and the betterment of governmental conditions.”

With reference to the social evil, the committee recommended that the superintendent of police recognize certain districts outside of strictly residence quarters in which houses of prostitution maintained in a quiet and unobtrusive manner should not be subject to disturbance by the police. They recommended further, however, that the police should be

¹ See “Report of the Special Investigating Committee of the City Council,” submitted March 7, 1904.

given imperative orders to suppress soliciting by women on the streets or in any public place, and that every saloonkeeper who allowed prostitutes to solicit on his premises should have his license revoked. The committee also was of the opinion that all open gambling could and should be suppressed.

In 1883 the legislature of Illinois passed a law fixing the annual license fee of saloons at \$500. The receipts from saloon licenses in Chicago in 1882 had amounted to \$195,000; by 1885 they had increased to \$1,721,000, and by 1905 to \$3,884,000. In 1906 the annual license fee was increased to \$1000. The city had been startled by the prevalence of crime. The police force was inadequate, and the sources of revenue for increasing the number of policemen were limited. There had been issued during the preceding year about 8000 saloon licenses. It was thought that the increased fee would somewhat diminish this number. The effect of the increase was not immediately apparent, however, for in 1906 the revenue from saloon licenses amounted to more than \$8,400,000. But this total decreased to \$7,166,500 two years later.

The problem of crime and vice has been a very difficult one in Chicago. The recent increase of the police force will undoubtedly tend to provide better protection against crimes of violence, and the policy pursued by the south park board in establishing neighborhood recreation centres, if vigorously followed throughout the city, will no doubt in time be more effective in eradicating vice and crime than any repressive measures could possibly be. Chicago has been

largely dominated by the liquor interests which, in a more or less open alliance with gambling and the social evil, have in large measure controlled the politics of the city, at least so far as to prevent any serious persistent interference with the conduct of any of these lines of business. The increase of the annual liquor license fee from \$500 to \$1000 was only accomplished after a strenuous campaign and under the compulsion of the most patent need of a larger police force for which funds could not be secured in any other way. One investigator has estimated that the people of Chicago spend at least \$135,000,000 a year for intoxicating liquors (including beer), gambling, and prostitution.¹ This would be equivalent to an expenditure of about \$200 for every adult male in the city.

73. *The city's drainage, sewerage and water supply.* — The site of Chicago is low-lying and flat. The problems of drainage and the preservation of health were difficult from the beginning. In the early days of the city the death rate was high.² In 1849, when the city had a population of about 23,000, an epidemic of cholera broke out. In that year there were 678 deaths from this disease, and again in 1850 there were 420 deaths from cholera. In 1854 the deaths from cholera numbered 1424. The total death rate in this year was 64 per thousand of population. As a result of these dreadful conditions, a sewerage commission was finally established which undertook the drainage of the city.

¹ George Kibbe Turner, in *McClure's Magazine*, April, 1907.

² See "The Fight for Life in Chicago," by Henry W. Thurston, a pamphlet issued by the Board of Education, 1901.

The first sewers were laid in 1856. In 1865 the city authorities were authorized to cleanse the Chicago River and its branches, and it was found that by the construction of a drainage canal the current of the river could be turned into the streams that flow into the Mississippi River and thence into the Gulf of Mexico. In this way the sewage of the city could be disposed of without contaminating the water supply, which was taken from Lake Michigan. This plan, first suggested in 1865, was not put into immediate operation. Indeed, active work in carrying it out was not begun till 1889, when a sanitary district was organized for the purpose under an enabling act passed by the legislature of Illinois in 1889. The canal was not finally completed until 1900, at a cost of more than \$16,000,000. The system of intercepting sewers required for collecting the city's sewage for discharge into the drainage canal is not even yet complete.

Away back in 1836 the Chicago Hydraulic Company was organized with a capital stock of \$250,000. Four years later active work on the water works system began, and in 1842 the pumps were in operation. The water supply was taken from the lake. In 1851 the water works were acquired by the municipality, and have since been developed into a great utility with a total construction cost of \$49,447,000 to December 31, 1908; an appraised valuation of \$44,564,000, an annual income of \$4,953,000, and a debt of only \$6,600,000.

74. *Taxation, revenue, and debt of the city.* — The system for the assessment of property for general

taxation has already been described. It should be stated, however, that there is a board of local improvements of the city established in accordance with the state law, consisting of the superintendent of special assessments and four other members. This board has power either on petition of property owners or on its own motion to order local improvements subject to the approval of the city council. In case the improvements are to be paid for in whole or in part by special assessments the board has exclusive authority to originate them. The president of the board receives \$5000 a year, while each of the other members, as well as the board's secretary, receives an annual salary of \$4000.

At the close of 1908 the total funded debt of the city corporation was \$28,720,000, including \$4,293,000 bonds issued for the payment of a bonus to the World's Columbian Exposition management in 1893, and nearly \$5,000,000 issued a few years ago for the purpose of liquidating judgments which had been obtained against the city on account of its inability to meet its current obligations. We have, therefore, the curious spectacle of a city of over 2,000,000 population having a water works system that has cost nearly \$50,000,000, school buildings and grounds that have cost over \$39,000,000, and a sewer system that has cost nearly \$28,000,000, with an indebtedness of less than nine millions against these three items, while more than half as much debt has been incurred to make up deficits in current expenditures. If, however, we include in the debt of Chicago the debt that has been incurred by the park

boards, the sanitary district, and Cook County, the total debt at the beginning of 1909 upon which the people living within the limits of Chicago had to pay interest was about \$69,000,000. With half the population of New York City, Chicago has less than one-twelfth of its gross permanent indebtedness and about one-fourteenth of its assessed valuation of property for purposes of taxation.

Including all the taxing bodies within the limits of Chicago, the total revenue for ordinary purposes in 1904 was figured out to be something over \$38,000,000.¹ Only \$21,470,000 of this revenue was derived from direct property taxes. The remainder was derived approximately from the following sources:—

Saloon licenses	\$3,760,000
Other licenses, fees and forfeitures	750,000
Water rents, interest on bank deposits, etc.,	4,470,000
Rentals of public property, mostly land	600,000
Educational subsidies from the state	300,000
Public service privileges	510,000
Fees for official services and other departmental receipts	2,015,000
Special assessments	4,300,000

The ordinary expenditures of the city and other taxing bodies combined for the same year, amounting to a little over \$30,000,000, were distributed among the general purposes of government approximately as follows:²—

General administration	\$2,350,000
Public health and safety	7,160,000

¹ Charles Edward Merriam, *work cited*, p. 73.

² *Ibid.*, p. 74.

Charities and corrections	\$1,600,000
Streets and sewers	2,785,000
Public education	8,600,000
Public recreation	665,000
Interest on public debt	1,560,000
Loans repaid	3,315,000
Operation of water works and other municipal industries	2,070,000

The extraordinary expenditures of these various bodies amounted to a little more than \$12,000,000, the bulk of which went for streets, sewers, parks, school buildings, and the extension of the water works system.

Unfortunately the complete figures for a recent year have not been made available, as those for 1904 were by Professor Merriam's admirable report on the "Municipal Revenues of Chicago." But the total amount of the general property taxes levied within the corporate limits of Chicago increased \$10,500,000 from 1904 to 1908, while the miscellaneous revenues of the city and the board of education increased about \$7,300,000. It would appear, therefore, that the total annual revenue of all local taxing bodies derived in the limits of Chicago has passed the \$55,000,000 mark, and is therefore about one-third of the total current revenues derived for local governmental purposes from the people of New York City.

The annual current revenues and the amount of funded debt outstanding at the end of 1908 for the several important taxing bodies supported wholly or mainly by the people of Chicago were approximately as follows : —

TAXING BODY	CURRENT REVENUES	DEBT
City	\$28,109,000	\$31,570,000
Board of Education	13,553,000	611,000
Sanitary District	3,240,000	19,420,000
South Park Board	2,400,000	6,790,000
West Park Board	1,160,000	3,110,000
Lincoln Park Board	710,000	1,677,000
Cook County	5,250,000	9,360,000
Total	\$57,883,000	\$69,077,000

The amount of the state tax levied for 1908 on property lying within the city limits was \$2,385,000. In Chicago, however, no part of the income from saloon license fees goes to the state, while in New York the state retains one-third of the liquor tax collected in the city.

"It is unfortunate for the public," says Professor Merriam in his report on the revenues of Chicago,¹ "that an annual report is not issued by the county, detailing and summarizing the most important facts about assessment and collection. . . . As conditions now are, there is practically no publicity regarding the operation of the system of assessment, tax levy, and collection, although the system in vogue is by all odds the most intricate and complex in the United States. . . . Publicity regarding the important facts concerning the local taxing system is the only guaranty of intelligent public opinion and action regarding the system. Considering the vast importance of taxation in any

¹ Page 93.

community, it is amazing that these essential facts regarding our system are practically inaccessible to the public."

Chicago, even worse than New York, does not begin to collect its taxes for the expenses of one year until well on into the next.

75. *Municipal ownership and the city's public utilities.* — Mention has already been made of the Chicago water works, which were municipalized in 1851. In 1887 the policy of municipal ownership was extended to include an electric lighting plant, the construction of which was authorized by the city council in that year. From small beginnings the plant has grown until now it is the largest municipal electric lighting plant in the world, and is valued at more than \$3,000,000. The entire cost has been paid out of current taxes. There were in 1908 over 8600 street arc lights of 2000 candle power maintained exclusively by the municipal plant.

In 1849 a gas company was organized with the right to construct gas works, manufacture gas, and lay distributing pipes in any of the city's streets. Furthermore, the company was given the exclusive privilege of supplying the city and its inhabitants with gas for a period of ten years. The gas works have remained a private enterprise throughout Chicago's history. Not until 1905 did the city secure from the legislature the specific authority to fix the rates and charges for gas furnished by any company within the city limits. At that time gas was being supplied at \$1 per thousand feet. This rate was forthwith reduced by ordinance to 85 cents.

The street railway system of Chicago had its beginning with an ordinance passed by the council on August 16, 1858. After that date franchises were granted by the city from time to time. The state legislature also took upon itself to give street railway companies certain rights in the streets of Chicago. The extreme confusion resulting from conflicting and uncertain franchise grants, and the startling overcapitalization of the private companies engaged in the street railway business of Chicago, with the resulting high fares and inefficient service, were the cause of a tremendous development of sentiment in favor of municipal ownership and operation of street railways. This sentiment, although it has expressed itself several times at the polls definitely and by large majorities, has thus far been unable to overcome the legal and financial obstacles interposed by the constitution and laws of the state of Illinois, which have not been favorable to the extension of municipal undertakings of such magnitude. The result is that the street railway system is still in the hands of private companies, although private ownership of transportation facilities has in the past been one of the most prolific sources of municipal corruption and inefficiency in Chicago.

It was twelve or fourteen years ago that the citizens of Chicago, alarmed at the rottenness of the council and groaning under the burden of extravagant franchise grants, began a determined effort to get control of their own representatives and force the public utility companies to submit to reasonable regulations in the interest of the people at large. Through the juggling

of "high financiers" the various Chicago street railway companies had been overcapitalized to an enormous extent, and their affairs had been interwoven until they had fallen into inextricable confusion. The first important investigation made in America into the capitalization and financial operations of a great street railway system was made in 1901 by the Civic Federation of Chicago into the affairs of the local traction companies.¹ It was found that the market value of the stocks and bonds of these companies amounted to upwards of \$120,000,000, while the par value of the securities was nearly \$118,000,000. The total original cost of the physical property up to July 1, 1901, was found to be slightly less than \$45,000,000, and the estimated market value of this property at that time, exclusive of franchise rights, was less than \$35,000,000. It was shown, therefore, that the market value of the outstanding stocks and bonds of the companies was between three and four times as great as the market value of the physical property. On the basis of these estimates the franchise rights, although some of them were nearly expiring and others were subject to legal doubt, had in 1901 a market value of about \$85,000,000.

The service given by the Chicago street railways was for many years notoriously bad. The city was in a continuous fight with the companies, first to determine the legal status of the franchises, and second to compel good service at reasonable rates, or in lieu of that to secure municipal ownership and operation of the whole traction system. Indeed, the street rail-

¹ See *Municipal Affairs*, for June, 1901.

way issue was the most important question in all Chicago elections for many years prior to 1908. In 1903 the city finally secured from the state legislature the passage of a general law enabling the cities of Illinois to undertake municipal ownership and operation of street railways, but this grant of power was carefully hedged about with legal and financial limitations, and has since been rendered practically ineffectual, pending further changes in the constitution or laws of the state. The trend of public sentiment in Chicago upon the municipal ownership of street railways during the past few years is shown in an extremely interesting way by the vote on the various questions submitted to the electors.

Under the Public Policy act of Illinois the question, "Are you in favor of municipal ownership of street railways?" was submitted to the people in April, 1902. The vote was 142,826 yes and 27,998 no.

Two years later upon the question of adopting the municipal ownership enabling act in Chicago the vote was 153,223 yes and 30,279 no.

At the same election two other questions were submitted under the Public Policy law which, with the votes cast for and against them, were as follows:—

1. "Shall the city council, upon the adoption of the Mueller law (the municipal ownership enabling act), proceed without delay to acquire ownership of the street railways under the powers conferred by the Mueller Law?" The vote was 121,957 yes and 50,807 no.

2. "Shall the city council, instead of granting any

franchises, proceed at once under the city's police powers and other existing laws to license street railway companies until municipal ownership can be secured and compel them to give satisfactory service?" The vote was 120,863 yes and 48,200 no.

In the following year, 1905, the mayoralty campaign was waged on a clear-cut issue. Judge Dunne, candidate of the Democratic party, was elected mayor by a majority of nearly 25,000 votes, pledged to bring about immediate municipal ownership of the street railway system.

At the same election the industrious users of the Public Policy law, upon petition, secured the submission of three questions relative to the street railway franchise issue to popular vote. One of these was "Shall the city council pass any ordinance granting a franchise to any street railway company?" The people replied to this question 59,013 yes and 152,135 no.

It would naturally be supposed that the mayor of a great city elected to office on the clear issue of municipal ownership, backed by an overwhelming expression of public opinion favorable to this policy, would be able to carry it through to success. However, Mayor Dunne found himself in the midst of enormous difficulties. The limitation of the city's financial powers, the conflicting and disputed vested rights of the street railway companies, and the administrative inefficiency of the city government resulting from long-continued political abuses, all combined to thwart the mayor's plan. Moreover, the majority of the city council was

unfriendly to immediate municipal ownership. Under these circumstances, at the close of the first year of the Dunne administration, another test of public opinion was made through the submission of certain questions to the people. By a peculiar shift in the attitude of the contending factions in the council, an ordinance had finally been passed under the municipal ownership enabling law providing for the issuance by the city of \$75,000,000 of street railway certificates which were not to be chargeable against the credit of the city as a whole, but only against the street railway property if taken over by the city. The matter of adopting or rejecting this ordinance was one of the questions submitted to the people. The vote was 110,225 yes and 106,859 no.

Another question submitted was, "Shall the city of Chicago proceed to operate street railways?" The vote was 121,916 yes and 110,323 no. Under the terms of the Mueller law it required a three-fifths vote of the people to authorize any city to operate street railways, while a majority vote was all that was required for the acquisition of street railway properties to be leased to private companies for operation. The result, therefore, of this referendum was the approval of the policy of municipal ownership by a slight majority and the failure to approve of the policy of municipal operation by the three-fifths majority required under the law.

During the second year of the Dunne administration a plan was finally worked out by which the franchises of the companies would be extended for a period of

twenty years, subject to purchase at any time upon six months' notice by the city. These ordinances were supposed to have been framed in accordance with the policy of Mayor Dunne as modified by the necessities of the situation, but when they had finally been whipped into shape so that the companies were willing to accept them, the mayor turned against them and opposed their adoption by the council and afterwards by the people. The result was that Mayor Dunne was defeated for reëlection in the spring of 1907 and these franchise ordinances were approved by a vote 167,367 for and 134,281 against.

Briefly, the theory of the Chicago traction ordinances is this : —

The city and the companies agreed that the value of the street railway properties, including unexpired franchise rights, was \$50,000,000 on June 30, 1906.

The companies agreed to proceed to reconstruct and reëquip the whole system so as to give the city up-to-date, efficient street railway service in the briefest possible period of time.

The work of reconstruction was to be done under the control of a board of supervising engineers, one of whom was named in the ordinances, one of whom was to be appointed by the city, and one by the companies. An exact account of the cost of reconstruction was to be kept and certified by this board of engineers.

The city reserved the right, upon six months' notice, to take over the property of the companies upon paying the \$50,000,000 agreed upon as their value in 1906, plus the cost of additions and betterments made by

the companies prior to the acceptance of the ordinances plus the authorized expenditures on reconstruction work.

While the property continues to be operated by the private companies, a certain proportion of the receipts must be set aside every year for repairs, renewals, and depreciation. The companies are allowed 5 per cent annually upon the total amount of capital invested as determined by the price at which the city could buy the property under the ordinances. After these charges and the ordinary charges for maintenance and operation have been met, the net profits are divided between the city and the companies in the proportion of 55 per cent to the city and 45 per cent to the companies. The rate of fare prescribed in the ordinances is five cents with universal transfers, except in the central business district.

These ordinances, which contain many other features of interest and importance, undoubtedly set a new standard for street railway franchise agreements entered into by American cities. Since their adoption, however, the supreme court of Illinois has held that the street railway certificates which the city might issue for the purchase of the property under the Mueller law would be counted as a part of the regular municipal debt, subject to the limitation contained in the state constitution that this debt may not exceed 5 per cent of the assessed valuation of taxable property within the city. This decision makes the purchase of the street railway system impossible under present conditions. Accordingly, the chances are that munic-

ipal ownership of street railways in Chicago will be deferred for many years to come, in spite of the repeated expression of the people in favor of that policy.¹

The street railway ordinances went into effect as of February 1, 1907. The first report of the board of supervising engineers shows that for the twelve months ending January 31, 1908, the two principal surface street railway companies of Chicago had a combined gross income of a little less than \$19,000,000, with net earnings under the provisions of the ordinances amounting to \$5,647,000, of which \$2,802,000 was required to meet the 5 per cent returns allowed on the companies' investments. This left \$2,845,000 of net income to be divided between the city and the companies. Of this the city's share amounted to not quite \$1,565,000. At the end of the first year under the new ordinances the capital account had been increased through expenditures for rehabilitation to \$61,641,000. During that year the companies had 10,886 employees, and carried 372,000,000 revenue passengers besides 240,000,000 transfer and free passengers. The second report of the board is not yet available, but the reports of the two companies to their stockholders show gross earnings of about \$19,500,000, with payments to the city for its share of net earnings amounting to less than \$1,400,000.² The fixed charge

¹ For a general discussion of the street railway situation in Chicago, see "Chicago Traction," by Ralph E. Heilman, *American Economic Association Quarterly*, July, 1908.

² The exact figures for the year ending Jan. 31, 1909, cannot be given, for the reason that the report of the Chicago City Railway Company covers a period of thirteen months.

of 5 per cent on investment amounted to more than \$3,300,000, or half a million more than during the preceding year. In this way, as rehabilitation proceeds and the capital account grows, it is feared that the city's share of the net receipts will be transformed into what a witty Irishman has called the "nit" receipts.

The first line of elevated railroad in Chicago was opened June 6, 1892. Altogether there have been five elevated roads constructed. They are operated by private companies under city franchises.

The two other great public utilities, namely the telephone and electric light, heat and power for commercial uses, are under private control, although the companies' franchises are unusually elaborate and stringent. During the past few years a great power combination has been looming on the Chicago horizon. The electric companies, the street railways, and the elevated railways have been drawing closer together, and at the beginning of 1910 there was promised a general merger of these interests into one powerful monopoly. Since the opening of the Chicago drainage canal the board of trustees of the sanitary district has established an electric power plant at a cost of \$3,500,000, and is now generating electrical current from the water power of the canal.¹ The trustees are offering this power for sale, and in fact are supplying some of the local governmental units in Cook County with considerable quantities of electrical energy. The board of supervising engineers of the Chicago street railways,

¹ See Message of President Robert R. McCormick of the Sanitary District of Chicago, 1908.

however, has deemed best to make a power contract, not with the sanitary district, but with the Commonwealth Edison Company.

76. *Chicago's terminal facilities.* — “One of the remarkable phenomena of the nineteenth century was the magical rise of Chicago,” says Professor J. Paul Goode in his special report to the Chicago Harbor Commission under date of November 10, 1908.¹ “From a struggling village sunk in the mud of a prairie creek it rose within the memory of living men to a great metropolis, ranking fifth in the roll of the world's great cities. It was inevitable that Chicago should assume this rank, for Chicago is a city of destiny.” Chief among the elements of the city's destiny is its position at the head of the great agricultural lowland of the upper Mississippi valley and the Great Lakes region. “In this area,” continues Professor Goode, “a peculiar influence compels the growth of a great commercial focus at Chicago, and that is the size and position of Lake Michigan, which spreads its awkward 300 miles of deep water right athwart the lines of east-west traffic, so compelling land lines of transportation to concentrate round the southern end of the lake. The flat land, the fertile soil, the markets at the east, and the Great Lakes compel a metropolis at the place of Chicago. That is why the 27 railway systems focus at Chicago, making the greatest railway centre on earth.”

The concentration of through passenger and freight railway traffic at a point where a city of more than

¹ “The Development of Commercial Ports,” p. 77.

2,000,000 people spreads out over 190 square miles of territory, inevitably creates a terminal problem of unusual difficulty, particularly in regard to street crossings. In 1892 the work of track elevation for the elimination of grade crossings in Chicago was commenced. The entire work is done by the railroad companies at their own expense, except that damages to abutting owners must be paid by the city, and the city maintains a department of track elevation to supervise the work. As in all cases the tracks are raised, the damages are nominal. The expense of maintaining the department of track elevation is also small, amounting in 1908 to only \$10,219. From 1892 to 1908 inclusive ordinances were passed by the city council and accepted by the railroad companies providing for the elevation of 148.72 miles of road bed and 915 miles of track, and for the construction of 718 street subways at railroad crossings, at an estimated cost of \$72,600,000. Of this total, the elevation of 113.44 miles of road bed and 748.72 miles of tracks and the construction of 474 subways had been completed by the close of 1908 at a total estimated expense of \$53,622,000.

Chicago has had dreams of becoming an ocean port. The importance of developing proper terminal facilities for water transportation impelled Mayor Busse in January, 1908, to ask the city council for authority to appoint a special commission to study the city's harbor needs. Mr. Busse called attention to the fact that Chicago had fallen from first to fourth place in the volume of its lake traffic. He spoke of the fact that

most of the city's lake front had already been devoted to park purposes, and that the rest of it would soon be turned over to the south park board for development, unless action was taken looking to the development of a lake harbor. The harbor facilities of the city are now practically confined to the Chicago River and the Calumet River, which in their present condition are inadequate. Provision for canal boat traffic was made as early as 1848 by the construction of the Illinois and Michigan Canal. More recently, the Chicago Drainage Canal has connected the Chicago River with the Illinois River at Joliet. The national movement now on foot for a deep waterway from the Lakes to the Gulf, if ultimately successful, will give Chicago a direct outlet by water to the Gulf of Mexico and South American ports, and by the Panama Canal to the Pacific Coast. The enlargement of the Erie Canal to accommodate large vessels would open a water route directly to the Atlantic Ocean by way of New York City. There is also a Canadian project to cut a waterway through from Georgian Bay to the St. Lawrence, which would make an admirable water route from Chicago to the ports of Great Britain and northern Europe.

Mayor Busse's harbor commission was in doubt as to the advisability of the construction of a great outer harbor. It recommended the widening and straightening of the Chicago River, the improvement of the Calumet, and the construction of piers on the lake front for the passenger, package freight, and fruit boats that ply the lakes. It also recommended the establishment of a harbor department to supervise dock and har-

bor matters and the creation of a new lake front park south of Grant Park on lines that would keep open the possibility of future harbor development in case of need.¹

77. *The city's struggle for a new charter.* — While students of municipal law have frequently commended the Illinois Cities and Villages Act under which Chicago is incorporated, for its brevity and comprehensiveness, actual experience with it has developed a conviction in Chicago that the law is inadequate for the government of a great metropolis. For this reason, the constitutional amendment authorizing special legislation subject to the referendum was looked upon as a reform and home rule measure. After the legislature failed at its 1905 session to pass a new charter bill, the city council took the matter up and by resolution established a charter convention to be made up of seventy-four members as follows: —

Fifteen members of the city council appointed by the committee on state legislation.

Fifteen members of the state legislature residing in Cook County to be selected by the presiding officers of the two branches of the legislature acting jointly.

Fifteen citizens of Chicago to be appointed by the mayor.

Fifteen citizens of Chicago to be appointed by the governor.

Two representatives of each of seven local govern-

¹ See Report by the Chicago Harbor Commission, March, 1909; also "Report on the Chicago Dock Problem," prepared by George C. Sikes, October, 1909.

ment bodies to be selected in each case by the presiding officer of the body.

This convention met, and after long and arduous labors reported a new city charter, which it recommended to the legislature for passage. It was badly mutilated by the legislature, and was then passed subject to the referendum required by the constitution. The people thought the matter over and concluded that the new charter had been spoiled by the politicians. The measure was defeated by a heavy majority at a special election in September, 1907.

The most important features of the proposed charter were the provision of the first section for the merging of all the independent local government bodies included wholly within the city limits into the corporation of the city of Chicago and the provision of Article XIII to the effect that the combined debt limit for the Chicago area should be five per cent of the full valuation of property. Under this charter there would have been left, of the important local bodies, only the sanitary district, Cook County, and the city, and the city's borrowing capacity would have been greatly increased. After this unfortunate experience in attempted lawmaking, the charter convention was called together again. This time, instead of submitting an entire new charter, the convention sent to the legislature in 1909 a series of separate bills embodying the most important reforms desired. The legislature was busy trying to elect a United States senator, and the charter bills failed to pass. As already indicated, the great need for a new charter lies in the

necessity of a consolidation of the various local governmental agencies in the Chicago district and of the expansion of the city's financial powers.

78. *The character and power of the people of Chicago.*—Almost as much as New York, and far more than any of the great cities of Europe, Chicago is a world-city in the constituent elements of its population. Its newness and its location at the heart of the country's industrial and commercial life make it even more than New York a national city. It typifies the energy, the power, the intelligence, the wickedness, and the aspirations of the city-movement of the nineteenth century. In a sense it is still a frontier city. Money-making and pleasure-seeking in their crude forms still prevail. A smoky, low-lying, ill-paved, poorly protected metropolis, with the Board of Trade its typical institution, the faults and virtues of the city government reflect with perhaps unusual accuracy the faults and virtues of the people. While political machines are strong there, as everywhere, the political history of the city shows a frequent overturning of party control and in later years a powerful independent movement. The Public Policy law of Illinois enables the people to express their opinions on important issues, but such expressions are purely advisory. The great power of the city council, however, tends to keep the control of the machinery of the city government proper within reach of the people. Chicago's newspapers are especially able. They probably exercise a more effective and virile leadership than the papers of any other great American city. Chicago has been

sobering up in the last fifteen years. The establishment of Chicago University, even though it was not founded and financed in an ideal way for a great educational institution in a democratic community, has given the city a nucleus of cultured intelligence such as every great city needs. Above all things, Chicago is alive. The splendid energy of its citizenship and the marked development in recent years of a militant civic conscience put Chicago on the roll of hope. One slight indication of the spirit of the city and of the civic pride and civic interest out of which all good things must come, is the publication by the city bureau of statistics and municipal library, of the "Chicago City Manual" which comprehends within its less than 300 pages, historical, departmental, and statistical information about the city and its various undertakings sufficient to equip the intelligence and stimulate the enthusiasm of any citizen desiring to do his part. However, one must read the whole manual to appreciate it, for if he depends on the index he will get as much light as shines from the pages of the New York City comptroller's report. Chicago's location is not as inspiring as that of New York, and its government at times has been almost as bad; but on the other hand its future is not limited by the results of a half century's fatal congestion, like that in the tenement houses of Manhattan Island.

CHAPTER V

PHILADELPHIA

79. *Philadelphia's civic reputation.* — The city of brotherly love has a good name, but cares little for it. "Corrupt, but contented!" was Lincoln Steffens' verdict against Philadelphia when he was writing his series on the shame of our cities five or six years ago. Philadelphia has the reputation of being more inseparably wedded to the idols of corruption than any other great American city. One writer suggested some years ago that the matter with Philadelphia and Pennsylvania was their Quaker origin. The peaceful Quaker traditions of the "city of homes," to his mind, were responsible for the absence of good red fighting blood in the citizens of Philadelphia, such as is necessary to enable any citizenship to carry on the battles of civic freedom against the forces of corruption.

The supreme disgust of an intelligent Pennsylvania citizen at the system of organized robbery which has long prevailed in the city of Philadelphia and the state of Pennsylvania was well expressed by Mr. Owen Wister, in an article published in the October, 1907, number of *Everybody's Magazine*. The principal purpose of Mr. Wister's article was to describe the scandalous looting of the state treasury in connection with the recent construction of the new Pennsylvania

Capitol Building at Harrisburg. Inasmuch, however, as it is the same political machine that controls Philadelphia and the state of Pennsylvania, Mr. Wister's conclusions are worthy of notice in a discussion of the government of the city.

"How, it will naturally be asked, and why, has any community of self-respecting people tolerated such a state of things for forty years?" asks Mr. Wister. "The briefest answer is, the people of Pennsylvania are not self-respecting. In the place of self-respect they substitute an impregnable complacency. Yet this explanation is inadequate. Mere complacency would hardly sit down and be robbed for forty years, getting leaky reservoirs and putty mahogany for its money; and we find upon analysis that with complacency must be joined also stupidity and cowardice. . . .

"The government of Pennsylvania has been since the Civil War a monopoly, an enormous trust almost without competition — like the Standard Oil, but greatly inferior, because Standard Oil gives good oil, while the Pennsylvania machine gives bad government. It shields and fosters child labor; we have seen how it steals; it has given Philadelphia sewage to drink, smoke to breathe, extravagant gas, a vile street car system, and a police well-nigh contemptible. . . . Well-to-do, at ease, with no wish but to be left undisturbed, the Philadelphian shrinks from revolt. When wrongs so outrageous as the gas lease are thrust at him, he may rouse for a while, but it is grudgingly in his heart of hearts; and when the party of reform makes mistakes, he jumps at these to cover his retreat into the ranks of acquiescence.

"After electing a reform party in November, 1905, he immediately began to notice all that the party failed to reform and to ignore all that it accomplished. He jeered at every piece of mismanagement of the City Party; it made him happy; it was another pretext for him to return to the party that had been managing the treasury for forty years. One year of independence was too much for him. Long before its close he was tired and

frightened of it. The next November, 1906, he began to run back. The following February he ran the whole way. . . . Black is the retrospect, the outlook somewhat brightens. . . . Harrisburg has shaken off the den of thieves. Pittsburg is trying to. Philadelphia may bring up the rear. Its spark of liberty is not quite trampled out. It may some day cease to be the dirtiest smear on the map of the United States."

80. *Philadelphia's official claims to respectability.*—The reports about Philadelphia are conflicting. The public officials now in charge of its affairs apparently think the city a model of civic virtue worthy of emulation by all other communities. In his first message to the select and common councils under date of April 6, 1908, Mayor John E. Reyburn said :¹—

"It is doubtful whether any municipality in the world has ever been required to stand the criticism that Philadelphia has been called upon to bear, and yet it is an acknowledged fact that Philadelphia's industrial, commercial, and professional position is above reproach ; therefore, this wholesale abuse of Philadelphia must resolve itself down to a criticism of her municipal government, and after a careful examination of the various departments of the City, the results of necessity compel me to state that the financial affairs of the City of Philadelphia have been and are managed in a manner that reflects the highest credit on those who have been entrusted with the government of the municipality, and while the public at large have too liberally criticised the Councils of our City, it must be said that the basis of fact upon which this criticism rests is a misconception of the true condition. The organization of the government of the City of Philadelphia makes it almost impossible to illegally extract monies from the City Treasury." Mr. Reyburn then quotes a representative of the Bureau of Municipal Research of New York who had been reported in the *Philadelphia Ledger*

¹ Page viii.

as saying that he was "amazed at the splendid system" in use in the offices of the city treasurer and the city controller of the city of Philadelphia. The mayor goes on to show that of the \$136,000,000 borrowed by the city in the preceding fifty-two years, nearly \$73,000,000 had been paid. He also shows that the property held by the city is valued at more than \$277,000,000, leaving a credit after deducting the net outstanding indebtedness of approximately \$214,000,000. "The significance of these figures," says he, "is emphasized when one realizes that neither New York, Chicago, St. Louis, nor Boston have a comparative credit as high as \$100,000,000, and indeed one of them has a credit of less than \$20,000,000; thus indicating that the management of the affairs of the City of Philadelphia is not only equal to, but far superior to, any municipal government in the United States."

In July, 1909, the city government commenced the publication of a monthly periodical called *Philadelphia*. According to this enterprising sheet, which, it must be confessed, is gotten up in an attractive form and contains a great amount of interesting information in regard to the city, Philadelphia is "the world's greatest work shop" and "America's largest home city, with more home owners than any other city in the world." Among the various claims put forth as guerdons of respectability are the following:—

"Philadelphia is the city which gave birth to the bill of rights."

"Philadelphia is the home of the Declaration of Independence."

"Philadelphia is the birthplace of the constitution of the United States."

"Philadelphia is the home of our Flag and the Liberty Bell."

"Philadelphia contains 345,000 buildings, of which 315,000 are dwellings; 85 per cent of these dwellings are occupied by

only one family, and 20 per cent have been built in the last ten years."

"Philadelphia is the greatest workshop of the world, because she has the largest body of skilled labor ever gathered together in one city; is situated within a few hours' railway haul of the greatest coalfields of the world with a down grade from mines to factory, and is the distributing point for the trade of 25,000,000 people."

"Philadelphia has 846 churches, 334 hospitals and asylums."

"Philadelphia has 57 parks and squares, one of them being the largest park in the world, containing over 3400 acres."

"Philadelphia has the finest high pressure fire service in the world, drawing water direct from Delaware River with 20-inch distributing main supplying 12 and 16 inch mains into the business district; its special pumping plant which can be put in instant operation has capacity of 10,000 gallons a minute with power to throw a 2-inch stream 230 feet vertical; this service now being installed by other cities."

"Philadelphia's new filter plant, costing \$25,000,000, is the finest and most economically constructed in the world. It has 96 main and 140 preliminary filters; total capacity of 304,000,000 gallons."

"Philadelphia manufactures each year 45,000,000 yards of carpet, enough to put a belt around the earth and leave a remnant long enough to reach Cincinnati."

"Philadelphia manufactures each year 12,000,000 dozen hose and half-hose, enough to allow two pairs for every man, woman and child in the United States."

"Philadelphia manufactures each year 28,000,000 yards of woolen goods, enough to make uniforms for all the armies of Europe now in active service."

"Philadelphia's assessed realty values have increased \$160,000,000 in the past five years, during which period the city has built more than 30,000 dwellings."

I have quoted only one-third of the claims set forth in the first issue of the city's official paper, but this is

enough to show that the city government does not confess judgment in the case of the People of the United States *vs.* Philadelphia.

81. *What is the matter with Philadelphia?* — In spite of the extraordinary claims put forth by the responsible officials of the city, it is clear that something ails Philadelphia. A city that had always been above reproach could hardly attain the ill reputation of Philadelphia, even in these days of reckless journalism and inveterate muckraking. At a citizens' meeting in December, 1904, the year before the so-called "Philadelphia revolution," Dr. John B. Roberts gave an analysis of the political situation that, coming as it does from a citizen of the city, is of unusual interest.

"The first requisite of successful action for improving the government of Philadelphia," said Dr. Roberts, "is a clear understanding of the source of our trouble. Some believe it to be the ignorant population, which votes without a just understanding of the duties of citizenship. Others think it to be the indifference of intelligent citizens who fail to vote on election day. Still others say that the cause of our bad government is the wickedness of political bosses, who accept bribes, organize gangs of repeaters, and place corruptible puppets in election booths, the executive offices, City Councils, the State Legislature, and on the Bench.

"Intelligent students of the question know that the first cause is unimportant, and need attract very little attention from this organization.

"The coming to the polls of all citizens who now neglect the opportunity to vote would probably not overthrow the majority of the Republican machine in this city. The number of fraudulent names on the Assessors' lists of voters is estimated at from 50,000 to 80,000. . . .

“The third source, mentioned as the cause of Philadelphia’s ills, is the success of its political rulers in collecting bribes, carrying elections, and controlling the occupants of legislative, executive and judicial positions. At first glance, it would seem that this is indeed the true cause of the city’s undoing. The public knows that bribes are accepted by the political captains who rule over us. It knows that elections are carried by stuffed ballot boxes, bogus voters coming from policemen’s houses, repeaters travelling from one voting booth to another, and the subservience of judges. It sees that the members of Councils and of the Legislature, the Mayor, the City Treasurer, the Collector of Taxes, the Recorder, the Register of Wills, the District Attorney, the Judges and other officers are nominated and elected by these same active political leaders. What more is needed, it may say, to prove that the corrupt and expensive government of this town is due to the men who control affairs in City Hall?

“Let me tell you, who expect to improve civic conditions by antagonizing and overthrowing the power of these leaders, that you have not begun to realize the real source of our political degradation. Those whom you call bosses and leaders are themselves the subjects of a higher influence, which controls them as they control the scrub women, the speak-easies, and the bawdy houses. . . .

“Every thoughtful and observant man knows that it is the transportation and other corporations that rule this municipality. It is the bribe giver, and not the bribe taker that you should pursue. . . .

“The first step for this meeting, or its representatives, to take is to publish the names of the directors and officers of the companies, which are known to bribe influential politicians, councilmen, and legislators, with stocks, rebates, money or passes. The second step is to call upon these eminent citizens of Philadelphia (for they are eminent in business, finance, science, and religion) and tell them personally that they are the cause of their city’s corrupt government, high taxes, and large death rate from

typhoid fever. The third step is to prove to them by interview, social pressure, and business ostracism that all honest citizens despise their dishonorable and cowardly conduct ; dishonorable, because they permit their executive agents to despoil the city ; cowardly, because they shirk personal responsibility by hiding behind these agents and claim ignorance of wrongdoing.

“I do not blame city officials for corrupt acts so much as do some, because I realize the pressure that the machine can bring to make them violate their oaths of office. Obedience to the organization or non-support of wives and children are the alternatives in many instances. I feel that the blame for our shameful civic condition is due less to the boss, who sells franchises and special privileges, than to the Boards of Directors who buy them. Bribery cannot exist until a bribe giver is found. Let this meeting seek out, exhibit, prosecute, and put in jail the bribe givers ; and it will not be long before we shall have representative councilmen and honest political leaders.

“The attempt to cure the evil of corrupt bosses and dishonest councilmen against the wishes of these corporations will be futile. It is like trying to stamp out the social evil by arresting a few pitiable street walkers and private strumpets. The remedy for the latter is to attack and put to rout the lecherous men who debauch women ; the remedy for the former is to train our guns on the dishonest citizens of ‘ eminent respectability ’ who debauch officials. The fathers and mothers of the country could quickly diminish the social evil by denying men of immoral reputation entrance to their homes and association with their children. The citizens of Philadelphia can quickly diminish the political corruption of the day by similar treatment of the corporation managers, of whatever wealth and influence, who tamper with the morality of political leaders and city officials.”

Mr. Wister, from whom I have already quoted, ascribes the political condition of Pennsylvania to two special causes. One is its great coal and iron industries,

which, fostered by a protective tariff, have built up a system of powerful private corporations which exercise an unwholesome influence upon the political affairs of the state. The second cause, according to Mr. Wister's analysis, is the character of the people who first settled Pennsylvania. The Quakers who founded Philadelphia, in addition to their good qualities, have a certain timidity which acquiesces in things as they are. The Pennsylvania Dutch, descended from the Hessian soldiers who were brought over by the British government to fight the American colonists during the War for Independence, also form an important element in the population of Pennsylvania. They are a thrifty people, but manifest a servile acquiescence under corrupt government. "No Dutch county has ever turned its boss out," says Mr. Wister.

There can be little doubt that the protective tariff which has kept Philadelphia overwhelmingly Republican, has for that reason, if no other, contributed largely to the city's misgovernment. It is notorious that any great American city which remains steadily, decade after decade, under the control of a single political organization, under whatever name it goes, becomes thoroughly corrupted. Old New York, under Tammany Hall, which is a Democratic organization, was a synonym for municipal corruption, and yet New York has been overthrowing the Tammany organization off and on ever since the Tweed régime forty years ago. On the other hand, Republican control in Philadelphia has scarcely been contested in that period. It is more than likely also that the smug prosperity enjoyed

by the manufacturers of Philadelphia, as the result of tariff favors, has lulled the conscience of the people and made them look upon corrupt and expensive government as a comparatively unimportant incident in a career of peaceful industry and the accumulation of wealth. Strange as it may seem, it has also been suggested that fortunate home life militates in some respects against good citizenship. It is one of Philadelphia's proudest boasts that she is a city of homes. A man with a comfortable and happy home often finds the demands of social life and the pleasures of domestic life so enticing that he gives little thought and less time to the inconvenient duties of citizenship. It certainly cannot be denied that the shocking conditions prevalent in New York City tenements have been responsible more than any other one cause for the great movements of public opinion which have kept reform alive and militant in the metropolis. Perhaps the most serious trouble with Philadelphia, however, is the long-standing alliance between the great corporations that fatten off from special privileges and the controlling party organization. Philadelphia's management of its own gas works has been scandalous and is one of the most notable instances in this country to which the enemies of municipal ownership are able to point as a demonstration of the folly of attempting to manage a public utility without the intervention of a private corporation. Yet there is every reason to believe that the mismanagement of the municipal gas plant was made inevitable by the influences brought to bear directly or indirectly upon the agencies of government

in control of the plant by the private corporations which owned and operated other public utilities. It has been charged that the Philadelphia gas works were deliberately wrecked by private interests which desired to get control of the municipal plant. It is unnecessary to establish this charge, if it can be shown that through outside corrupting influences the entire municipal administration was kept in a state of inefficiency and demoralization.

82. *A typical reform movement.* — Philadelphia probably has more pride of religion and respectability to the "square inch" than any other great American city. This fact helps to account for the reform movements which are springing up from time to time in the city, and also helps to account for the fact that these movements are practically always ineffectual. Shortly after Lincoln Steffens described Philadelphia as "corrupt, but contented," a movement was inaugurated which led to one of the most remarkable political revolutions in the history of municipal politics anywhere. In 1904 a citizens' "Committee of Seventy" was formed for the purpose of securing the election of city officials without regard to national party politics; for the protection of the rights of the electorate by the enforcement of the election laws and the enactment of new laws providing for the personal registration of voters and a simpler form of official ballot; for the encouragement of faithful public officials in the performance of their duties, and for the dissemination of reliable information regarding city affairs and candidates. It was at the meeting to organize this com-

mittee that Dr. Roberts expressed the sentiments which I have already quoted.

Spurred to action by such words as his, the committee prepared for the next city election, which was only a few weeks away. Deeming the minority party in Philadelphia as corrupt as the majority party, the Committee of Seventy determined to organize a new party entirely independent of partisan differences on national issues. The new party was called the "City Party." At the election in February, 1905, fifteen city magistrates were to be chosen. Under the laws of Pennsylvania no elector was permitted to vote for more than ten. Consequently, with only two parties in the field, the custom has arisen for the majority party to nominate only ten candidates and the minority party to nominate only five. With the advent of the City Party, however, a contest arose for the five minority magistrates. The dominant Republican party was anxious to kill off the independent movement at the beginning. Accordingly, through its organization, it made an alliance with the Democratic party and issued instructions to the election officers to turn 50,000 votes to the five Democratic candidates for city magistrates. These instructions were carried out and the Democratic candidates won by large majorities over the City Party candidates. The Committee of Seventy then undertook an investigation and prosecution of the ballot frauds. It found that large numbers of fictitious names were carried on the lists of voters. The law did not at that time require the personal registration of the electors and this gave the corrupt

party leaders an opportunity to pad the registration books. "Lists of names of persons who were dead, removed, non-voters or merely fictitious, were handed out to the assessors from cheap lodging houses, saloons, gambling joints, disorderly houses and other places of ill repute; there were from 60,000 to 80,000 of such names upon the lists in December, 1904," says Mr. Thomas Raeburn White in his address on "The Revolution in Philadelphia," before the National Municipal League.¹

While the election frauds made possible by these false lists of voters were being prosecuted by the Committee of Seventy during the year 1905, the corrupt politicians who dominated the city councils and the state legislature brought forward two measures which aroused the sleeping people of Philadelphia. One was a city charter amendment, which was rushed through the state legislature near the close of the session, taking away from the mayor of Philadelphia the right to appoint the heads of the two most important departments of the city government, and conferring that power upon the city councils. It was thought by the politicians that it would be much easier for the reform element to elect a mayor than it would be for this element to get a majority of the members in the municipal legislative bodies. The other measure, which was even more influential in arousing the people, was a proposition to give the United Gas Improvement Company a new lease of the gas works on terms that were infamous.

¹ "Proceedings of Atlantic City Conference for Good City Government," 1906, pp. 135-155.

83. *The gas works.* — The Philadelphia gas plant was first established in 1835 and was taken over by the city in 1841. From that time until 1897 it was under municipal management. In the latter year the city authorities were induced to lease the works for a period of thirty years to the United Gas Improvement Company. Under the terms of the lease the city would have the option in 1907 to take back the plant upon paying to the company the amount it had invested in improvements.¹ If the city's option should not be exercised in 1907, the lease would continue to run until 1927. During the life of the lease the company was required to pay to the city all that part of its receipts from the sale of gas in excess of the following prices : —

Until January 1, 1908, 90 cents per 1000 cubic feet ; from January 1, 1908, to January 1, 1913, 85 cents per 1000 cubic feet ; from January 1, 1913, to January 1, 1918, 80 cents per 1000 cubic feet ; from January 1, 1918, to January 1, 1928, 75 cents per 1000 cubic feet.

The price to consumers was to be \$1 per 1000 cubic feet during the life of the lease unless reduced by city ordinance, but the city was prohibited from reducing the price below the minimum scale just given. It will thus be seen that under the terms of the lease it was optional with the city to take its benefits either in the form of a percentage of receipts on dollar gas or in the form of reduced rates to consumers. The company

¹ A copy of this lease is printed in the Report of the National Civic Federation Committee on "Municipal and Private Operation of Public Utilities," Part II, Vol. I, pp. 652-664.

also agreed under the lease to furnish the city, without charge, gas for illuminating public buildings and for street lamps. In case the lease remained in effect for the full period of thirty years, the company was required to spend \$15,000,000 on improvements and to turn back the plant with the improvements to the city free of charge on December 31, 1927. The project which the politicians brought forward in 1905 was for the city to surrender its rights under the old lease and grant the company a new lease to run until 1980 under which the price of gas was to remain fixed at \$1 per 1000 cubic feet until 1928, and at 90 cents thereafter through the whole period of the grant.¹ In return for this new lease the city was to receive a lump sum of \$25,000,000 in cash. The Philadelphia rogues were going on the theory that "a bird in the hand is worth two in the bush." They thought that \$25,000,000 placed in the city treasury at once to be expended upon public works given out to favorite contractors offered a much happier prospect than several times that amount accruing to the city from year to year through a reasonable percentage of the profits of the gas works, or accruing to the citizens through a steady reduction in the price of gas. The enormity of this proposition can be seen from the fact that the existing lease during the five years, 1903 to 1907 inclusive, brought the city an average of about \$700,000 a year. In 1908, the first year of the period during which the city was to receive all the company's receipts over and above 85 cents per thousand cubic feet, the

¹ White, *work cited*, p. 141.

amount paid to the city jumped to over \$1,000,000.¹ On this basis, with no increase in consumption at all, but with the increasing percentage payable to the city, the total amount received by the city from 1906 to 1927, inclusive, would amount to approximately \$30,000,000 in case the price of gas were left at \$1 per 1000 cubic feet. The company's new proposition in 1905 was to pay the city \$25,000,000 for a lease running to 1980 which would have been \$5,000,000 less than the city's share under dollar gas for the period ending December 31, 1927. Moreover, the difference to the company between 90-cent gas for the period from 1928 to 1980 without payment of percentages to the city and a lease for the same period under the terms of the existing lease in force during the last ten years of its duration, would have amounted to 15 cents per 1000 cubic feet, or upwards of \$50,000,000 on the basis of the present consumption of gas.

84. *The revolt of John Weaver.* — The exposure of the proposed "gas steal" was the immediate cause of what is known as the "Philadelphia Revolution." Mass meetings were held all over the city to denounce the proposition and an attempt was made to convince the finance committees of councils of its iniquity. At a public hearing before this committee the council chamber was thronged with interested citizens.

¹ See table of receipts in City Controller's Annual Report, 1908, p. 12. The figures given in the controller's report are for the fiscal years ending Sept. 30. Figures for the calendar years are given in the printed pamphlet of the Municipal Improvement Company entitled "\$112,000,000 for Philadelphia."

“Speeches were made on behalf of the people and by counsel representing the mayor, but it was like casting pearls before swine,” says Mr. White.¹ “Some of the councilmen endeavored to argue with the speakers, and in so doing disclosed that they were totally ignorant of the facts and figures set forth in the report of the sub-finance committee, although they were themselves members of this sub-committee and had signed its report. The sound of the speakers’ voices was scarcely still before the report of the sub-finance committee recommending a favorable report of the original proposition was approved without a dissenting vote.”

On the same day the councils finally passed the ordinance. The only hope for the people of Philadelphia was in the mayor’s power of veto. The mayor announced at once that he would do everything possible to defeat the infamous proposition, and the people set about the task of frightening or compelling at least two-fifths of the councilmen of each chamber to sustain the mayor’s veto. Mr. John Weaver had been elected mayor in 1903 as the regular Republican candidate. He had, however, given some evidences of personal honesty, and independence of the corrupt political organization in control of city councils. A few days after the passage of the new gas ordinance by the councils Mayor Weaver summarily removed from office the director of public safety and the director of public works — two machine politicians who through their control of the patronage of the city government had been enabled to give help and comfort to their politician friends. The mayor appointed high-class gentlemen of reform tendencies to succeed them and in

¹ *Work cited*, p. 142.

this way removed the patronage prop which had been used to bolster up the corrupt organization in the city councils. The mayor was enabled to do this because the charter amendment to which I have already referred transferring the power of appointment of these two officials to the city councils was not to take effect until 1907. Public excitement knew no bounds. The mayor's vigorous action had thrilled the entire city with enthusiasm, and Philadelphia breathed again the air of freedom from boss rule. The pressure of public opinion was so great that councilmen were forced one by one to come out in support of the mayor. Finally, to make their defeat easy for the members of the gang, the United Gas Improvement Company was induced to withdraw its proposition and say that it would not accept the new lease anyway.

As a result of the events just described Mayor Weaver withdrew his political support from the Republican party, which had elected him to office, and gave it to the City Party. During the summer of 1905 the investigation of election frauds was continued and Mayor Weaver undertook a general cleansing of the Philadelphia city government. Revelations of enormous profits made by favored political contractors in the construction of the city's filter plant were made and several men were arrested on criminal charges. Another election took place in the fall of 1905. It is described as the first honest election that had occurred in many years. During the summer the Committee of Seventy in coöperation with the police department had purged the voters' lists of 50,000 or

60,000 fraudulent names. The result was a great victory for the candidates of the City Party.

“This campaign was notable for the deep feeling that was aroused in every class of citizens,” says Mr. White.¹ “It was like a wave of religious fervor. Everybody, high and low, felt the call of duty and actively enlisted in the cause of reform. It is necessary for non-property owners to pay a voluntary poll tax in order to render themselves eligible to vote. This poll tax must be paid thirty days before the election. Usually persons who appear at the office to pay such taxes are very few and far between. This time long lines were waiting every morning when the doors of the office opened and the rush continued all day long. Many thousands of citizens who had not voted for years besieged the office of the Committee of Seventy to learn how they could render themselves eligible. It was indeed a revolution and the spirit of war times was in the air. Great was the rejoicing when the forces of evil were overthrown.”

Unfortunately this was not the election at which a new mayor and members of the city councils were to be chosen. Consequently the wave of reform did not on this occasion reach the heart of the city government.

85. *The aftermath of the revolution.* — The results of the election of 1905 were far-reaching. The corrupt politicians controlling the legislature of Pennsylvania were forced to repeal the charter amendment which I have already described and to enact a number of important measures for the protection of citizens. One of the laws passed was a personal registration act described as “more complete and more searching in its identification of the voter than the law of any other state.”² Another was an act governing nomi-

¹ *Work cited*, p. 147.

² *Ibid.*, p. 150.

nations prescribing that the candidates of all parties should be selected by direct vote of the members of the parties under a uniform system of primaries. Another act established a civil service commission for the city of Philadelphia to divorce the city's 10,000 office holders from the political power which they had up to that time exercised. Still another act required candidates to publish their election expenses and prohibited corporations from contributing to campaign funds. These laws marked a great step in advance in Philadelphia and Pennsylvania. The tremendous uprising of public sentiment which brought about their enactment was sufficient to control an unimportant city election held in February, 1906. By the time, however, for the election of a new mayor in February, 1907, the corrupt politicians had gathered their forces again and were victorious at the polls. The city sank back once more into the control of "the gang" and the public service corporations. All efforts since then to shake their hold on the city have been unavailing.

86. *The street railway "settlement."*—One evidence of Philadelphia's backsliding was seen in the failure of the city to take advantage of its option in 1907 to terminate the gas lease. A still more important evidence of this lamentable fact was shown, however, in the street railway contract entered into by the new city administration on July 1, 1907. The story of Philadelphia's traction deals is almost beyond belief. Away back in 1857, when the original franchises for the construction of street railways in Philadelphia were granted, a section was inserted in the city ordinances requiring

the directors of any street railway company to file with the city solicitor "a detailed statement under the seal of the company, and certified under oath or affirmation by the President or Secretary, of the entire cost" of the road, and the city reserved the right at any time to purchase the property "by paying the original cost of said road or roads and cars at a fair valuation."¹ This provision, though not utilized by the city, remained as a safeguard to the public interests until 1907. In the meantime, however, the streets of Philadelphia had been exploited by many street railway companies. In 1901 occurred one of the incidents that seem characteristic of Philadelphia. The political pirates in control of the city administration and the state legislature secured the passage of certain measures by the legislature providing for the incorporation of street railway companies with new and peculiar powers.² These measures were passed at the dictation of the bosses without any public hearing and with very little debate. The politicians immediately took advantage of the new laws to incorporate several street railway companies and apply to the Philadelphia councils for franchises. Thirteen long and intricate franchise ordinances were passed in three days, granting without compensation valuable rights in the public streets to the "political" corporations organized to take advantage of the recent legislation. John Wanamaker sent the mayor of the

¹ See "Fourth Annual Message of John Weaver, Mayor," 1907, pp. lvi, lvii.

² See "Recent Street Railway Legislation in Pennsylvania and Philadelphia," by Clinton Rogers Woodruff, in *Municipal Affairs*, Vol. V, No. 2, 1901.

city an offer in writing to pay \$2,500,000 for the franchise rights conveyed by these ordinances. He deposited \$250,000 with a trust company as a guaranty of his good faith. The letter conveying the proposition was handed to the mayor by Mr. Wanamaker's private secretary. The mayor flung the letter aside without examining it and hastened back to his office, which he did not leave until he had signed the ordinances. Incredible things happen in Philadelphia! The sworn guardians of the city's rights give away to their friends franchises for which a responsible citizen offers to pay \$2,500,000 and these same public officials hold their offices in peace and safety till the end of their terms!

Out of this street railway franchise deal of 1901 grew the Philadelphia Rapid Transit Company which obtained control of practically all the street railway properties and franchises of the city, built up a mountain of fictitious capital, and on July 1, 1907, received from a friendly administration a blanket contract from the city of Philadelphia covering a period of fifty years and carrying with it the repeal of the publicity and purchase clauses of the ordinances of 1857.¹ This new contract recites that upwards of fifty different street railway companies have from time to time received franchises from the city to occupy various streets, and that the

¹ See "The Street Railway Situation in Philadelphia," a pamphlet containing a brief of the argument of Common Councilman Edwin O. Lewis, in opposition to the Philadelphia Rapid Transit Ordinance, June 20, 1907. See also the Ordinance authorizing the execution of a contract with the Philadelphia Rapid Transit Company, approved July 1, 1909.

Philadelphia Rapid Transit Company has come into possession of the franchises, leases, and property of practically all these companies, and also controls the franchises for the construction of elevated railroads and subways within the city limits. Under the contract the company agrees to call in the unpaid portion of its \$30,000,000 capital stock, the money to be expended on improvements and extensions. No future increases of capital stock or funded debt can be made without the consent of the city. If at any time the city desires to have new lines of surface, elevated or underground street railways constructed, the company must be given an opportunity to construct and operate them. If it fails to do so within a certain period or rejects the city's proposition, the city may open the new lines to competition. The mayor, by virtue of his office, and two citizens of Philadelphia chosen by the city councils for terms of four years, sit as representatives of the city on the board of directors of the company and exercise the same authority in the control of the affairs of the company as directors elected by the company's stockholders. If the company at any time pays upon its capital stock a larger dividend than 6 per cent, cumulative from January 1, 1907, it must at the same time pay into the city treasury an amount of money equal to the amount paid in dividends over and above the 6 per cent. The city confirms to the company and all its subsidiary companies all of the franchises and rights heretofore granted, and surrenders any powers which it formerly possessed to repeal or resume any of these rights.

The city releases the company from its old obligation to pave the streets occupied by it, and in lieu of this is to receive a fixed payment, gradually increasing from \$500,000 a year for the first ten-year period to \$700,000 a year during the fifth ten-year period, amounting in the aggregate to \$30,000,000 in fifty years. These payments, it is claimed, are much less than the cost of maintaining the pavements, from the burden of which the company is relieved. The company is required to establish a sinking fund into which, beginning with July, 1912, fixed monthly sums shall be paid, aggregating \$10,200,000 during the life of the contract. The city reserves the right to buy the property, leaseholds, and franchises of the company, "subject to all indebtedness now existing or hereafter lawfully created," upon July 1, 1957, or on July 1 of any year thereafter, by giving the company six months' notice and paying \$30,000,000 (representing the par value of the company's capital stock) plus the par value of any additional amount of capital stock issued hereafter with the city's consent. The contract is to continue in force even after the expiration of the fifty-year period until the city purchases the company's property under this option.

There is a provision in the contract to the effect "that the present rates of fare may be changed from time to time, but only with the consent of both parties hereto." At the time this contract was made the rates in vogue included a five-cent cash fare and six tickets for twenty-five cents, together with a system of free transfers in connection with either cash fares or tickets. Some time after the date of the contract the company's board

of directors, with the concurring vote of Mayor Reyburn and the city's other representatives on the board, determined to take away transfer privileges on tickets. This action aroused a storm of protest, and the city applied to the courts for an injunction to restrain the company from continuing to refuse the transfers which had been discontinued without the consent of the city. This litigation was carried through to the court of last resort in Pennsylvania, where the action of the company was sustained on the remarkable theory that the sale of six tickets for a quarter which had been customary for a long period prior to the contract of July 1, 1907, was not part of the "rates of fare" then in force, but a mere adjustment made by the company in order to get the use of the money derived from the advance sale of tickets.¹

The cordial relations existing between the present administration and the Philadelphia Rapid Transit Company were well set forth in Mayor Reyburn's annual message in April, 1909. Referring to the completion of the Market Street subway, he said :² —

"The contract between the City of Philadelphia and the Philadelphia Rapid Transit Company has been carried out with complete satisfaction on all sides without friction and with justice and fairness toward each of the parties to the contract.

"In September, 1908, the Subway was placed in operation as far as South Street Wharf on the Delaware River. The result has been that adequate and rapid transit facilities have been afforded to a large class of Philadelphians. It is a model Subway, and although built entirely at the expense of a private cor-

¹ Opinion by Justice Stewart, filed April 26, 1909.

² Page lvi.

poration and maintained by them for their profit, the relationship of the Philadelphia Rapid Transit Company and the City of Philadelphia to-day is so intimate that the Subway is worthy of comment in my Message. I feel that a public service corporation that renders a service of great magnitude to the citizens is as much a part of the City Government as any Department, inasmuch as it necessarily affects all."

The fundamental trouble with the Philadelphia street railway settlement is that all the franchises are made perpetual and irrevocable, unless at the end of fifty years or at some time thereafter the city buys the property of the Philadelphia Rapid Transit Company. It is an open secret that this company has been in financial straits at least a part of the time since 1907, and if the company survives the fifty years' ordeal, what the city can purchase will be principally the company's leasehold rights in the subsidiary companies, which are held on conditions that make profitable operation well-nigh impossible.¹

87. *The water works — another candidate for private operation.* — With what has already been said about the Philadelphia gas works and the street railway settlement in mind, we should be justified in approaching the consideration of the water works with fear and trembling. The municipal water plant was originally established in 1799, and the water supply, since that time, has been continuously under the management of the city government. The water is taken from the

¹The company's annual report published in the *Philadelphia Record*, Sept. 16, 1908, showed a deficit for the years ending June 30, 1907 and 1908. Fixed charges amounted to \$7,430,000, only \$176,000 less than the payrolls.

Delaware and Schuylkill rivers, which, with the increase of population, were so thoroughly polluted that the typhoid fever death rate in Philadelphia became a public scandal. In 1903 there were 993 deaths in the city from this disease, or about 73 per 100,000 population. The city finally was constrained to take action, and has since then constructed the most elaborate slow sand filtration plant in the world. This plant was put into operation in 1908. Its construction had cost the city \$25,000,000, and it was no sooner in operation than its capacity was shown to be inadequate for the summer consumption of water. Accordingly a considerable section of the city still had to be supplied with raw water, and the residents were warned to boil what they were going to drink. The construction of a supplementary filtration plant was commenced, at an estimated cost for completion of \$2,500,000. It is characteristic of Philadelphia that instead of attempting to reduce the enormous consumption, which in 1908 amounted to over 210 gallons per capita per day, the city preferred to add millions to its indebtedness to procure additional funds to pay political contractors for the construction of additional filter beds to purify river water in sufficient quantities to meet all waste. The result is that even with water rentals amounting to \$4,200,000 a year it is claimed that there was an actual deficit of nearly \$700,000 for the year 1908.¹ This deficit does not appear in the reports of the

¹ The figures are given by the Municipal Improvement Company in its printed pamphlets. They are *ex parte*, but only an expert examination of the city's accounts could verify or disprove them.

water bureau, for in that report no account is taken of supplies, which are purchased by another department, or of interest and sinking fund charges, which are paid out of general appropriations. There is also considerable doubt as to whether or not charges that should be assigned to maintenance are paid out of the proceeds of bond issues for construction work.

In 1909 the Municipal Improvement Company made a proposition to the city to take over the water works on a 70-year lease, paying \$12,000,000 in cash in three annual installments, a total of \$50,000,000 in rentals to be paid from year to year, and a further total of \$50,000,000 in improvements to the plant, which was to be returned to the city at the end of the lease free of cost.¹ In support of its proposition the company issued a series of pamphlets dealing with the city's financial condition and the finances of the water works. In its first pamphlet the company maintained that the entire system of mains in use would have to be replaced before pure water under adequate pressure could be supplied. The company offered to relay all mains, not to raise the present water rates, not to install meters except at the request of the consumers, and to supply free water for all public buildings and fire hydrants and for the flushing of the streets. The facts and figures set forth in these pamphlets make Philadelphia appear to be on the road to bankruptcy and offer as the one possible relief the transfer of the operation of the water works to private control. Referring to the city's

¹ See *Public Service*, Aug., 1909, p. 37; also the series of pamphlets issued by the company in the summer of 1909.

undertaking to supply its people with pure water as a manufactured product by means of an elaborate filtration plant, the company said : ¹ —

“Without arguing the effectiveness of this system — and this is the largest plant of such construction in the world — we would remind you that for its successful operation there is absolutely needed the greatest scientific minds and the most expert engineers in all branches who necessarily must devote their lifetime to this project *but who cannot be secured nor whose services can be retained* by any municipality with its constantly changing municipal administrations, with various men and interests in control of your municipal affairs, with political conditions always dominating matters of public action and which results in the selection of men whose tenure of office is *governed by their affiliations to the political powers*.

“We desire it to be very particularly understood that *this is not a question of the mismanagement of the water works system while in the hands of any dominant party*. Exigencies of political control with attendant ideas on the subject of patronage, with promises made and kept, with obligations to certain interests and men of affairs, seem under the system of government prevailing throughout the entire nation to render the operation of any municipal utility problematical so far as such an operation applies directly and distinctively to the party or a fraction of the party in power for a given period.”

Despite a very pressing financial need, however, and despite the alluring prospect of ready money to spend without an increase in the tax rate, the Philadelphia government has not, as yet, ventured to lease the water works for private operation. The memory of the “revolution” of 1905 is, no doubt, too fresh for the political authorities to make the venture.

¹ Third pamphlet, Aug. 17, 1909, entitled “Rights and Duties of Philadelphia in Relation to its Supply of Water.”

88. *Philadelphia's harbor.* — The ruinous results of municipal neglect are also shown in the policy Philadelphia has followed with reference to its port. Dr. Ward W. Pierson, of the University of Pennsylvania, commenting upon this fact in the March, 1907, issue of the *Annals of the American Academy of Political and Social Science*, said :¹ —

“There are to-day twenty city wharves, and there are only a few more owned by the city, at which there are but nine feet of water at low tide. So shallow in fact is the water alongside of these piers that the city fireboats could not get close enough to the shore to do efficient service in case of conflagration. Theoretically, every pier in the city is open for public use ; actually, along the entire water front there is but one covered pier at which a steamship of any considerable draft with a miscellaneous cargo can unload. The other piers are private or are leased to private parties. . . . Some of the wharves are used as dumps and ash heaps ; some as railroad yards ; others are rotten and decayed and sinking below the surface of the water. There is not a single wharf, public or private, which will accommodate a vessel drawing over twenty-six feet of water, and three-fourths of them will not accommodate vessels of one-half that depth. At every point the interests of the city have been sacrificed to private or corporate interests.”

These conditions prevail in spite of the fact that Philadelphia has an available water frontage of about eight miles on a broad, straight river, 102 miles inland from the sea. Philadelphia lies close to the centre of one of the great farming districts of America, and is the terminus of a great railroad, which has 7000 miles of track. The city is also the terminus of the principal railroad

¹ Page 124.

tapping the anthracite coal fields. It is directly connected with the oil fields of Pennsylvania and the principal iron and steel manufacturing districts of the United States. With all these advantages of location, the harbor of Philadelphia has been almost utterly neglected. No important changes had been made prior to 1907 in the laws governing this port since 1803, when Philadelphia was a small city and the country tributary to it was very little developed. On July 1, 1907, however, an act of the legislature went into effect establishing in cities of the first class (Philadelphia) a department of wharves, docks, and ferries to take charge of the harbor and its improvement, with authority to purchase, construct, sell and lease wharves, piers, docks, etc.¹ The neglect of the city's harbor has been so obvious as to command the notice of even such an inveterate optimist as Mayor Reyburn. In his annual message of April 5, 1909, he said :² —

“Philadelphia's neglect of her harbor improvements has been more marked than that of any other American municipality — spasmodic agitations have followed one another from time to time, but no regular systematic plan for the development of the port has been adopted. The docks have been allowed to fall into disrepair and disuse, and the Director of the Department of Wharves, Docks, and Ferries charges that this is the natural result of neglect and discrimination. Of the total amount of the Delaware River water front now in use between Allegheny Avenue and Point House Wharf, a distance of 41,360 feet, the City of Philadelphia owns about 8 per cent, the Pennsylvania Railroad owns 24 per cent, the Philadelphia and Reading owns 22 per cent, and the Baltimore and Ohio Railroad owns 4 per cent,

¹ Supplementary act approved June 8, 1907.

² Page xlix.

the balance being in the possession of private owners. Of the above amount owned by the city of Philadelphia a considerable portion is in detached sections, such as the foot of streets, ranging from 10 to 100 feet in width. This is a condition which would not be allowed in any active port were the citizens alive to the interests of the city."

Mr. Reyburn stated that the councils had recently set aside the sum of \$1,250,000 for the starting of harbor improvements. He went on to say that the Schuylkill River as well as the Delaware deserved recognition in connection with the improvement of the port. He quoted from Director John C. Grady of the Department of Wharves, Docks, and Ferries, to the effect that "the Schuylkill could not have gone so long unimproved if it flowed through any one of a large number of our American cities that I might easily name, and would have been improved a century ago in maritime Europe, where no such river or stream has escaped improvement, and it will be a grievous mistake for our municipality to longer neglect it."¹

It is hard to say just where Philadelphia is to get the money to make the radical improvements in its harbor facilities which the circumstances demand.

89. *Public health and charities.* — The effects of the long reign of corruption in Philadelphia are seen in other departments of the city government. The director of public health and charities, in his report to Mayor Weaver covering the work of his department for the year 1906, showed that in many directions the city has been extremely negligent of the poor and the

¹ Second Annual Message, *already cited*, p. liii.

unfortunate. For example, inadequate provision is made for the care of feeble-minded children.

“Practically all the mentally defective sooner or later become charges of the Municipality,” says the report, “and in the meantime, during the more plastic period of youth, the City fails to take official cognizance of their existence and leaves them helpless charges with parents and remoter kindred or even strangers, none of whom is prepared by training or means to improve the deplorable mental condition of the dependent child. Among the medium or higher grades of feeble-minded girls no moral training is given even when possible; no adequate safeguards taken, so that coincident with maturity the child — for she is as yet not more — is morally degraded and becomes the helpless mother whose offspring is probably of lower mentality than the parent. *One mentally defective of this type has been admitted to the Philadelphia Hospital for five confinements; four of the offspring were clearly sub-normal and three became immediate public charges.* Others of the women become prostitutes, contract venereal disease, infect boys, often mere children, and in other ways endanger society. Medical men do not regard sufferers of this type suitable individuals for commitment as insane, and until they become criminals no adequate provision for their custodial care or training is made. . . . I believe the Commonwealth should assume the responsibility and make the necessary provisions for their care; if the State will not, then the city must; it is a crime to allow the present deplorable conditions to persist.”¹

Taking up the treatment of dependent children who are mentally normal, the director said that conditions

¹ “Fourth Annual Message,” etc., with annual Reports of the Directors of Departments, etc., 1907, p. 66. There is probably little reason for criticizing Philadelphia as compared with other cities in this matter of the care of the feeble-minded. It is a function that is woefully neglected in other states besides Pennsylvania.

were somewhat better, but still far from what they ought to be. The bureau of charities was provided with but one officer to look after the needs of 568 children committed to its care.

The director also called attention to the city's negligence in the matter of care for those suffering from tuberculosis. He said that during 1906 there were 3627 deaths in Philadelphia from this disease, or 13 per cent of all the deaths of the year. He said that while the city very properly provided an institution for the care of scarlet fever and diphtheria patients, which together were the cause of only 548 deaths during the year, and while it was spending millions of dollars for the filtration of the water supply for the prevention of about 1000 deaths and 10,000 cases of typhoid fever annually, comparatively little was being done to alleviate the tuberculosis situation. He called attention to his recommendation of the previous year that funds be furnished the department to provide for the education of the public along certain preventive lines; for the cleansing and disinfection of houses in which deaths from tuberculosis have occurred; for the establishment of dispensaries for the treatment of the poor; for the employment of district nurses for the education of patients who cannot be removed from their homes; for hospital treatment in advanced cases, and for the sanitary supervision of industries the improper operation of which increases the number of tubercular cases.

Taking up the matter of milk inspection, the director showed that his department was handicapped by having no authority to maintain sanitary supervision

over the dairies beyond the city limits which supply the Philadelphia market. He also called attention to the fact that his department was in grievous need of a modern biological laboratory properly equipped for the purpose of making and supplying antitoxin under safe conditions. Referring to conditions at the Philadelphia General Hospital, which accommodated during the year a daily average of 1267 patients, he said that Philadelphia was doing less than any other great American city for its own hospital. The appropriation for maintenance and operation should be more than twice the amount of money that had theretofore been available. Among the pressing needs of the hospital was the doubling of its nursing staff.

The conditions surrounding the nurses in the insane division were particularly deplorable.

"The quarters offered for living rooms for these employees are deplorably unsuitable," said he. "During the year just closed 238 attendants were engaged, and 212 of these left after varying periods ranging from one hour to a few months. Under existing conditions, with the small salary appropriated, they will not stay. . . . Attendants work from 12 to 15 hours each day, are without opportunities for proper recreation, are housed in quarters with the insane, fed in the dining room with the insane, spend their days with the insane, are isolated from the companionship of normal minds, and must, therefore, expect and properly should receive a far more generous remuneration than the city at present is giving."

"It must always be with sincere regret," concluded the director, "that one repeats year after year urgent recommendations that remain unfulfilled. It is not probable that the cries of the needy fall on heedless ears or sink into soulless hearts. Here in Philadelphia was first inaugurated anything like a proper humane

treatment of the insane, and within the call of that venerable institution the city's charges now lie huddled as in the mad-houses of days that were. An official document is no place for sentiment, but the thoughtful must wonder why, in this great Christian community in which dozens of splendid private charities thrive to do noble work, the hospitals owned and operated by the city, ministering to the suffering of our fellowmen, can awaken no sense of pride, no irresistible determination on the part of our citizens to make them the splendidly fully equipped institutions that they should be."

The remarks just quoted are not those of a magazine contributor writing for effect. They are not those of a political orator in the heat of a partisan campaign. They are the words officially spoken by the head of one of the great departments of the city government of Philadelphia under the temporary influence of the recent reform movement which shook the city to its foundations.

90. *The public schools.*— Let us consider the official reports of another department. The free public school system is the pride of the American nation. In his annual report to the Philadelphia Board of Education, under date of February 12, 1907, the city superintendent of public schools, Dr. M. G. Brumbaugh, having in charge the education of 170,000 American children, called attention to the deplorable condition into which the schools of Philadelphia had fallen on account of insufficient appropriations for new buildings and the repair and proper equipment of old buildings.¹ He submitted a complete list of improvements needed.

¹ "Eighty-eighth Annual Report of the Board of Public Education," 1906.

"The most urgent and important matter to which the Board of Public Education and the people of Philadelphia should address themselves," said he, "is the immediate provision for an adequate physical equipment for the schools of the city. Your Superintendent and his associates and assistants have spent, during the past three months, a large percentage of their time in conjunction with the Superintendent of Buildings to ascertain the present needs in new buildings and repairs to old buildings in order to bring our school property up to a reasonable basis of efficiency. . . . We have deliberately excluded from the report every expenditure which is not at this time a necessity. . . . We have not looked ahead to interpret the needs of five years hence or even of three years hence in the normal growth of the city, although it would be a matter of economy to do this and to purchase now, in the rapidly developing sections of the city, available sites for schoolhouses. This would provide for our needs in advance of the time when such property will greatly appreciate in value and its purchase involve complications which mean delay. Nor have we included in the report any provision for the normal annual increase in the school population, which also would necessarily be indicated if the report were to be considered an exhaustive statement of the needs of the schools of Philadelphia.

"We have also excluded from the report, solely because there is no money available to provide it, a list of desks of a modern type for the children of the schools. It is a fact that the children are sitting on broken benches, that they are sitting on boards in the aisles between benches, that they are sitting on boxes, that they are sitting on window sills, and that in some cases they are actually sitting on the floor in the schools of Philadelphia. All of these conditions I have personally and with great distress to myself been obliged in the last four months to witness.

"We are prepared within a fortnight at any time to lay before you a list of schools which have furniture that any fair-minded individual would pronounce unfit for the use of the children. Speaking well within the facts it is safe to say

that there are at least 25,000 such desks in the schools of Philadelphia. . . .

“There is but one of two alternatives before the people of Philadelphia ; either they shall be content to continue this deplorable condition of inadequacy in our school plant or they shall at once organize an effective demand for a loan of at least five millions of dollars to be devoted exclusively to the uses of the public schools of the city of Philadelphia. . . .

“Next to the preservation of physical life alone the obligation is upon us to care for the intellectual life of the city ; and no money economically expended in that direction can be unwisely expended and no loan which the people of Philadelphia could incur at this time would bring a more immediate and permanent benefit to the city than a loan for the purposes herein indicated.”

It appears from the official report of public improvements during the present administration from April, 1907, to October, 1909, that new school buildings had been completed or commenced which required for sites and construction together approximately \$3,750,000.¹ One might infer that Superintendent Brumbaugh's strong statements of the conditions prevailing at the beginning of 1907 had taken effect. If we consult the superintendent's reports for 1907 and 1908 we find, however, no echo of the boasts of the city administration. In his report for 1907 he said :² —

“When the school year began in September we were confronted with the unpleasant fact that 15,819 pupils were crowded into rooms above the normal capacity of the same ; 6954 pupils were in rented buildings, and these, with few exceptions, are

¹ Supplement of the October, 1909, issue of *Philadelphia*, entitled, “Public Improvements during the Present Administration,” etc.

² See “Eighty-ninth Annual Report of the Board of Public Education,” p. 52.

wholly unfit for school purposes, and in many cases sanitarily disgraceful; although the Board of Education pays an unusually heavy rental for these buildings. At the same time 13,817 pupils were on half-time and 1703 on the waiting list. In all, above 20 per cent of the pupils in the elementary schools were denied their inalienable right to an adequate educational opportunity. The knowledge of these facts aroused a widespread interest in the appeal of the Board of Education for the sum needed to remove these wholly unfortunate conditions. Meetings of parents and citizens were held in all parts of the city. Business associations, patriotic societies, women's clubs, and almost all the Local School Boards memorialized Councils to grant the sum prayed for. Councils granted just half the amount asked, and this sum was approved by the people at the November elections. Public sentiment was quieted only by assurances generously given that the remainder of the sum asked for would in the near future be given, and I am confident that we shall soon have the entire five millions for new construction. It is none too much."

The financial stringency of 1907 made it impossible for the city to place its bonds as soon as they were authorized, and as a result the condition of the schools at the end of 1907 was described as "no better" than at the date of the superintendent's report for 1906. He estimated that "the life of a school desk is approximately twenty years," and that according to this estimate the city should spend \$110,000 a year "to maintain the equipment of the schools on a moderately efficient basis." He called attention to the fact that under the proposed financial plans for the succeeding year only \$40,000 would be available for this purpose.

"More has been done to increase the light, heat, ventilation and sanitation of old buildings than in any equal time in the

history of the city," said he, "but what was done merely revealed the absolute need for vastly more. . . .

". . . Any one at all conversant with the present plant is well aware of the tremendous inequality of school equipment in the different wards. The problem is not to provide, as in the past, the best for some and nothing for others, but an equitable equipment of the plant as a whole."

At the time of the superintendent's report for the year 1908 the \$2,500,000 voted in the preceding year for new school buildings had become available. But the need of new schools had been increasing while this half-appropriation had waited, so that now instead of asking for the other \$2,500,000 originally requested two years before, the superintendent found it "imperative to seek at the hands of the people an additional sum of not less than four millions (4,000,000) of dollars to place our schools upon an American and civilized basis."¹ He reported that there were on December 31, 1908, about 2000 more pupils on part time than at the end of the preceding year. He again called attention to the fact that an annual allowance of 5 per cent of the original cost of school equipment was necessary for replacement, and that the elementary schools had been given but 2 per cent for 1908 and were to have only \$20,000, or 1 per cent, for 1909.

The city is divided into ten school districts.

"In the Seventh School District alone," said he, "there are 102 divisions equipped with a kind of school desk that has been repeatedly condemned on the ground that its construction is such as to cause injury to the pupils. It is now twenty-two years

¹ See "Ninetieth Annual Report of Board of Public Education," pp. 58, 59.

since the last of these desks were ordered, and many of them are more than fifty years old. In addition to their faulty construction, many of them are in such a dilapidated condition as to be unfit for use and should have been discarded long ago. A close examination of all the school equipment of this same district shows clearly that it would require more than \$20,000 to place the school furniture of this district alone in even fair condition. . . .

“In last year’s report of the Superintendent of Schools the needs of the schools with respect to alterations and general repairs to buildings were given with some detail. The schools, by reason of years of neglect, ordinary wear and tear, and changed conditions, were in immediate need of every repair and alteration requested, but the appropriation for this purpose was not sufficient to do more than a very small portion of what was needed. In this way, the unfilled demands of one year are handed down to the next and many thousands of innocent and helpless children are made to suffer unjustly and to enter upon the duties of manhood and womanhood without that preparation which is their inalienable right. We may be in no way to blame for the school conditions that we have inherited from previous generations, but we are inexcusably to blame if we permit these conditions to be perpetuated.”

Philadelphia has about two-thirds of the population of Chicago. It is much older and is notoriously prosperous as an industrial and commercial centre. And yet the valuation of school buildings and sites in Philadelphia at the close of 1908 as reported by the city controller was only \$15,669,600 as against a valuation of \$39,322,949 for public schools and school sites as reported for the same date by the comptroller of the city of Chicago. During 1908 Philadelphia spent \$5,802,960 on the maintenance and operation of its schools; Chicago spent \$8,209,235. While Phila-

delphia spent \$1,400,075 of borrowed money for new sites and buildings, Chicago spent \$2,533,363 for the same purposes out of current revenues. Under the public schools act of 1905 the Philadelphia councils are required to set aside for school purposes an amount equal to five mills on every \$100 of taxable valuation of real estate.¹

The public school system of Philadelphia is under the direct supervision and control of a board of public education consisting of 21 members appointed by the judges of the courts of common pleas of the county of Philadelphia. No person may be appointed to this board who is under 30 years of age. It is the duty of the board to determine questions of general policy with reference to the public school system; to appoint executive officers and define their duties; to direct the expenditures of public money for public school purposes, and to appoint teachers in the public schools. The law provides, however, that detailed appropriations shall be made by councils "for such purposes as to them shall seem best" and the money for the schools must be spent according to these appropriations. In each ward of the city a sectional school board consisting of twelve members is chosen by the people in accordance with a system of minority representation. It is the duty of the sectional school boards to visit and inspect the schools and call the attention of the board of education or its officials to any matter requiring action. The sectional school boards are also required by law to render annual reports to the board of educa-

¹ Act of the General Assembly No. 186, approved April 22, 1905.

tion in regard to the condition of the schools in their respective wards with especial reference to the number, equipment, and efficiency of the schools and school buildings.

The executive work of the board of public education is entrusted to three expert agents appointed by the board and subject to removal at pleasure. These agents are the superintendent of schools, who has charge of the educational department; the superintendent of buildings; and the superintendent of supplies. Provision is made for the appointment of teachers from eligible lists containing the names of those who have received teachers' certificates, arranged as nearly as possible in the order of their standings at the examination.

91. *The constitutional status of the city.* — Under the constitution of Pennsylvania the legislature is forbidden to incorporate or organize cities except by general laws or to amend the charters of cities by special laws.¹ One might suppose that such a prohibition would protect the city of Philadelphia from the special interference of the state legislature. This is not the case, however. The legislature has evaded the constitutional limitation imposed upon it by classifying cities according to population in such a way that Philadelphia shall be the only city in the first class. By this device legislation applying in terms to all cities of the first class applies in fact to Philadelphia alone.

Another provision of the constitution prohibits the state from giving or loaning its credit to any municipal

¹ See "Digest of City Charters," *already cited*, pp. 17-27.

corporation. Municipal corporations themselves are prohibited from lending their credit or granting public money to any private individual, association, or corporation and the legislature may not authorize them to become stockholders in private corporations. The legislature is also prohibited from delegating power to any special commission or private corporation to levy taxes for municipalities, and from extending the term of any municipal officer beyond the period for which he was elected or appointed. The legislature is also prohibited from increasing or diminishing the salary of any officer during the term for which he was elected or appointed and from granting extra compensation to any public agent after he has entered into his contract. Under still another provision of the constitution the legislature has no power to authorize the construction of a street railway in any city without the consent of the city authorities. The indebtedness of cities is limited by the constitution to 7 per cent of the assessed valuation of taxable property, but may be increased to 10 per cent under authority from the legislature. No increase of indebtedness beyond 2 per cent may be incurred, however, except with the assent of the people at an election. Provision must be made for the payment of municipal debt within thirty years after the time when it is incurred.

92. *Councils.* — Philadelphia, in spite of its bad government, has been operating for the past twenty years under a "reform" charter, by which the administrative and legislative functions of the city are carefully separated and responsibility for the administration is

concentrated in the mayor. The legislative authority of the city is vested in a city council of two branches, or, in Pennsylvania phraseology, "City Councils." The upper chamber, known as the select council, consists of forty-seven members, one elected from each of the forty-seven wards into which the city is divided. The common council consists of eighty members, distributed among the various wards in the ratio of one councilman to every 24000 qualified voters. Members of the select council serve for three years, one-third of them being chosen every year. Members of the common council serve for two years. All councilmen serve without salary from the city. In view of what I have already said about the city government of Philadelphia, the following oath of office, to which every member of councils must subscribe when he enters upon the duties of his office, seems somewhat ironical : —

"I do solemnly swear (or affirm) that I will support, obey, and defend the Constitution of the United States and the Constitution of this Commonwealth and that I will discharge the duties of my office with fidelity ; that I have not paid or contributed, or promised to pay or contribute, either directly or indirectly, any money or other valuable thing to procure my nomination or election except for necessary and proper expenses expressly authorized by law ; that I have not knowingly violated any election law of this Commonwealth or procured it to be done by others in my behalf ; that I will not knowingly receive directly or indirectly any money or other valuable thing for the performance or non-performance of any act or duty pertaining to my office other than the compensation allowed by law."¹

¹ "Manual of Councils," Philadelphia, 1907-1908, p. 49.

Philadelphia councils are unusually decorous. Their deliberations are opened with prayer, and smoking during sessions is prohibited.¹

No member of the state legislature and no one holding any office or employment under the state at the time of his election is eligible to a seat in either branch of councils. Members of councils are not eligible, during the term for which they were elected, to any office or employment in the gift of councils. Members of councils are forbidden to become sureties for any city official.

Each branch of councils meets twice every month. Each branch elects a presiding officer and keeps a journal of its proceedings. No ordinance can be passed except by majority vote of all the members elected to each branch: The mayor has the right to veto, but an ordinance may be passed over his veto by a vote of three-fifths of all the members of each branch.

The powers of the Philadelphia councils are described in many legislative acts beginning with the charter of 1701.² None of the more recent city charters repeals the provisions of the charters that went before. The reform charter of 1885 took considerable power away from councils and vested it in the mayor and the executive department. In fact, one of the main purposes of this measure was to effect complete separation of the administrative and legislative functions. This act established certain administrative departments and forbade councils to create any others.

¹ For the rules, see "Manual of Councils," 1907-1908, pp. 29-65.

² "Digest of City Charters," *already cited*, pp. 182-188.

A section of the charter of 1789 gives councils full power and authority to make such laws, ordinances, and regulations not repugnant to the laws and constitution of the state "as shall be necessary or convenient for the government and welfare of the said city." Councils have authority to make the annual appropriations and to fix the tax rate and levy the taxes. The tax rate must be fixed not later than October 1 of each year. Councils have authority to fix the salaries of all officers. They have authority to grant franchises, and there are no general provisions of law limiting this power. It should be observed that as compared with most American cities the legislative power of Philadelphia councils is very great.

93. *The mayor.* — The mayor of Philadelphia is elected by the people every four years and receives an annual salary of \$12,000. At the time of his election he must be at least 25 years of age and must have been a citizen and resident of the state at least five years. He is not eligible to a succeeding term of office. Under the city charter he appoints the heads of the principal city departments, subject to confirmation by the select council. He also has authority to remove any head of department appointed by him on giving his reasons in writing to the select council. He has authority to veto any item in an appropriation bill. He may at any time appoint three competent persons to examine the accounts of any department, officer, or employee of the city without notice. In case of a vacancy in the office of mayor, a successor is elected for the unexpired term at the next municipal election occurring more than

thirty days after the occurrence of the vacancy, provided that such election does not take place in the last year of the term. Pending such election, the office of mayor is filled by the head of one of the five principal administrative departments, according to an order of precedence set forth in the charter. If there is to be no special election, a mayor *pro tempore* is chosen for the unexpired term by the majority vote of all the members of councils sitting in joint convention. The mayor is required to call together the heads of departments at least once a month for consultation and to advise upon the affairs of the city. All heads of departments are required to make annual reports of the proceedings of their departments to him. As chief executive of the city it is the mayor's duty to see that the city ordinances and the laws of the state are properly executed, and in case of riot he has authority to take command of the police force, call out the militia, and appoint as many special patrolmen as he deems necessary for the sake of preserving order.¹

94. *Organization of the city administration.* — There are eleven departments enumerated in the city charter as amended to 1909 as follows: education; receiver of taxes; city treasurer; city controller; law; sinking fund commission; public safety; public works; public health and charities; supplies; and wharves,

¹ The powers and duties of the mayor and the organization of the administrative departments are set forth in "The Bullitt Bill" as amended. This was published in full in the July, 1909, number of *Philadelphia*.

docks, and ferries. The organization of the board of education has already been described.

The receiver of taxes is elected by the people and holds his office for a period of three years. He collects all taxes, license fees, water rents, market rents, and all other moneys due the city. He turns his collections over every day to the city treasurer and reports them to the city controller. The receiver of taxes draws a salary of \$10,000 a year, and no person is eligible to the office who has not been a citizen and resident of Philadelphia for at least seven years.

The city treasurer is elected by the people for a term of three years, receives a salary of \$10,000 a year, and must have the same qualifications as are required for the receiver of taxes. The city treasurer keeps the funds of the city, deposits them in banks designated by councils, and pays them out on warrants countersigned by the city controller.

The city controller is also elected by the people for a term of three years. He receives an annual salary of \$8000. It is his duty to prescribe the forms of reports and accounts to be rendered to him by each department of the city government ; to audit these accounts ; to see that no appropriation is overdrawn or any money spent for a different purpose from that for which it was appropriated, and to examine and pass upon all claims against the city.

The head of the department of law is the city solicitor, who is legal adviser and attorney for the city and all its departments. He prepares and approves public contracts, city bonds, and other written instruments in

which the city is concerned. He is elected by the people for a period of three years and receives a salary of \$10,000 a year.

The sinking fund commission consists of the mayor, the city controller, and one person elected by councils. This commission has charge of the fund set aside for the redemption of the city's debt. This fund, on January 1, 1909, amounted to \$9,135,200, which was in the form of city bonds held by the commission.

The director of public safety receives a salary of \$10,000 a year. His department is divided into eight bureaus, as follows: police, fire, electrical, city property, building inspection, boiler inspection, elevator inspection, and correction.¹ The heads of these bureaus, and all other subordinates of the department, are appointed by the director, subject to the provisions of the civil service law. The director may suspend or remove any subordinate, but not for political reasons, and only for such cause as will promote the efficiency of the service. The subordinate whose removal is sought is entitled to written notice of the reasons for removal, and may demand a special trial by a court of inquiry to be appointed by the director. In November, 1909, the fire force consisted of 995 persons, and on December 1, 1909, there were on the police force a total of 3492 men. The entire amounts expended during the year 1908 for the use of fire and police bureaus including supplies, were \$1,323,685

¹ See "Summary of Philadelphia's Government," in *Philadelphia* for January, 1910.

and \$3,745,550, respectively.¹ The electrical bureau has charge of the inspection of electric lighting and electric wiring. The bureau of correction has charge of the city prison. The bureau of city property has charge of the city hall, the city real estate, the trees of the city, the public markets, the public toilet rooms and bath houses, and various other public buildings and city squares. To the bureau of building inspection is entrusted the enforcement of the building laws of Philadelphia, which are not found in the ordinances of councils but are a part of the statutes of the state of Pennsylvania.

The director of the department of public works also receives a salary of \$10,000 a year. Under this department are six bureaus, as follows: highways and street cleaning; lighting; surveys; board of highway supervisors; gas and water. The heads of these bureaus are appointed by the director of public works. The bureau of highways and street cleaning has charge of the construction, repair, sprinkling and cleaning of streets, the repair of bridges and sewers, the removal of snow and ashes, the removal and disposal of garbage, and the removal of dead animals. During the year 1908 this bureau spent \$5,312,000, of which \$2,945,000 was for current expenses. This bureau spent the entire sum of \$500,000, representing the commuted paving and car license obligations of the Philadelphia Rapid Transit Company, upon the repair of streets occupied by the company's tracks. Garbage was collected and removed

¹ *Philadelphia*, for November and December, 1909; also City Controller's report for 1908, pp. 140, 150, 278, 280.

under contract by a reduction company at an expense to the city of \$488,988. Streets and alleys were cleaned and ashes were removed also by a private contractor at a cost to the city of \$1,199,000.

The bureau of lighting spent \$432,680 during the year 1908. During that year 22,913 gas lamps were maintained free by the United Gas Improvement Company under its lease. Besides these, there were maintained 16,017 gasoline lamps and 73 gas lamps at the expense of the city.

The bureau of surveys has at its head a chief engineer who receives a salary of \$8000. It has charge of the construction of sewers and bridges, the preparation of plans for the abolition of grade crossings and other similar duties. This bureau spent \$2,884,000 in 1908, most of it for improvements and extensions. The total length of all sewers built in Philadelphia to January 1, 1909, was 1,143.24 miles. In accordance with an act of the Pennsylvania legislature establishing the state department of health, passed in 1905, the city of Philadelphia is under obligation to prepare and submit to the state authorities not later than January 1, 1912, a comprehensive plan for the collection, purification, and disposal of all the sewage of the city. The preparation of these plans is a part of the duty of the bureau of surveys.

The bureau of gas, since the lease of the city's gas plant to a private company, has lost much of its importance. Its principal duty now is to inspect gas meters and make tests of the quality of gas supplied.

The bureau of water has charge of the Philadelphia

water works, including the filtration plant. During the year 1908 the operating receipts of the bureau were a little more than \$4,200,000.

The director of the department of public health and charities receives a salary of \$10,000 a year. This official has the care, management, and supervision of the public health, charities, almshouses, and hospitals of the city. The work of the department is divided between the bureau of health and the bureau of charities. The former, among other things, provides for the medical inspection of the public schools and the furnishing of school nurses. The medical inspectors in 1906 found 8755 cases of acute illness requiring exclusion from the schools and 31,544 cases of children needing medical attention.

The department of supplies was first established in 1903. The director of this department receives a salary of \$10,000 a year and has control of the purchase of all articles and personal property required in the business of the city. Other departments of the city government get their supplies by requisition from this department, which, during the year 1908, spent upwards of \$2,339,000.

At the head of the department of wharves, docks, and ferries, which was established by a special act of the legislature in effect July 1, 1907, there is a director appointed by the mayor with the advice and consent of the select council.¹ The director of this department holds his office for four years "provided that he shall so long behave himself well." He is eligible for re-

¹ Act supplementary to the Bullitt Bill, approved June 8, 1907.

appointment. He receives a salary of \$10,000 a year and is required to give a bond in the amount of \$25,000. He has charge "of the improvement, regulation, and supervision of the construction, extension, alteration, maintenance, and use of wharves, piers, bulkheads, docks, slips, basins, ferries, harbors, harbor structures and approaches thereto, storage facilities and water fronts, lands under the water and structures thereon, and the appurtenances, easements, uses, reversions, and rights belonging thereto, which are now or may hereafter be owned or possessed by the city for the repairing, building, rebuilding, maintaining, altering, strengthening, and protecting of said property, and every part thereof, and of all the cleaning, dredging, and deepening in and about the same."¹ The superintendent of the city ice boats, whose duty is to keep the harbor open for navigation in the winter, formerly was subject to the control of the director of public works, but is now attached to the department of wharves, docks, and ferries. This department is as yet little developed. Its expenditures for the year 1908 amounted to only \$76,341.

Fairmount Park, the city's principal pleasure ground, contains a total area of 3341 acres. It is in charge of a commission consisting of ten citizens, together with the mayor, the presidents of city councils, and the chiefs of the bureaus of water, surveys, and city property. The ten citizen members are appointed by the judges of the county court. The nucleus of Fairmount Park was acquired by the city in 1812 and consisted of a

¹ Ordinance approved July 20, 1907.

tract of five acres devoted to water works and park purposes.¹ Two other parks, comprising together an area of 92 acres, are under the control of the Fairmount Park Commission. About 50 public squares and parks, ranging in area from one-eighth of an acre to 300 acres, are under the control of the bureau of city property in the department of public safety.

The Free Library of Philadelphia consists of a main library and seventeen branches. It is under the control of a board of trustees consisting of the mayor, the presidents of councils, one citizen elected annually by each branch of councils, and seventeen other citizens. Vacancies among the seventeen are filled alternately by the library board itself and by the mayor, subject to the approval of the select council.²

The civil service commission established by a law passed in 1906 consists of three members appointed by the mayor for terms of five years.³ Not more than two of the commissioners may be adherents of the same political party. The president of the commission receives a salary of \$5000 a year and each of the other commissioners a salary of \$3000. The civil service of the city is divided into the unclassified service and the classified service. Under the former, all elective officers and all heads of departments are included. The classified service includes practically all other persons in the service of the city arranged in four classes :

¹ "Manual of Councils," 1907-1908, pp. 173-175.

² *Ibid.*, p. 177.

³ *Ibid.*, p. 133; also "Digest of City Charters," *already cited*, pp. 294, 295.

First, the exempt class, including secretaries and confidential clerks, who may be appointed without examinations.

Second, the non-competitive class, including those positions not in the exempt class or the labor class, which the commission thinks it is impracticable to include in the competitive class.

Third, the labor class, which includes ordinary, unskilled laborers appointed from lists of applicants.

Fourth, the competitive class, which includes all the positions not falling in any of the other classes.

Competitive examinations of applicants are held and lists made up according to the results of these examinations. Whenever a vacancy occurs in a position in the competitive class, the appointing officer receives from the civil service commission the names of four persons who are at the head of the eligible list, one of whom must be chosen and appointed on probation. Unless he is discharged at the end of three months, this person's appointment becomes permanent. No person in the classified service can be removed except for cause, with written charges by the removing officer and an opportunity for defence on the part of the person about to be removed.

The city and county of Philadelphia are coterminous and form one municipal corporation. There are the usual county officers, including a recorder of deeds, a sheriff, a coroner, a district attorney, and a register of wills.

The police court of Philadelphia is conducted by 28 magistrates elected by the people for terms of

five years. Under the law no voter is permitted to vote for more than two-thirds of the number of magistrates to be elected in one year.¹ As a result the Republicans nominate two-thirds and the Democrats one-third, and the voter has no choice at all at the election except when there is a contest between the Democrats and the independents for the minority places. In such cases, as the Republican organization usually has votes to spare, it is likely to throw some of the surplus to the Democrats so as to keep the reformers out. In Philadelphia there are also five courts of common pleas, each consisting of a president judge and two associate judges elected for terms of ten years. There is also an orphans' court with five judges elected for ten-year terms.

Elections are under the control of a board of three commissioners elected by the people, not more than two of whom may belong to the same political party.² The election laws provide that no person can vote in Philadelphia unless he has lived in Pennsylvania at least one year and in the election precinct where he desires to vote at least two months. No citizen over 22 years of age may vote unless he has paid a state and county tax within two years. All voters must be registered. There are 1156 election districts in the city. Elections for county, state, and national officials are held in November, while city and ward elections are held in February. No person can be an election officer who has, within two months preceding the

¹ "Manual of Councils," *already cited*, p. 194.

² *Ibid.*, p. 167.

election, held any office, appointment, or employment under the United States, the state, or any municipal department. Exception, however, is made in favor of justices of the peace, councilmen, notaries public, and persons in the military service of the state. Nominations are now made by the direct primary system.

95. *Assessment, taxes, income, expenditures, and debt.*
 — The assessment of property for purposes of taxation is vested in a department of revision of taxes, consisting of three members appointed by the court of common pleas. Each member draws a salary of \$6000 a year. In Philadelphia a state tax only is levied on "money at interest" and "carriages for hire." These subjects of taxation were assessed for the year 1908 at \$545,638,240. The rate of taxation on this property is only 40 cents for each \$100, and three-fourths of the proceeds are turned back to the city treasury. City taxes only are levied against real estate and horses and cattle. For purposes of taxation real estate is divided into three classes: "city," upon which the tax rate is \$1.50; "suburban," upon which the rate is \$1; and "farm," upon which the rate is 75 cents. The horses and cattle have to pay the full rate of \$1.50. The assessed valuations for 1908 were as follows:—

"City" real estate	\$1,247,804,299
"Suburban" real estate	74,430,180
"Farm" real estate	29,878,865
Horses and cattle	2,014,481
Total	<u>\$1,354,127,825</u>

The city tax rate prior to 1904 was \$1.85, but in that year it was reduced to \$1.50 at the same time

that the assessments were increased about 29 per cent. This was the Philadelphia way of making the taxpayers happy.

The total revenues of the city from all sources except permanent loans during the year 1908 were approximately \$35,012,866, from the following sources :

City tax on property	\$19,615,191
City's portion of state tax on personal property	1,731,500
State subsidy for schools	955,568
Poll taxes	75,392
Revenues from water works	4,195,195
Receipts under the gas lease	1,006,184
Receipts from Philadelphia Rapid Transit Company under ordinance of July 1, 1907	685,875
Wharf rents	54,150
Interest on city deposits	340,674
Philadelphia and Reading Railway Company, on account of abolition of grade crossings	251,090
Miscellaneous, including departmental receipts, license fees, penalties, etc.	4,302,047
Temporary loan	1,800,000

From the issue of long-term bonds the city received \$19,375,000, besides \$711,091 in premiums and \$202,794 for accrued interest.

The expenditures for the year, including both maintenance and construction accounts, amounted to \$48,023,933, and there remained an unexpended balance in the loan accounts of \$16,368,768, and in the current appropriations accounts of \$857,814.¹ By a law passed in 1879 the city's expenditures in

¹ "City Controller's Report," 1908, pp. 3, 4. I have eliminated from the total expenditures as given by the controller the amount of personal property taxes collected for the state and turned over to it.

any one year are limited to estimated receipts. The amount available is ascertained by subtracting from the total tax levy the average proportion for the last five years that has remained uncollected during the year, and then adding the city's average annual income from miscellaneous sources during the five-year period. This act specifically provides that "the city controller shall not countersign any warrants (except for payments of interest and for sinking fund) pertaining to any of the appropriations, until the said councils shall have passed all appropriations necessary for the expenses for the current year for each department, board, commission, or trust connected with said city; nor shall said officer countersign any warrants, except as aforesaid, until the total of all appropriations, all estimates, and other lawful obligations shall have been brought within the sum yielded by the tax levy and average income from other sources ascertained as aforesaid; and any appropriation or expenditure in excess of this total shall be void, and shall have no binding force upon the municipality." In February, 1910, a suit was brought by a property owner to restrain the city officials from paying out city funds, it being alleged that the provisions of the act of 1879 were being violated. The fact that Thomas Raeburn White, from whom I have already quoted at some length, is counsel in this case is a guaranty that the suit is being brought in good faith, — whatever its outcome may be.

The gross funded debt of the city on January 1, 1909, was \$88,770,220, and the net debt was \$79,635,020.

At that time there were authorized loans amounting to \$6,825,000 not yet negotiated, leaving the city with an additional borrowing capacity, under the constitutional debt limit, of \$5,750,000. The city during the preceding year had paid \$8,175,850 for interest, sinking funds, and matured installments of serial loans.

There is nothing in the city controller's report to show the purposes for which the outstanding funded debt of Philadelphia was incurred, except as to the distribution of bond accounts for the current year. It is known, however, that about \$30,000,000 of it is water debt, mostly incurred in connection with the construction of the filtration plant. It is of interest, however, to note the value of the city's assets as claimed by the city officials. The total valuation of the city's real estate and public buildings in the year 1908 amounted to \$91,945,644, as follows:¹ —

Public schools	\$15,669,600
City Hall and offices	21,595,000
Police stations and fire department houses	2,746,100
Wharves	2,102,000
Parks and public squares	33,596,644
Prisons, almshouses, hospitals, etc.	6,413,200
Bureau of gas	3,777,500
Bureau of water	4,511,500
Miscellaneous	1,534,100

This schedule of city property does not include the filtration plant or the distributing systems of the water and gas works. Neither does it include other improve-

¹ "City Controller's Report," 1908, Table L, opposite p. 323.

ments such as sewers, bridges, and pavements, or the apparatus of the police and fire bureaus.

Special mention should be made of the Philadelphia City Hall, the asset of which the city officials are most proud. Work on this building was commenced in 1871, and by 1907 it had cost over \$24,000,000. The "Manual of Councils" says that this city hall is the largest single building in America. It covers an area of $4\frac{1}{2}$ acres and contains 634 rooms. It has $14\frac{1}{2}$ acres of floor space. The height of the tower is 548 feet and the clock face is 26 feet in diameter and 361 feet above the pavement. From 1871 to 1901 the construction of the city hall was in the hands of a special building commission established by the Pennsylvania legislature.

In addition to the real estate owned by the city, there was in 1908 church property valued at \$31,000,000, and miscellaneous property valued at \$68,000,000, exempt from taxation.

96. *An illuminating contrast.* — It is perhaps fitting to close this account of the government of Philadelphia by a brief sketch of the work of the "Citizens Permanent Relief Committee." True to its character as the "City of Brotherly Love," Philadelphia cares more for its reputation for philanthropy and Christian charity than it does for a good name for civic justice and political honesty. The city of Philadelphia established a few years ago a committee of sixteen citizens, with the mayor as chairman, for the purpose of lending aid to stricken communities, not only in other parts of Pennsylvania, but also in other states of the Union and in other countries of the world. Beginning

in June, 1903, the committee sent \$1000 to the relief of a small town in Oregon, 3000 miles away, which had been partially destroyed by flood. At about the same time, this committee sent \$7000 to cities in Kansas which had suffered from flood. In December, 1903, the little town of Butler, Pennsylvania, was suffering from a typhoid fever epidemic, with 10 per cent of its entire population sick with the disease. The Philadelphia permanent relief committee organized a corps of nurses and despatched them to Butler to remain until the epidemic had disappeared. In 1906 the committee sent 10,000 francs to aid the sufferers from the eruption of Mount Vesuvius in Italy, and at the same time sent \$5000 to the Red Cross Society to help in the famine-stricken districts of Japan. About this time occurred the terrible earthquake and fire which partially destroyed San Francisco. The committee raised and sent to the relief of San Francisco \$400,000. In November, 1906, the committee contributed \$5000 to the relief of sufferers in Valparaiso, Chili, after the great earthquake there, and \$5000 more for the relief of the people of Kingston, in the Island of Jamaica, which had been devastated by another great earthquake. At the close of the year 1906, as shown by Mayor Weaver's last message, the committee was busily engaged collecting funds for famine sufferers in China and Russia.¹ The funds dispensed by this committee were not taken from the city treasury, but were raised by special subscription among the citizens of Philadelphia.

¹ "Fourth Annual Message of John Weaver, Mayor," p. lxxv.

Thus we see the curious spectacle of a great city proud of its religion and philanthropy, which while scattering its bounty broadcast over the world, did not have sufficient pride to furnish adequate school facilities for its children or adequate hospital facilities for its sick, and which still seems content to rest under the opprobrium of being the worst political plague-spot on the map of the United States.

Philadelphia is a great city: rich in historic traditions, prosperous, cultured, renowned for its comfortable home life. We might almost call it *the* American city, as distinguished from the world-cities that have grown up on American soil. Sometime the slumbering giant will awake. Let us hope the locks of his strength may not be shorn while he is still asleep!

CHAPTER VI

SAINT LOUIS

97. *The discovery of the city St. Louis.* — “I do solemnly swear before the Almighty God that in associating myself and in becoming a member of this Combine, I will vote and act with the Combine whenever and wherever I may be so ordered to do ;

“And I further solemnly swear that I will not at any place or time reveal the fact that there is a Combine, and that I will not communicate to any person or persons anything that may take place at any meeting of the Combine ;

“And I do solemnly agree that, in case I should reveal the fact that any person in this Combine has received money, I hereby permit and authorize other members of this Combine to take the forfeit of my life in such manner as they deem proper, and that my throat may be cut, my tongue torn out, and my body cast into the Mississippi River.

“And all of this I do solemnly swear, so help me God.”

This was the formal oath taken a few years ago by a large group of members of the city council of St. Louis, who, by banding together in secret, were enabled to control the action of that body and enrich themselves

by selling public franchises and contracts.¹ Speaking of the conditions in the year 1900, one writer has said :²—

“A regular tariff was formulated at the city hall, a tariff that specialized the price for which bribed votes could be secured—so much for permission to lay a switch, another sum for building a wharf, still another for locating a public market in a particular neighborhood, and so forth, on and upwards, to a fortune for the men who would seek control of a great public utility, such as the water works.

“Yes, in that dark year the barter of nearly everything the city had was open for consideration with the spoilsmen ; and a certain number, with even more advanced ideas, discussed the advisability of turning over the city fire department to the highest briber and permitting him to levy toll upon merchants and insurance companies. Others planned to sell the courthouse and still others agreed to let an advertising firm paint notices of its wares on the courthouse walls.”

It took all this to awaken St. Louis. Founded in 1763 by a band of French traders, St. Louis was not incorporated as a city until 1822.³ Its situation in the centre of the United States at the heart of the Mississippi Valley, surrounded by fertile and populous commonwealths, has tended to make commercialism its dominant characteristic. Probably its half-southern location has made St. Louis more slow-going and less anxious about itself than the great cities farther north, with the exception of Philadelphia. Perhaps

¹ See “The St. Louis Disclosures,” by James L. Blair, in the Proceedings of the Detroit Conference for Good City Government, 1903, pp. 87-108.

² Claude Wetmore, in “The Battle against Bribery,” p. 11.

³ See Historical Sketch in “A City Plan for Saint Louis,” issued by the Civic League, 1907, pp. 15-29.

another explanation is the fact that St. Louis, *as a city*, remained practically undiscovered until after it had passed the half-million mark.

St. Louis is a German-American city. As far back as 1850, when the population of the city was only 77,860, less than half of its people were native Americans, and 22,340, or 28.7 per cent of all, were natives of Germany. Half a century later, when the population had increased to 575,238, this number included 58,781 natives of Germany. The number of those whose parents were both born in Germany was 154,735, and in addition there were 62,700 who had one parent born in Germany. Indeed, the German element was so strong in St. Louis that in 1875, when the constitution of Missouri was revised, a clause was inserted requiring that whenever a new city charter for St. Louis should be adopted, its provisions must be published in three daily papers of largest circulation in the city, one of which should be a newspaper printed in the German language. The cities of Germany are reputed to be honestly and efficiently governed, but the prominent part that German-Americans played in the corruption of St. Louis is plainly told by the list of boodlers indicted for bribery when the members of the "Combine" were exposed and prosecuted. Kratz, Stock, Schnettler, Schumacher, Gutke, Decker, Lehmann, Bersch, Hartmann, Busche, Schweickhardt, and Meysenburg are boodlers' names that betray a German origin. And Mr. Ziegenhein was mayor of the city during the gala days of corruption. It should be added by way of contrast that a native of Germany, Dr. F. Louis Soldan,

served as the progressive and efficient superintendent of the St. Louis schools from 1894 to 1908. He was so much a German that the memorial service at his grave was conducted in the German tongue. Many German names also appear on the committees of the Civic League, which is leading the movement for good government in St. Louis.

Mr. Folk was elected public prosecutor in the year 1900 — only ten years ago. Nothing can be more astonishing than the fundamental progress of the American people during that decade. The ideas of city government that prevailed ten years ago seem now to be on a par in their antiquity with the ethics of our forefathers who swept the North Sea under their pirate chiefs. Mr. Folk went into politics only a decade ago. He discovered that “graft is treason.” He discovered that after you have fought corruption to a standstill in your city, you cannot destroy it without following it to the state capital, where the legislature and the Supreme Court exercise sovereignty. It was only six years ago that Mr. Folk was campaigning through the state of Missouri on the moral issue raised by the revelations that had been made in St. Louis. The extent to which the people of the city were aroused at that time is well shown by the words of an appeal to the citizens of Missouri issued prior to this election by the clergymen of St. Louis. In this address I find the following remarkable statements: ¹ —

“It is no exaggeration to say that there is no suffrage in St. Louis. The citizen is either frightened from the polls or goes

¹ Wetmore, *work cited*, p. 195.

to them with the certainty that his vote will not count against the purpose of the terror reign to keep itself in power and to use its power for the robbery of the city's wealth. While one million eight hundred thousand dollars go each year to brass-button and be-weapon the strut of policemen whose business on election days is to keep riot instead of peace, . . . the city's institutions of charity resemble hotels more than homes. Cramped and make-shift hospitals, insane asylums that are themselves half insane for want of proper room and service, almshouses that mingle the poor with the mad, as if to make the poor mad and the mad madder with neglect — attest the extent of the robbery that rewards the chartered boodler and thug.

“Of course so bitter a curse could not have come upon our city without some deep, inveterate guilt of its own. For twenty years and more it had been careless of its franchises. They had been bought and sold in regular market. The market was at first secret, but grew open with the courage of custom, until little or no pains were taken to conceal its traffic. The buyers were citizens of wealth, presidents and directors of corporations — whose prominence lent respectability to the corruption in which they engaged; and the corruption became more and more respectable with the greater prominence its additions of ill-got wealth gave to the corporation presidents and directors who abetted it.”

98. *Constitutional home rule.* — St. Louis occupies an unusual position among the great cities of America, for the reason that it was the first of these cities to attain what we call “Municipal Home Rule.” Thirty-five years ago, in 1875, the constitutional convention of Missouri so far yielded to the demand of the representatives from the city of St. Louis as to insert in the new constitution of the state a section authorizing the people of any city of more than 100,000 population to frame and adopt their own city charter subject to

certain limitations.¹ Under this constitutional provision a municipal charter might be framed by a board of thirteen freeholders elected for the purpose by the qualified voters of the city. The charter so framed could not go into effect until it had been submitted to the electors and had been approved by four-sevenths of those voting at the election. If so approved, the charter would go into effect after being certified to the secretary of state and to the recorder of deeds for the county in which the city was situated. Any such charter might be amended by propositions submitted by the legislative authority of the city and accepted by a three-fifths vote of the qualified voters of the city voting at the election. But any charter framed and adopted by the people of the city was always to be in harmony with, and subject to the constitution and laws of, the state of Missouri. The constitution further required that any such charter should provide for a mayor, or chief magistrate, and a city council of two chambers, at least one of which should be elected at large by the people of the city.

St. Louis took advantage of these constitutional privileges immediately. A board of freeholders was elected to prepare a draft of a new charter, which was submitted to the people on August 22, 1876, and ratified by them and went into effect on October 22 of that year. Since that time constitutional amend-

¹ See "The Municipal Situation in St. Louis," by Hon. Charles Nagel, in *Proceedings of Rochester Conference for Good City Government*, 1901, pp. 105-110. See also "Digest of City Charters," *already cited*, pp. 11-13, 17-24.

ments have been adopted by the people of Missouri, giving still further powers to the city of St. Louis. Since the year 1901 the city has had the right to adopt charter amendments by a three-fifths vote of the electors voting on the question. Under the old provision of the constitution, any charter amendment had to receive the approval of three-fifths of all the voters who voted at the election. Every citizen who went to the polls to vote for public officials, and, through ignorance, indifference, or neglect, failed to vote either for or against a charter amendment, was counted in the negative. Also, under the new provision, the city council of St. Louis is authorized to call an election to choose a new board of freeholders to prepare another charter subject to ratification by a majority vote of the electors voting at the election. In any such new charter, the city is not required to maintain the bicameral system in the city council.

It is provided, however, that the legislature of the state shall have the same power over St. Louis that it has over the other cities and counties of the state. This power is considerably limited by other provisions of the constitution which forbid the legislature to incorporate or organize cities or amend their charters by special laws. But the Missouri legislature has to a considerable extent evaded this limitation by the classification of cities according to population, thus putting all cities of a certain size into a class by themselves. The legislature has also encroached upon the sphere of municipal home rule, by taking away from the city its jurisdiction over elections, the police, and

the granting of liquor licenses. These functions, by a strict interpretation of American law, are regarded as functions of the state, and so, while they are usually left under the immediate control of the municipal government, it is not deemed to be an absolute encroachment upon the right of local self-government when they are placed by law under the control of the state administration.

The constitution of Missouri, however, imposes a number of other important limitations upon the action of the legislature in relation to cities. The most important of these limitations are as follows:—

The legislature is prohibited from imposing taxes upon cities for municipal purposes, and from taxing the property of municipal corporations.

The legislature is forbidden to release or extinguish the debt which any person or corporation may owe to a municipality, and may not loan the credit of the state to any municipal corporation.

The legislature may not authorize any municipal corporation to lend its credit or grant public money to any private person or corporation, or to become a stockholder in any private company or corporation.

The legislature may not create any office with a term exceeding four years and may not extend the term of any municipal officer beyond the period for which he was elected or appointed, nor increase any officer's salary during his term, nor grant him any extra compensation for his services after they have been rendered.

Other provisions of the Missouri constitution limit

the rate of indebtedness for all cities within the state to 5 per cent of the assessed value of taxable property, and debt even to this amount cannot be incurred without the consent of two-thirds of the voters at an election held for the purpose. Moreover, at the time when any debt is incurred, provision must be made to raise money by taxation sufficient to pay the interest from year to year, and to retire the principal within a period of twenty years. An exception was made, however, in the case of St. Louis by a constitutional amendment adopted in 1900, which authorized the people of that city to issue bonds to the amount of \$5,000,000, without reference to the debt limit, to provide for an appropriation for the benefit of the Louisiana Purchase Exposition which was held in 1903. The state constitution also provides that no person may at the same time hold a state office and a municipal office, or two municipal offices.

99. *The municipal assembly.* — The legislative power of the city is vested in the municipal assembly consisting of a council of thirteen members elected for a period of four years on a general ticket, and a house of delegates of twenty-eight members elected one from each ward of the city for a term of two years.¹ The members of the council must be at least thirty years of age. Any person who is interested in any contract with the city or who has been convicted of malfeasance, bribery, or other crimes

¹ See "The Scheme of Separation between St. Louis City and County and the Charter of the City of St. Louis," with amendments to May 1, 1902, compiled by Charles W. Gates.

is ineligible to membership in either branch of the municipal assembly.

The municipal assembly of St. Louis has authority to levy taxes ; to establish and maintain streets ; to take private property for public purposes by condemnation proceedings ; to operate water works ; to erect and maintain public buildings, including houses of correction, almshouses, and insane asylums ; to maintain markets ; to improve the harbor and regulate ferries ; to license, tax, and regulate various professions and businesses ; to grant, regulate, and repeal street railway franchises ; to pass such laws and ordinances not in conflict with the city charter or the laws and constitution of the state as it may deem expedient for the maintenance of "the peace, good government, health, and welfare of the city, its trade, commerce, and manufactures, and to enforce the same by fines and penalties not exceeding five hundred dollars, and by forfeitures not exceeding one thousand dollars." Under the general laws of the state, St. Louis, in common with other Missouri cities, is empowered to erect and operate gas and water power plants, water works, and electric light plants.¹

The municipal assembly is required to hold one session annually, beginning on the third Tuesday in April. Each member receives an annual salary of \$300, but may also be paid his actual expenses incurred in the public service.

The assembly has power by ordinance passed by a two-thirds vote to create new offices not mentioned in

¹ See "Digest of City Charters," *already cited*, pp. 188-196.

the city charter, and may by a three-fourths vote transfer and distribute the powers and duties of any office provided for in the charter.

The power given to the municipal assembly by the city charter in relation to the control of street railways is very extensive. The municipal assembly may by ordinance "determine all questions arising with reference to street railroads, in the corporate limits of the city, whether such questions may involve the construction of such street railroads, granting the right of way, or regulating and controlling them after their completion." Street railway franchises may be sold to the highest bidder; or a per capita tax on the passengers carried, or an annual tax on the gross receipts, or a tax on each car may be imposed.¹ The municipal assembly is given authority to regulate the time and manner of running cars and the rates of fare and the selling of tickets and transfers between different street railway companies. It should be noted, however, that in St. Louis, as in other great cities, traction companies which started out to compete, have consolidated into a single company in order to bring about monopoly conditions which are most favorable to the management of the street railway business.

100. *The mayor and the city administration.* — The mayor is the chief magistrate of the city. He must be at least thirty years of age. He is elected by the people for a term of four years. His salary is fixed by the municipal assembly, but must not be more than \$5000 a year. In case the mayor becomes disabled so that

¹ Charter, Article X, Section 1.

he cannot perform the duties of his office he is succeeded by the president of the council.

The approval of the mayor is required for all ordinances passed by the municipal assembly. If he disapproves of any measure passed by this body, he is required to return it within ten days to the branch of the assembly in which it originated with his objections. The measure may be passed over his veto by a two-thirds vote of all the members of each branch. In case of appropriation bills, the mayor has authority to veto separate items, subject to repassage over his veto the same as in the case of general ordinances.

The mayor of St. Louis has general supervision over all the administrative departments of the city. He may appoint at any time competent persons to examine into the affairs of any department. The heads of all departments are required to furnish annually an itemized account of all the money received and paid out by their departments. The mayor is president of the board of health, and as such has special duties involving the protection of the city from nuisances and epidemics.

The mayor's authority as head of the municipal administration is somewhat limited by the fact that many of the city officials are elected directly by the people. The list of elective officials includes the comptroller, the auditor, the treasurer, the register, the collector, the president of the board of assessors, and the president of the board of public improvements. Officials appointed by the mayor include the city counselor, the district assessors, the superintendent of

the workhouse, the superintendent of the house of refuge, the superintendent of fire and police telegraph, the commissioner of supplies, the assessor of water rates, five commissioners of charitable institutions, and five members of the board of public improvements. All of these officials are appointed for a term of four years, so that whenever a new mayor is elected he has the privilege of appointing men of his own choice to conduct the various departments of the city government. The mayor has the right to suspend elective officers for cause subject to approval of his action by a majority of all the members of the council. He may also remove from office for sufficient cause any official appointed by him, but if he takes such a course he is not permitted to appoint another person to fill the vacancy. This function devolves upon the council. Officials appointed by the mayor may also be removed by the council. But in that case the mayor has the right to appoint persons to fill the vacancies without having appointments confirmed by the council. In the case of first appointments to office, the mayor's choice requires confirmation by a majority of the members of the council. If the council refuses to confirm an appointment made by the mayor, he is required within ten days to nominate another person for the office. If he fails to do this, the council is required to elect some person to fill the office. Elected officials, including the mayor, may be removed from office by a two-thirds vote of the members of the council, after being given a chance to be heard in their own defence.

The city comptroller is the chief fiscal officer of the city. He has general supervision over the collection and disbursement of all public moneys and has charge of the assets and property of the city. He is specially charged with the preservation of the credit and faith of the city in relation to its public debt. He is given access to the books and records of all departments in the city government, and is required to see that the city accounts "are kept in a plain, methodical manner."¹ He may sit in either branch of the municipal assembly with a right to debate on any question affecting his department, but without the right to vote.

In most American cities the comptroller performs the functions of an auditor of claims, but in St. Louis there is an independent official known as the auditor, who is general accountant for the city and whose duty it is to "examine, adjust, and audit all unsettled accounts, claims, and demands against the city for the payment of which any money may be drawn from the city treasury."² He is required to furnish a bond to the city for not less than \$100,000, with at least three sureties. The auditor is responsible for the acts of his employees.

The city treasurer, as the name of his office implies, is the custodian of the city's cash. All moneys belonging to the city, collected by any of its officers, must be deposited regularly once a day in the city treasury, unless other provisions are made by law or ordinance.

¹ Charter, Article IV, Section 20.

² *Ibid.*, Section 21.

The treasurer is required to give a bond for not less than \$500,000, with at least five sureties. It is the duty of the mayor, comptroller, and treasurer every year to select as the city's depository a bank or banks that will give the highest rate of interest for the current deposit of the city's funds.

The register has the custody of the public records and has general supervision of the public printing.

It is the duty of the collector to collect the taxes, license fees, wharfage dues, and all other claims which the city has against any person. The collector is required to furnish a bond in the amount of \$200,000, with five sureties.

Upon the commissioner of supplies is imposed the duty of purchasing all articles needed by the city in its several departments. The municipal assembly is required to provide by ordinance for the purchase of such articles as far as practicable by means of competitive bids called for at stated periods.

The board of public improvements, consisting of the president, who is elected by the people, and five commissioners appointed by the mayor, has general charge of streets, sewers, waterworks, parks, and the harbor and wharves of the city. Each of the appointed commissioners has charge of a separate department. The president of the board of public improvements has general supervision over the other commissioners. One of the duties of this board is to recommend to the municipal assembly ordinances for the opening of new streets and boulevards, and also ordinances for grading, paving, or otherwise improving existing streets. New

subdivisions of land into blocks or lots require the approval of this board.

The cost of new public improvements under the control of this board is distributed. The regrading of streets and sidewalks, the lighting of boulevards and streets, and the repair of streets are paid for out of the general revenue of the city. The grading, improving, maintaining, repairing, cleaning, and sprinkling of all boulevards ; the grading and preparing of the roadway for the superstructure, the placing of the foundation and the paving of the roadway of all alleys ; the construction and paving or repaving of all sidewalks, and the construction and paving of streets, including crosswalks and intersections, are paid for by a special tax, one-fourth of which is levied against the abutting property in proportion to frontage, and three-fourths of which is levied upon all property included in the district supposed to be benefited by the improvement. In the latter case, the tax is levied in proportion to the area. The cost of the repairs of alleys and sidewalks is charged entirely upon the adjoining property.

The assessment of property for taxation is made by the board of assessors. The president of this board is elected by the people. The other members, one from each assessment district into which the city is divided, are appointed by the mayor with the approval of the council. The president of the board must be at least thirty years old and must have been a resident of the city for at least seven years before he takes office. The district assessors must have been residents of the city for at least five years.

The police department of St. Louis is under the control of a board of commissioners, which consists of the mayor and four citizens appointed by the governor of the state. The governor also appoints an excise commissioner who has authority to issue and revoke liquor licenses. This condition gives the state administration a very extensive control over the city.

101. *The St. Louis Board of Education.* — There has been, during the past ten or fifteen years, a strong movement in American cities towards small boards of education elected at large. In this movement St. Louis is a pioneer. The change from a large board elected partly by wards and attending to administrative work through its own committees was effected by a Missouri statute of 1897 applying to all cities within the state having a population of 300,000 or more.¹

Thus far the act has applied to St. Louis only. Under this law the board of education consists of twelve members elected by the city at large for six-year terms, four of the members retiring every second year. The board is an independent corporation levying its own taxes, without being answerable to the municipal assembly in any way. The board is subject to the influence of the mayor, however, in certain particulars, as the mayor has authority to fill vacancies on the board until the next election and also is authorized to appoint expert accountants once a year to examine the books and records of the board and its

¹ "Act of the General Assembly of the State of Missouri, establishing a Board of Education for the City of St. Louis," approved March 23, 1897.

executive officers. But the principal control over the board is vested in the circuit court of St. Louis, which may compel the members of the board and the board's executive officers to account for their official conduct ; may suspend them for abuse of trust ; may remove them on proof of gross misconduct or disqualification, and may restrain them from alienating school property where fraud is suspected. The court gets jurisdiction of these matters upon petition of any member or officer of the board or on petition of ten citizens and householders.

Members of the board must be, at the time of their election, at least thirty years of age and citizens and resident taxpayers of the city of at least three years' standing. They are not permitted to hold any other office under the city or the state except that of notary public, and are forbidden to be interested, directly or indirectly, in any contract with the board or any claim against it. The board organizes annually by the election of a president and a vice-president from its own membership. It chooses for terms of four years a superintendent of public instruction, a commissioner of school buildings, a secretary and treasurer, and an auditor. Any of these officers, except the superintendent of public instruction, may be removed by the board at any time for cause by a two-thirds vote of all its members, but the board has no power to reduce their compensation during their terms of office.

The superintendent of public instruction has charge of the educational department. Assistant superintendents are appointed on his nomination, and all ap-

pointments, promotions, and transfers of teachers and the introduction and changes of text-books may be made only on his recommendation. Among other duties specifically imposed on the superintendent by the statute is the obligation to keep himself informed of the progress of education in other cities.

The commissioner of school buildings is charged with the care of the schoolhouses and their ventilation, warming, sanitary condition, and proper repair. He is required to devote his entire time to the duties of his office. He prepares plans for new school buildings and supervises their construction. Subject to the board's approval as to their number and salaries, he appoints all the engineers and janitors. But the board may institute competitive examinations and require that appointments be made from lists of applicants who have passed such examinations.

The board, in the exercise of its discretionary powers, has created the office of supply commissioner. This commissioner acts as the board's purchasing agent. The law requires that bids shall be invited at the beginning of each fiscal year for supplies needed for the year, and unless all bids are rejected the contract must be awarded to the lowest responsible bidder. These supplies include text-books, which in St. Louis are furnished to the pupils free.

The secretary and treasurer has charge of the clerical and fiscal affairs of the board, and the auditor has charge of the accounts. Once a year the board is required to advertise for bids for the deposit of the school moneys and to select as depository the bank or trust company

which offers to pay the highest rate of interest, with proper security for the funds deposited with it.

The St. Louis board of education has no funded debt. The estimated value of school sites, buildings, and equipment owned by it on June 30, 1908, was \$11,560,000.¹ The total revenue for that year amounted to \$3,565,000. The gross expenditures during the same period were \$3,789,000, of which \$1,911,000 was for the department of instruction; \$1,429,000 for the department of school buildings; \$216,000 for the department of supplies; \$226,000 for the department of finance, including school sites; and about \$7000 for the auditor and the attorney. The total number of pupils registered in the day and evening schools during that year was 92,765, of whom 4151 were in the high schools and 5888 in the evening schools. Until 1902 the school tax rate was limited by the state constitution to four mills on the dollar of valuation, but in that year the limit was raised to six mills by a constitutional amendment.

102. *Public utilities in St. Louis.* — The only important public utility owned by the city of St. Louis is the water works. This utility is under the direct control of the water commissioner, who is one of the members of the board of public improvements. The rates charged for water may be regulated by the municipal assembly, but they must be fixed at prices that will produce sufficient revenue at least to meet the running expenses of the works and pay interest on the

¹ "Fifty-fourth Annual Report of the Board of Education of the City of St. Louis," for the year ending June 30, 1908, p. 285.

city's bonds issued on account of them. The people of St. Louis seem to have been thoroughly alarmed by the dangers to which the city was subjected during the period of corruption of which I have already spoken. In order to prevent any set of boodlers who might get control of the city government in the future from disposing of the water works as the corruptionists a few years ago were planning to do, the people adopted a charter amendment in 1901 which declares that "the water works shall never be sold, leased, or otherwise disposed of."¹ The city has the right to establish and operate gas works, but thus far has not exercised this privilege.

In 1907 the Missouri legislature passed an act conferring upon all cities in the state the power of rate regulation as affecting public utilities.² This act provided that companies operating telephone, telegraph, or street railway systems, subways, conduits, gas works, water works, electric plants, central heating plants, or refrigeration systems under franchises, granted either by the state or by the local authorities, should not charge more for their services within the corporate limits of any city than the rates fixed from time to time by ordinance of that city. This act authorized the cities not only to fix rates but "to change such rates, by ordinance, from time to time, as often as may be deemed necessary: provided, however, that such rates must be reasonable, and shall not be changed oftener than once every two years." In case of dis-

¹ Charter, Article VII, Section 13.

² Session Acts, Missouri, 1907, p. 119.

pute over the reasonableness of any rate fixed by ordinance provision was made for appeal to the courts, but this law expressly stated that it should not be construed as conferring any power or jurisdiction on the courts "to fix such rates or regulate the charges of any such public utilities."

Under this , which is known as the "enabling act," each city was authorized to establish a committee or commission to investigate all matters pertaining to the regulation of rates and report its findings and recommendations to the city council. A public service commission was established in St. Louis by ordinance approved February 24, 1909.¹ This commission is composed of three members appointed by the mayor and confirmed by the council for a term of three years, one commissioner retiring each year. The duties of the commission are set forth under four heads, as follows:—

1. To investigate all matters connected with the rights, privileges, and franchises held or claimed by the classes of public service corporations mentioned in the "enabling act," as already described; to collect, revise, and publish all laws, ordinances, and permits relating to such franchise rights, and to report to the Municipal Assembly all material violations by the companies of their franchise obligations or of the laws relating to franchises.²

¹ Ordinance 24196.

² In November, 1909, the public service commission published a volume entitled "Laws, Ordinances, and Permits dealing with Rights, Privileges, and Franchises of Public Service Corporations (other than steam railways) in the city of St. Louis, Missouri."

2. To investigate "the methods of operation, the facilities offered, the quality of service rendered, and such other matters connected with the operations" of the companies "as concern the general welfare," and to recommend to the Municipal Assembly "such changes and improvements . . . as will best promote the public interests, preserve public health and safety, and protect the general welfare of the City of St. Louis and the inhabitants thereof."

3. To investigate all facts and matters tending to show the just and reasonable rates charged by the public service corporations "in so far as it is within the power of the City of St. Louis to regulate such charges," and to report its findings to the Municipal Assembly with recommendations.

4. To investigate and report on any matter connected with the public utilities, on request of either house or any committee of the Municipal Assembly, or of any officer of the city acting in the course of his duties.

Each commissioner receives a salary of \$2400 per annum. Before entering upon his duties he is required to take oath "that he is not pecuniarily interested directly or indirectly in any company, firm, or corporation" that is subject to the provisions of the ordinance. The commission must report to the Municipal Assembly at the close of each investigation carried on by it, and also regularly every six months. The sum of \$25,000 was appropriated for the commission's salaries and expenses by the ordinance establishing the commission.

103. *The city's finances.* — The total bonded debt of St. Louis on April 13, 1908, was \$19,427,178, and the amount of bonds held in the sinking fund on that date was \$1,083,000, leaving a net bonded debt of \$18,344,178.¹ Of the outstanding bonds, 74 per cent were renewal bonds issued from time to time to get money with which to pay old bonds when they fell due. All of the remaining 26 per cent of the bonds, except \$1,000,000, represented debt incurred to pay a bonus to the Louisiana Purchase Exposition. Only \$1,000,000 of the city's debts represented first investment in public improvements. In June, 1906, however, a series of new bond issues had been authorized by the required two-thirds vote of the electors, as follows:—

For a municipal bridge over the Mississippi River	\$3,500,000
For other bridges and viaducts	1,000,000
For municipal hospitals	800,000
For an insane asylum	1,000,000
For fire department building	230,000
For police, health, and court buildings	2,000,000
For public sewers	1,500,000
For public parks and boulevards	1,170,000
	\$11,200,000

Owing to difficulties experienced in floating bonds during the fiscal year 1907-1908, the only portion of these authorized bonds which had been actually issued at the close of the year was the \$1,000,000 for an insane asylum. The debt limit of the city is fixed by the state constitution at 5 per cent of the assessed valuation of taxable property in the city. This valua-

¹ "Mayor's Message and Accompanying Documents," 1907-1908, "City Comptroller's Report," pp. v-lxx.

tion for the year 1908 was about \$529,000,000. Property is not assessed, however, at its full cash value, but at not more than two-thirds of its cash value.

With so large a proportion of the city's debt represented by a bonus and the refunding of old obligations, one would scarcely expect to find municipal assets of any great value. Nevertheless, the city comptroller on April 13, 1908, reported the estimated value of the city's public buildings, parks, water works, and real estate to be \$41,444,770, made up as follows:—

Public buildings, institutions, and markets	\$7,614,130
Parks, playgrounds, and baths	10,785,361
Fire and police departments	1,337,493
Water works — plant	10,377,256
Water works — distributing system	10,000,000
Miscellaneous, including wharves	1,330,550

This schedule of assets does not include public school buildings and sites, valued at about \$10,000,000, or streets and sewers, which are considered as being a valuable but not a salable public asset.

The total rate of taxation in St. Louis for the fiscal year 1908-1909 was \$2.22 on each \$100 of assessed valuation, made up as follows:—

For state purposes	\$ 0.17
For public schools60
For city purposes	1.45

The total amount of direct property taxes collected during the year was \$10,548,764. To this amount should be added, however, \$2,083,317 license fees (including \$1,138,609 paid by dramshops); \$358,095

from franchises ; \$148,142 interest on current deposits in the banks ; \$1,926,651 from water rates ; \$76,400 from wharfage rents ; and \$1,107,456 derived from fees, special assessments, and other sources, not including loans.

The current expenditures on account of the principal departments of the government during the year were approximately as follows : —

Public schools	\$2,719,801 ¹
Police	1,912,354
Fire department and fire alarm telegraph	1,104,761
Health department and sanitary measures	428,292
Public lighting	695,274
Streets	1,606,088
Sewers	182,438
Public charities	647,371
Administration of justice	669,246
Water works	998,256
Parks	191,632

104. *The Civic League of St. Louis.* — The St. Louis of 1910 is far different from the St. Louis of 1900. One of the best evidences of the awakening civic conscience of the people of the city is found in the work of the Civic League. This organization was launched in 1902. On March 1, 1910, it had 1613 members, and had expended during the preceding year about \$9,800 in the prosecution of its work.² This work is, broadly speaking, the civic improvement of St. Louis. In 1907 the League published what is called "A City Plan for

¹ The figures for the public schools represent, not expenditures, but income from taxes.

² See "Year Book, 1910," issued by The Civic League of St. Louis.

St. Louis," embodying certain important recommendations for the city's future policy, including the following : —

1. The grouping of the city's public buildings around a civic centre.

2. The establishment of minor civic centres in different parts of the city, where public baths, schools, branch libraries, police stations, fire engine houses, etc., would be grouped around small parks or playgrounds.

3. The improvement of the city's street plan.

4. The construction of an inner and outer system of parks and boulevards.

5. The establishment of a municipal art commission to supervise the designs of public buildings and all works of art erected in the city.

During the seven years from 1902 to 1909 the number of organizations in the city that interested themselves in municipal problems increased from 21 to 62. In his annual address, March 9, 1909, the president of the League said : —

"At the conclusion of my two years' service as President of the League I wish to say that I have learned to look upon the movement to make St. Louis more attractive not merely as a desirable end to be attained, but as a goal which is absolutely essential to the future growth of our city. In the past we have emphasized the commercial and industrial needs of the city and have given comparatively little attention to its civic needs. We have looked upon St. Louis too much as a place in which to make money and too little as a place in which to live. . . .

"I would not be understood as advocating less attention to the commercial and industrial, but more to the civic needs — those urgent demands to make the city more convenient, com-

fortable and beautiful — for these have come to be essential elements in the commercial development of every city. Cheap coal, factory sites, and free water are no longer the only attractions which influence the location of a factory. Employers and employees must have comfortable homes. Transportation facilities must be adequate, parks and playgrounds must be supplied, clean streets and clear atmosphere and good schools must abound. These are the features which are going to be more and more emphasized by our rapidly growing cities, and it is in the wise development of these features that St. Louis will find her strongest claim to preëminence in the Mississippi Valley.”

I cannot give a better idea of the ways in which such an organization as the Civic League can be useful to a great city than by quoting at some length from the description of its achievements contained in this presidential address. After making proper allowance for the favorable opinion such an organization is likely to have of its own work, still one cannot escape the conviction that the work described in the following statement has been of the utmost importance to St. Louis.

“We can trace the playground and small parks movement,” says this address, “from the establishment of three small and scantily equipped playgrounds on vacant lots, in 1902, when \$2,239.95 was raised with effort by the League’s committee for their maintenance, and through its years of growth and the growth of public sentiment in favor of playgrounds, until in 1907 the Public Recreation Commission was created by ordinance and given charge of all playgrounds, public baths, and school gardens. Instead of the three playgrounds in 1902, supported by voluntary contributions, we now have eight small parks and playgrounds equipped with playground apparatus, for which \$21,500 was appropriated from the municipal revenue in 1908.

"We can trace the movement for a new Charter from the appointment of a committee by the League in 1905, whose efforts at first met with little public support, followed by three successive defeats of the League's bill for the election of freeholders, by the organization of the Joint Charter Conference composed of forty-one organizations, by a vigorous campaign of this Conference in favor of the passage of the freeholders' bill, and up to the present time, when a bipartisan Board of thirteen freeholders has been selected to frame a new Charter for the city.

"We can trace the suggestion for a boulevard system from the appointment by the Mayor of a Kingshighway Commission, consisting of the first President of the Civic League and two of its active members; followed by the well-defined plans as outlined by that Commission; then two active bond issue campaigns led by the League's committee, and the final appropriation of \$500,000 for the actual construction of the highway nineteen miles in length and connecting all of the larger parks into one park and boulevard system.

"We have seen the park area of St. Louis increase from 2172 acres in 1903 to 2414 acres in 1909; and the number of parks from 18 in 1903, until now by the addition of the small parks as provided for in the bond issue, and the Fair Grounds recently purchased, we have 25 separate parks and playgrounds. The \$670,000 for the purchase of small parks was included in the bond issue only upon the earnest appeal of the League, and the campaign for the purchase of the Fair Grounds was inaugurated and directed by the League's committee.

"We can trace the development of the idea of municipal tree planting from the first agitation by the League's committee, followed by the publication of its report on Tree Planting, the passage of the ordinance recommended by the committee, and the final establishment of the office of City Forester with power to superintend the planting and culture of shade trees.

"We can trace the solution of the garbage problem from the time when there was no ordinance on this question in the Municipal Code, followed by the efforts of the League's com-

mittee in favor of the reduction method, the defeat of the Board of Public Improvements' plans for the incinerator method, the adoption of the League's suggestion by the Board in favor of the reduction method, the passage of ordinances and the final letting of contracts by which the city secures an economical and sanitary disposal of the entire waste of the city.

"We have watched the discussion for the need of better street illumination express itself in the form of ordinances for overhanging electric signs which have been three times defeated in the Council by the League's committee, followed by the Lighting Committee's exhaustive report on Street Lighting, then the organization through the efforts of the League of the Down Town Lighting Association which will in less than a year have the business district effectively and artistically illuminated."

105. "*Billboard advertising in St. Louis.*" — One of the specific fields of work of the Civic League is set forth in a report of the Signs and Billboards Committee published in an illustrated pamphlet in 1910.¹ At the time when the present building code of the city was being framed in 1906, this committee secured the adoption of certain sections for the regulation of billboards. These regulations provided that no billboard should be more than fourteen feet in height, and prohibited the erection of "double-deckers." These provisions were for the purpose of preventing the billboards from exposing too much wind surface and being liable to be blown over. In order to prevent billboards, if blown over, from falling upon pedestrians, a provision was inserted that a board should not be erected within fifteen feet of any street. It was also provided that a space of four feet in the clear should be left underneath the billboards, so that

they might no longer "serve as a screen for footpads and marauders." To prevent them from hindering the work of the fire department and from aiding the spread of fires, billboards were prohibited from approaching nearer than six feet to any building, and were not permitted to be continuous for more than fifty feet in length. It was provided that no billboard could be erected until a permit had been issued for it by the building commissioner and a fee of \$1 paid. This ordinance was enforced for about two years, until a particular case arose in which its provisions would have prevented entirely the erection of billboards upon a narrow three-cornered lot in a location valuable for advertising purposes. The billboard company interested in this particular matter resisted the enforcement of the ordinance, and secured an injunction to prevent the city authorities from enforcing it. The ordinance was tied up by the injunction proceedings in the lower court in 1907, and an appeal did not bring a final decision from the highest court of Missouri sustaining the ordinance until early in 1910. In the meantime the billboard companies had taken advantage of the opportunity offered by the paralysis of the law, and had greatly increased the number and offensiveness of the billboards. The Civic League's committee made a thorough investigation in 1909 of the billboard nuisance, and found that on February 1, 1909, there was a total of about 1,375,000 square feet of billboard surface in St. Louis under the control of billboard advertising companies and theatres. Of this total area 18 per cent, or about 250,000 square feet,

was occupied by the upper rows of billboards constituting the second stories of the "double-deckers." The committee tabulated the amount of billboard space devoted to different kinds of advertising, and found that liquor, including beer and whiskey, took the lead with 139,367 square feet. Tobacco, including cigars, followed close behind with 138,308 square feet. Next in order came theatrical advertisements, which occupied 135,681 square feet. The only other particular class of advertisements occupying more than 100,000 square feet was wheat products, including bread, crackers, breakfast foods, etc., which together took up 118,311 square feet. The committee estimated that the total value of billboard construction in the city amounted to about \$140,000 and that the gross income of the billboard companies was at least \$450,000 per annum. "This sum comes from the pockets of the consumer to assist in defraying the expenses of making our city ugly," said the report. It also stated that property owners received a rental varying all the way from 25 cents to \$5 or \$6 a year for each foot of frontage of the lots occupied by billboards. The reasons why a progressive city should regulate or prohibit billboards are set forth in this report with striking clearness.

"Billboards are dangerous to life if they are not safely constructed and located," says the Committee. "The right of a city, however, to regulate them by requiring them to be firmly attached and placed a proper distance back from the street line to insure safety has frequently been recognized by the courts.

"They are a menace to health if the space back of them becomes the dumping ground for the filth of the community,

and they are likely to become so if the sanitary officers are not vigilant. They are especially dangerous to health if they are permitted to be so constructed as to shut out the light and air from homes and offices, as was the case in New York, where in some instances these unsightly structures covered the entire fronts of buildings occupied as homes by unfortunate tenement dwellers. But the police power of the city is ample to prevent such nuisances.

"They are dangerous in case of fire if constructed wholly of wood and built flush against adjoining buildings, as was shown in the San Francisco disaster, where they served as firebrands in spreading the conflagration. But the right of the city to extend its fire limits and protect itself against the dangers from fire can be applied to billboards as well as to other structures.

"Billboards are damaging to the morals of the community when they are used for the display of obscene advertisements or of criminal and unwholesome scenes from sensational plays. The bill posting companies, however, under pressure from public sentiment and statutes, have greatly restricted the strictly obscene poster. Yet the boards are still used for depicting the most sensational scenes in cheap dramas, which undoubtedly has a deplorable effect on the moral tone of the boys and girls who see them.

"We have no desire to minimize the force of the arguments as to their danger to life from wind and fire, or their damage to the morals of the community, but these are not the strongest indictment against billboards. The strongest objection and the one universally accepted indictment against billboards is the fact that they are unsightly and ugly. They are not only unsightly themselves, but they mar the sightliness of every structure about them, so much so that real estate values are affected by their presence. Beauty of environment is recognized to-day as an asset of permanent value, and the surrounding property cannot be defaced without affecting materially the property itself and the entire neighborhood. It is because of this marring of the beauty and attractiveness of our cities that the opposition to billboards should be urged."

106. *Working for a new charter.* — St. Louis adopted a freeholders' charter in 1876. The agitation for a new charter has been going on for several years. Finally the municipal assembly was persuaded early in 1909 to call an election for a board of thirteen freeholders to undertake a charter revision. In an effort to insure the election of able and public-spirited men for this important duty, the executive board of the Civic League selected a list of twenty-six citizens from a larger list of names originally submitted by various commercial, civic, professional, and social organizations of the city. These twenty-six names were forwarded to the chairmen of the central committees of the three political parties in St. Louis. The Republican and Democratic committees finally selected a ticket consisting of six members of each party and a thirteenth member chosen by the twelve first selected. Of the entire thirteen names, seven were taken from the list submitted by the League. The board of freeholders nominated in this manner and afterwards elected by the people is at work on the revision of the charter at the present time (July, 1910). It is impossible to foretell with certainty what kind of a charter will be the outcome of the deliberations of the freeholders. The Civic League, however, has submitted to the board certain recommendations which indicate in a general way the reforms desired by the friends of charter revision. The League's recommendations are substantially as follows: —

1. The city council, to be known as the municipal assembly, shall be composed of eighteen members

elected at large for terms of six years, one-third of the number retiring every second year. The city should be divided into three or six districts, and an equal number of members of the assembly should be chosen from persons residing or doing business in each district.

2. The municipal assembly should be a legislative body exclusively, and its members should receive a salary of \$2400 each per annum. The assembly should have control of taxation and appropriations, and should elect its own president. Its actions should be subject to the veto of the mayor.

3. The mayor should be elected for a term of four years, and should have the power to appoint all the heads of city departments except one and remove them at will for any reason assigned by him and placed on record. The mayor should be chairman of the board of administration and have direct charge of the department of public safety, consisting of five divisions, namely, law, the courts, the police, the fire service, and penal institutions. The mayor should not have any power to appoint the subordinates under the heads of departments.

4. The administrative affairs of the city should be divided into nine departments, as follows:—

- Public safety, under the mayor ;
- Finance, under the comptroller ;
- Public utilities, under a commissioner of franchises ;
- Streets, under a commissioner ;
- Buildings, under a commissioner ;
- Public health, under a commissioner ;
- Eleemosynary institutions, under a commissioner ;

Claims and supplies, under a commissioner ;
Public recreation, under a park commissioner.

These general departments should be organized in from three to seven divisions or bureaus each.

5. The nine heads of the administrative departments should constitute a board of administration. This board should have control over the actions of the individual department heads, and should prepare the annual estimates for submission to the municipal assembly. Upon this board should also be conferred the contracting power of the city, subject to general ordinances and the appropriations. This board also should initiate all local improvements and recommend franchises after public hearings.

6. The municipal assembly should divide itself into nine supervisory committees of two members each to keep watch over the nine departments of the administration. The mayor should be required to appoint two responsible citizens not holding public office, but selected on account of their special qualifications to act in conjunction with each of these nine committees.

7. The public hospitals, asylums, poorhouse, industrial school, and other eleemosynary institutions should be under the control of a board of seven trustees appointed by the mayor. The chairman of this board should be the commissioner of eleemosynary institutions.

8. The merit system should be adopted, but each head of department should have the power of removal.

9. The new charter should be as simple as possible,

and should follow the old charter wherever practicable. The expression of the municipal power should be declared in general terms rather than in detail.

10. The Referendum should be utilized in important matters pertaining to taxation, bond issues, large public improvements, radical changes of legislative policy, and the granting of franchises. The League is opposed to the Recall and the Initiative.

11. The city's powers should be as comprehensive in regard to the subjects of taxation as the state constitution will permit. The city should also be authorized to classify the subjects for taxation under the constitutional requirement of uniformity as to the same class of subjects in the territory levying the tax.

12. The principle of special assessments should be extended to include parks and boulevards and the planting of street trees, in addition to the improvement of streets, the construction of sewers, and the laying of sidewalks, which are already taken care of in that way.

13. Provision should be made for the appointment from time to time of experts to examine into the accounts and the efficiency of the city administration, but the appointment of these investigators should not be in the hands of any of the city officers.

14. A section providing for an oath of office in the following terms : —

“To the end that every department of the city affairs may be conducted economically and efficiently, every member of the Municipal Assembly and officer of the city government, and employee holding a position upon annual salary, shall, before entering upon his duties,

take and subscribe an oath before the Register that he possesses all of the qualifications required by this Charter, and is not subject to any of the disqualifications therein named; that he will support the constitution of the United States and of this State, that he will not be influenced by any consideration except that of merit and fitness in the appointment of officers and the engagement or promotion of employees, that he will neither make nor authorize the expenditure of money otherwise than for adequate consideration and efficient service to the city, and that he will in all other respects faithfully discharge the duties of his office or position."

The perusal of these recommendations causes surprise even in the most "hardened" student of American city legislation because of the infinite variety of new forms of organization that can be devised. One might suppose that the ceaseless activity of more than two-score state legislatures during the past twenty years would have exhausted the types, but it seems that the inventiveness of civic statesmen is as limitless as the needs of the cities which they are striving to serve. "Organization is the placing of responsibility," and with all our decrying the ceaseless "tinkering" with city charters, we cannot escape the fact that after all the most important problem of city government is so to marshal the forces of democracy as to make responsibility effective.

CHAPTER VII

BOSTON

107. *Boston's unique position among American cities.* — The city of Boston is in several respects peculiar among the great cities of America. In the first place, it has the distinction of being the metropolis of New England, which is the home of self-government, and which has had a greater influence upon the political institutions and habits of the American people than any other section. In the second place, Boston is the centre of a metropolitan community much greater than itself. In the year 1905 there were 595,380 people within the corporate limits of Boston, while there were 1,221,717 people living within a radius of ten miles from the State House as a centre.¹ There are six cities

¹ *Monthly Bulletin of the Statistics Department*, Vol. IX, p. 113. The "metropolitan district" as referred to here comprises all the cities and towns within a radius of ten miles from the State House. Immediately contiguous to Boston are the cities of Cambridge, Somerville, Chelsea, Newton, Everett, and Quincy, and the towns of Brookline, Hyde Park, Dedham, Watertown, Needham, Milton, Revere, and Winthrop, with a combined population of 386,018. In the second "zone," but within ten miles of the State House, are the cities of Lynn, Malden, Waltham, Woburn, Medford, and Melrose, and the towns of Wakefield, Stoneham, Arlington, Winchester, Saugus, Lexington, Belmont, and Nahant, with an aggregate population of 240,319. The metropolitan park district includes all the cities just enumerated, all of the towns except Lexington, and eleven

and eight towns immediately contiguous to Boston, and six other cities and eight other towns within the ten-mile radius. The result is that Boston, as a business centre of a great population, is immensely wealthy, and the expenses of the city government are very great. Boston has a larger debt per capita than any other great American city. Its wealth and its taxes are also higher per capita than elsewhere. In the third place, Boston is the capital of Massachusetts, and the presence of the state legislature in annual sessions, coupled with the absence of any constitutional limitations restricting the power and authority of the legislature over cities in Massachusetts, has subjected Boston to a greater degree of central control by the legislature and the state administration than is found elsewhere in the United States. This city that sprang up in the cradle of municipal liberty has come to experience a greater degree of servitude than many cities which had less auspicious beginnings. In 1875 there were 593,354 people living within the ten-mile circle, of whom more than 57 per cent lived within the city of Boston proper. Thirty years later the population of Boston itself was 595,380, which was only 49 per cent of the total number living in the metropolitan district. In large meas-

towns outside the ten-mile radius. The metropolitan water district includes all of the cities named except Cambridge, Lynn, Waltham, and Woburn, and includes nine of the towns within the ten-mile radius. For sewerage purposes there are two metropolitan systems, the southern including Newton, Waltham, Quincy, and five towns, besides a portion of Boston, and the northern including Cambridge, Chelsea, Everett, Malden, Medford, Melrose, Somerville, Woburn, eight towns, and another portion of Boston.

ure the wealthy and cultured elements of the population have gone to the suburbs and maintain their own municipal governments, separate from that of the great city in which they transact their business. This fact also has tended to leave the city government more fully to the control of the foreign element, and has no doubt in many cases given effective support to the state legislature in its policy of centralization.

If St. Louis is distinctly a German-American city, Boston is an Irish-American city. According to the Federal census of 1900, there were 155,893 people in Boston of native American parentage on both sides, and 156,650 of Irish parentage on both sides, while those of German parentage numbered only 21,618.¹ As long ago as 1846, when the population of Boston was about 120,000, there were 24,000 Irish in the city. The great immigration of Irish into the United States, starting in the decade between 1840 and 1850, was caused by the potato famine in Ireland. It is said that at this period, on the average, 42 per cent of the rural population and 36 per cent of the urban population of Ireland lived in mud cabins, having only one room to a family. It can be readily seen, therefore, that a failure in potato crops, which resulted in the actual starvation of nearly one million of the people of Ireland within a period of five years, and the emigration of a still larger number, sent to the New World a class of people representing the extreme of poverty and wretchedness. Boston, the most cultured population centre of the

¹ Twelfth Census of the United States, 1900, Vol. I, Population, Part I, pp. 866, 874, 875.

United States, received more than its share of this influx. The Irish and their descendants are in almost complete control of the city government. This fact may have had an important influence in bringing about the unusual degree of state control exercised in the case of Boston by the legislature and administration of Massachusetts.

108. *Control of the city by the state.* — The constitution of Massachusetts was framed before the commonwealth had become an urban state. There are no provisions of any importance in it restricting the power of the legislature over cities. We may, therefore, proceed to discuss the extent to which the legislature has taken advantage of its power to bring the government of Boston into the hands of the state authorities.

The power to organize cities was first specifically conferred upon the Massachusetts legislature by a constitutional amendment adopted in 1821.¹ It was provided by this amendment, however, that no city government should be erected in any town unless with the consent of the town and on the application of a majority of the inhabitants "pursuant to a vote at a meeting duly warned and holden for that purpose." It was also provided that all by-laws made by the city government might be annulled at any time by the legislature, or "general court," as that body is called in Massachusetts. The original Boston charter of 1822 and a general amendment of 1854 were accepted by

¹ See "Final Reports," Boston Finance Commission, 1909, p. 7; also James M. Bugbee's "The City Government of Boston," *Johns Hopkins University Studies*, Fifth Series, No. III.

popular vote, but most of the important charter amendments that have been passed during the eighty-eight years of the city's history have been enacted by the legislature without a referendum.

A mere enumeration of the municipal functions now being performed by state appointees will show that central administrative control is very extensive.¹ One state commission has supervisory control of the street railways, not only of Boston, but of all the cities of Massachusetts, and another state commission has similar control over the gas and electric light companies. Still another has jurisdiction over telephones and telegraphs. The state civil service commission makes the civil service rules and enforces the law requiring that appointments to subordinate positions in the administrative service of the various cities shall be in accord with merit ascertained by competitive examinations. The sewerage and water supply of various cities and towns in the Metropolitan district are under the control of another state commission. There is also a metropolitan park commission appointed by the state to develop a system of parks and boulevards for Boston and its near neighbors. Another commission has been appointed by the state to control the issuing of liquor licenses in Boston, and the police department of the city is under a commissioner appointed by the governor. Finally, in 1909, there was

¹ For a full discussion of the origin and development of central administrative control, see Dr. Robert Harvey Whitten's "Public Administration in Massachusetts," in *Columbia Studies in History, Economics and Public Law*, Vol. VIII, No. 4.

established a permanent finance commission appointed by the governor to look after Boston's methods of accounting and expenditures. Massachusetts is generally regarded as the most enlightened state in the Union, and it is probable that central control has been conducive to efficiency. It may be, however, that in the long run more is lost through the curtailment of local responsibility for good government than is gained through any possible superiority in the administration of affairs by state authorities. It certainly would be hard to prove that state control has reduced the cost of government in Boston.

The directness of the control exercised by the state of Massachusetts over the administration of the city of Boston is well illustrated in the matter of the civil service. In 1884 a civil service commission was established by the state to administer a law "to improve the civil service of the commonwealth and of the cities thereof." This commission consists of three members appointed by the governor. In New York civil service commissions are appointed by the municipal authorities of the various cities in the state. In Massachusetts, on the other hand, the state commission appoints for each city a special board of examiners to do the work of a local commission. The work of these special boards is under the complete supervision of the state board.

109. *State control of public utilities in Boston.*—As early as 1869 a state railroad commission was established to supervise railroads and street railways throughout Massachusetts. From 1853 to 1874 every street railway company was incorporated by special

act of the legislature. But the board of aldermen of the city of Boston had the right to refuse the use of the streets to any particular company. During this period there was no way in which a company could be organized to apply for a franchise except by a direct act of the legislature. In 1874 a general law was passed providing for the incorporation of street railway companies after the persons organizing them had received franchises from the local authorities. It was still left open, however, for a new company to apply to the legislature directly for a charter if it chose to do so.¹ The Massachusetts railroad commission has been given practically complete control over the capitalization of street railway companies. The commission's consent is required for any increase of the capital stock of a company or for the issue of bonds. The law requires, however, that the commission shall not authorize the issue of bonds unless it finds the value of the tangible property for railroad purposes, not including the value of the franchise, to be at least equal to the amount of the company's capital stock and debt. The commission has authority to require any company to improve its service whenever that seems to be necessary.

Massachusetts has adopted an unusual rule in the granting of street railway franchises. Such rights to occupy the streets are not given for a definite term of years, but are subject to revocation at any time. The results of this policy and of the rigid control exercised by the state railroad commission have been remarkable in relation to the capitalization of street railway com-

¹ Whitten, *work cited*, Chapter VIII.

panies. In 1897 a special committee was appointed by the governor of Massachusetts to make a report on the relation between cities and towns and street railway companies. This committee reported in 1898 that the capitalization of street railways in Massachusetts, including both stocks and bonds, was only \$46,600 per mile of track, while in the state of New York it was \$177,800 per mile ; in Pennsylvania, \$128,200 per mile, and in the United States as a whole, \$94,100 per mile.¹

The street railway system of Boston is operated by the Boston Elevated Railway Company. This company owns twenty-one miles of main track, elevated and surface. It holds under lease or contract, however, 404 miles more of surface track. It operates not only in Boston, but in about a dozen other cities and towns in the metropolitan district. Its total capital stock issued to September 30, 1908, was \$13,300,000, and it had issued bonds to the same amount. During the year ending September 30, 1908, it carried over 273,000,000 paying passengers. Its gross earnings from operation were \$14,075,000. After subtracting operating expenses amounting to \$9,454,000, interest on debt amounting to \$1,016,000, taxes amounting to \$985,000, rental of leased railways amounting to \$1,321,000, and other expenses amounting to more than \$457,000, the company had a surplus of \$840,000, and was able to declare a dividend of 6 per cent on its capital stock.²

¹ Report of Special Committee, February, 1898, p. 37.

² See returns to the Board of Railroad Commissioners, published in the reports for the years 1906 and 1908.

The Boston and Northern Railway Company operates about 512 miles of single track. This company operates for the most part outside of Boston. It has lines in no less than fifty-one cities and towns, of which two are in the neighboring state of New Hampshire. This company has \$11,043,200 capital stock and \$10,315,500 bonded debt. Its gross earnings from operation during the year ending September 30, 1908, were only \$4,652,500; yet it was enabled to pay its operating expenses, interest on debt, taxes, rentals, etc., and still declare a 5 per cent dividend on its capital stock.

The Massachusetts Gas and Electric Light Commission was established in 1885. This commission prescribes the forms of accounts for gas and electric light plants whether they are operated by private companies or by municipalities. It also has power to prevent the city from granting competing gas or electric light franchises. The policy of the commission has been to encourage monopoly rather than competition in the lighting business. In deciding one of the cases brought before it, the commission's attitude was clearly set forth in the following language: "The history of corporations doing an electric lighting and similar business in competition in various parts of the country affords strong ground for believing that a new company, if allowed to engage in business, would not long remain by itself, as competition for a period would probably be followed, as elsewhere, by consolidation or absorption."¹ The Massachusetts law goes so far as to require cities to

¹ Whitten, *work cited*, Chapter IX.

purchase existing plants before undertaking municipal ownership. It has also been the policy of the commission to encourage the consolidation of rival companies in smaller places. As in the case of railways, gas and electric light companies may issue no new stocks or bonds without the approval of the state commission. The commission, after investigation, may cause the price of gas or electric current to be reduced or the quality to be improved in any city or town where the local authorities or as many as twenty patrons of the company have entered complaint.

The Boston Consolidated Gas Company has a capital stock of \$15,124,600 and other liabilities, consisting mostly of premiums on new stock, of \$10,872,800. This company furnishes both gas and electric light, and during the year ending June 30, 1908, made a profit of \$922,741 on its gas business and \$138,350 on its electric light business.¹ It paid dividends at the rate of 8 per cent. The rate has since been increased to 9 per cent under the sliding scale law, which provides that the company may increase its dividend rate $\frac{1}{2}$ of 1 per cent over the standard rate, 7 per cent, for every cent it has reduced the price of gas during the preceding year below the standard price, 90 cents per 1000 cubic feet.

The principal operating electric light company is the Edison Electric Illuminating Company of Boston, which on June 30, 1908, had a capital stock of \$12,643,600, bonds and notes amounting to \$3,177,500, and other

¹ See "Twenty-fourth Annual Report of the Board of Gas and Electric Light Commissioners" for the year 1908, Appendix A, pp. xxi, xxii.

outstanding liabilities of about \$7,250,000, most of which consisted of premiums on capital stock. The company's gross income from the sale of electric current during the year ending June 30, 1908, was \$4,229,000, or \$500,000 more than the gross income of the Boston Consolidated Gas Company for both gas and electricity. The Edison Company's profit from operation amounted to a little over \$2,000,000, and dividends amounting to 11 per cent on capital stock were declared during the year.¹ The two companies just mentioned have practically a monopoly of the gas and electric light business in Boston.

In 1906 a measure of supervisory control over telephone and telegraph companies was conferred upon the Massachusetts Highway Commission. The most important single company under the jurisdiction of this body is the New England Telephone and Telegraph Company, which, with its "parent," the American Telephone and Telegraph Company, operates in Boston and about 190 other cities and towns in Massachusetts. The company also gives service in Maine, New Hampshire, and Vermont. On June 30, 1907, it had capital stock to the amount of \$31,697,800 outstanding, in addition to bonds and notes amounting to \$6,171,000. The company's revenue from operation for the preceding year had amounted to \$9,554,000, and dividends were paid on its capital stock at the rate of 6 per cent.²

¹ See "Twenty-fourth Annual Report of the Board of Gas and Electric Light Commissioners" for the year 1908, Appendix A, pp. xlvi, xlvii.

² See "Fifteenth Annual Report of the Massachusetts Highway Commission," 1907, Part II.

The population of Boston is about one-seventh of the population of New York City ; the area is a little more than one-eighth ; the assessed valuation of property is somewhat less than one-fifth ; the gross funded debt (including Boston's share of the metropolitan district debt) is about one-sixth ; while the outstanding stocks and bonds of the street railway, gas, and electric light companies of Boston are only about one-twelfth of the liabilities of the New York companies engaged in performing similar services. This discrepancy is undoubtedly due to the efficient control exercised by the commissions of Massachusetts over the capitalization of public service corporations, which is in marked contrast with the absence of such control, until very recently, in New York.

110. *Metropolitan district commissions.* — In 1881 the state legislature authorized the appointment of a metropolitan drainage commission, which reported in favor of the establishment of a drainage district to include Boston and about a score of other cities and towns. It was not till eight years later, however, in 1889, that a board of metropolitan sewerage commissioners was finally established to carry out plans for a sewerage system for the valleys of the Charles and Mystic rivers.¹ A few years later this commission was authorized to provide a sewerage system for the Neponset River valley also. In 1895, on the recommendation of the state board of health, a board of metropolitan water commissioners was also established by the legislature. It was required that at least one of the

¹ Whitten, *work cited*, p. 156.

three members of this commission should be a resident of the city of Boston, and at least one a resident of the metropolitan district outside of Boston. These boards continued to carry on their functions independently until 1901, when they were combined into a metropolitan water and sewerage board, which consists of three members appointed by the governor.

The metropolitan water district comprises nineteen municipalities, with a combined area of 171.7 square miles and a population of approximately 1,000,000.¹ The total amount expended in the construction and acquisition of the water works system from the beginning of operations in 1895 till December 31, 1908, was over \$40,000,000. This amount includes the purchase of water supply works previously owned and operated by several cities included in the metropolitan district. The sum of \$12,530,000 was paid to Boston alone.² For the metropolitan water supply, 16,651 acres of land, or 26 square miles, have been acquired. The storage reservoirs maintained by the commissioners have a total capacity of more than 80,000,000,000 gallons. The total amount of water supplied during the year 1908 to the various cities and towns dependent upon the metropolitan water works was over 45,000,000,000 gallons, or an average of more than 125,000,000 gallons per day, or 133 gallons per day for each inhabitant of the district. It should be noted that the commissioners of the metropolitan district do

¹ See "Eighth Annual Report of the Metropolitan Water and Sewerage Board," December 31, 1908.

² "Final Reports" of Boston Finance Commission, 1909, p. 57.

not sell water to individuals, but only to cities and towns, which in turn have their own local distributing systems and supply individual customers. The operating expenses of the metropolitan water works for the year 1908 amounted to about \$318,000 and the expense for interest on bonds and for payments to the sinking fund amounted to \$1,953,000 more. These expenses were met by assessments upon the various cities and towns supplied with water. Boston was called upon to contribute \$1,789,316. The additional expense to the city for maintaining a distributing system, including the payment of interest on bonds, was \$906,445, making a total expense of \$2,695,761 for the water supply of Boston.¹ The receipts of the city from water rates amounted to \$2,679,074.

The metropolitan sewerage works are divided into two systems. One provides for the district north of the Charles River, which includes an area of 90.5 square miles, with an estimated population of 500,000 people. The other provides for a district which lies for the most part south of the Charles River and which has an area of 100.87 square miles and has an estimated population of 340,000 people. The north metropolitan system comprises 58.5 miles of main sewers which are connected with 639.5 miles of local sewers. Sewage to the amount of about 60,000,000 gallons per day is pumped into Boston Harbor from the north metropolitan system. The south metropolitan system comprises 42.8 miles of main sewers connected with 492 miles of local sewers. The discharge of sewage from

¹ "Report of the City Auditor," 1908-1909, pp. 146, 147.

this district into Boston Harbor amounted to 37,800,000 gallons a day in 1908. The cost of the sewerage systems of the two districts combined, to January 1, 1909, amounted to over \$14,800,000. Bonds have been issued to meet this expenditure. The rate of interest paid is from three to three and a half per cent. A total of \$586,000 premiums has been received on the sale of these bonds. The maintenance charges of the metropolitan sewer systems amounted in 1908 to \$877,000. This expense was met, as in the case of the metropolitan water works, by assessments upon the various cities and towns included in the metropolitan district, but the share paid by Boston, namely, \$262,096, was a much smaller proportion of the total than the city's payment in the case of water works expenses. The expenditures for the city's local sewerage system amounted to \$369,306 additional during the year.¹

There is still another function performed by a metropolitan board in Boston and the neighboring cities. A special commission was appointed by the state in 1892 to consider the advisability of developing a metropolitan park system.² As a result of its recommendations a permanent metropolitan park commission was established, consisting of five members appointed by the governor, and including under its jurisdiction thirteen cities and twenty-six towns. This commission, on December 1, 1908, had charge of a park system

¹ See "Special Publications No. 16" of the Statistics Department, setting forth the receipts and expenditures of ordinary revenue, 1904-1908.

² Whitten, *work cited*, p. 156.

that included 10,237 acres of parks and parkways. Of this total area about three-fourths is wood land. The commission controls over ten miles of seashore frontage, forty-seven miles of river frontage, and thirty miles of parkways.¹ The total expenditure for the purchase and development of this magnificent park system has been over \$13,500,000. The maintenance expenditures of the metropolitan park system during the year 1908 amounted to \$620,416, of which Boston contributed \$300,681. In addition to this amount the city was assessed \$333,902 for interest, sinking fund, and improvement commission charges. Boston also maintains a local park department, which has control of parks and playgrounds within the city limits. These public grounds comprise a total area of nearly 2400 acres. This local park system has cost the city for land and improvements a total of \$18,845,000, and the year's expense for maintenance in 1908 was \$356,000. The system includes about 45 different parks, triangles, and playgrounds, ranging in area from about one-eighth of an acre up to 527 acres.

111. *Municipal departments administered by state appointees.* — In 1885 the legislature passed a law providing for a board of Boston police commissioners, to be appointed by the governor.² The law required that the members of this commission should be residents of the city and should be appointed from the two principal political parties. It was provided that

¹ "Reports of Metropolitan Park Commission," 1907, p. 8; 1908, December, opposite p. 18.

² Whitten, *work cited*, p. 97.

the city should pay all necessary expenses incurred by the police board in performing its duty. The mayor of the city was given authority, however, to assume control of the police in case of riot. The police board was also given control of the granting of liquor licenses. This system continued until 1906, when by a new act of the state legislature, the police board was superseded in its control of police affairs by a single police commissioner appointed by the governor. A separate licensing board consisting of three members appointed by the governor was also established.

The first report of the new police commissioner, Stephen O'Meara, was submitted to the governor on December 1, 1906.¹ At that time the Boston police force numbered 1258 officers and 100 other employees. During the preceding year 49,906 arrests had been made. Of the persons arrested 45.73% were foreign-born and 37.07% non-residents of Boston. The cosmopolitan character of the city is shown by the fact that among the 22,800 foreigners arrested there were 10,876 natives of Ireland; 1601 natives of Russia; 1461 of Italy; 1323 of England; 3872 of the British provinces; 361 of Germany; 536 Chinese; 330 Greeks; 718 Swedes; 118 Poles; 72 Turks, etc. Three years later, during the year ending November 30, 1909, the number of arrests was 71,512, of which 45.77 per cent were of foreign-born persons. In his reports for 1908 and 1909 the police commissioner gives especial attention to the work of his department in enforcing

¹ "First Annual Report of the Police Commissioner for the City of Boston," December, 1906.

the laws against vice. "Boston, in its treatment of what is commonly called the social evil, is peculiar in one important, perhaps vital, respect," says Mr. O'Meara.¹ "Boston is almost the only city of its size, or perhaps of half its size, in the United States in which the police refuse to set apart prescribed localities where houses of ill fame may be carried on without penalty or interference; and Boston is right. All law breakers here are liable to the penalties of the law, and the last who should be exempted are those who make a business of vice. But in other cities the localities in which vice is free are as well known as the Common is known in Boston." In his report for 1908 the police commissioner explained his views in regard to the enforcement of the law as follows:—

"Public clamor will never close a house of ill fame; but it will spread demoralization through the community. The people who live by this business care nothing for public opinion. They can be reached only through the silent, relentless work of the police. . . .

"I am not so simple as to suppose that any combination of effort by courts and police can ever drive vice of this character from a city which has 620,000 inhabitants, and for police purposes almost double that number. It is trying and thankless work, which falls mainly upon the police of three divisions. They have been faithful and energetic and will so continue; not

¹"A Record of the Enforcement of the Laws against Sexual Immorality since December 1, 1907," as contained in the information relating thereto embodied in the Reports to the Governor of Massachusetts made annually by the Police Commissioner of the City of Boston, p. 36.

in the expectation of accomplishing the impossible, but with the determination to make the business of vice so hazardous and unprofitable that as many as possible will be driven out of it and others will be deterred from taking it up." In his report for 1909 the commissioner, after reaffirming these views, said that the one duty of the police in this matter is to enforce the laws. "If houses of ill fame can be closed on a large scale," continued he, "and immoral women can be driven from the streets by mere threats on the part of the police, that circumstance is in itself a reasonable indication that the business had previously been tolerated and that when the spasm of reform has passed it will again be tolerated. People of this character understand the kind and the quantity of evidence needed by the police to obtain a conviction, and how hard it is to secure it; they regard lightly the sentences usually imposed; they know their legal rights, and are assisted in maintaining them by expert attorneys. They will give up the business only when convinced through constant but lawful pressure that it has ceased to be profitable and that their chances of gain and immunity are better elsewhere. Their old plan of removal from one police division to another is now of no avail, for the police pressure is equal in all parts of the city to which they would think of migrating."

Referring to the comparative difficulty of securing evidence against disorderly houses by police officers, the commissioner said: "The police stand at a disadvantage so far as results are concerned, for they are compelled to keep within the bounds of both law and

morals; they are allowed to enter suspected places as police officers with search warrants, or individually, under orders, to observe and report, but on no account to take part in immoral acts or so to place themselves as to be open to the charge of immorality. . . . The men of the Police Force are required to be manly and moral, and whatever they can do under their official obligation in a moral and manly way for the suppression of vice they will do — nothing more. . . . It is the duty of the police to do this work, hateful as it is to manly men; and they do it faithfully as sworn officers of the law, not as volunteers with a taste for it. By inclination, moreover, as well as under orders, they work in silence.”

So far as one may judge from the report of the officer responsible for this policy, its results are good. During the year 1909, out of 112 persons arrested for keeping houses of ill fame, 99 were convicted; out of 302 persons arrested in houses of ill fame, including 135 men, only six were discharged; and of 375 night walkers arrested only two were discharged. Of the keepers convicted twenty-eight were imprisoned for periods of from two months to one year, and fifty-eight were fined, most of them \$50 each. Patrons were fined, generally \$20 each. Inmates were generally fined, though in twenty-two cases they were imprisoned. On the other hand, of the night walkers 123 were imprisoned, ten were sent to the State Farm, only one was fined, and 172 were placed on probation. Mr. O'Meara denies that there is any “white slavery” in Boston. “There is no ground for even reasonable suspicion,” says he,

“that Boston women or girls are forced into an immoral life or compelled to remain in it under physical coercion or restraint.” He shows that out of 669 women and girls arrested as night walkers or as keepers or inmates of disorderly houses only 29.45 per cent were foreign-born as against 47.77 per cent foreign-born of the whole number of persons arrested for all classes of offences. He states that only 10 of the entire 669 were 18 years of age or under. Of those not more than 22 years old only 19 per cent were foreign-born. Of the 197 women of foreign birth, 156 were natives of English-speaking countries.

It is at least apparent that Boston has made some progress since the good old Puritan days of 1753, when “a female accused of lewdness was exposed nearly naked on a scaffold near the Townhouse, for the space of an hour, facing each of the four cardinal points fifteen minutes, suffering the most disgusting and brutal treatment by a mob.”

The total expenditures of the police department for the year 1908 amounted to \$2,060,000, of which \$1,852,000 was for salaries.

Under the state law the number of licenses that may be issued in the city of Boston for liquor saloons is limited to one for each 500 of the population, the total number of saloons not to exceed 1000.¹ The total amount received for liquor licenses during the year 1908 was \$1,514,075. One-fourth of the revenue collected from this source is paid over to the state. The

¹ “Annual Report of the Licensing Board for the City of Boston,” December, 1906.

regular license fee for an ordinary saloon is \$1100 in Boston.

112. *Charter legislation prior to 1909.* — Boston is one of the oldest towns in Massachusetts. During its early history, like all New England towns, it was governed by a town meeting of the citizens, who assembled once a year to elect numerous petty officials, pass ordinances, and give directions as to the conduct of public affairs during the ensuing twelve months. It is easy to see that this system of government would become unwieldy with the increase of population. By 1820 the population of Boston had come to be upwards of 43,000, and the horde of petty officials elected by the town meeting to carry on the public affairs of the community had reached the number of 112, in addition to the officers appointed by the selectmen, and four officials chosen by each ward of the town. The selectmen in a New England town are the standing committee of citizens upon which falls the general direction of affairs between town meetings.

Several attempts had been made before 1822 to bring about the incorporation of Boston as a city. Four different plans had been devised and submitted to popular vote only to be rejected. The first city charter actually adopted was drafted by a committee appointed by the town, and was approved by vote of the people before it was passed by the legislature. It was then again submitted to popular vote and ratified by the people of the city. This old charter has never been repealed, but has been amended and revised at different times, and the powers and duties of the city

government have been changed by almost numberless special acts of the legislature.

Among the more important of these acts have been the charter revision law of 1854, various acts passed from time to time establishing separate boards to take charge of special departments, the charter law of 1885, the act of 1905 reorganizing the school committee, and the new charter of 1909 proposed by the finance commission. In 1897, when the city of Boston celebrated the 75th anniversary of its incorporation, Mayor Josiah Quincy stated that from 1822 to 1897 the state legislature had passed about 532 special acts affecting the city of Boston or the municipalities which had been brought into its corporate boundaries.¹ These laws related to the following subjects:—

Streets and sidewalks	79
Bridges	43
Water supply and distribution	42
Courts and other judicial matters	40
Construction and safety of buildings	37
Organization of the city government or some of its departments	34
Special acts of incorporation or acts affecting the rights of private corporations	34
Parks and playgrounds	32
Sewers and drainage	31
Penal and charitable institutions	25
Elections and election machinery	22
Constables and police	20
Protection from fire, and fire department	20
Boston Harbor	19

¹ "An Address commemorative of the Organization of the City Government," delivered September 17, 1897.

Annexation of territory or changes in boundary lines . . .	18
Schools and the school committee	13
Public health	12
Public library	11

In some instances laws passed by the legislature affecting the city of Boston have been conditional upon their being ratified by the people of the city. In later years, however, most of the important changes in the organization of the government have been made without the consent of the city.

Mayor Quincy stated in 1897 that the executive authority conferred upon the mayor of the city was distributed among thirty-three different executive departments, of which twenty-two had been created by state laws and only eleven by city ordinances. Nineteen of these departments were under the control of single individuals, most of whom were paid fixed salaries ranging from \$3000 to \$7500 per annum. Three departments were under salaried commissions, and one department was under a dual head. The remaining ten departments were under the control of unpaid boards. In 1907 there were, all told, fifty-five executive and administrative departments. These departments acted almost independently of each other, except that most of them were responsible to the mayor.

113. *Public schools, school buildings, and the public library.* — Boston is noted for the excellence of its public schools. On June 30, 1906, its school system comprised one normal school, two Latin schools, 9 high schools, a Mechanic Arts high school, 64 grammar

schools, 719 primary classes, 7 special classes, 107 kindergartens, 1 school for the deaf, 5 evening high schools, 13 evening elementary schools, 40 schools of cookery, and 1 special school.¹ On September 1, 1908, there were 111,450 children between the ages of five and fifteen years living in Boston.² The average number of pupils attending public schools, including special classes and evening schools, during the preceding year was 94,906. The number attending private schools on September 1, 1908, was 17,060. The total number of teachers employed in the public schools was 2861.

The administrative control of the Boston public school system has experienced many changes.³ From 1635 to 1789 the schools were controlled by the town meeting through the selectmen, who, at least during the latter part of this period, were nine in number. From 1789 to 1822 the school committee consisted of the selectmen, and, in addition, one person from each ward of the town, making 21 in all. From 1822 to 1835 the school committee consisted of the mayor, the aldermen, and one person from each ward, 25 in all. From 1835 to 1854 the mayor, the president of the council, and two members from each ward, making 26 in all, constituted the committee. From 1818 to 1854 there was also a separate Primary School Committee, ranging in the number of its members from 36 to 196.

¹ "Annual Report of the School Committee, City of Boston," 1906, p. 5.

² *Ibid.*, 1908, p. 3.

³ The "Annual Report" for 1906 contains a "retrospect" of the school system.

From 1854 to 1875 the school committee consisted of the mayor, the president of the common council, and six members from each ward, making a total number which ranged from 74 to 116. From 1875 to 1885 the mayor and twenty-four members elected at large, and from 1885 to 1906 the twenty-four members elected at large, without the mayor, constituted the committee. In 1906, in accordance with a general tendency in the United States to bring the city school departments under the control of smaller boards, the Boston school committee was reorganized. It now consists of five members elected at large by the people of the city.

A curious illustration of the division of responsibility that has been characteristic of the Boston government is the fact that since 1901 the school committee has been without power to buy sites or construct, repair, and furnish school buildings. These functions have been exercised by the schoolhouse department, which is in the control of a commission of three members appointed by the mayor. The expenditures of this department for the year 1908 amounted to \$333,500 for repairs and maintenance and \$774,920 on construction account. The expenditures of the school committee during the year 1908 amounted to \$3,624,000.

The Boston public library is one of the largest and best libraries in the United States. The library system of the city comprises the central library, 10 branch libraries, 16 delivery stations, and, as places for the deposit or delivery of books, 40 fire engine houses, 29 institutions, and 104 public and parochial schools.

On December 31, 1909, the central library contained 752,600 volumes.¹ The total circulation of books for home use during the preceding year was 1,508,492. The library system of Boston is made to supplement and assist the public schools of the city. The cost of maintaining the library during the year 1908 was \$327,000.

114. *Public baths, gymnasia, and convenience stations.* — Boston has undoubtedly done more than any other American city for the comfort and pleasure of its people. The southern division of Chicago under the supervision of the south park board may have surpassed Boston within the last few years, but Boston was a pioneer, and still maintains the leadership when it comes to the activity of the city government for the people of the whole community. During the year 1908 Boston maintained 6 gymnasia with baths, 5 of which were for both men and women; 4 all-the-year-round baths, with another under construction; and 6 bathing beaches, 1 open air pool, 1 river bath and 11 floating bathhouses for summer use. The total number of baths given at the all-the-year-round public bathhouses and gymnasia during the year 1908 was 776,281,² while the attendance at the bathing beaches reached the two million mark in 1905. The city also maintains 7 public convenience stations in Boston Common and other locations. On January 31, 1909, there was outstanding a debt

¹ *Monthly Bulletin* of the Statistics Department, Vol. XI, Nos. 10, 11, and 12, p. 139.

² *Ibid.*, Vol. X, Nos. 10, 11, and 12.

of \$421,500 chargeable to bathhouses, gymnasia, etc. The current expenditures of the bath department during the preceding year amounted to \$174,750.

115. *Rapid transit in Boston.*—The Boston Transit Commission was organized in 1894 to take charge of the construction of municipal subways for the use of street railways. The commission consists of five members, three of whom are appointed by the mayor. Up to June 30, 1909, it had expended \$17,167,641 in the construction of subways and tunnels.¹ The first subway, constructed under Tremont Street, cost for construction and later alterations about \$4,368,000. It was opened in 1897 and 1898, and was originally leased to the West End Street Railway Company for a period ending in 1917 at a minimum annual rental equal to $4\frac{7}{8}$ per cent of the cost of construction. On the cost, as already given, this rental amounts to \$211,745. There is a clause in the lease, however, to the effect that if, during any quarter, rentals reckoned on the basis of 5 cents per trip for all cars using the subway should exceed this minimum requirement, the amount of such excess shall be paid as additional rental. As a matter of fact, the city did receive on this account during the year ending June 30, 1909, the sum of \$11,578. The lease was transferred some years ago to the Boston Elevated Railway Company. The second subway built by the commission is known as the East Boston Tunnel, and cost \$3,225,000. This subway is also leased to the Boston Elevated Railway

¹ "Fifteenth Annual Report of the Boston Transit Commission," for the year ending June 30, 1909, p. 27.

Company. The annual rental in this case is a sum equal to $\frac{3}{8}$ of 1 per cent of the gross earnings of the company's entire system. This rental in 1908 amounted to \$51,685. The operating company also collects for the use of the city a toll of one cent for every passenger riding through the tunnel. These collections amounted during the year ending June 30, 1909, to upwards of \$125,000. From this sum, however, the company was entitled to subtract the cost of collection. This left the city a net income from toll receipts of \$107,663.85. The lease runs until 1922. The third subway, known as the Boston tunnel and subway, and sometimes as the Washington Street tunnel, was constructed at a cost of \$7,962,463, and was leased to the Boston Elevated Railway Company for a term of twenty-five years from the commencement of operation, November 30, 1908. The rental is fixed at $4\frac{1}{2}$ per cent on the cost of construction. In 1907 the Massachusetts legislature passed an act providing for the construction of an east and west tunnel in the city of Boston to be known as the Riverbank subway. Construction was to be begun at such time after the expiration of one year from the completion of the Washington Street tunnel as the Boston Transit Commission and the Boston Elevated Railway Company should agree upon, or in case of disagreement, at such time as should be fixed by the board of state railroad commissioners. At the date of the last available report, work had not yet been commenced on this subway.

The construction of subways for street railroad purposes was commenced in Boston and New York.

In both cities the subways are owned by the municipality and leased to private companies for equipment and operation. The terms of the first Boston lease are of considerable interest. Besides paying rental, the operating company was required to lay tracks through the subway and equip it with the necessary apparatus for the maintenance and operation of railways. The tracks and equipment are to remain the property of the company so long as it occupies the subway. At the end of the period of occupation, however, the tracks and equipment will become the property of the city, upon the payment of a fair valuation, to be determined by agreement or arbitration.

116. *The department of statistics.* — One of the most interesting features of the Boston city government is the department of statistics. This department was established in 1897, and remains to the present time the best-equipped bureau of municipal statistics in the United States. In fact, most American cities maintain no such bureau at all. The only city having a statistical bureau that could in any way be compared with the statistical bureau of Boston is Chicago. The Boston bureau issues a quarterly bulletin of statistics, and, in addition, special publications dealing for the most part with the finances of the city. The quarterly bulletin contains current statistics relating to the weather; mortality and causes of death; burials and cremations; changes in the population of public institutions such as hospitals, almshouses, house of correction, insane asylum, etc.; immigration at the port of Boston; fire alarms, fires, and fire losses; sanitary

and food inspection ; use of the public library ; transfers of real estate ; activities of the police department ; number of pupils in the public schools ; shipments of coal ; use of the public baths ; financial transactions of national banks in the city ; tonnage of vessels entering or leaving the port of Boston ; value of imports and exports ; shipments of flour ; use of the museum of fine arts, etc. In addition to the regular statistics, the bulletin usually contains two or three special statistical reports on matters of particular interest. Perhaps the most valuable publications of the Boston department of statistics are the special publications of receipts and expenditures. These are arranged according to the uniform schedule recommended by the National Municipal League, and are unusually comprehensive and enlightening. They are especially adapted for accurate comparison of the cost of particular functions in Boston with the cost in other cities. The excellence of these publications is no doubt principally due to the fact that for many years the city has retained as the expert of the statistical department Dr. Edward M. Hartwell, who is a prominent member of the National Municipal League and thoroughly in touch with intelligent movements for accounting reform.

117. *The finances of the city.* — The assessed valuation of property for purposes of taxation, the cost of the city government, and the municipal debt are greater in Boston in proportion to the city's population than in any other large American city. In the valuation of property in Massachusetts cities, land values are assessed separately from buildings. The total valuation

of real estate for purposes of taxation in 1908 was \$1,082,405,300, of which \$656,195,600 represented the value of land alone, leaving only \$426,309,700 for buildings. The value of personal property and resident bank stock assessed for taxation was \$247,627,738. In Boston, as in all large cities, the value of the property exempt from taxation makes an enormous total. On May 1, 1908, the exempt property in Boston was valued at \$270,055,921, distributed as follows: ¹ —

Real estate belonging to the United States . . .	\$25,791,580
Real estate belonging to the state of Massachusetts	16,124,000
Real estate and personal property of the city of Boston and the town of Brookline . . .	125,861,398
Real estate of churches	24,573,300
Real estate and personal property of charitable, scientific, and literary institutions . . .	77,705,643

The total rate of taxation for state, county, and city purposes in 1908 was \$1.65 upon every \$100 of assessed valuation of taxable property.² This made a total general tax levy of \$22,315,000. In addition to the property tax there is imposed in Massachusetts a poll tax amounting to \$2 for every male resident above the age of twenty years. The total number of polls listed for the year under consideration was 187,640. The city collected during the year, however, less than 20 per cent of the total amount of poll taxes assessed for that year.³

¹ "Annual Report of Assessing Department" for the year 1908, p. 4.

² "Report of City Auditor," 1908-1909, p. 12.

³ Statistics Department, "Special Publications No. 16," p. 38.

The city of Boston is nearly coterminous with the county of Suffolk, and the affairs of the county are administered for the most part by the city authorities. The total debt of the city and county on January 31, 1909, was \$108,487,406, distributed as follows:¹—

Bathhouses, gymnasia, etc.,	\$421,500.00
Bridges	4,297,916.66
Ferries	498,000.00
Public buildings, exclusive of schoolhouses	7,016,932.46
Schoolhouses and sites	14,328,525.00
Sewers	16,203,129.79
Streets	24,211,491.11
Public parks, playgrounds, and public grounds	16,526,410.98
Miscellaneous	1,547,300.00
Rapid transit	15,570,700.00
Water works — distributing system	4,249,500.00
County debt for courthouse	3,616,000.00

The amount of the sinking fund was \$36,450,421.50, leaving the net debt of the city and county \$72,036,984.50. The total amount of interest paid on this debt during the year was \$4,021,190.35. These figures of debt and interest charges do not include any portion of the debt of the metropolitan district for parks, sewers, and water works, or of the state debt for armories and the abolition of grade crossings. For interest on its share of these additional debts, Boston was assessed \$1,551,569.30, making a total interest burden for the year of something more than \$5,570,000. On December 31, 1908, the metropolitan water loans amounted to \$40,500,000, of which approximately 78.5 per cent should be charged against the city of Bos-

¹ "Report of City Auditor," *already cited*, p. 207.

ton. The metropolitan sewerage loans amounted to \$15,027,912, of which about 31 per cent should be charged to Boston. On December 1, 1908, the metropolitan park loans amounted to \$14,670,000. Of this, Boston's share was about 59 per cent. If Boston's share of the metropolitan district debt, for interest on which the city is directly assessed, is added to the gross debt of the city and county, we have a total debt chargeable to the 620,000 people of Boston of more than \$153,000,000, or \$247 per capita. As a matter of fact, the *net* debt of Boston, including county debt and the city's portion of metropolitan district debt on December 31, 1908, was \$110,902,879.¹ The gross debt of New York City, not including temporary loans, amounts to about \$200 per capita. The assessed valuation of property in Boston subject to taxation, as already given, amounts to about \$2145 per capita, while the assessed valuation of taxable property in New York City is about \$1600 per capita. The gross income of Boston derived from direct taxes during the year ending January 31, 1909, was approximately \$23,670,000.² To this, however, should be added a miscellaneous income of approximately \$5,610,000 from water rents, liquor licenses, and other sources, making a total of \$29,280,000 of ordinary revenues passing through the hands of the city government, or about \$47 per capita. The gross income of the city of New York from all sources of current revenue amounts to considerably less than \$40 per capita.

¹ "Report of Metropolitan Improvement Commission," 1909, p. 266.

² Statistics Department, "Special Publications No. 16," p. 35.

The estimated value of the assets of Boston on January 30, 1909, exclusive of sinking funds, was as follows: ¹ —

Salable lands	\$ 537,400
Schoolhouses and apparatus	18,988,200
Public library, including equipment	5,691,700
Other public buildings, including contents	25,255,020
Public squares and playgrounds	2,238,600
Parks (at cost)	18,845,516
Subways and subway locations	17,866,000
Waterworks	15,500,000
Fire apparatus and fire alarm system	720,000
Trust funds	3,433,993
Miscellaneous items	<u>3,838,622</u>
	\$112,815,051

In this list of the city's property no estimate is made of the value of the streets and sewers.

The ordinary expenditures of the city and the county, including state taxes, for the year ending January 31, 1909, arranged according to the uniform schedules of the National Municipal League, were substantially as follows: ² —

General government	\$ 1,207,548
Police department	2,026,935
Fire service	1,513,443
Public health	219,509
Public safety — miscellaneous	329,367
Public charity and correction	1,657,103
Sewers and sewage disposal	631,402
Garbage collection and disposal	745,301

¹ "Annual Report of Assessing Department" for the year 1908, p. 7.

² Statistics Department, "Special Publications No. 16," pp. 150-

Street lighting	809,510
Street paving and sidewalks	688,896
Street cleaning and sprinkling	619,012
Other public works	651,033
Water works	2,513,158
Other public industries	433,229
Schools and public library	4,265,062
Parks, playgrounds, and baths	1,239,267
Art, music, public celebrations, etc.	45,824
Public debt, interest and sinking fund	5,699,902
Miscellaneous	6,562
County government including courts	1,497,402
State tax	1,978,350
Total	<u>\$28,777,725</u>

118. *The spoils system in Boston, culminating in the first Fitzgerald administration.* — The net debt of the city of Boston, including the city's proportion of the metropolitan district debts, increased from \$39,418,000 in 1895 to \$106,789,000 in 1907, or from \$79.33 to \$175.13 per capita, a relative increase of 120 per cent.¹ At the same time the ratio of debt to assessed valuation of property rose from 4.1 per cent to 8.1 per cent.

"Since 1895," says the Boston Finance Commission under date of January 29, 1909, "the debt has been growing seven and one-half times as fast as population and four and one-half times as rapidly as the increase (or inflation) of the assessors' valuations."

At the same time the tax rate had risen from \$12.80 on each \$1000 of valuation in 1895 to \$16.50 in 1908.²

¹ Boston Finance Commission, "Final Reports," January, 1909, p. 56.

² "Report of the City Auditor," 1908-1909, p. 12.

The general extravagance and corruption resulting from the spoils system was set forth in detail in the final reports of the finance commission. Referring to the general inefficiency of the city council, which until 1910 was composed of two branches, the commission said :¹ —

“The city council as a body gives no serious consideration to its duties. In 1907 twenty-eight of the forty-two joint standing committees had no papers referred to them, and held no meetings. In the common council of that year four hundred and seventy orders were introduced and ‘referred to the mayor’ without discussion or vote. Its work on the annual appropriations bill consists generally of attempting to raise the mayor’s estimates to the maximum amount allowed by law, with a preference for those departments where the patronage is largest. Loan bills are log-rolled through with more regard for the demands of interested constituents and the possibility of jobs than for the needs of the city as a whole. The annual borrowing capacity of the city within the debt limit is treated as affording so much more money to be spent ; and every occasion is seized to petition the legislature for leave to borrow additional millions outside the debt limit. This phrase, the ‘debt limit,’ has lost its meaning, and each additional authorization to borrow in excess of it is regarded as a ‘gift’ of money by the state to be spent as soon as the act can be accepted.”

It was the intention of the charter amendments of 1885 to separate the city council from administrative work, but far from accepting the law in this particular, the council has “tried by resolutions, orders, ordinances, and every other means within its power” to nullify the provisions of the charter.

¹ Page 24.

“The ordinances of the city,” says the commission,¹ “are in many cases inconsistent with the statutes and therefore illegal, and a large part of the orders, resolutions, and ‘debates’ of the city council are devoted to the letting of contracts, the hiring of labor, and other matters with which the members are by law prohibited from interfering. . . . At least \$50,000 a year is wasted upon superfluous employees, generally politicians, retained to aid the city council in the non-discharge of its duties.

“Many members spend their time in violating the charter by besieging the heads of departments to employ men, raise salaries, give out contracts, and order goods for the benefit of their political supporters and constituents. If persistent entreaties are insufficient to cause the heads of departments to swerve from their duty, recourse is often had to scurrilous attacks on the floor of the city council, which are printed in the daily papers and perpetuated in the official publications of the city.

“These illegal efforts are often directed to the pecuniary benefit of the members themselves. In the belief that they could not contract directly with the city, the practice has arisen of making contracts and selling goods under assumed names, or as silent partners with contractors or material men.”

The commission points out that it found the executive business of the city “divided among too many departments, created in many instances for the purpose of furnishing high-salaried offices which could be filled without recourse to the civil service lists.” In July, 1907, when the commission was appointed, it found about fifty city departments, under the control of 158 heads of departments and members of boards. There were in all 248 elected or appointed officials. The elected officials were 97 in number, including the mayor, thirteen aldermen, seventy-five members of the com-

¹ Page 25.

mon council, three street commissioners, and five members of the school committee. There were four persons elected by the city council, or the lower branch. There were 140 heads of departments or members of boards appointed by the mayor, 33 without confirmation, 99 subject to confirmation by the board of aldermen, and nine upon the recommendation of outside bodies. There were six persons appointed by the governor. Besides these, there were the Boston and Cambridge bridge officials appointed by the mayors of the two cities, six county officials elected by the voters, eleven metropolitan board members appointed by the governor, and ten other officials appointed by the courts. Most heads of departments were appointed for the term of one year, and most of them were subject to confirmation by the board of aldermen.

“The position of the head of a department,” said the commission, “under the present form of government, subject to intimidation from one man who has the power to remove him, from thirteen men who may refuse to confirm his reappointment, and from seventy-five others who have the power officially and publicly to abuse him, without opportunity for reply, is intolerable. . . .

“The result of these conditions, which had been gradually growing worse, was that there had been a steady deterioration in the technical competency and moral strength of the heads of the executive departments, until at the time when this investigation was ordered the administrative business of this great city was, so far at least as the salaried heads of departments went, with a few notable exceptions, in the hands either of men without education, training, experience, or technical qualifications of any sort, or of men who had become so demoralized by the conditions which surrounded them as to be unwilling to

protest against the most obvious extravagance and graft, if favored by the mayor."

The total number of city employees increased 59 per cent from May 1, 1895, to May 1, 1907. The experts of the finance commission found that the efficiency of the labor employed directly by the city had steadily decreased until 1907, when the amount of work done for the city per man per day was only half as much as it had been prior to 1895.

"It is also shown," said the commission, "that the cause of the decrease in efficiency as well as of the unnecessary increase in number was political; that is, that the pay rolls were swollen for the political purposes of the administration for the time being. For similar reasons all pretence of discipline in the larger departments had been abandoned. Incompetency, drunkenness, and insubordination were seldom visited by suspension, still less frequently by discharge. . . .

"The practice of keeping an excessive number of men on the pay rolls throughout the entire year, of attempting to do work in winter which cannot properly be done at that season of the year, and of doing by day labor work which can be done much better and more economically by contract, is responsible for a large part of the waste, inefficiency, and general demoralization of the city government. It also exerts a corrupting influence on the public morals, and is one of the main causes for the spread of the theory that the city treasury can properly be used for the benefit of individuals and classes, rather than for the common good of all the citizens."

It is hard to understand how such great inefficiency could creep into the government of the city where for many years a good civil service law has been in force under the direct supervision of a state commission. The various ways in which the civil service law were

evaded by the mayor and heads of departments are set forth by the finance commission as follows :¹ —

“Many ingenious devices, some old and some new, were used to circumvent the civil service law, — such as the employment of ‘emergency’ men for five days and their reëmployment for succeeding periods ; ‘provisional’ appointments until such time as an examination could be held by the civil service commissioners ; the employment of ‘regular extra’ men, and the creation of positions under all sorts of designations for the performance of duties which might be performed by ordinary laborers on the regular lists. Some of these designations were truly descriptive of a special line of work ; but usually there was not enough work of the kind to keep a man employed more than a small fraction of the day, and while in some cases he performed another kind of work (for which, however, he was not legally employed), in most cases he did nothing whatever in the spare time. Examples of these designations are axman, barn boss, tallyman, dumper, feeder, tagman, brick-slinger, plank driver, wiper, messenger’s aid, caretaker of instruments, rubber boot repairer, tankman and tea warmer.”

One of the most important causes of financial loss to the city was the frequent suspension of the rule that contracts for work amounting to more than \$2000 should be awarded after competitive bidding. The finance commission cites many instances of extravagance and favoritism in the awarding of contracts.

“The dishonesty was not confined,” said the commission, “to any one class in the community. Reputable business houses, including some of the largest corporations in the country, conspired to defraud the city, descending in some instances to the acceptance of such petty sums as \$300, \$200, and \$150 as their share of the plunder. The treasurer of one of these large cor-

¹ Page 32.

porations, who had been a member of the Governor's council, justified his company's share in these dealings as a part of its regular business methods, and as 'an entirely proper business transaction.' The treasurer of another company testified that his concern had done much business with the city, that on several occasions he had paid money to competitors for putting in apparently genuine bids, which by preconcerted agreement were higher than his and that his company had paid out a part of its profits for this accommodation. He admitted also that he had destroyed the books of the company which would disclose these transactions. Two fireproofing concerns doing an extensive business in this city combined for the purpose of parcelling out the work. Contract for contract was generally conceded, although in some cases money was paid as the price of abstaining from competition. Both concerns, by keeping up the appearance of an active and real competition, with the attendant circumstances of figuring and bidding, gave the city officials to understand that there was no collusion. Even charity secured no exemption, and the profits obtained from a hospital, a home for crippled children, and the city of Boston were united in one check which represented the cost of collusion on these jobs."

In presenting its case against the Fitzgerald administration of 1906 and 1907, the commission said:¹—

"The politicians who had charge of the city finances in these two years did not invent all the schemes of misgovernment, but they took advantage of, improved upon, and added to those which they found in operation.

"One of the new features introduced deserves special mention—the concentration of patronage in the hands of the mayor. With untiring industry he busied himself in the details of administration, influencing the appointment and advancement of employees, the distribution of contracts, the orders for supplies, and otherwise directing the misuse of public money in such manner as

¹ Page 39.

would best promote his own political fortunes. For the first time a man was elected to the office of mayor whose aim was not merely to use or perfect the political machine then in existence, but to become the machine itself."

119. *Non-partisan elections secured.* — Boston is the only great city in America that has done away with the party system in the nomination and election of city officials. Under the provisions of Chapter 486 of the Laws of 1909, approved June 11, 1909, supplemented by a vote of the people of Boston at the city election in December, 1909, all laws of the state of Massachusetts relating to primary elections and caucuses for city offices in Boston were repealed. The finance commission had severely criticised the working of direct primaries, and had recommended as a necessary step in civic reform the abolition of the party system altogether so far as municipal elections were concerned. In place of the primary elections there has been substituted a system of nominating by petition. Any registered elector desiring to run for office in Boston may have his name placed on the official ballot by filing, twenty-five days before the election, nomination papers signed by not less than 5000 registered voters. Each signer must certify that he has not signed more nomination papers than there are offices to be filled. Furthermore, the signers of each petition are required to name a committee of not fewer than five persons who, in case of the death, withdrawal, or incapacity of the candidate after his formal acceptance, will have authority to name a substitute. All nomination papers must be examined and certified by the election commissioners

at least sixteen days before the election. Candidates may withdraw up to the fourteenth day preceding an election, and new candidates may be substituted up to the twelfth day. Nomination papers may not contain the names of candidates for more than one office. Only the candidates nominated as described may have their names printed on the ballots. With each name is printed the residence of the candidate, but no political designation, or anything showing how the candidate was nominated, or indicating his views or opinions.

Boston has already made one important trial of this new scheme. A mayor, nine councilmen, and one member of the school committee were elected in January, 1910. Four candidates were nominated for mayor, although at the election two of them received less than 2000 votes each. One of these two was the mayor who was standing for reelection. The result of the four-cornered contest was the election of John F. Fitzgerald, who as mayor in 1906 and 1907 brought maladministration to the climax described by the finance commission, and the utter humiliation of the man who had succeeded him in office and had instituted considerable reforms. Mr. Fitzgerald was elected by a plurality of about 1400 over his nearest rival. He did not have a majority over all, but the votes of the third and fourth candidates were so small as to be insignificant under ordinary conditions. It is more than likely, however, that if the finance commission had been wise enough to recommend the double election system adopted in Des Moines, Los Angeles, and certain other smaller cities,

the result would have been different. As it was, the majority of the council and the one member of the school committee chosen at this election had the support of the reform element.

120. *The council under the new charter.* — The legislation of 1909 abolished the board of aldermen and the common council, which had in the course of 77 years given a convincing demonstration of bicameral inefficiency. In place of 88 there are now only nine members of the legislative body. Instead of election by wards, there is now election at large according to the non-partisan plan already described. Hereafter three councilmen will be chosen each year for a term of three years. The salary of councilman is fixed at \$1500, and it is expressly provided that "no other sum shall be paid from the city treasury for or on account of any personal expenses directly or indirectly incurred by or on behalf" of any councilman. The council elects its president, and, in case of a vacancy in its membership, chooses some one to fill the vacancy until the next municipal election. Members of the council are expressly prohibited from taking part in the employment of labor for the city or the county of Suffolk; in the making of contracts; in the purchase of materials, supplies, or real estate; in the construction, alteration, repair, or management of any public works, buildings, or other property; in the conduct of the executive or administrative business of the city or county; in the appointment or removal of any municipal employee; or in the expenditure of public money except such as may be necessary for the contingent and incidental expenses of the

council itself. The council's approval is required, however, for any contract for street lighting or for the collection or disposal of refuse. Furthermore, the council has authority to reject or reduce any item in the annual budget, and may even ask the mayor questions about any matter within its jurisdiction. It may veto the mayor's ordinances or pass ordinances for him to veto. With the mayor's coöperation it may reorganize, consolidate, or abolish city departments, except certain ones specially exempted from its jurisdiction, and may establish new departments and change salaries. With the approval of the mayor it may establish offices ancillary to its own official work, and without the mayor's approval, it may fill such offices once they are established. The council elects the city clerk, whose term of office is three years. Two separate readings and two separate votes, at least fourteen days apart, are necessary where land is to be sold or purchased, or loans to be made. Moreover, in such cases a two-thirds vote of the council is required.

121. *A new experiment in concentrated responsibility.* — The mayor of Boston under the new charter has certain unusual powers. He may propose ordinances or loan orders other than for school purposes, and unless the council rejects them within sixty days they go into effect. All appropriations other than for school purposes, to be met from any source of revenue except loans, must originate with the mayor. Upon him rests the duty of preparing the annual budget and any supplementary budgets that may be necessary. The mayor has an absolute veto on all acts of the council

except those relating to its internal affairs, and he may disapprove particular items or parts of items in any resolution involving the expenditure of money. The mayor may attend in person or send the head of a department to address the council on any subject he desires. If summoned to appear before that body and answer questions, he must go or send his representative in case the questions have been submitted in writing a week in advance, but when there he may not be questioned on any other matter. The mayor appoints all heads of departments except the school committee and officials appointed by the governor, and confirmation by the council is not required. Such appointees, however, must either be "recognized experts" in the work they are to do, or "persons specially fitted by education, training, or experience" to perform such work. Heads of departments are to be appointed without regard to party affiliation or to residence, and for terms of four years from May 1 of the year in which they are appointed, except as otherwise provided by the laws relating to boards. The mayor may remove his appointees at any time by filing a written statement with the city clerk "setting forth in detail the specific reasons" for such removal. A copy of this statement must be sent to the official removed, who may file a written reply with the city clerk.

122. *Contracts, appropriations, and debt.* — It is unlawful for any member of the council or for any other officer or employee of the city or the county of Suffolk, or any member of the finance commission, to make any contract with the city or county, directly or indirectly,

or to receive any commission, bonus, or reward from or share in the profits of any such contract, unless, immediately upon learning of the existence of the contract or that such a contract is proposed, he shall notify the mayor, the city council, and the finance commission in writing of the nature of his interest, and thereafter abstain from doing any official act in reference to the matter. It is provided, however, that the ownership of less than 5 per cent of the shares of a corporation or voluntary association having a contract with the city shall not be considered as having an interest in the contract under this prohibition. The violation of this provision renders the contract voidable at the option of the city, and the guilty person renders himself liable to a fine of \$1000 and imprisonment for one year.

If the estimated cost of any work or purchase, in conjunction with other similar work or purchase that may properly be included in the same contract, amounts to \$1000 or more, bidding must be publicly invited, "unless the mayor gives written authority to do otherwise." No such authority may be given by the mayor unless the officer or board in charge of the work furnishes him a signed statement, to be published in the *City Record*, giving in detail the reasons for not inviting bids by public advertisement.

No official of the city is authorized to spend, intentionally, any sum in excess of the appropriations, "except in case of extreme emergency involving the health or safety of the people or their property." Appropriations for current expenses may be shifted from one division of a department to another by the

city auditor, with the mayor's approval. In the same way transfers may be made from the reserve fund, and, between December 1 and February 1, from any one appropriation to any other, but no transfer may be made from a bond account to a current expense account.

Boston's new charter squarely forbids the establishment of sinking funds, and provides that all new loans shall be made payable in annual installments.

123. *The administrative departments.* — The new charter abolishes certain offices formerly maintained to assist the council. The other departments, multifarious in their number and divergent in their duties, are left undisturbed, except that they are subject to reorganization, consolidation, or abolition by ordinance. Twelve or fifteen departments, however, — a mere handful in Boston, — are especially exempted from this power of the mayor and council. But these departments include the schools, the police, the assessors, the fire force, and some other important branches of the municipal service. The mayor's appointees as department heads, however, as already stated, must have special qualifications for their work. With each appointment the mayor certifies that in his opinion the appointee is a recognized expert in the work that will devolve on him, or that he is a person specially fitted for the work by education, training, or experience. All such appointments are certified to the state civil service commission, which is required immediately to make a careful inquiry into the qualifications of any such appointees. Unless within thirty days this commission certifies its approval of the qualifications of the

persons named by the mayor, their appointments are inoperative and void.

The city auditor's powers are especially set forth in the new charter. All accounts of all departments of the city or the county of Suffolk are subject to his inspection and revision, and must be kept in forms prescribed by him. He is authorized to disallow any claim against the city on the ground that it is fraudulent or unlawful. All bids for city work or the supplying of materials must be made in duplicate, a copy of each bid to be filed with the city auditor, who is required to examine it and compare it with the original bid filed with the department in charge, and in case the auditor's copy differs from the original, the copy is to be substituted for the original. Every head of a department is required to furnish the auditor once a year in May a list of officials and employees in the department on April 30, preceding, with the residence, the official designation, the compensation, and the date of election or appointment of each. These lists are to be verified by the auditor and then printed as a city document.

Upon the board of street commissioners is conferred the jurisdiction formerly exercised by the board of aldermen concerning the naming of streets, the planting and removal of trees in the public ways, and the issuance of permits for various purposes, including the granting of locations for poles, posts, and conduits for telephone, telegraph, street railway, and illuminating purposes. But such jurisdiction is exercised subject to the mayor's written approval.

The beginning of the fiscal year of the city is fixed

at February 1, and the beginning of the municipal year at the first Monday in February.

124. *The finance commission.*—On December 13, 1906, and again on January 7, 1907, Mayor Fitzgerald recommended to the city council the adoption of an order creating a special commission to investigate the city's finances. "What is required," said the mayor in his communication of January 7, 1907, "is a business examination of the subject by a body of such representative, able, and impartial citizens of Boston that our taxpayers will have full confidence in the soundness of any conclusions which they may reach. . . . I fully realize that in order to accomplish the objects of the proposed inquiry a Finance Commission constituted by the City Government must not only be, in fact, wholly free from partisan bias, but must be known to be so constituted that it cannot be affected by any personal or political influences. . . . My whole object is to make the proposed inquiry as searching and thorough as possible, and the constitution of the proposed commission should be enough to convince any fair-minded man that the mayor would be wholly unable to control the action of such a body, even if he were disposed to do so." The mayor accordingly recommended that the commission consist of seven members, to be chosen one by each of the following bodies: the Associated Board of Trade, the Chamber of Commerce, the Boston Merchants' Association, the Clearing House Committee, the Real Estate Exchange, the Central Labor Union, and a committee made up of the presidents of the several citizens' or local improve-

ment associations of the city. Responding to the mayor's request, the city council authorized the appointment of the commission, and appropriated \$50,000 for its expenses during 1907 and 1908. The commission was directed to make the following particular inquiries :—

1. "Whether under the present practice of the City its objects of expenditure are rightly divided between those which may properly be provided for by loan and those which should be met by taxation, and whether its loans are now issued for proper periods."

2. "Whether the present distinctions between loans inside and outside the debt limit are based upon sound financial principles."

3. "Whether any change should be made in the present system of accumulating sinking funds and issuing new loans annually."

4. "Whether debt, taxation, or assessments upon property are now excessive, and, if so, in what manner the same can be reduced."

5. "Whether present systems of bookkeeping, auditing, and administration afford sufficient protection to the City treasury."

6. "Whether the cost of any municipal works or services now paid for from the City treasury should be raised by special assessment, or whether any changes should be made in existing provisions for the laying and collecting of special assessments."

7. "Whether the financial burden imposed upon the City in connection with the expenditures for the construction and maintenance of metropolitan works are excessive or unfair, and, if so, how the same can be reduced or made equitable."

8. "Whether any changes should be made in the present distribution of powers relative to appropriations, loans, and expenditures."

9. "Whether the general taxation laws of the State, and

particularly those relating to the taxation of the property of corporations, operate fairly in respect to the interests of Boston, and, if not, what changes should be made in them."

10. "Whether appropriations and loans for the several departments of the City are larger than necessary."

11. "Whether the limit of municipal indebtedness should be fixed by constitutional amendment, or the present statute, fixing the limit, should be repealed or amended."

12. "Whether it is advisable to create new sources of revenue, and, if so, to suggest the sources and for what purpose the proceeds should be applied."

13. "To inquire into the present general plan of sewer construction and report whether or not it is the one best adapted to the City, and, if not, to investigate and report a comprehensive scheme for future development of the sewer system, with special reference to the amount of money the City can annually afford to spend for the completion of work already begun."

Never was a citizens' commission given a more comprehensive opportunity to render authorized help to a municipality. The finance commission was appointed by Mayor Fitzgerald in July, 1907, on the recommendation of the various civic bodies enumerated in the order of the city council which had been passed at his request. By special act the state legislature conferred upon the commission authority to summon witnesses, compel the production of books and papers, and take testimony. During the next eighteen months Boston's government got such an overhauling as has seldom, if ever, been witnessed in any other American city. The general findings of the commission have been briefly discussed in a preceding section. The new charter of 1909 was a direct outgrowth of the commission's recommendations. The establishment of a non-

partisan system for nominating and electing city officials ; the creation of a small city council elected at large, and the requirement of special qualifications as a basis for appointment to the principal administrative offices, all of which were urged upon the legislature by the commission, have already been described. One other fundamental proposal that found its way into the new charter was the establishment of a permanent finance commission. This body consists of five members appointed by the governor with the consent of the governor's council. Appointments are for a term of five years, one member retiring each year. The chairman of the commission, who is designated by the governor, gets a salary of \$5000 a year. The other members serve without pay. It is the duty of the commission to investigate, in its discretion, all matters relating to appropriations, loans, expenditures, accounts, and methods of administration affecting the city of Boston or the county of Suffolk, and make reports from time to time to the mayor, the city council, the governor, and the state legislature. Whenever any pay roll, bill, or other claim is presented to the mayor, to the city auditor, or to the city treasurer, if it seems to be of doubtful validity, excessive, or otherwise contrary to the city's interest, it is to be referred to the finance commission for investigation and report before payment is made. The commission is authorized to spend \$30,000 a year in the prosecution of its work, and such additional sums as may be appropriated by the city council and approved by the mayor. The commission is authorized to employ experts, counsel,

and other assistants, and to summon witnesses and require the production of papers.

It seems that Mayor Fitzgerald, just now elected to inaugurate the new system of government in Boston, although charged with gross inefficiency in the past, has been instrumental in creating a body that will be a constant menace to inefficiency in the future.

125. *The problems of Boston's future.* — "The city is not keeping pace with its rivals in commerce, or in its industries," said the original Boston finance commission. "The population is nearly at a standstill. There is but little demand for real estate, and almost none for vacant land." If a compact Greater Boston were to be established with an area equal to that of Chicago, the new city would have a population of about 1,300,000. It is possible that in view of its industrial background the Boston district is populous enough, and that the city is approaching the painful period of development when it must stop discounting the future and begin to pay off the obligations of the past. At any rate, Boston seems to have come nearer to that crisis than any of the other great cities in the United States. There is no doubt that the business interests of Boston have begun to feel alarm over the city's waning prestige as a commercial port. "Boston has had more reports and studies made of its dock situation and has done less to improve conditions than most other communities," says Mr. George C. Sikes in his "Report on the Chicago Dock Problem." It is characteristic of Boston not to act without knowledge. It is likely to take more than one special investigating commission to get any great

improvement started. But in most matters the commissions have sat, the deliberate purpose has been formed, and the work has been undertaken before other cities have become conscious of their needs. It is possible that with all its conservative commissions, Boston may get to the point of inaugurating a great scheme of dock and harbor development before Chicago and Philadelphia get fairly started. The apparent stumbling block in the way of Boston is its already enormous debt, which may render the city timid in the face of a great need. Financial necessity may veto a bold scheme for municipal docks and terminals that are, perhaps, essential to the city's future prosperity. It should be borne in mind, however, that Boston as a terminal or inner city, flanked by other great and growing towns, is richer and more able to bear great per capita financial burdens than most cities. Moreover, along with its debt, Boston already has secured many of those fundamental improvements which help a city to maintain its greatness — parks, water supply, sewerage, subways, public baths, excellent schools, etc. Boston's streets are too crooked and too narrow, its tenements too crowded, and its traditions of government too personal and extravagant. But the city, in adopting its new charter, showed a spirit worthy of Cleveland or Los Angeles. Let us hope that Boston, a city dear to all Americans, exhibiting boldness in civic initiative, may also develop the courage to abate its political rashness and to abjure the habit of regarding its purse as an inexhaustible treasure sack for supplying its children with spending money.

CHAPTER VIII

THE PROBLEM OF THE GREAT CITIES

126. *The natural measure of city growth.* — The site value of the land upon which a city is built may be regarded as constituting in a rough way the measure of the economic advantages of city life for the people who live or do business in that particular community. The movement cityward has been going on at a rapid rate for several decades, until now we have almost accepted it as a normal, permanent movement. Without due consideration of the natural limitations upon the relative growth of cities as compared with the rest of the country, we are inclined to reckon the multiplying millions of the future as the most certain asset of each metropolis. There is reason to believe, however, that there is a normal limit to the relative increase of urban populations. Already, as a result of the movement to cities, a comparatively small proportion of the people of the United States remain living in immediate proximity to the sources of the food supply, and the mechanism of distribution and exchange has assumed a much greater relative importance in the life of the nation than was the case under earlier conditions. The land values of a city are the measure of what the people can afford to pay for the privilege of

living and working there. Whenever the cost of distribution becomes so great that the expensiveness of living in a great urban community more than offsets the economic advantages arising from urban life, then a city may be said to have reached the economic limit of its relative growth ; as an economic unit, it begins to develop a deficit ; it no longer pays to grow, and under normal conditions growth will cease and ground rents will become stationary or begin to fall.

In considering the effect of the increase in the cost of distribution we must include under "distribution" all those necessary adjustments resulting from the conditions of city life which are undertaken by governmental agencies. Along with the economic advantages arising from concentration of population there come numerous disadvantages, some of which are immediately recognized as economic, and some of which appear to be primarily social and ethical. These latter develop their economic significance only after the lapse of considerable time. Considering all the disadvantages of city life from the economic standpoint, there are only two possible ways of treating them ; either they must be endured as necessary or comparatively unimportant evils, or they must be overcome by expenditures from the surplus created by the economic advantages which are the primary cause of city growth. Some disadvantages, such as the failure of the local water supply and the accumulation of refuse, cannot long be endured. They must be overcome. If each citizen, when the pinch of necessity reached him, were to undertake by his individual effort to re-

move his wastes to a place where they would cease to be dangerous, and if he were to go forth to obtain an adequate supply of water, the economic advantages of city life would speedily disappear, and city growth would be absolutely checked. By coöperation, however, either through private or through governmental agencies, these particular disadvantages of city growth, as well as many others, may be minimized or entirely overcome at a cost which still leaves a substantial balance in the advantage fund. But the time may come when the city has become so large that even with all the economies of coöperation through governmental means, the cost of obtaining an adequate water supply and of disposing of the city's wastes will become prohibitive and stop the city's growth. This illustration shows that as a part of the general increase in the burdens of distribution and exchange incident to the development of an urban civilization there goes an increasing burden of government. In a great city the municipality is called upon to perform numberless expensive services rendered necessary by the congestion out of which economic profit has arisen.

In addition to the disadvantages like the specific ones I have mentioned, which are so insistent and imperative that they cannot be neglected, there are certain others which men are long tempted to neglect for profit. People build cities for the purpose of getting rich. Partly through ignorance and partly through their passion for wealth they are at first inclined to ignore the disadvantages of urban life which fall heaviest upon the home and the children. Thus it happens that

cities grow to be great without any adequate system of parks and playgrounds, without sufficient school buildings and school equipment, with dwelling houses built upon narrow lots or tenements piled high in solid blocks, with the atmosphere made foul with smoke and escaping gases, and with no sufficient supervision over the purity of the water and food supplies. These disadvantages, which at the start appear to be social and of the nature to be voluntarily accepted for the sake of profit if the citizens choose to do so, in the long run turn out to be economic disadvantages of the most imperative kind. In the form of poverty, vice, crime, disease, and inefficiency they entail an economic disadvantage that increases at compound interest with neglect. We may say, therefore, that the normal limit of a city's relative growth is reached when it spends through governmental agencies or otherwise all of the money needed to maintain tolerable living conditions on a permanent basis and when such expenditure has become equal to the annual value of the land upon which the city is built. In other words, normally a city should stop growing when the economic advantages of city life are wholly offset by the expenditures required to overcome the disadvantages inherent in city life. I am using the words "economic advantages" in the broadest sense, to include not only the opportunity for making money, but also the desirable social and educational opportunities for which people are able and willing to pay money or sacrifice other things.

Possibly it is necessary to explain the use of the phrases "site value" and "land value" in this dis-

cussion. The total amount that the people of a city are willing to pay for the privilege of living there is considerably more than the market value of the land exclusive of improvements. This is so because already the city government levies a heavy tax upon land values, which is taken into consideration in establishing market prices. For purposes of discussion in connection with the problems of city government, it is sufficiently accurate to define the site value of the city as the aggregate of what the market value of the land without improvements would be if not subject to taxation. A comparatively accurate measure of this value is the capitalized net rental value of all the land in the city. It is perhaps necessary also to state that the city as an economic unit is not sharply defined like the city as a political unit, but reaches out with a radiating influence to far distant points, affecting the value of outlying land as well as of that within the limits of the municipality. This fact has an important bearing upon the relation of the city to the state and the nation in connection with the regulation of industry and the distribution of the burdens of state and national government. These conditions do not, however, affect the proposition laid down in this section, namely, that under normal conditions a city will stop growing when it no longer pays to grow.

127. *Artificial checks upon city growth.* — To one reading the tale of the great cities in America for the first time it would appear that their chief problem is how to avoid impending bankruptcy. Every one of the cities whose government has been described in the

preceding chapters of this book is now or has recently been striving to overstep the arbitrary limit of indebtedness placed upon it by an outside authority. The cities clamor for debt as if it were the *summum bonum* of municipal existence. Most of them have used large sums of borrowed money to meet current needs. Everywhere are proofs of extravagance, waste, and downright thievery. It is evident that in so far as the increasing cost of government is due to speculation or waste the community does not get an economic return for its expenditures. A high tax rate may actually diminish the cost of living, if the city's money is spent economically in the performance of necessary coöperative services. If, however, the city, though spending enormous sums of money, fails to overcome those disadvantages of city life to overcome which the money has been appropriated to public uses, the result is that the people are compelled through taxation to waste a share of the advantage fund without any return. Consequently, either the desirability of city life is diminished, or the cost of living is unduly increased by the necessity of expending private funds to overcome the disadvantages which the city government has already been paid to overcome. It may be safely asserted without further argument that waste and extravagance in connection with the expenditure of public money increases the cost of living, and therefore operates as an artificial check upon the growth of a city. The same may be said of wasteful and extravagant methods of performing public services by other than governmental agencies. If street car fares are

high, rates for electricity and gas excessive, and telephone charges exorbitant, the effect is unduly to increase the cost of living and to impose an artificial check upon the growth of the community. This result is brought about, so far as public service companies are concerned, either by downright extortion or by reason of overcapitalization, financial jugglery, or inadequate and unsatisfactory service. The high prices exacted by the ice trust, or the milk trust, or the meat trust tend to increase the cost of living in the particular community where these commercial organizations are dominant, and in so far as that community is thereby placed at a disadvantage as compared with other communities, urban or rural, an artificial check is placed upon the natural growth of population.

128. *The artificial stimulation of city growth.* — In the preceding section it has been shown how the normal growth of the city may be checked. There is abundant reason, however, to believe that the great cities of America have had an abnormal growth due to artificial stimuli which more than offset the effect of the artificial checks described. Perhaps the most important stimulus of city growth is the neglect of the normal expenditures for social betterment. As long as a city gives itself up to the passion for money making, willing to sacrifice the welfare of succeeding generations for immediate profit, it attracts to itself by the very fierceness of its industrial activity an ever increasing tide of population. There continues to be an apparent surplus in city life long after the real surplus has disappeared. There continues to be money in the treas-

ury, but it is more than offset by the floating debts that have been piling up at compound interest. There is nothing more fatal from either the social, the political, the ethical, or the governmental standpoint than to get more people into one place than ought to be there. To build up a city without meeting the legitimate and necessary expenses of city life from year to year, and to cover up this neglect by an abnormal showing of economic advantages, is as ruinous as the expansion of a business by selling commodities below cost. Another way in which the government brings to bear an artificial stimulus upon the growth of a city is by saddling the burdens of the present upon the future by means of a huge debt. In so far as money is borrowed on long time bonds for the purpose of making improvements that will be worn out and displaced before the bonds are due, the immediate burden of government is abnormally reduced. The surplus of economic advantages is artificially maintained, and population is induced to throng to the city only to find in the future the neglected burdens falling upon it with double weight. The last state of that city is worse than the first. The influx of population from outside may finally be checked, but there is left an urban population greater than the normal economic limit of the community. Then must follow inevitably the distress and misery of a poverty-stricken city, which, instead of realizing for its people the splendid advantages of city life possible to a normally developed community, is compelled to enter upon a period of decadence, with all the attending physical, moral, and intellectual de-

generation that is inherent in the life of a shrinking city. It is certain that all of the great cities have been guilty of administering this artificial stimulus to growth. In all the cities that we have studied, perhaps the figure that stands out most prominently among those few men of power who have insisted upon compelling a city to pay the cost of city life during the process of development, is Alexander R. Shepherd, through whose achievements popular government in Washington became so "discredited" that the Congress of the United States has kept the people of the national capital without a suffrage even in local affairs for a generation past. The land-owners everywhere are implacable against any policy that does not stimulate growth. Always they want more population.

129. *The relation of great cities to concentration of power.* — There is reason to believe that the growth of the great cities of America has been unduly stimulated by reason of the abnormal concentration of power over industry. Through the manipulation of railroads and other great industrial enterprises there have been drawn into the centres of control considerable groups of men who have become enormously wealthy by means of the tribute they have levied upon the nation's industry. In their wake, and endeavoring to profit by their example, has come a multitude of stock-gamblers, irresponsible promoters and swindlers, who, because they were spending other people's money in the hope of enormous profits have been able and willing to pay extra prices for standing room in the business districts of New York and other cities, and have set standards

for expenditure in personal and business relations that have tended to increase the site values of the cities and to attract to them large increments of population. It is quite possible that if the regulation of corporations through the limitation of their capitalization, publicity, supervision of rates, and other means generally included in the policies of the progressive party in America, were to be fully realized so that the profession of swindling promoter would become unattractive, and Wall Street and Broadway be deserted by the minions of high finance, these changed conditions in the general mechanism of the control and exploitation of the nation's industries would bring about a shrinkage of the land values which have become so fabulous in the metropolitan centres, or at least a halt in their increase. However this may be, under conditions as they exist, the great cities by the concentration of wealth resulting from the control of industry are the seats of power of the privileged classes. The enormous land and franchise values created by the growth of population in metropolitan centres are prizes on a par with the reservoirs of oil and coal, the great forests, the water power and the other special stores of natural resources of the country. But not only are all the land and franchise values exploited by the men who live or do business in the city, but the great natural resources extending from ocean to ocean and even to far-off Alaska are exploited by the same men or by others living and operating in the same places. Unjust taxation accentuates the extreme differences in economic condition that are characteristic of cities. The overgrown

city as a national problem represents the abnormal concentration of wealth and the dangerous centralization of power.

130. *The relation of great cities to democracy.* — In the broadest sense law embodies the established moral principles of a nation, and government is instituted to enforce law. We have outgrown, however, the idea that national government is primarily a military organization, or that city government is nothing but an enlarged police department. If the negative function of keeping order and repressing crime is ethical, much more fundamentally ethical are the great coöperative enterprises that specially characterize city governments. It is said that in miniature cities and republics organized among school children or among juvenile delinquents who are being educated in groups, it is a common experience to find that the responsibility of office-holding transforms lawless boys into model citizens. The spirit of coöperation, the function of service, ought of right to have this effect upon men who hold office in cities. And yet it is a solemn fact that in many cities for long periods of time conditions have been such as to tend regularly to the elevation of vicious and criminal persons to official and semi-official positions of power in the community, and to transform honest men aspiring to such positions into vicious and criminal persons. What shall we say of these dreadful conditions, which appear to be, not sporadic, but epidemic — not temporary, but chronic? Every government by its forms and its activities should put a premium, however slight, upon honesty, decency,

and good citizenship. To do the opposite is an unspeakable crime against civilization and democracy. And yet what do we find? On the statute books everywhere are certain regulations and restrictions affecting the sale of liquor, the social evil, and gambling, which are not taken seriously by the community at large and are not treated by public officials as binding on them under their oaths of office. Even "Christian" men in public office have advanced the theory of "liberal enforcement" of the laws, which, as everybody knows, leaves the door to blackmail wide open and puts before the policeman a standing temptation to crime. This temptation has in fact built up a "system," a sort of Camorra, in the police forces of great American cities. Yet nowhere has one of our great communities made a serious attempt to adjust the law to the standards of regulation for which the city is willing to be responsible. The door to blackmail is left open decade after decade.

In like manner, in most American states and cities, there is a carefully devised annual school of perjury for wealthy citizens, officially conducted and openly acknowledged. The "swearing off" of personal taxes is, so far as governmental devices can make it, a compulsory crime.

At the Manhattan end of the Brooklyn Bridge in New York is the terminal for 4000 trolley cars a day. There are eight surface loops connected with the one pair of surface tracks crossing the bridge. Over these loops, among the standing and moving cars, swarm not only the multitudes who are trying to board the cars, but also the throngs who cross the bridge on foot.

Crowds form at each loop waiting for the cars they want. Big policemen with brute strength or brutal words hold them back to keep a way open for the foot passengers. When a car comes there is a rush to board it. Perhaps those at the front of the crowd have been waiting for another car, and now have to struggle to keep their places for the next car, while they are in the way of those who are scrambling to get aboard this one. The pushing and scrambling has absolutely no regard for women. If a young fellow can force himself in and throw himself into a seat just ahead of a woman or girl, he does so. Why does he? Not because he is a boor, or at least not because he was brought up to be one. It is because the transportation system of New York, devised by the city or with its consent, drives the people by thousands every day into this vortex, sets a policeman there to browbeat them, and commands them in the name of a great city to observe the motto: "Every man for himself and the Devil take the hindmost!" This compulsory education system for recruiting the municipal school of ill manners and brutality is permanently maintained. In this way New York takes a measure well calculated to make it a coarse, self-seeking city, without due appreciation of the possibility of fine civic spirit, which can hardly be developed except on the foundation of common courtesy in the everyday relations of citizens.

With laws permitting the grant of perpetual or long-term franchises, irrevocable even where they were procured by shameless bribery; with fixed terms of office for aldermen and power conferred upon them to

give or withhold during that period great prizes continuing far into the future ; with primary laws that put a premium on self-seeking and disqualify every man for office who is unwilling to display himself on the street corners, shouting through a megaphone, "I want it, I want it!" we cannot wonder that civic honor is tarnished.

We have not yet reached the common understanding in American cities that is necessary for concerted effort. Perhaps it is in rendering this common understanding difficult that the presence of the children of so many nations in one community offers the greatest obstacle to the municipal salvation of the great cities of this country.

"Two individuals can participate in a common cause only to the extent that they possess common sentiment and common knowledge," says Superintendent Brumbaugh of the Philadelphia public schools.¹ "To increase their effective participation requires a broadening of their common knowledge. To make participation impossible requires only the absence of common knowledge. This holds true throughout. Hence our democracy depends upon the possession by all its individual participants of a fund of common knowledge, which fund is the currency of democracy ; and *the function of the public school is to impart such a fund of common knowledge to all that participate in our democracy as to make facile the interchange of ideas and the reciprocal regard of each for the other.*"

¹ "Ninetieth Annual Report of the Board of Public Education," Philadelphia, 1908, p. 44.

The central and all-important problem of the great cities is the problem of the budget — how to spend honestly, liberally, efficiently, and promptly for the protection of life, health, and property and for the advancement of civilization — and how to levy for these expenditures upon the advantage fund created by the community life in such a manner that taxation shall not breed inequality, injustice, and civic disloyalty.

INDEX

- ACCOUNTS:** Washington, 40; commissioners of, New York City, 108; auditing of, 110; Chicago, 206; Philadelphia, 290, 292; St. Louis, 321, 344; Boston, 395. *See* Auditor, Comptroller, Controller.
- Administrative control:** in New York, 74, 78, 81-86; in Chicago, 190; in St. Louis, 314-315, 324; in Boston, 347-369. *See* Public Service Commissions.
- Administrative departments:** in Washington, D.C., 30-32, 38-44; in New York City, boroughs, 90-92; general, 106-154; in Chicago, 204-211; in Philadelphia, 291-300; in St. Louis, 319-324, 342; in Boston, 384, 394-396.
- Advertisement of franchises:** New York City, 100.
- Aldermen:** in New York City, 94-96, 119, 120; president of board of, 96, 97, 172; employees of, not in classified service, 176; in Chicago, 194-201; in Boston, 383-384. *See* Municipal assembly, Council, Councils.
- Alleys:** in Washington, D.C., 18, 19, 36, 37, 44-46.
- Apportionment.** *See* Estimate and apportionment.
- Area:** of Washington, D.C., 20; of New York City, 170; of Chicago, 184; of Boston, 346-347, 400.
- Art commission, municipal:** of New York City, 123; Chicago, 216; St. Louis, 334.
- Assessment:** in Washington, D.C., 33-38; of public utilities in New York City, 84; of property for taxation, New York City, 164-171; of property for taxation, Chicago, 191-192, 205; in Philadelphia, 301-305; in St. Louis, 323, 332; in Boston, 377-381. *See* Special assessments, Taxation.
- Auditor:** in St. Louis, 321; in Boston, 394, 395. *See* Accounts, Comptroller, Controller.
- BALTIMORE:** reputation of, 7.
- Baths, public:** in Washington, D.C., 36; in New York City, 91; in Chicago, 208, 214; in Philadelphia, 294; in St. Louis, 332, 335; in Boston, 372, 378.
- Billboards:** in St. Louis, 337-340.
- Blair, James L.:** on St. Louis disclosures, 308-309.
- Bonds:** short-time bonds for current expenses, New York City, 68, 76; city may not own bonds of private corporations, 76; amount outstanding, New York City, 170-174; time limit, Chicago, 199; amount outstanding, Chicago, 226; time limit, Philadelphia, 287; amount outstanding, Philadelphia, 302; amount outstanding, St. Louis, 332; amount outstanding, Boston, 378. *See* Debt.
- Borough presidents:** New York City, 90-92.
- Boston:** reputation of, 7; characterization of, 15; chap. vii, 346-401.
- Bribery:** penalty prescribed in charter of New York City, 73; does not invalidate franchise grants, 101, 414; of policemen, 114; of tenement house inspectors, New York City, 147; in Chicago, 195; in Philadelphia, 249-251. *See* Corruption.
- Bridges:** in Washington, D.C., 36, 63; in Greater New York, 123,

- 124-129, 135, 174; in Chicago, 199; in Philadelphia, 295; in St. Louis, 331; in Boston, 378.
- Brooklyn. *See* New York City.
- Brumbaugh, Dr. M. G.: on the schools of Philadelphia, 279-283, 415.
- Budget: estimates in Washington, D.C., 31; in New York City, 74-75, 82, 95-97, 136, 170, 172-174, 178; in Chicago, 197, 206, 211-212; in Boston, 391; in cities, 415. *See* Estimate and apportionment, Expenditure, Taxation.
- Building laws: in Washington, 44-47; in New York City, 91, 95, 148; corruption in enforcement of, 150; in Chicago, 196; in Philadelphia, 294. *See* Tenements.
- Bureau of Municipal Research. *See* Municipal Research.
- Busse, Fred A., mayor of Chicago: on assessed valuations, 193-194.
- CAREERS** of cities, 1-2.
- Carnegie, Andrew: contributes to circulating library system of New York City, 160-161.
- Chamberlain: of New York City, 110, 172.
- Charities: Washington, D.C., 27, 31, 36; public, and subsidies to private institutions, New York City, 78, 135-138; Chicago, 201, 205, 225; Philadelphia, public, 275-279, 296; private, 305-307; St. Louis, 320, 333, 343; Boston, 368, 380.
- Charters: of New York City, 60-75; 80, 83, 86, 96; of Chicago, 184-187, 240-241; of Philadelphia, 287, 289; of St. Louis, 313-314, 336, 341-345; of Boston, 367-368, 382-383, 390-391, 394, 398.
- Chicago: reputation of, 6; characterization of, 14; chap. iv, 182-243.
- Child Labor Law: in Washington, D.C., 33.
- Children's guardians, board of: in Washington, D.C., 31.
- Cincinnati: reputation of, 7.
- Cities: general discussion of problems of, 1-15, 402-415.
- City Manual: Chicago, 243.
- City Record: New York City, 178-179; Boston, 393.
- Civic associations: in Washington, D.C., 61, 65; in Chicago, 201; Committee of Seventy, Philadelphia, 254-256. *See* Municipal Research, Bureau of, Civic Federation, Civic League.
- Civic Federation: Chicago, 229.
- Civic centres. *See* Parks.
- Civic League: St. Louis, 333-345.
- Civil service: in Washington, D.C., 64; in New York State, 81, 83; in New York City, 108, 175-177; in Chicago, 205-210; in Philadelphia, 263, 298-299; recommended for St. Louis, 343; in Boston, 350, 351, 383, 385-386, 394.
- Cleveland: reputation of, 7.
- Collector of taxes: in St. Louis, 322. *See* Taxation.
- College of the City of New York, 158.
- Comfort stations. *See* Convenience stations.
- Commissioners: board of, in Washington, D.C., 30-32, 33, 39, 54-55, 56, 63-64.
- Commission form of city government: New York City, 96.
- Commissions. *See* Public Service Commissions.
- Comptroller: of New York City, 107, 109-110, 172, 178; of Chicago, 206; of St. Louis, 321. *See* Controller, Accounts, Estimate and apportionment.
- Condemnation proceedings: in New York City, 166.
- Conduits and electrical subways: New York City, 118; Chicago, 200.
- Congestion of population: in New York City, 91, 144, 179-181; in Chicago, 243. *See* Tenements.
- Congress: authority over District of Columbia, 22-30, 60-61, 64.

- Consents of property owners: in New York City, 81, 104; in Chicago, 199-200.
- Consolidation Act of New York City, 75.
- Constitution. *See* United States Constitution.
- Constitutional status of cities: Washington, 16-17; New York City, 75-81; Chicago, 187-189, 192; Philadelphia, 286-287; St. Louis, 312-315; Boston, 347-349.
- Contagious diseases. *See* Health.
- Controller: of Philadelphia, 292. *See* Comptroller, Accounts, Auditor.
- Convenience stations: in Washington, D.C., 36; in New York City, 91; in Philadelphia, 294; in Boston, 372.
- Corporation counsel: of New York City, 110-112; of Chicago, 206. *See* Law department.
- Correction, department of: in Washington, D.C., 36; in New York City, 138-139; in Chicago, 201, 225; in Philadelphia, 293; in St. Louis, 317, 342; in Boston, 380.
- Corruption: in Washington, D.C., 64-65; in New York City, 73, 92, 94, 114-115, 163-164, 179-181; in Chicago, 201, 228; in Philadelphia, 244-246, 249-256, 275; in St. Louis, 308-312; in Boston, 381-388; in cities, 412-413. *See* Bribery.
- Council, city: of Chicago, 194-201; of St. Louis, 341-342; of Boston, 382-384, 390-391. *See* Aldermen, Councils, Municipal Assembly.
- Councils: of Philadelphia, 287-290.
- Courts: in Washington, D.C., 32-33, 36; in New York City, 107, 161-164, 171; in Philadelphia, 299-300; in St. Louis, 325; in Boston, 381. *See* Juvenile court.
- Crime and vice: in Washington, 27, 39; in Chicago, 216-221. *See* Prostitution, Correction, Law enforcement, Corruption, Bribery.
- Croton Aqueduct, 72.
- DAIRY inspection. *See* Sanitary inspection.
- Death-rate. *See* Health.
- Debt: in Washington, D.C., 33-37; in New York City, 75-78, 170-175; in Chicago, 194, 212, 222-227; in Philadelphia, 293, 303-304; in St. Louis, 331-332; in Boston, 378-379, 381, 394. *See* Bonds, Debt limit, Assessment.
- De Forest, Robert W.: tenement house report, 148-149.
- Democracy: relation of great cities to, 12, 412-416.
- De Witt, William C.: on administrative subdivisions of New York City, 87, 89.
- Direct primaries. *See* Primaries.
- Dispensaries: of New York City, 148; of Chicago, 201.
- District of Columbia. *See* Washington, D.C.
- Docks. *See* Harbor.
- Dodd, W. F.: on difficulties of local government in Washington, D.C., 27, 33.
- Drainage canal: Chicago, 222.
- Drainage districts, Metropolitan: including Boston, 357.
- Durand, Dr. E. Dana: on finances of New York City, 168.
- EDUCATION: in Washington, D.C., 31, 36, 48-51; in New York City, 154-158, 176; in Chicago, 201, 208, 224, 225, 226; in Philadelphia, 279-286; in St. Louis, 324-327, 333; in Boston, 369-372, 380, 381, 391. *See* Medical inspection of schools.
- Elections: in New York City, 80; publication of expenses of Philadelphia, 263; board of, 300; in St. Louis, 314; non-partisan, Boston, 388-390, 399. *See* Suffrage, Voting, Floating vote, Referendum.
- Electric light, heat, and power: Washington, D.C., 60; Chicago, 200, 236. *See* Public utilities, Lighting.

- Elevated railroads. *See* Rapid transit.
- Ellicott, Andrew: connection of, with plan of Washington, D.C., 21.
- Estimate and apportionment: board of, in New York City, 75, 93, 96-98, 109. *See* Budget.
- Estimates. *See* Budget.
- Excise: receipts from saloon licenses, 35; state commissioner of, New York, 84; Mayor Gaynor's excise policy, 113-117; in Chicago, 218-221, 224; state control, St. Louis, 315, 324; in Boston, 366.
- Executive departments. *See* Administrative departments.
- Exempt property: in New York City, 170; in Boston, 377. *See* Taxation.
- Expenditures: in Washington, D.C., 33-37; in New York City, 73, 110, 165; in Chicago, 224-225; in Philadelphia, 292, 302; in St. Louis, 327, 333; in Boston, 380, 393. *See* Comptroller, Controller, Taxation, Budget, Estimate and apportionment.
- FARES. *See* Street railways.
- Ferries. *See* Harbor.
- Filtration system: in Washington, D.C., 58; in Philadelphia, 248, 277.
- Finance commission, Boston, 396-400.
- Finances. *See* Taxation, Accounts, Comptroller, Controller, Auditor.
- Fire department: in Washington, D.C., 32, 36, 39; in New York City, 174; in Chicago, 209; in Philadelphia, 248; in St. Louis, 331-332, 333; in Boston, 380.
- Fitzgerald, John F.: mayor of Boston, 396, 400.
- Floating baths: in New York City, 130.
- Floating vote: in American cities, 9. *See* Suffrage, Elections.
- Forfeiture of franchises. *See* Franchises.
- Franchises: granted by Congress, 59; in New York City, 85; approval of Public Service Commission required for, 85; granted by board of estimate and apportionment, New York City, 97-101; rapid transit, 101-106; value of franchises and fixtures in the streets, 169; granting of, by Chicago council, 199-200; street railway, in Philadelphia, 263-269, 290; in St. Louis, 317, 318, 329; state control of public utilities in Boston, 351-357; bribery does not invalidate, 414. *See* Public utilities.
- Fraudulent voting. *See* Voting.
- GAMBLING: in Chicago, 220. *See* Crime and vice.
- Garbage: in Washington, D.C., 52; disposition of, in New York City, 121; in Philadelphia, 294-295; in St. Louis, 336; in Boston, 380.
- Gas: in Washington, D.C., 60; control over by Public Service Commission, New York City, 85; department of water supply, gas, and electricity, 118-120; rates prescribed by council, Chicago, 200, 227; Philadelphia municipal gas lease, 253, 257-261, 294, 295; rates and division of gross receipts, 257-259; meters and inspection, 295; in St. Louis, 327-330; in Massachusetts, 350; Boston, quality, rates, and sliding scale, 355.
- Gaynor, W. J., mayor of New York City: on law enforcement, 113-117.
- Georgetown, D.C., 27.
- Goode, J. Paul: on Chicago as a railroad centre, 237.
- Grade crossings: in Washington, D.C., 55.
- Growth of cities, 402-410.
- Gymnasia. *See* Playgrounds.
- HARBOR, docks, and ferries: in New York City, 70, 129-135, 171, 174; in Chicago, 200, 239; in Phila-

- delphia, 273-275, 296-297; in Boston, 378, 400-401.
- Harrison, Carter H.: address to city council, Chicago, 202-203.
- Health: in Washington, D.C., 36, 40-44, 58-59; in New York City, 139-144, 174; in Chicago, 208, 221, 224; in Philadelphia, 270, 275-279, 296; in St. Louis, 319, 333; in Boston, 380. *See* Sanitary inspection, Medical inspection of schools.
- Home rule: in Washington D.C., 66; in New York City, 72, 73, 74, 80-82, 87, 92; in Chicago, 188, 190, 193; in Philadelphia, 287; in St. Louis, 312-316; in Boston, 369. *See* Constitutional status of cities, Legislative control, Administrative control.
- Hospitals: in Washington, D.C., 36; in New York City, 137, 142, 148; in Chicago, 201, 208; in Philadelphia, 276-279; in St. Louis, 331.
- Housing problem: Charles F. Weller on, 18; of Negroes in Washington, D.C., 43. *See* Alleys, Tenements, Building laws.
- ILLEGAL voting. *See* Voting.
- Increment, unearned, 167.
- Inspection: of gas and electricity, New York City, 118-120; of gas in Philadelphia, 295. *See* Sanitary inspection, Medical inspection of schools.
- Insurance, life: for firemen in New York City, 153.
- JUDICIARY. *See* Courts.
- Juvenile court: in Washington, D.C., 32.
- LAND tax. *See* Taxation.
- Law: Child Labor, Washington, D.C., 33.
- Law department: in New York City, 110-112; in Chicago, 205, 206; in Philadelphia, 293; recommended in St. Louis, 342.
- Law enforcement: duty of mayor, 107; Mayor Gaynor to New York City police, 113-117; Chicago, under Mayor Wentworth, 216-218; lax, in cities, 413.
- Lectures: free evening, in Greater New York, 158.
- Legislative control of cities: in New York, 75, 78; special legislation, 79-80, 81, 82; relative to rapid transit, 101, 104; special legislation forbidden in Illinois, 187-188; limitation of indebtedness of cities, 188-189; special legislation forbidden in Pennsylvania, 286; limitation of indebtedness of cities, 287; affecting St. Louis, 314-316; affecting Boston, 347-351. *See* Charters, Home rule.
- Leipziger, Dr. Henry M.: director of free evening lectures, New York City, 158.
- L'Enfant, Pierre Charles: plans Washington, D.C., 21, 54.
- Libraries: in Washington, D.C., 36; in New York City, 158-161, 174; in Chicago, 205, 213; in Philadelphia, 298; in Boston, 371-372, 380.
- Lighting, public: in Washington, D.C., 36, 60; in New York City, 120; in Chicago, 200, 227; in Philadelphia, 294, 295; in St. Louis, 333, 337; in Boston, 350, 354-356, 381.
- Local improvements: methods of paying for, in Washington, D.C., 37; districts in Greater New York, 92-94; in Chicago, 198, 205, 223. *See* Public improvements, Public buildings, Public works, Special assessments.
- MADISON, James: on national capital, 22-23.
- Markets: New York City, 110, 171.
- Mayor: of New York City, powers and duties of, 72, 80, 87, 100, 107-109; member of sinking fund commission, 172; of Chicago, under early charters, 185-187; powers

- and duties of, 201-204; of Philadelphia, 290-291; of St. Louis, 318-320, 342; of Boston, 362, 387, 389, 391-392, 393, 394.
- Medical inspection of schools: in Washington, 40; in New York City, 142; in Chicago, 208; in Philadelphia, 296.
- Medill, Joseph: mayor of Chicago, 187.
- Merit system. *See* Civil service.
- Meriwether, C.: characterization of Washington, D.C., 17.
- Merriam, Charles Edward: on municipal reports, Chicago, 226.
- Meters, water: in Washington, 57; in New York City, 119; in Philadelphia, 271.
- Metropolitan District: including Boston, 346, footnote.
- Militia: expense of, in Washington, D.C., 36.
- Milk inspection. *See* Sanitary inspection.
- Minority representation: in New York City council, 75.
- Monopoly: street railway, St. Louis, 318; in public utilities in Massachusetts, 354.
- Mueller law, Illinois, 232.
- Municipal Art Commission. *See* Art Commission.
- Municipal assembly: of St. Louis, 316-318. *See* Aldermen, Council, Councils.
- Municipal court. *See* Courts.
- Municipal government: interest of the people in, 8; importance of study of, 8.
- Municipalities. *See* Cities.
- Municipal ownership: in New York City, control over by Public Service Commission, 86; of rapid transit lines, 102, 105; in Chicago, of street railways, 190, 199; of bridges, 199; of electric plant, 200; of public utilities, 227-236; in Philadelphia, right reserved, 267; of water works, 269; in St. Louis, 317, 327-328; in Boston, 375.
- Municipal Research, Bureau of: New York City, 178.
- Municipal suffrage. *See* Suffrage.
- NEGROES: population in Washington, D.C., 18; death-rate in Washington, D.C., 42-43.
- Net profits: division of, with city, New York City, 105; Chicago, street railway, 234. *See* Profits.
- New Orleans: reputation of, 7.
- New York City: reputation of, 6; characterization of, 14; chap. iii, 67-181.
- New York State. *See* Administrative control, Legislative control, Home rule.
- Normal College of New York City, 158.
- Nuisances: abatement of, in New York City, 93.
- OATH of office: in Philadelphia, 288; proposed, in St. Louis, 344-345.
- PARKS: in Washington, D.C., 31, 36, 51-54; in Greater New York, 122-124, 170; in Chicago, 201, 206, 213-216, 226; in Philadelphia, 248, 297; in St. Louis, 331-332, 333, 334-336; in Boston, 350, 360-361, 378-379, 380, 381.
- Paving: in Washington, D.C., 37, 38, 53; in New York City, 91; in Chicago, 198, 207; in St. Louis, 323. *See* Streets, Paving obligations.
- Paving obligations: in Washington, D.C., 38; in Philadelphia, 267, 294.
- Penal institutions: of New York City, 138-139; of St. Louis, 342. *See* Correction.
- Pensions: for disabled firemen in New York City, 153.
- Perpetual franchises: in New York City, 101; in Philadelphia, 269; in cities, 414. *See* Franchises.
- Personal property taxes: in Washington, 34; in New York City, 111, 167-168, 175; amount of

- franchise tax, St. Louis, 333; in Boston, 371; in cities, 413. *See* Taxation.
- Philadelphia: reputation of, 6, 244-254; foreign population of, 9; characterization of, 15; a monthly periodical, 247; chap. v, 244-307.
- Pierson, Dr. Ward W.: on Philadelphia's harbor, 273.
- Pipes and wires: in subway tunnels, New York City, 104-105; Chicago, 200.
- Pittsburgh, reputation of, 7.
- Playgrounds: in Washington, D.C., 36; in New York, 122, 124; in Chicago, 201, 213-216; in St. Louis, 332, 334-335; in Boston, 378, 380, 381. *See* Parks.
- Police department: in Washington, D.C., 26, 32, 36, 38-39; in New York City, 73, 74, 112-117, 174; in Chicago, 209; in Philadelphia, 293; in St. Louis, 314, 324, 331-332, 333; in Boston, 350, 361-367, 380.
- Poor relief. *See* Charities.
- Porter, John Addison: characterization of Washington, D.C., 25.
- President: of the United States, appointive power in District of Columbia, 30-32; jurisdiction of borough presidents in New York City, 91-92, 107.
- Primaries, direct: in Philadelphia, 263, 301; in Boston, 388.
- Prisons. *See* Penal institutions.
- Profits: division of, with city, Philadelphia, 266. *See* Net profits.
- Property tax. *See* Taxation.
- Prostitution: complaints in regard to disorderly houses, 93; in New York City tenements, 149; in Chicago, 197, 219-220; in Boston, 363-366. *See* Crime and vice.
- Public buildings: in Washington, 18, 51; in New York City, 91, 159; in Chicago, 206; in St. Louis, 317, 334; in Philadelphia, 305; in Boston, 378, 380. *See* Public works.
- Public comfort stations. *See* Convenience stations.
- Public improvements, board of: in St. Louis, 322-323; in Boston, 401. *See* Public buildings, Public works, Bridges, Local improvements.
- Public Policy Law: of Illinois, 230-231, 242.
- Public recreation. *See* Parks, Playgrounds.
- Public safety: in Philadelphia, 293; recommended, for St. Louis, 342; in Boston, 380.
- Public Service Commissions: of New York, 80, 84, 85, 98, 100, 104-106; of St. Louis, 329-330.
- Public utilities: of Washington, 60; of Chicago, 227; of St. Louis, 327-330; of Boston, 351-357. *See* Franchises, Rapid transit, Street railways, Electric light, heat, and power, Telephone, Telegraph, Sewers, Water, Gas, Garbage, Municipal ownership.
- Public works, board of: in Washington, D.C., 27-28; in New York City, 90; in Chicago, 206; in Philadelphia, 294. *See* Public improvements, Local improvements, Public buildings, Bridges.
- Purdy, Lawson: on assessments in New York City, 167, 169.
- QUINCY, Josiah, mayor of Boston, quoted, 368.
- RAILROAD: Union Station, in Washington, D.C., 55. *See* Grade crossings, Terminal facilities.
- Rapid transit: franchises, in New York City, 101-106; bonds, New York City, 174; Chicago elevated roads, 236; in Boston, 353, 373-375, 378, 380.
- Rate regulation. *See* Rates.
- Rates. *See* Gas, Street railways, Water, Telephone, Telegraph, Public utilities.
- Record, City: of New York City, 178-179.
- Recreation, public. *See* Parks, Playgrounds.

- Recreation piers: of New York City, 130.
- Réferendum: St. Louis, 344.
- Register, St. Louis, 322.
- Removal: of borough presidents in Greater New York, 9.
- Reports: of New York City, 177-179; of Chicago, 207, 226; Chicago City Manual, 243; Philadelphia city paper, 247-248; Boston bulletin of statistics, 375. *See* Comptroller, Controller, Auditor.
- Revenues: of Washington, D.C., 33-37; of New York City, 120, 170-174, 379; of Chicago, 222-227; of St. Louis, 332; of Boston, 379.
- Keyburn, Mayor John E.: on Philadelphia finances, 246-247; on rapid transit situation, 268-269; on harbor, 274.
- Reynolds, James B.: suggests a plan of municipal government for Washington, D.C., 65-66.
- Roberts, Dr. John B.: on political situation in Philadelphia, 249-251, 255.
- SAINT LOUIS: reputation of, 6; characterization of, 15; chap. vi, 305-345.
- Salaries: in New York City, of aldermen, 95; of mayor, 107; of comptroller, 109; of chamberlain, 110; of corporation counsel, 111; of police commissioner, 113; of commissioner of department of water supply, gas, and electricity, 118; of commissioner of street-cleaning department, 121; of park commissioner, 122; of bridge commissioner, 127; of commissioner of docks, 129; of commissioner of charities, 137; of commissioner of correction, 138; of tenement house commissioner, 145; of fire commissioner, and chief of the force, 152-153; of president of the board of assessment, 165; in Chicago, of city officials, 195; of members of boards of local improve-
ments, 223; constitutional limitation, in Pennsylvania, 287; in Philadelphia, of councilmen, 288; of mayor, 290; of receiver of taxes, 292; of treasurer, 292; of controller, 292; of city solicitor, 293; of director of public safety, 293; of director of public works, 294; of city engineer, 295; of director of department of health, 296; of director of department of supplies, 296; of director of docks, wharves, and ferries, 297; of civil service commission, 298; in St. Louis, of councilmen, 317; of mayor, 318; in Boston, of councilmen, 390.
- Saloons. *See* Excise.
- San Francisco: reputation of, 7.
- Sanitary inspection: of foods and milk, New York City, 142-143; in Philadelphia, 277-278. *See* Medical inspection of schools, Health.
- Schools. *See* Education.
- Service: connections, in Washington, D.C., 38; regulation of, in New York City, 85. *See* Gas, Water.
- Sewers: in Washington, D.C., 25, 56; in New York City, 91; in Chicago, 200, 206, 221-222, 225; in Philadelphia, 295; in St. Louis, 331, 333; in Boston, 350, 357, 359, 378-379, 380. *See* Drainage.
- Shepherd, Alexander R.: governor of District of Columbia, 27-29, 410.
- Siddons, Frederick L., on legislation for the District of Columbia, 64-65.
- Sikes, George C.: on Boston dock situation, 400.
- Sinking-fund: of New York City, 171-172; of Philadelphia, 293; forbidden, Boston, 394.
- Sliding scale: reduction of gas rates, 355.
- Social evil. *See* Prostitution, Crime and vice, Law enforcement.
- Solicitor, city: of Philadelphia, 292.
- Special assessments: in Washington, D.C, 37, 38; in New York City,

- 92, 106, 110; for local improvements, New York City, 166; in Chicago, 198, 223, 224; in St. Louis, 323, 333, 344.
- Special franchise tax: in New York, 165.
- Special legislation. *See* Legislative control.
- Statistics: population, 13; Washington, D.C., 18, 44-45; assessment, taxation, and receipts, 34-37; police department, 39; fire department, 39; vital, 42, 44; schools, 49-50; street-cleaning department, 52; garbage, 52-53; streets, 53, 55; water department, 56-59, 120; New York City, taxation, 74-75; park department, 124; bridge department, 125-129; dock department, 132-135; charities, 136; hospitals, 138; correction, 139; vital, 142-144; food inspection, 143-144; fire department, 154; schools, 154; libraries, 161; taxation, 168-171; population, 180-181; Chicago, school, 212; saloon-license revenues, 220-221; taxation, revenue, and debt, 223-226; street railway, 235; railroad, 238; City Manual, 243; St. Louis, population, 310; school, 327; finances, 331; Philadelphia, 248, 302-304; Boston, population, 348; street railway, 353-354; gas, 355-356; telephone and telegraph, 356; water, 358-359; sewerage, 359-360; parks, 361; correction, 362, 365-366; schools, 369-371; rapid transit, 373-374; department of statistics, 375-376; financial, 377-381.
- Street cleaning: in Washington, 52; in New York City, 120-122; in Chicago, 198, 207; in Philadelphia, 294; in St. Louis, 323; in Boston, 381.
- Street commissioners: of Boston, 395.
- Street railways: in Washington, D.C., 59-60; consent of local authorities required in New York State, 81-82; in Chicago, 199, 228-236; in Philadelphia, 263-269; in Pennsylvania, 287; in St. Louis, 318; in Boston, 350, 351; in cities, 413, 414.
- Streets: in Washington, D.C., 26, 36, 37, 51-53; in New York City, 91, 120-122, 174; in Chicago, 198, 207; in Philadelphia, 294; in St. Louis, 323, 333; in Boston, 378, 381. *See* Street cleaning, Paving.
- Subsidies to private charities. *See* Charities.
- Subways. *See* Rapid transit.
- Suffrage: in American and British cities, 9; in Washington, D.C., 22-23, 62-63; in New York City, 71; in Philadelphia, 300. *See* Voting, Floating vote, Elections.
- Superintendents of buildings: in New York City, 91.
- Supplies: for city departments, New York City, 107; in Chicago, 209; director of, in Philadelphia, 296; commissioner of, St. Louis, 322.
- Surveys: bureau of, Philadelphia, 295.
- TARIFF:** influence on politics in Pennsylvania, 252.
- Taxation: in Washington, D.C., 33-37; in New York City, 74; assessment of property for, 164-175; tax rate, Chicago, 197-198; in Chicago, 222-227; in Philadelphia, 290; in St. Louis, 332, 344; in Boston, 376-377, 381; tax rate, 407; in cities, 411. *See* Assessment, Special assessment, Taxes, Tax-paying.
- Taxes: collection of, in New York City, 110; collection of, in Chicago, 205, 212, 227; receiver of, in Philadelphia, 292.
- Tax-paying: as qualification for suffrage, 9.
- Telegraph: in Massachusetts, 350, 356.
- Telephones: in Washington, D.C., 60; in Chicago, 236; in Massachusetts, 350, 356.

- Tenements: in Washington, D.C., 44-48; supervision of, 144-154; in New York City, 253. *See* Building laws, Congestion.
- Terminal facilities: in Chicago, 237-240. *See* Railroad.
- Transit. *See* Rapid Transit.
- Treasurer: in Philadelphia, 292; in St. Louis, 321-322. *See* Chamberlain.
- Tuberculosis. *See* Health.
- Typhoid fever. *See* Health.
- UNITED STATES Constitution: on private property and contracts, 11; as model for charter of Greater New York, 87.
- VICE. *See* Crime and vice. Prostitution, Law enforcement.
- Vital statistics. *See* Statistics.
- Voting: floating vote in American cities, 9; illegal, in Philadelphia, 249-250, 256. *See* Suffrage, Elections.
- "WARING'S White Wings." *See* Street cleaning.
- Washington: characterization of, 14; chap. ii, 16-66.
- Water: in Washington, D.C., 31, 38, 56, 57; in New York City, 72, 76, 110, 118-120, 171, 174; in Chicago, 200, 207, 222, 224, 225, 227; in Philadelphia, 248, 269-272, 295, 302; in St. Louis, 327, 332, 333; in Boston, 350, 357-359, 378, 380, 381.
- Water meters. *See* Meters.
- Waterway: deep, Chicago, 239.
- Wealth: of New York City, 169-173; of Boston, 347; concentration in cities, 410-412.
- Weaver, John; mayor of Philadelphia, 260-261.
- Weller, Charles F.: on alleys in Washington, 18-19, 44-45.
- Wentworth, John: mayor of Chicago, 216-218.
- White, Thomas Raeburn: on the Philadelphia revolution, 256, 258, 260, 262; Counsel in suit to restrain city officials from paying out city funds, 303.
- Wister, Owen: on Pennsylvania's political corruption, 245-246.

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