

CURRENT MUNICIPAL LEGISLATION

EDITED BY JOHN A. LAPP¹

Legislative Reference Department of the Indiana State Library

PART I—REVIEW OF CERTAIN FEATURES OF STATE LEGISLATION FOR 1911 AFFECTING MUNICIPAL GOVERNMENT.²

Alabama.—In addition to the legislation noticed in the January issue of the *REVIEW*, several laws of importance were passed. One³ prohibits municipalities from charging as a license fee more than 2 per cent of the gross receipts of public utilities and permitting this intangible tax as an offset on the tax on tangible property. It is said that this has largely decreased the taxes of various public service corporations in Birmingham. Other laws provide for civil service in police departments in cities over 25,000⁴; permit the pensioning of police and firemen in cities over 25,000;⁵ authorize⁶ street railways to furnish free or reduced transportation to police, firemen and sanitary officers and to grant a reduced rate to school children; authorize⁷ cities of 100,000 to control viaducts and subways in order to remedy grade crossing dangers; create a juvenile court for cities of 100,000;⁸ and in cities of 100,-

000⁹ provide for collection of taxes by the county tax collector, thus abolishing the city tax collector.

Indiana.—Indiana cities are divided under the general municipal code into five classes. The first three classes are based on population; the fourth and fifth classes, on population and assessed valuation. All legislation is general, but care has not been taken to make all laws conform to the classification. Frequently laws are passed applying to cities having a population differing from that of the established classes of cities. Their validity has not been fully determined by the courts though many absurd classifications with small differences have been declared void.

The legislature of 1911 passed many acts relating to cities, but none of wide general significance touching the form of municipal government. Three important measures, the referendum on municipal franchises; commission government; and a street paving bill putting the cost of paving intersections on the abutting property holders, were defeated—the first after one of the bitterest fights of the session.

The measures which were enacted include two relating to schools; the Terre Haute school law,¹⁰ making the school commissioners elective by the people. This law was passed first in 1909, but the census of 1910 took Terre Haute out of the classification and left the law with no application to any city. A second school measure¹¹ was that enabling Indianapolis to take over and conduct the Winona trades school which had been run as a private institution and to levy a

¹ Mr. Arthur Crosby Ludington, who edited the department of legislation in the first issue of the *NATIONAL MUNICIPAL REVIEW*, has been compelled by reason of a change in his duties and obligations to relinquish the charge of the department, greatly to the regret of his colleagues. We are fortunate, however, in being able to announce as his successor, Mr. John A. Lapp, legislative reference librarian of the Indiana state library and editor of *Special Libraries*. Mr. Lapp is admirably fitted both by training and deep interest to make this department a striking contribution to literature of municipal advance and to the whole subject of comparative municipal legislation.

² The summary of legislation by states supplements the reviews published in the January issue of the *REVIEW* and with the exception of some legislation in five or six other states which will be noticed in general summaries in a later issue, these reviews cover the field of state legislation in 1911.

³ No. 218.

⁴ No. 341.

⁵ No. 678.

⁶ No. 526.

⁷ No. 289.

⁸ No. 475.

⁹ No. 155.

¹⁰ Ch. 147.

¹¹ Ch. 63—March 1.

special tax for the purpose. The park law of 1909 which created a board of park commissioners for cities of the first class with rather wide powers was extended to cities of the second class.¹ A new playground law² was enacted for cities of the first class putting the control of playgrounds under the city board of health and charities and requiring the council to levy a special tax for their support.

Track elevation or depression which had already been provided for in Indianapolis and Fort Wayne was extended by special classification to South Bend.³ The Fort Wayne law was amended to conform to the new federal census.⁴ The South Bend law makes the cost payable, seventy-five per cent by the railroad and twenty-five per cent by the city. If a street railway is on the street the company pays 10 per cent and the city 15 per cent.

Two other measures are the weights and measures law⁵ and the amendment to the uniform public accounting law.⁶ The first makes the state food and drug commissioner the state commissioner of weights and measures and authorizes the appointment of city and county deputies. The significance of this law is the centralization of control in the state department.

The uniform accounting law applying to all offices, state and local, which was the triumph of the 1909 session was supplemented to secure better collection of shortages. It is made the duty of the attorney general and prosecuting attorneys of the counties to institute the necessary proceedings to collect the shortages disclosed. The new law grants a hearing to officials found short in their accounts before publicity is given to the findings. The old law allowed all findings to be made public at once and resulted in many injustices to accused officials.

¹ Ch. 231—March 6.

² Ch. 153—March 4.

³ Ch. 128—March 4.

⁴ Ch. 143—March 4.

⁵ Ch. 263—March 6.

⁶ Ch. 116—March 3.

Kansas.—Judges, clerks and marshals of cities were made elective at the time of state and county elections.⁷ This was made necessary by a recent decision⁸ declaring that officers of city courts are county officers. City councils in cities of over 40,000 were authorized⁹ to provide additional street lighting, the equipment to be paid for by the property owners and operated by the city. Power was also given to all cities to treat streets with oil on petition of property owners, the cost to be assessed against the abutting property owners as in paving and the intersection to be paid for by the city.¹⁰ Cities of second and third classes may pave intervening streets between parallel paved streets and levy a special amount.¹¹

A. C. DYKSTRA.



Michigan.—Pursuant to the provisions of Article 8, sections 20 and 21,¹² of the constitution of 1908, the legislature of 1909 passed what is known as the "Home Rule" act,¹³ which permits any city in the state to frame, adopt and amend its own charter.

It was supposed, when the act was originally passed, in 1909, that it conferred upon the cities the power to amend existing charters, that is, charters granted by the legislature, but the supreme court has held that that was impossible.¹⁴ An

⁷ 1911, ch. 96.

⁸ 1911, 82 Kansas, 190.

⁹ 1911, ch. 82.

¹⁰ 1911, ch. 121.

¹¹ 1911, ch. 123.

¹² Sec. 20. The legislature shall provide by a general law for the incorporation of cities, and by a general law for the incorporation of villages; such general laws shall limit their rate of taxation for municipal purposes, and restrict their powers of borrowing money and contracting debts.

Sec. 21. Under such general laws, the electors of each city and village shall have power and authority to frame, adopt and amend its charter, and, through its regularly constituted authority, to pass all laws and ordinances relating to its municipal concerns, subject to the constitution and general laws of the state.

¹³ Act No. 279, P. A. 1909.

¹⁴ Attorney General v. Common Council of Detroit, 64 Mich. 369.

amendment to the law was made by the legislature in 1911¹ to correct this error, but the supreme court has recently held this amendment unconstitutional,² thereby withholding from the cities the right to amend charters other than those which they have of themselves framed and adopted.

A city desiring to revise its present charter, or frame a new charter,³ may do so in the following manner: When its legislative body shall by a two-thirds vote declare for a general revision of the charter, or when a petition signed by 25 per cent of the qualified electors shall be presented therefor, the question of having a general charter revision shall be submitted to the electors for adoption or rejection at the next general or municipal election, or at a special election. In case the electors shall, by a majority vote, declare in favor of such revision, a charter commission shall be selected, consisting of one elector from each ward and three electors at large, having a residence of at least three years in the municipality. No city officer or employe shall be eligible to a place on said commission. All names of candidates for charter commissioners shall be placed on one ballot without party affiliations designated; the candidate having the greatest number of votes in each ward shall be declared elected, and the three candidates-at-large having the greatest number of votes cast in the city shall be declared elected. The legislative body of the municipality shall fix, in advance, of the election of such charter commission, the place of its meeting, the compensation of its members, and provide the money for the expenses thereof.

The charter when framed under this

¹ Act No. 203, P.A. 1911.

² Attorney General ex rel. Vernor v. Detroit Common Council, 18 *Det. Legal News*, 914; 133 N.W. 1090. See also Department of Events and Personalia under the head "Judicial Decisions."

³ The supreme court has held that the general revision of a granted charter has the same effect as the framing of an entirely new charter. Attorney General v. Common Council, 184 Mich. 389.

act *shall* provide for a mayor and a body vested with legislative power, for the election or appointment of such officers as may be deemed necessary, for the levy and collection of taxes, for a system of accounting which shall conform to a uniform system required by law, and that subjects for taxation for municipal purposes shall be the same as for state, county and school purposes under the general law; and generally for such incidental matters as are usually included in such charters.

Each city *may* provide for annually levying taxes to the extent of not more than 2 per cent, and for borrowing money to the extent of not more than 8 per cent of the assessed valuation of all the property of the city, with certain limits as to the exercise of this borrowing power; and it may provide for owning and operating transportation facilities if it has a population of 25,000 or more; and any city may provide for purchasing franchises of light, gas, waterworks and power companies, and it may provide for a system of civil service and many other incidental matters pertaining to the government of cities generally.

Such cities have no power under the act to increase the rate of taxation now fixed by law, except upon a majority vote of the electors and then only to 2 per cent per annum, nor to submit a new charter more often than once in two years after first one is adopted, nor to change the salary of any public official during his term of office, nor shorten his term, nor to adopt a charter unless approved by a majority of the electors, nor to issue bonds without providing a sinking fund for the redemption of the same.

It is provided that such city may through its regularly constituted authority pass all laws and ordinances relating to its municipal affairs subject to the constitution and general laws of the state, with the exceptions above noted.

This act was amended in 1911 in several respects and particularly for the purpose of permitting such cities to adopt the initiative, referendum and

recall, but, as shown above, some of the provisions of this amendatory act have already been declared unconstitutional and the constitutionality of the entire act is now before the court.

GEORGE L. CLARK.

✱

New York.—Municipal legislation in New York is both special and general and the yearly output is enormous. The 1911 session passed fifty-three acts relating to Greater New York; thirty-five to Buffalo; one hundred two to other cities, and thirty-nine to villages, making a total of 229 special laws for the government of cities. In addition thirty-two laws applied to the different classes of cities as defined by the statutes.

Space forbids detailed examination of the numerous acts passed. Most of these were minor amendments of little general interest except as showing the futility of state legislation on the details of city action. Some acts of general interest are here given. One of the most important being a constitutional amendment granting home rule to cities. This must pass the legislature before being presented to the people.

Court proceeding is provided for determining the legality of doubtful bond issues and legalizing such issues where the requirements of the statute have been substantially complied with.¹ This does away with a dangerous kind of legislation which is also prevalent in other states, namely, special legalizing acts. Statistics of taxation, revenue and debt are to be furnished by all municipalities to the state comptroller and an abstract is to be published in his report.² This is a step toward uniform and comparable statistics by the method originally followed in Massachusetts and Rhode Island. The commissioner of labor is required to prepare an annual industrial directory giving facts of the advantages for manufacturing in the state.³

¹ Ch. 573.

² Ch. 119.

³ Ch. 585.

Building inspection was extended in cities over 175,000 to cover inspection of plastering by the building department.⁴ Sale of coal by weight was required in all cities except New York.⁵ This law formerly applied to all cities over 50,000.

A law of special significance because of the long agitation for it, is the three platoon police law.⁶ This requires three shifts of eight hours each for the police department. Inebriate asylums were authorized in all cities⁷ similar to that already authorized for New York City. Operators of moving picture shows must be licensed under a new law.⁸ Appropriations were authorized to continue the annual conference of officials of second and third class cities to promote economy and efficiency in their governments.⁹

New charters were granted to Amsterdam,¹⁰ Lockport,¹¹ Oneida,¹² and Watervliet.¹³ Several charters introducing the commission form of government were brought forth; one for Mt. Vernon passed the senate but not the assembly; one for the city of Beacon, passed both houses but was vetoed by Governor Dix on the ground that a uniform optional law on this plan should be enacted for all cities if at all.

Two special acts relating to New York City are: the fire prevention amendment¹⁴ and the equal pay for equal work law applying to teachers, making the salaries of women equal to men for similar work.¹⁵ This law was enacted after several years' attempts. It was passed in the administration of Governor Hughes but was vetoed by him.¹⁶

⁴ Ch. 156.

⁵ Ch. 825.

⁶ Ch. 360.

⁷ Ch. 700.

⁸ Ch. 252.

⁹ Ch. 622.

¹⁰ Ch. 242.

¹¹ Ch. 870.

¹² Ch. 648.

¹³ Ch. 000.

¹⁴ Ch. 899.

¹⁵ Ch. 902.

¹⁶ The information on which this summary is based was furnished by Lawrence A. Ianger of New York City.

North Dakota.—An act was passed by the legislature in 1911 giving the city council or commissioners of any city the power to prescribe by ordinance the maximum rates and charges for the "service, commodity or utility furnished by any person, firm or corporation exercising a franchise, right, license or privilege in or to any street, highway, alley or public place of such city."¹ Rates and charges so fixed must be reasonable, and when so fixed may not be altered by the municipality more than once in five years. Before prescribing rates and charges notice must be given to the person, firm or corporation whose rates and charges are affected, and they must be allowed a reasonable opportunity to be heard in the matter. At such hearing the city council or commission may, by resolution, require the production of accounts, records and vouchers. All rates and charges so fixed are to be held *prima facie* just and reasonable, if their validity is contested, but the question of reasonableness may be adjudicated in the courts.

This act does not apply to corporations under the control of the state railroad commission which supervises street railway companies and telephone companies.²

I. A. ACKER.

✱

Rhode Island.—Since Rhode Island is governed under a system of special legislation, only two acts of a general nature directly affecting municipalities appear in the laws of 1911. Under one of these³ cities and towns are permitted to expend specified sums for celebrations and other public occasions. The other⁴ provides that cities and towns, which in this state have the custody of land and probate records, must under penalty provide fire-proof receptacles for records

and documents. Enforcement is by the state record commissioner.

Among the special acts, two⁵ are concerned with details of organization, while a considerable number make grants of power to issue bonds for specific purposes. Among laws granting powers are acts to extend the authority of the board of health of Newport to include the inspection of perishable food-stuffs;⁶ to permit Cranston to enact building ordinances,⁷ and to allow Providence to establish and maintain playgrounds. The line of demarcation between the functions of town councils and town meetings has never been clearly defined. The controversy is settled so far as Warwick is concerned by an act giving to the council of that town power to appoint all officers not otherwise specifically provided for and to expend all appropriations made by the town meeting.⁸

In consequence of a system of village incorporation there appears an act incorporating a "lighting district" in one of the villages of the state.⁹ The district has power to contract with a private company for electricity or to establish a municipal plant to serve public and private uses. The district meeting may lay taxes, make by-laws and elect a moderator, clerk, treasurer, collector and three assessors.

Following precedents already established, two practically identical acts provide boards of police commissioners for the city of Woonsocket¹⁰ and the town of Warwick.¹¹ The board consists of three members, one of whom retires each year. The first incumbents are to be appointed by the governor, but their successors are to be elected by the mayor and council in one case and by the electors in the other. The powers conferred on the boards are to appoint, control and

¹ Prior to 1911 cities did not have this power.

² 1911, Ch. 71.

³ Ch. 858.

⁴ Ch. 700.

⁵ Ch. 740, 760.

⁶ Ch. 754.

⁷ Ch. 783.

⁸ Ch. 783.

⁹ Ch. 741.

¹⁰ Ch. 861.

¹¹ Ch. 695.

remove the chief of police and all officers and employes of the police department and to act as a board of license commissioners in issuing all forms of licenses.

In none of the municipal legislation of the year is there any departure from established precedents.

FRANK G. BATES.

PART II. MUNICIPAL ORDINANCES

Segregation Ordinances.—During the past year a number of cities have passed ordinances providing for the segregation of the races. The purpose of these ordinances is to prevent negroes from moving into streets occupied by white people. Baltimore was the first city to pass such an ordinance and it is popularly known there as the "West ordinance," having been introduced by Councilman West. The first ordinance on the subject was approved by the mayor in December, 1910, but it was held invalid on the ground that the title was defective. It was re-introduced and passed with a few amendments in the early part of 1911. The title of the ordinance is as follows:

An ordinance for preserving peace, preventing conflict and ill feeling between the white and colored races in Baltimore city and promoting the general welfare of the city by providing, so far as practicable, for the use of separate blocks by white and colored people for residences, churches and schools.

The ordinance makes it unlawful for any colored person to move into or use as a residence any building in a block occupied by white people. It is also made unlawful for any white person to move into a block occupied by colored people.

There is also a provision requiring the applicant for a permit to erect houses, etc., on block where there are no buildings to state whether the houses are to be occupied by white or colored people. In other words, blocks in which there are white and colored people will continue to be "mixed blocks" and white and colored people can continue to move into them until all the occupants are either white or colored, in which event the block will become a "white block" or a

"colored block" as the case may be. In the future development of the city, the first buildings erected in a block will determine whether the block will be "white" or colored." If a majority of the property owners of the block protest against the making of a "white" or "colored" block which has not yet been occupied, then the permit will be denied. A section of the ordinance also makes it possible for a majority of the owners to either real or leasehold property in any block by application in writing to the inspector of buildings to exempt said block from the application of the section relating to blocks entirely "white" or "colored." The ordinance also prohibits the use of any building as a church or for religious services or as a school by whites in a colored block or by negroes in a white block. There is a penalty of from \$5 to \$50 for each day the ordinance is violated. The present ordinance has not been passed upon by the courts.

Norfolk, Va., passed a segregation ordinance in June, 1911, and this ordinance was declared unconstitutional by the police justices. An appeal was taken to a higher court and the question has not been finally passed upon. The Norfolk ordinance does not go so much into detail as the Baltimore ordinance, but merely prohibits the occupation or use as a residence, church, school, or place of public meeting or assembly, of any building or premises on a white block by negroes or on a colored block by the whites.

If a majority of the front feet on a block is actually occupied or used by negroes, the block is a colored block and the same rule applies for a white block. The ordinance provides, however, that it is not to interfere with the continued occupation or use of any property in the

manner in which it is occupied or used at the date of its passage.

Two other cities of Virginia, Richmond and Ashland, have passed ordinances on the subject very similar to the Baltimore and Norfolk ordinances.

An ordinance following very closely the Baltimore ordinance has been introduced in the Municipal Assembly of St. Louis. There is an indication that the St. Louis ordinance will be made a little more stringent than the Baltimore ordinance, by not continuing as a mixed block, those blocks in which both white and colored live. Those living in such blocks would be allowed to continue to reside there, but negroes could not move into a block in which a majority of the houses are occupied by whites, and vice versa.

In all of the ordinances, an exception is made in regard to domestic servants residing with their employers.

HORACE E. FLACK.



Harrisburg, Pa.—An ordinance was recently adopted which makes it possible for the state to go ahead with the idea of improving the approaches to the state capitol. An act of the legislature provided that condemnation proceedings in a limited way, could be undertaken, for making an enlargement of the park about the capitol building in the direction of the Pennsylvania Railroad. This action however, on the part of a commission created for the purpose, was contingent upon vacation by the city of the streets included in the territory involved. The ordinance above-mentioned accomplishes this result, and steps are thus now definitely taken toward adding some twenty-three acres

to the capitol park, and making available to those who pass on the Pennsylvania Railroad, a beautiful view of the new capitol.

J. HORACE MCFARLAND.



Portland, Maine, adopted in January an ordinance regulating the purchasing of supplies. Under its terms no supplies or articles of any description may be purchased and no indebtedness contracted unless by written order on a regular requisition blank provided by the city. This requisition must be itemized as to quantity and quality, must be signed by the person purchasing the articles, and be approved in writing by the mayor. The ordinance further imposes rigid requirements concerning the form of the bills of persons supplying goods and materials, and forbids the treasurer to pay such bill unless presented in the required form with requisition attached and unless it has the further written approval of the auditor.

CLARENCE W. PEABODY.



Cincinnati, Ohio.—A codification of Cincinnati ordinances, known as ordinance no. 2585, was passed on April 21, 1911. The principal parts of the ordinance relate to the organization and employes of the several departments of the city government, the building code, general regulations relating to street railroads, steam railroads, wires for light, power and alarm companies, and general miscellaneous regulations. The special ordinances granting franchises, etc., are not included.

R. E. MILES.

PART III. SUMMARY OF LEGISLATION ON PARTICULAR FEATURES

The Civil Service.—During the legislative sessions of 1911, ten states, Alabama, Connecticut, Illinois, Iowa, Massachusetts, Montana, New Jersey, Tennessee, Wisconsin and Indiana, passed

laws designed to introduce civil service regulations into the public business of the various municipalities of these commonwealths or to extend their application where they already existed. In

general, the operation of these laws was extended so as to include the following municipal officials: The officers and members of the police and fire departments; subordinate city officers, assistants and employees; minor municipal court officers including deputy clerks and deputy bailiffs; employees in park departments; and city laborers and artisans and city marshals. Ample provision was made for the suspension, promotion, discharge or removal of delinquents and offenders; for the preferring, hearing and determination of charges; for a system of examinations to test the qualifications of applicants; and for the creation and maintenance of eligible and emergency lists consisting of those attaining to a predetermined minimum mark. Most of the laws provide that employees may be dismissed only for misconduct, incapacity, inefficiency, insubordination or disobedience and may under no circumstances be cashiered for political or religious affiliations or predilections. The solicitation or reception of assessments, subscriptions or contributions in money or service from members of the classified service for any political party or organization is forbidden.

Alabama.—The legislature of Alabama has placed the officers and members of the police departments of all cities of that commonwealth having a population of 25,000 or more under civil service regulations. The act provides for no board of civil service commissioners, but the city council, city commission, city board or other governing body is authorized to exercise the functions usually conferred upon such commissioners.¹

Connecticut.—The Connecticut law is in the nature of an enabling act whereby any political subdivision of the state may adopt the merit system by submitting the question to a vote of the qualified electors. The act provides for the appointment and removal and prescribes the duties of a board of three civil service commissioners. Elective officers, officers responsible for the policy of a

department, one deputy and a private secretary are specifically exempted from the test and competition. Pupils in training schools may be classified as apprentices subject to promotion. All appointments are made for probation periods, at the end of which time the candidate may be peremptorily discharged.¹

Illinois.—The legislature of Illinois extended the civil service regulations to all officers, assistants and employees of cities and villages which have previously adopted or may subsequently adopt the civil service act of 1895, except elective officers, the heads or sub-heads of important departments, and other prominent municipal officials.² And likewise to all officers and members of the fire and police departments, including the chiefs, in cities having a population of from 7000 to 100,000, and who have adopted the act of 1903 providing for the appointment of a board of fire and police commissioners;³ to the deputy clerks, deputy bailiffs and other subordinate officers and employees in the municipal court of the city of Chicago;⁴ to all officers and employees in any park district having or subsequently acquiring 150,000 inhabitants or more, except the office of park commissioner, all elective officers, a general superintendent, attorneys and one confidential clerk;⁵ and to all city laborers and artisans when employed on any public work or improvement the cost of which exceeds \$500.⁶

Indiana.—An act passed by the general assembly of Indiana and approved March 6, 1911, concerning weights and measures, provides that only those persons are eligible to appointment to the position of city sealer who were employed as city sealers of weights and measures at the time of the passage of this act, or who have had recent experience in the duties of a sealer, or who have passed a sat-

¹ Laws 1911, p. 1480.

² Laws 1911, p. 139.

³ Laws 1911, p. 139.

⁴ Laws 1911, p. 257.

⁵ Laws 1911, p. 211.

⁶ Laws 1911, p. 637.

¹ Laws 1911, p. 681.

isfactory examination given by the state commissioner of weights and measures.¹

Iowa.—By virtue of an act of April 13, 1911, the functions of the various civil service commissions of the cities of Iowa were considerably enlarged at the expense of the respective city councils. The appointment of the chief of the fire department and subordinates in the fire and police departments was placed in the hands of the commission. Honorably discharged soldiers, sailors or marines of the regular or volunteer army or navy of the United States, if otherwise qualified, are given preference in appointments, an advantage already conferred in cities of the first class in the police and fire forces.²

Massachusetts.—Massachusetts, by four specific acts, both strengthened her civil service law and extended its application. A provision in a former law requiring that the examination of applicants for employment as laborers shall relate to their capacity for labor and their habits of sobriety and industry and to the necessities of themselves and their families was stricken out.³ Henceforth all answers of applicants to questions in examinations relating to training and experience, outside the labor service, must be under oath if the commissioners require it.⁴ No question may be asked in an application or examination requiring a statement as to any offense committed before the applicant reached the age of sixteen years, except in the case of applicants for police and prison service.⁵ The provisions of the civil service act were extended to the superintendent, chief of police or city marshal of all cities except Boston and in all towns which have or may hereafter accept the provisions of that act.⁶

Montana.—The civil service laws of Montana pertain to any city having a

commission form of government, and any city of the commonwealth may abandon its present organization at any time and adopt the commission form. The act is designed to apply to all appointive officers and employees of such cities except the departmental heads. The act provides for a board of civil service commissioners of 3 members, who are required to test the qualifications of applicants and supply an eligible list to the city council.⁷

New Jersey.—New Jersey passed three amendatory civil service acts. The competitive class is made to include all positions in the classified service for which it is practicable to determine the merit and fitness of applicants by competitive examinations. A "sectional eligible list" is provided for, to supply positions wherein a special acquaintance with a municipality or section of the state is necessary. The commission is authorized to admit citizens of other states to examination when the position for which the examination is held is of such character as to require special technical training and specialization in a line of work for which candidates are not readily obtainable and when suitable candidates from New Jersey are not forthcoming.⁸

Tennessee and Wisconsin.—Tennessee and Wisconsin amended, strengthened and clarified their laws, but made no important additions.⁹

CHARLES KETTLEBOROUGH.



State Public Utility Commissions.—The legislation affecting municipal utilities through the establishment of state public service commissions or the extension of the power of the railroad commission over such utilities, was extensive during 1911, following the lead of Massachusetts, New York, Wisconsin, Vermont, Maryland and New Jersey which had previously established such control.

¹ Laws 1911, p. 185.

² Laws 1911, p. 38.

³ Laws 1911, p. 39.

⁴ Laws 1911, p. 392.

⁵ Laws 1911, p. 71.

⁶ Laws 1911, p. 343.

⁷ Laws 1911, p. 108.

⁸ Laws 1911, p. 35.

⁹ Laws of Wisconsin 1911, p. 669. Laws of Tennessee, 1911 p. 1184.

The new laws follow in general the laws previously enacted giving power to investigate equipment, rates and service and fix reasonable rates, standards of equipment and service.

Connecticut.—The Connecticut¹ law was enacted after a prolonged struggle covering several years during which a special commission made an investigation of the whole subject. The law applies to telephone, telegraph, gas and electric companies supplying heat light and power, water companies, and street railways, besides the common carriers which had been subject to the railroad commission and by the law transferred to the new commission. The law does not apply to municipal plants.

Kansas.²—The new law of Kansas, applies to telephones, except mutuals; telegraphs; pipe lines except those less than 15 miles long; gas and electric companies supplying heat, light and power; water companies and street railways. The law does not apply to municipal utilities. The power to regulate and control public utilities operated wholly within a municipality is vested in the municipality subject to appeal to the commission. Municipalities may contract for prices and service and may require extensions and additions. An important provision is that requiring that grants of franchises shall be subject to approval by the commission. Approval is necessary from the commission that public necessity requires the granting of a franchise before it can be granted.

New Hampshire.³—The law applies to telegraph and telephone; gas and electric companies supplying heat, light and power; water companies; ferries; toll bridges and street railways. It does not apply to municipal plants.

Nevada.—In Nevada⁴ the law applies to gas and electric companies furnishing heat, light, power; water and sewage companies. The law does not apply

to street railways. The railroad commission law of 1907 extended to other common carriers and to telegraph and telephone lines.

New Jersey.—The New Jersey law of 1910 was repealed in 1911 and a comprehensive measure was passed.⁵ The law of 1910 gave little power except that of inspection of facilities and service and recommendation. The new law applies to street railways, traction lines, canals, subways, pipe lines, gas, electric light, heat, power, water, oil, sewage, telephones and telegraphs. Extraordinary power is granted to the commission with respect to franchises. No franchise may be granted except on approval of the commission.

Ohio.⁶—The Ohio law affects telegraphs, telephones, gas and electrical companies supplying heat, light and power, pipe lines, water works, steam heating and refrigerating companies, messenger and electric signalling companies and street railways. The law does not apply to municipal plants. Municipal corporations may fix rates subject to appeal to the commission by the public or the companies. City council may require and determine extension and additions.

Oregon.⁷—The law of Oregon was suspended by a referendum petition and will be voted on in November, 1912. It proposes to regulate street railways; gas and electric companies supplying heat, light and power; water; telegraph and telephone companies which serve the public either directly or indirectly. Municipal plants are not subject to the law.

Washington.⁸—The law in Washington affects street railways; gas; electric light; power; telegraph; telephone; water docks warehouse companies and to vessels used in transportation. The commission may not fix rates or service or pass upon the reasonableness of facilities

¹ Laws 1911, ch. 128.

² Laws 1911, ch. 238.

³ Laws 1911, ch. 164.

⁴ Laws 1911, ch. 162.

⁵ Laws 1911, ch. 195.

⁶ Laws 1911, p. 549.

⁷ Laws 1911, ch. 279.

⁸ Laws 1911, ch. 117.

and regulations of municipally owned plants but in other respects the municipal plants are subject to the commission.



Legislative Investigations.—The legislatures of different states in 1911 directed investigations to be made by special commissions or administrative officers, of many subjects of direct or related interest to municipalities.

Massachusetts provided for a special commission on cold storage, another commission is directed to report a metropolitan plan to coördinate civic development in Boston and vicinity.¹ The railroad commission is to report on commutation tickets and practices, and on the equipment of street railways with fenders and wheel guards. In coöperation with the Boston transit commission the railroad commission will report on the transportation system of Boston. An ex-officio board of commissioners will look into the state engineering expense and organization. The director of the bureau of statistics is to report on the indebtedness and finance of cities and towns, and the state board of education will report on teachers pensions, high school education, state aid for schools and industrial education in textiles and part time schools.

New York has a commission on food stuffs, their price, purity, production, distribution and consumption; another on the condition under which manufacturing is carried on in first and second class cities; and another looking into the charges of corrupt government in Albany city and county.

Pennsylvania provided for commissions to report on the building laws and conditions; election laws; and recording titles to property.

Illinois has a commissions investigating building laws; regulation of public utilities, and fire and old age insurance; Connecticut, on taxation of railways and street railways; Georgia on uniform meth-

ods of local government; Wisconsin on school book prices and situation, and fire insurance rates and classification; Michigan and Oregon, Iowa, Rhode Island and Utah on a general reform of taxation, and Oregon on election and registration laws.

New York, New Jersey and the United States government have a joint committee on the port conditions and pier extension in New York harbor.

Ohio—One Per Cent Tax Law.—The last general assembly of the state of Ohio passed a bill which has seriously affected the financial affairs of the cities of this state. It is popularly known as the Smith 1 per cent tax measure. By its terms the aggregate amount of taxes that can be levied on the taxable property in any taxing district for the year 1911, and any year thereafter, cannot exceed the amount collected during the year 1910. The maximum rate was fixed at 10 mills on each dollar of tax valuation. Exception is made for the addition of levies for the sinking fund and interest purposes. Certain limits are fixed for the aggregate of taxes levied, being 5 mills on taxable property in the municipal corporations.

Provision is made for a budget commission, consisting of the county auditor, the mayor of the largest municipality in the county, and the prosecuting attorney. This commission considers the budgets which are submitted by all the boards authorized by law to levy taxes. If the budgets are too high, they are cut down by the commission. Any item can be revised downward, but none can be increased. When the commission determines that the taxes to be collected will meet the budget, the fact is certified to the county auditor.

Another section of this law provides that the appropriations made by the various boards, as the city council, cannot be voted until the money is actually in the treasury. If it is found that the money raised is not sufficient to meet the expense of the taxing district, at the next election, the people can vote to increase the levy.

¹See article of John Nolen, page 231.

The rate provided in this law has been made possible by a re-valuation of the real estate of the state, the effort being to return it at full value for taxation. The tax commission has also made extensive increases in the values of property of corporations.

* The great difficulty encountered under this law has been to keep the appropriations and expenses within the amount of money available. No expansion, no growth, no development, no increase can occur because of the fixed limit.

CHARLES WELLS REEDER.

Ohio State University Library.

✱

Uniform Public Accounting for Municipalities.—State systems of uniform public accounting for city and other local offices as well as the state offices and institutions, continued to make progress during 1911.

California¹ established a uniform accounting system under the state board of control. For local uniform accounting the board appoints a superintendent of accounts who with two assistants, constitute the executive force. They are required to install and supervise a uniform system of accounts and reports for all officers and persons in the state who have the control or custody of public money or its equivalent. The examiners may require reports and informa-

tion and may inspect and audit the books at any time. All expenses are borne by the state.

Michigan² established a uniform system of accounts in state offices and institutions and in county offices but the law does not apply to cities and towns.

In Wisconsin³ the tax commission was given authority to require reports from cities, villages, towns, and counties, on blanks prepared by the commission. On request by any local government, the commission must install a system of uniform accounts and when established, it must be continued in force. The commission may, on request or on its own motion, audit the accounts of any village, town or city. All expenses of installation or audit are to be paid by the local unit.

Utah⁴ provided for a state examiner for state accounts but did not extend his authority to municipalities.

Nevada.⁵ The state board of examiners, boards of county commissioners of counties, board of trustees or other governing body of municipalities are required to audit accounts of all offices, having to do with public funds, once a year and they may employ an expert accountant for the work. The report of the accountant is to be laid before the grand jury for investigation.

¹ 1911, no. 183.

² 1911, ch. 523.

³ 1911, ch. 112.

⁴ 1911, ch. 135.

⁵ 1911, ch. 349.