

the city is about to construct is not to supply light and power for commercial use, but to prevent the private companies from charging the consumer an excessive price. This view of the matter might temporarily influence our municipal authorities, but the voters of the city want cheap light and power and will have little patience with the cry of vested rights raised for the purpose of protecting the profits of the highly capitalized private corporations.

It is generally believed here that the price charged for electric light by the private companies is unreasonably high and that the system under which the companies give a rating to each consumer affords an opportunity for discrimination. The chief demand, however, is for cheaper light, and the people will not be satisfied until the municipal plant is used for the purpose of reducing the price of light and power to private consumers. The city has an abundance of cheap power in connection with its Cedar River water supply which could be used to furnish light and power for general consumption. In this respect, however, the city has no advantage over the private companies, but the sentiment here is strongly in favor of municipal ownership and the people believe that the price charged for light, whether furnished by a private corporation or by the city, ought not to exceed the price at which the latter could afford to supply it.

DULUTH

By W. G. JOERNS, ESQ., Duluth, Minn.

The Gas Service.

(a) Originally the gas service in Duluth (in conjunction with the water service) was performed by a private company.

This private company, under the name of the Duluth Gas and Water Company, in October, 1883, obtained from the then village of Duluth what on its face was an exclusive franchise to furnish the municipality and its inhabitants with water and gas. The franchise, by its terms, was to run for thirty years and, under stated conditions, was open to renewal for twenty years longer.

Aside from the stated charge of \$28 per annum per lamp for a minimum number of street lamps, the company was authorized to charge the general consumer at the rate of \$2.50 per thousand cubic feet when used for illuminating and \$2.00 per thousand when used for fuel purposes, the respective consumption being registered in separate meters. The average standard of illuminating gas was fixed at "not less than twenty standard candles." Other franchises for water and light were later granted to private companies in outlying subdivisions that subsequently became part and parcel of the city of Duluth; but they were more or less related to the parent company and for the purposes of this communication the history of the parent company may in the main be taken as also the history of the subsidiary companies.

The private company continued in the exercise of its franchise rights until the year 1898, when, after a shameful record of venality, incompetency

and inadequate and discriminating service, its rights and possessions were transferred to the municipality. Since about August, 1898, the gas (and water) plant has been operated by the city.

At the time of this transfer the company had ceased to do any street lighting, but was furnishing gas for interior lighting and for domestic purposes to the amount of about 20,000,000 cubic feet per annum, through twenty-nine miles of mains and 1,111 meters, at the rate of \$1.90 net per thousand for illuminating and \$1.00 net per thousand for fuel purposes. Under municipal management the consumption was rapidly augmented to, in round numbers, 25,000,000 in 1899 32,000,000 in 1900, 39,000,000 in 1901, 49,000,000 in 1902, 72,000,000 in 1903 until in 1904 the consumption reached 85,862,800 feet. The 1904 product was delivered through forty-eight miles of mains and 3,300 meters at the net rate of ninety cents per thousand for all purposes from January to July and from July 1st on at the net rate of *ninety cents for illuminating and seventy-five cents for purposes of use other than light.*

The consumption has increased during the first half of the present year something over 22 per cent., and stands on the basis of an annual consumption of 105,000,000 feet. The total for the year, however, is expected to substantially exceed this amount. The price remains the same as in the latter half of 1904.

In making comparisons the accepted fact should be borne in mind that, under proper management and normal conditions of production and distribution, as the consumption increases the cost of production and distribution should relatively decrease, or nearly so, and that the cost to the consumer should be proportionately reduced. It should also be remembered that on account of topography, large amount and difficult nature of rock work, extent of territory and scattered consumption and perhaps for other reasons Duluth is a more costly territory to serve than the average. Indeed, a prominent New York technical journal stated about three years ago, upon due investigation and comparison, that, owing to these fundamental difficulties, the "cost of construction" in Duluth, in proportion to number served and quantity output, was "*unparalleled.*" Nevertheless, the favorable basis of charge, as stated, has been arrived at under municipal management.

The present rate was reached by gradual reduction. In 1898, both with the company and the city, the rates averaged \$1.52²/₃ per thousand. The plant was then far from self-sustaining. In 1899 the rates were reduced to net \$1.30¹/₂ per thousand. Notwithstanding substantial improvements in management and economies in both production and distribution the operation still showed a deficit, the aggregate cost per thousand for the year being \$1.53. By the very next year, however, the effects of the broader municipal policy and better management began to show themselves and, though the average earnings per thousand were still further reduced to \$1.24³/₄, the cost was reduced to \$1.26¹/₃ and the deficit to less than \$700 for the year. By 1902 the earnings (rates) had been reduced to \$1.11¹/₂₀ and the cost to \$1.07¹/₂, the works thus earning for the year a net SURPLUS of a trifle over \$1,800. In 1903 the earnings (rates) were still further reduced to \$1.02³/₁₀ and the cost to \$0.95¹/₆ and the surplus for the year was over \$5,000. In 1904 the net rates

were still further reduced to the average of $\$0.89\frac{3}{4}$, the department so far having followed the plan of absorbing anticipated profits, as near as may be, in reduction of rates, but the surplus for the year was still about $\$1,500$. In the current year, the rate remaining as established in the latter half of 1904, the average rate for the year is estimated at about $\$0.87\frac{1}{2}$ and the year's surplus at $\$25.00$, or perhaps even in excess of that amount.¹

The substantial saving to the consumers, thus demonstrated, has been still further supplemented by reductions in the price of service extensions, stoves, lamps, etc., which, under the municipal policy, are furnished by the water and light department of the city at a slight margin above cost, enough to protect the city against any possibility of loss, but still at a material reduction from the standard set by private enterprise.

The gas and water plants of the city came into its possession together and have been, more or less, the subject of joint operation. The two plants were purchased by the city for $\$1,250,000$. This was practically $\$1,000,000$ less than the price at which it was originally aimed and schemed to unload them upon the city, but was still in excess of the conservatively estimated actual value thereof by several hundred thousand dollars. It was a compromise figure in which the people of Duluth acquiesced in order to get rid of the private management which had become a virulent public ulcer. The city had already begun the building of an independent, so-called "supplemental," system for the purpose of securing and safe-guarding an "unfailing supply of pure and wholesome water" for which was expended upwards of $\$1,000,000$ and the annual interest charge increased by some $\$50,000$. There have also been expended by the city since the purchase of the plants in new construction and extensions (including work now in progress) between $\$500,000$ and $\$600,000$. For all such capital expenditures, except the sum of $\$91,000$ contributed thereto out of the surplus earnings of the plants, the "water and light" bonds of the city have been issued to the now sum total of $\$2,746,000$. Of this bonded indebtedness $\$483,000$ was at the beginning of the present year charged to the gas plant. To this amount are to be added some $\$25,000$ more that are provided for in above bond total and are now being expended in gas extensions. It is only proper to add that an additional $\$20,000$ (over and above the $\$91,000$ heretofore mentioned) of the surplus earnings of the water and light department have been appropriated and are now being expended in water and gas extensions.

During the six and a half years of municipal operation (to January 1st of the present year) the city has paid $\$331,500$ as the aggregate of interest on the bonds covering the "supplemental" system for securing and safeguarding a pure water supply. This was a charge that the private company during its operation did not have to meet. Nevertheless, under municipal management, there has been accumulated (to January 1, 1905,) a *surplus* of $\$112,000$, of which $\$91,000$ have heretofore and $\$20,000$ are being now expended in additions to the plants and are properly classed as "investments in construction" for which otherwise it would have been necessary to issue additional bonds of the city; and there has been saved to the consumers, besides, the sub-

¹ Above fractions of a cent are approximately only.

stantial aggregate of not less than \$375,000, \$25,000 of which came in reductions on service extensions, meters, lamps, etc., and the balance from reductions in the water and gas rates during the period named. Extensions, also, are now made on a guarantee, *from the immediate consumer*, of an annual income of twelve cents per lineal foot (being 8 per cent. on the average estimated cost), whereas in the case of the private company, by manipulation of the authorities, a guarantee *by the city* had been brought about of an annual income to the company of fifty cents per lineal foot, to the illegitimate cost to the city of thousands of dollars. In addition a corrupting political influence has all but been removed, the patrons have enjoyed an impartial and absolutely first-class service in every respect and the benefits from the economies of increased production and improved processes will flow into their pockets instead of being diverted into those of a more or less exploiting syndicate for gain. The only offset to this wonderful credit is the amount of the taxes the private company would have paid to the city had the plants remained in private hands. The aggregate of this offset for the six and a half years in question has been computed at \$105,000 (a figure that, I believe, is undisputed) and is barely a fifth of the actual cash savings, to say nothing of the assured pure water supply, better service and the other benefits mentioned.

In their operation of the water and gas plants the water and light board have followed the plan of charging to construction and hence to capital account:

1. The original cost to the city of the several plants.
2. All new work, material and appliances not heretofore part of the plants, the same being additions and not replacements.
3. All replacements of parts of the plants in worn out condition when taken over by the city, with pro-rata charge only for partial depreciation at that time.

All other replacements, in fact many that might properly have gone to construction, have been charged to *operation and maintenance*, the policy and practice of the board having at all times been a broad and liberal one in the direction of keeping the plants in a high state of efficiency out of the earnings thereof with as little encroachment as consistently possible on the capital account. This capital account, except as to the \$91,000 of savings (water and gas) invested in construction prior to January 1, 1905, and the \$20,000 now being expended in extensions, as stated, is represented by the "water and light" bonds issued by the city as heretofore set out.

Inasmuch as, under the policy of the board, the plants have been maintained in a state of full efficiency and, as to the part taken over from the private company, in fact improved since the city took charge thereof, no annual sum or percentage has, in the bookkeeping of the department, as yet been charged off for depreciation. Neither has any sinking fund provision been made to date and this for the reason that, except as the accumulated surplus has been devoted to construction, the policy heretofore has been to absorb, as much as possible, any anticipated surplus in the reduction of rates. Now that rates, in their reduction by practically one-half, have been brought down to a living basis for the consumer, it is among the mooted possibilities that a sinking fund will be established in the near future.

(b) The present price of gas, namely, ninety cents for illuminating purposes and seventy-five cents for other than light, was arrived at under municipal production and distribution. It is the full and fair product of municipal management, and, under well-known rules, meant the continued reduction in the cost of production and distribution as the consumption increased.

In August, 1904, however, the city was prevailed upon, still controlling absolutely the distribution, to enter into a ten-year contract to purchase its gas supply from a newly established local private coking plant which had the gas on hand as a by-product and which, in this way, the people of Duluth sought to aid and stimulate as a new, important and growing industry. The basis of charge, on a sliding scale, was just what the city had demonstrated it could produce the gas for with its own generator, with such future reductions as it was calculated the city could effectuate under stated increased stages of production. The water gas, therefore, furnished by the city was of practically twenty-two-candle power and of 650 heat units. The coal gas now supplied to the city, under the arrangement stated, is only from eighteen to nineteen-candle power but of 700 heat units. The new product is thus less in illuminating power but greater in fuel capacity.

There are those who earnestly regret even this departure from absolutely exclusive municipal production and control, even though apparently safeguarded by rigid contract provisions, and fear that it may pave the way for that undermining of the public enterprise by the private selfish interest which unfortunately has become more or less historic; but the assumed general economic benefits to the community from the special arrangement were pictured in such favorable light that active opposition was practically eliminated. The ultimate wisdom of the step remains, of course, a matter of future determination.

(c) *Management.*—This essential in Duluth is met by several important and more or less unique requirements and has been safe-guarded with much care in the "home rule" charter of the city.

The important features that have made for success in the municipal operation of the water and gas plants in Duluth may briefly be summarized as follows:

1. Absolute divorce from politics, in theory as well as practice.
2. Business management.
3. Charter safe-guards against mismanagement within and against encroachments and attacks for private gain from without, including the barter and sale or other disposition of the public plants.
4. Intelligent public spirit of the people of Duluth.

The management of all public utilities, owned and operated by the city, is by charter provision vested in the so-called board of water and light commissioners. This board is composed of five members who are appointed by the mayor of the city, *one in each year* (except, of course, in case of vacancy), hold office for *five years* and serve without pay. The personnel of the board has from the start been of the highest order. This board employs and fixes the compensation of a general manager or managers and such other officials and subordinates as may be necessary to carry out the purposes of the depart-

ment. It also has absolute and uncontrolled management of the public service utilities committed to its care, including the right of contract and of the purchase and sale of supplies, etc., except as its powers may be restricted by the following provisions :

a. Contracts involving an expenditure of more than \$300, whether for material or construction (except in cases of emergency) must be in writing and in duplicate, one copy thereof being filed with the city comptroller who is also the comptroller of the board.

b. All funds on hand, in excess of \$200, shall daily be deposited in the city treasury, the city treasurer also acting as the treasurer of the board.

c. Extensions when ordered by the board can only be made upon approval by resolution of the common council.

d. Water and light bonds can only be issued by the city when authorized by the common council and approved by popular vote.

e. The board must make monthly report of its receipts and expenditures and semi-annual general reports to the common council and its vouchers must be countersigned by the city comptroller.

f. The president of the board is by virtue of his office a member of the "city conference committee," which exercises a general supervision over the affairs and expenditures of the city and its several departments, and must report to such committee in writing, for its use and for the use of the common council of the city, at the first yearly meeting and at each monthly meeting thereafter :

First. The amount of contracts let and of purchases made for material and supplies.

Second. The amount of expenses incurred for labor.

Third. The amount of expenses incurred and contracts made for all other purposes and a synopsis of any contract calling for the payment of money (except bonds).

Fourth. The amount of moneys collected by the board from time to time.

Fifth. The number of employees at the date of the report, working on a fixed salary, in the service of the board and the monthly or annual salary of each.

g. The general civil service provisions of the city have a limited application to the employees of the department.

h. The general charter provisions governing misconduct and removal from office of public officials also apply to the members of the board and its subordinates.

The Electric Light Service.

i. The electric lighting in Duluth (excepting in the unimportant suburb of New Duluth, Fond du Lac, where it is done in a small way is at present furnished by a company called the Duluth General Electric Company. This company, by purchase, absorption and reorganization, is the successor of numerous prior companies that had obtained franchises in the past—in part from the city proper and in part from separate suburban political divisions that later became a part of the city. These franchises have

either expired by limitation or, by their express terms or inherent defects, are now revocable at the pleasure of the city.

The stipulations for rates also, where such are in terms other than that they should be *reasonable*, are now of no practical effect; for the charges of the company have been more or less determined by the competition of the *municipal gas plant* and, so far as public lighting is concerned, by contract provision which the exigency of threatened municipal invasion of the electric lighting field wrung from the private enterprise and the continued danger of municipal activity is likely to maintain.

Under the provisions of Duluth's "home-rule" charter, public service corporations exercising franchises in the city must file with the city comptroller annual sworn statements as to value of plant, indebtedness, capital stock, earnings, expenses, etc. From that of the Duluth General Electric Company filed to cover the year ending December 31, 1904, it appears that (in pursuance of receivership proceedings as to its immediate predecessor, foreclosure and reorganization) the company paid for its property in its own bonds and stock as follows:

Bonds	\$1,175,000
Stock	117,000

and expended in construction since the time of such purchase the sum of \$137,660.47, thus making the total alleged cost to the company on December 31, 1904, \$1,429,660.47.

The bonds outstanding are given, as:

First mortgage bonds	\$596,000
Income bonds	625,000
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Total bonds	\$1,221,000
The stock (as above)	117,000

Total outstanding capitalization

\$1,338,000

The earnings for 1904 were given as follows:

City of Duluth (public lighting)	\$23,678.48
General consumers	168,708.16
Power	24,406.17
Miscellaneous	6,799.14
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	\$223,591.95

The expenses:

Taxes paid	\$5,646.06
Interest paid	66,560.00
Maintenance and operation	106,380.35
Depreciation of plant at 3 per cent.	42,889.81
Net income	2,115.73
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	\$223,591.95

It has been publicly charged that the issue of "first mortgage bonds" aforesaid more than represents the actual present cash value of the plant. There is substantial reason to believe that this claim is well-founded. If so, the company is grossly over-capitalized and the charge, in its method of book-keeping as developed by its report, of 3 per cent. on \$1,429,660.47, or \$42,889.81, for depreciation of plant is vastly in excess of the proper figures. It likewise follows that, under such revised estimate, its earnings would be grossly excessive notwithstanding the acknowledged low rate at which, as we shall see, the public lighting is provided for by contract with the city.

This public lighting contract with the city was made on April 29, 1901, by the immediate predecessor of the present company, and covered a period of five years from August 1, 1901, with right of renewal for another five year period at option of the city.

Under this contract the company agreed to furnish *arc* lights of the so-called "series alternating system of enclosed lamps of practically 6½ amperes and 70 volts rating," all night service, at \$55.00 per annum; also bunches of *incandescent* lights for street lighting (two lights of 16 c. p. each to the bunch) at \$18.00 each per annum. It was stipulated that the city should use and pay for a minimum of 300 arc lamps (a number then already exceeded) and it was provided that arc lamps should not be over 1,000 feet apart and incandescent clusters 400 feet.

In addition the company was obliged to furnish *free of charge*:

1. One arc light for each public park;

2. Lights for City Hall;

3. Twenty-five incandescent lamps of 16 c. p. each in police headquarters.

All other incandescent lights used in the public buildings of the city were further to be furnished at the rate of 7 cents per Kilo-Watt hour or 40 cents per month for each 16 c. p. light. The city also reserved the right to use the poles, etc., of the company for fire alarm, telephone and other municipal service *free of charge*. Under this contract there were in use in the city on December 31, 1904 (last official report), 395 arc and 225 incandescent lights.

The contract in question was urged upon the city notwithstanding the company then held the city's three year contract (from August 1, 1900), *with two years yet to run*, at \$70.00 per lamp per year and no obligation as to incandescent lights whatever. The 1900 contract had, on its part, been a modified renewal of an expired earlier contract providing for the payment of approximately \$100 per arc lamp per annum.

The reason for both the reduction to \$70 and the later one to \$55 is to be found in the public agitation for a municipal electric lighting plant. Indeed, when the \$55 contract was thrust upon the city the people had already regularly voted a bond issue for a public lighting plant. This was immediately prior to the adoption of the city's "home rule" charter and meant that, notwithstanding the specious legislative inhibition intended to prevent just this consummation of the popular desire, the way was open for the construction by the municipality of an electric lighting plant for *public* lighting, which, once constructed, could be added to indefinitely and ultimately made to include the *commercial* lighting field as well. The admittedly low charge for public light-

ing, under the contract referred to, was, however, diligently and effectively used as an argument why the city should not engage in the "electric lighting business" (notwithstanding the brilliant success of the municipal gas plant) and served as an excuse to hypnotized and misguided public servants to disregard the mandate of the people until the bonds they had voted had, through lapse of time, become useless for their intended purpose.

The cost, to the consumer, of private or so-called "commercial" lighting is more difficult of determination. It is not the result of contract or of franchise provision but of a practical condition brought about by the competition, as far as it can apply, of the municipal gas plant in the lighting field. That the charges are discriminatory as between one customer and another is not fairly open to question. This discrimination is exercised in behalf of favorites, public officials and others where, in one way or another, there is an expectation of a *quid pro quo*; but it has been as one of the features of the war on the city gas plant that the most substantial concessions have been made or held out to the captured or coveted consumers of light. In a field in its nature open to more or less uncertainty at best, it is thus doubly difficult to arrive at an accurate estimate of the basis of charge for private (commercial) lighting. Some six or eight months ago the question of relative charge was reported upon by a committee of a public organization in the city, confessedly upon data furnished exclusively by the special interest in question, to the effect that the maximum rate for private lighting in Duluth was 13.5 cents (15 cents less 10 per cent. for cash discount) per Kilo-Watt hour as against an average maximum of 14.48 cents in cities of the United States of 40,000 population and over—according to the "confidential report of the National Electric Light Association for 1903."

The occasion for the report was an attempt on the part of the electric lighting company to commit the city to a premature renewal of the public lighting contract for another term of years, the present contract, at that time, having still almost two years to run; while the animus for the move was clearly to be found in a renewed agitation for a municipal electric lighting plant and the expressed determination to apply to the state legislature, then shortly to convene, for such legislative enactment as would pave the way for action by the municipality if later a plebiscite in Duluth should so determine.

The contract in question was not renewed at that time nor has the question as yet been again revived. The enabling legislation that the municipality sought through its governing body, for which there was a strong popular local demand and which was considered a vital prerequisite to either the purchase or construction of an electric lighting plant by the municipality, also failed of enactment. Notwithstanding at least the nominal support of an apparently unanimous local legislative delegation, these mysterious influences carried the day and the popular will for the time being was defeated. As a palliative the private company, through a member of the local legislative delegation who acted as its spokesman, offered to renew its public lighting contract with the city for another five or ten year period "at the same rate or less than is paid at present" and, "not later than the expiration of the present

A study of the forty-five State Constitutions from the standpoint of restrictions placed by them upon State and Municipal affairs; the State authorities were left, for the most part, quite free in their organization of local government. By the middle of the past decade, all but one have incorporated in the new documents numerous important limitations upon the power of the State authorities in relation to municipal affairs.

The appended table, which is intended to indicate by specific article and section, every restriction in every State Constitution of the important features which it discloses may be summarized as follows:

1. There is an utter lack of uniformity among the various State Constitutions as to the limitations placed upon State and Municipal government.
2. The New England States show some approximation to uniformity in their comparative paucity of such limitations. Its Constitution whatever, while the whole six New England States put together have fewer limitations than some of the other sections of the Union.
3. As regards the other sections of the Union no marked tendency to uniformity is displayed among States geographically adjacent to it. To this there is, however, one striking exception in the case of New Hampshire which revised its Constitution in 1878 in its Constitution of nearly ninety years ago.
4. In general, constitutional restrictions have increased decade by decade and, for the most part, are now most numerous in the case of New Hampshire which revised its Constitution in 1878 in its Constitution of nearly ninety years ago.
5. The importance of the problem of city government in the United States is reflected unmistakably in the growing attention given to it.

PROVISIONS IN THE SEVERAL STATE CONSTITUTIONS RELATING TO CITIES OR TOWNS

State	Year	How Chartered A-Special Act. B-No Special Act. C-General Laws. D-Consent of the Electors Is Necessary for Incorporation. E-Cities May Frame their Own Charters.	Provisions Regarding Debts.	Contraction Of Debt Must Be Authorized by the Electors.	Provisions Regarding Lending of Credit, Etc.	Regulation of the Taxing Power of Cities. A-As to Betterment Taxes.	Provisions Applying to City Officials. Etc.	Limitation of the Power of the State Over Cities. A-As to Franchises. B-As to Local Taxes. C-As to Assumption of City Debt.	Provisions regarding Special Acts.	A-Legature's Provision for the Organization of Government. B-The Organization of City Government.
Alabama	1901	IV 104(B) XII 229(C)	IV 104 XII 222 XII 225	XII 222	IV 94	XI 216 XII 223(A)		XII 220(A)		
Arkansas	1874	XII 2(B) XII 3(C)	XVI 1		XII 5 XVI 1	XII 4		XII 12(C)	V 25	XII 3(C)
California	1879	XI 6(B,C) XI 8(B)	XI 18	XI 18	IV 31		IV 21+32 IV 25 XI 9	XI 12(B)	IV 25	
Colorado	1876	XIV 13(C) XV 2(A)	XI 8	XI 8	XI 1+2	VIII 8	XII 3 XIV 12	XV 11(A)	XV 2 V 25	
Connecticut	1818	X 3			XXV (1877)		XXIV (1877)			
Delaware	1897	IX A			VIII 8			VIII 4(C)		
Florida	1885	VIII 8 Am. 1900(B)			IX 10	IX 5	III 20			III 24(C)
Georgia	1877		VII 7 VII 10	VII 7	VII 6			VII 8 (C)		
Idaho	1889	XII 1(C) XI 2 III 19(B)	VIII 3 XII 4		VIII 4 XII 4		III 19	XI 11(A) XII 3(C)		
Illinois	1870	IV 22(B) XI 1(B,C)	IX 12			IX 9(A) IX 10	IX 11	IV 20(C) IX 10(B) XI 4(A)	IV 22	
Indiana	1851	XI 1 (B,C)	XIII 1					X 6(C)		
Iowa	1857	III 30(B) VIII 1(C)	XI 3		VIII 4				III 30	
Kansas	1859	XII 1(B,C) XII 5(C)								XII 5(D)
Kentucky	1891	Sec. 59(B) Sec. 150(C)	Sec. 158 Sec. 159	Sec. 157	Sec. 179	Sec. 157 Sec. 181 Am. 1903	Sec. 161 Sec. 167	Sec. 163(A) Sec. 176(C) Sec. 181(B)	Sec. 59 Sec. 156	Sec. 161
Louisiana	1898	Art. 48(B)	Art. 281 Art. 270	Art. 281	Art. 58	Art. 224 Art. 229 Art. 232 Art. 233 Art. 243 Art. 270	Art. 210	Art. 48(A)	Art. 49	
Maine	1820	IV Part 3 Sec. 14(A)	XXII				IV Part 1 Sec. 5		IV Part 3 Sec. 13	
Maryland	1867	III 48(A)							III 33	
Massachusetts	1820	Am II (D)								

nt of restrictions placed by them upon State and Municipal authorities in relation to city affairs, reveals very plainly th
ncrease the number of such restrictions. The early State Constitutions contained very few provisions relating to municipa
n their organization of local government. By the middle of the nineteenth century, however, one may mark a growing dis
o this freedom. The movement in this direction has evidently strengthened apace, and of the nine States, Alabama
arolina, Utah and Virginia, which have substantially revised their old Constitutions, or adopted new ones, during the las
important limitations upon the power of the State authorities in relation to city charters and upon the powers of municipa

article and section, every restriction in every State Constitution relating to cities or their affairs will furnish food for study
as follows:

ate Constitutions as to the limitations placed upon State and municipal authorities in their respective dealings with city

munity in their comparative paucity of such limitations. One of these States,—Vermont,—has absolutely no such limitations
s put together have fewer limitations than some of the Western or Southern States.

r to uniformity is displayed among States geographically allied. Illinois, for example, has a large number of constitutional
State, has very few. South Carolina, again, has many, while Tennessee has only three in all.

y decade and, for the most part, are now most numerous in those States whose Constitutions have been revised at the latest
of New Hampshire which revised its Constitution in 1903, yet inserted no larger number of restrictions than did Connecti-

d States is reflected unmistakably in the growing attention which municipal matters demand from constitutional conventions.

GENERAL STATE CONSTITUTIONS RELATING TO CITIES OR THEIR AFFAIRS.

Limitation of the Power of Cities. to Better-ment Taxes.	Provisions Applying to City Officials, Etc.	Limitation of the Power of the State Over Cities. A—As to Franchises. B—As to Local Taxes. C—As to Assumption of City Debt.	Provisions regarding Special Acts.	A—Legisla- ture shall Provide for the Organiza- tion of City Government. B—The Or- ganization of City Government.	Regulation of City's Right. A—To Grant Franchises. B—To Make By-Laws.	Provisions Regarding the Municipal Judiciary.	Provisions Regarding changing a County Seat.	Provisions Relating to Special Cities.	Miscellaneous Provisions
13(A)		XII 220(A)			XII 228(A)	VI 168	IV 104	XI 216 XI 225	XII 227
		XII 12(C)	V 25	XII 3(A)	XII 4(B)		XIII 3		VII 52 IX 3+5 XVI 10+13 XIX 1
	IV 21+32 IV 25 XI 9	XI 12(B)	IV 25		XI 9 B XI 19	VI 14	IV 25 XI 2		XI 7+13+14
	XII 3 XIV 12	XV 11(A)	XV 2 V 25				V 25 XIV 2		V 35
	XXIV (1877)								X 2 Am. XV+XVIII
		VIII 4(C)							V 9 XII
	III 20			III 24(A)		III 20	VIII 4		
		VII 8 (C)							
	III 19	XI 11(A) XII 3(C)			XII 2(B)		III 19 XVIII 2		XIII 5
1)	IX 11	IV 20(C) IX 10(B) XI 4(A)	IV 22				IV 22 X 4	Am. 1891	
		X 6(C)							
			III 30				III 30		
				XII 5(A)			IX 1		
7 1 103	Sec. 161 Sec. 167	Sec. 163(A) Sec. 176(C) Sec. 181(B)	Sec. 59 Sec. 156	Sec. 160(B)	Sec. 164(A)		Sec. 59 Sec. 64		
4 9 2 3 3 9	Art. 210	Art. 48(A)	Art. 49				Art. 278	Art. 130-158 Art. 309-320	Art. 199 Art. 209 Art. 212 Art. 215 Art. 276
	IV Part 1 Sec. 5		IV Part 3 Sec. 13			VI 8			
			III 33					XI IV 27	

Illinois 1870	IV 22(D) XI 1(B C)	IX 12			IX 9(A) IX 10	IX 11	IV 20(C) IX 10(B) XI 4(A)	IV 22	
Indiana 1851	XI 1 (B C)	XIII 1					X 6(C)		
Iowa 1857	III 30(B) VIII 1(C)	XI 3		VIII 4				III 30	
Kansas 1859	XII 1(B C) XII 5(C)								XII 5(A)
Kentucky 1891	Sec. 59(B) Sec. 156(C)	Sec. 158 Sec. 159	Sec. 157	Sec. 179	Sec. 157 Sec. 181 Am. 1903	Sec. 161 Sec. 167	Sec. 163(A) Sec. 176(C) Sec. 181(B)	Sec. 59 Sec. 156	Sec. 160
Louisiana 1898	Art. 48(B)	Art. 281 Art. 270	Art. 281	Art. 58	Art. 224 Art. 229 Art. 232 Art. 233 Art. 243 Art. 270	Art. 210	Art. 48(A)	Art. 49	
Maine 1820	IV Part 3 Sec. 14(A)	XXII				IV Part 1 Sec. 5		IV Part 3 Sec. 13	
Maryland 1867	III 48(A)				III 58			III 33	
Massachusetts 1820	Am. II (D)								
Michigan 1850	XV I (A)								XV 13(A)
Minnesota 1857	IV 33(B) IV 36(C) 1868 X 2 A			IX 15(1879)	IX 1(A)	IV 33		IV 33	
Mississippi 1890	IV 88(C) VII 178(C)			VII 183				IV 87	IV 80(A)
Missouri 1875	IV 53(B) IX 7(C) IX 10(B) XII 2(C)	X 12	X 12	IV 47 IX 6	X 1 + 11	IV 53 IX 13 + 14	X 10(B)	XII 2	IX 17(D)
Montana 1889	XV 2(A)	XIII 6	XIII 6	XIII 1	XII 5	V 36 XVI 6	XII 4(B) XIII 4(C)		
Nebraska 1875	III 15(B) XIII 1(B C)	XIV 2	XIV 2	XII 1	IX 6(A)	III 15 + 16	XIII 2 (A)	III 15	
Nevada 1864	VIII 1(A)			VIII 10			IX 4(C)	IV 21	VIII 8(C)
New Hampshire 1903				Part II V					
New Jersey 1875	IV 7(B C)			I 19		IV 7		IV 7	
New York 1894	III 18(B) VIII 1 (A)	VIII 10		VIII 10		V 9 XII 3	III 18(A)	III 18 XII 2	XII 1(A)
North Carolina 1875	VIII 1(A)	VII 7	VII 7	VII 7	VII 7				VIII 4(C)
North Dakota 1889	II 69(B) VI 130(C)	XII 183 XII 184		XII 185		II 69		II 70	VI 130(A)
Ohio 1851	XIII 1(B) XIII 2(C)			VIII 6			VIII 5(C)		XIII 6(C)
Oregon 1857	XI 2(A)			XI 9			XI 8(C)	I 21	XI 5(A)
Pennsylvania 1873	III 7(B) XV 1(C D)	IX 8 + 10 XV 3	IX 8	IX 7		III 7	IX 9(C) XVII 9(A)		
Rhode Island 1842	Am. IX (C) (1892)								
South Carolina 1895	III 34(B) VIII 1(C) VIII 2(D)	VIII 7	II 13		VIII 6 VIII 8		VIII 4(A)		VIII 3(C)
South Dakota 1889	III 23(B) X 1(C)	XIII 4 + 5 Am. 1896		XIII 1	XI 10(A)	III 26	X 3(A)	III 23	X 1 A
Tennessee 1870				II (29)	II (29)				
Texas 1876	III 56(B) XI 4(C) XI 5(A)	XI 5		III 52 XI 3	XI 4 XI 5	III 56		III 56	
Utah 1895	VI 26(B) XI 5(B C)	XIV 4 XIV 5	XIV 3	VI 31		VI 29 XII 17 XXI	XII 8(A) XIII 5(B) XIV 6(C)	VI 26	XI 5
Vermont 1796									
Virginia 1902	VIII 117(B C)	VIII 127		XIII 185	VIII 128 IX 136 XIII 173 + 170(A)	IV 63 VIII 120 + 122	VIII 124(A) XIII 185(C)	IV 51 + 63 + 64 VIII 126	VIII 12 VIII 12
Washington 1889	II 28(B) XI 10(B C E)	VIII 6	VIII 6	VIII 7	XI 12 VII 9(A)	XI 8	XI 8(B)		
West Virginia 1872	VI 39(B E) XI 1(B C)	X 8	X 8		X 9	IV 8 VI 27	X 6(C) XI 5(A)	VI 39	
Wisconsin 1848	[XI 1 A] Am. IV 31(B) Am. IV 32(C)	Am. XI 3				XIII 9		Am. IV 32	XI 3(A)
Wyoming 1889	III 27(B) XIII 1(C) XIII 2(D) X 1(C)	XVI 4 + 5			XV 6	III 37 VI 15 XIV 1	XIII 4(A)	III 27	XIII 3(C)

	IX 11	IV 20(C) IX 10(B) XI 4(A)	IV 22				IV 22 X 4	Am. 1891	
		X 6(C)							
			III 30				III 30		
				XII 5(A)			IX 1		
7 1 03	Sec. 161 Sec. 167	Sec. 163(A) Sec. 176(C) Sec. 181(B)	Sec. 59 Sec. 156	Sec. 160(B)	Sec. 164(A)		Sec. 59 Sec. 64		
4 9 2 3 3 0	Art. 210	Art. 48(A)	Art. 49				Art. 278	Art. 130-158 Art. 309-320	Art. 199 Art. 200 Art. 212 Art. 215 Art. 276
	IV Part 1 Sec. 5		IV Part 3 Sec. 13				VI 8		
			III 33					XI IV 27	
					Am. II (B)				
				XV 13(A)		XV 14	X 8		X 7
)	IV 33		IV 33				IV 33		XI 2
			IV 87	IV 80(A)			XIV 259		XII 254
r	IV 53 IX 13+14	X 10(B)	XII 2	IX 17(B)			IV 53 IX 2	IX 20-25 Am. 1900 VI 12+13	IX 15
	V 36 XVI 6	XII 4(B) XIII 4(C)				VIII 24	XVI 2		
)	III 15+16	XIII 2 (A)	III 15				III 15		III 15
		IX 4(C)	IV 21	VIII 8(A)			VI 9		
									Part I VI Part II IX+X
	IV 7		IV 7				IV 7		
	V 9 XII 3	III 18(A)	III 18 XII 2	XII 1(A)			VI 5+17	III 18	
				VIII 4(A)					
	II 69		II 70	VI 130(A)				II 69 X 169	
		VIII 5(C)		XIII 6(A)				II 30	
		XI 8(C)	I 21	XI 5(A)				I 21	
	III 7	IX 9(C) XVII 9(A)						III 7	III 7
							X 7		
		VIII 4(A)		VIII 3(A)				VII 8	Am. 1901 II 12 VII 11 VIII 5 VIII 10
A)	III 26	X 3(A)	III 23	X 1 A		V 23	III 23		Am. 1898
						XI 9			
	III 56		III 56				III 56 IX 2	XI 7	XI 8
	VI 29 XII 17 XXI	XII 8(A) XIII 5(B) XIV 6(C)	VI 26	XI 5			VI 26 XI 2		XI 6 XVI 6
18 73+170(A)	IV 63 VIII 120+122	VIII 124(A) XIII 185(C)	IV 51+63+64 VIII 126	VIII 120(B) VIII 121(A)	IV 65(B) VIII 125(A)	VI 98+99 VIII 118+119	IV 63		IV 50+51 VIII 123
1)	XI 8	XI 8(B)			XI 11(B)	IV 10	II 28 XI 2		
	IV 8 VI 27	X 6(C) XI 5(A)	VI 39			VIII 19	VI 39		IV 4
	XIII 9		Am. IV 32	XI 3(A)		VII 2	Am. IV 31 XIII 8		
	III 37 VI 15 XIV 1	XIII 4(A)	III 27	XIII 3(A)		V 1	III 27 XII 3		XIX 1

lighting contract with the city, namely, August, 1906, "to reduce its rates for private lighting 20 per cent. below the present rate."

2. For the purpose of "harnessing" the water power of the St. Louis River which empties at Duluth, and utilizing this power for electrical and other purposes on a large scale preparatory work was undertaken some years ago and more recently a powerful company was organized and financed. This company is more or less in the hands and under the direction of local capital and prominent citizens of Duluth are among its directing forces. Incidental to the furnishing of power this company sought and succeeded in having included in its general franchise a franchise also for electric lighting in the city of Duluth. This franchise to the Great Northern Power Company was granted on February 9, 1903, and the company has been granted to September, 1907, to get its general power plant in operation. This franchise, by its terms, is to run twenty-five years and the Power Company is to pay annually to the city one-tenth of 1 per cent. of its gross earnings.

That part of the franchise touching upon electric lighting provides that the rate charged shall at all times be "reasonable" and shall not exceed the maximum of twelve cents per Kilo-Watt hour meter measure. There are also provisions protecting the city, as a consumer of electric power, against discrimination in favor of private companies furnishing light for general use and of any consumer of like magnitude and under similar conditions. It is also provided that the city shall be furnished up to 1,000 horse-power for electric lights for streets, parks, public grounds and buildings, and Aerial Bridge on equally favorable terms.

It is also stipulated that if the Power Company fails to exercise its rights under the lighting part of its franchise within five years from the time of the commencement of its operations that part of its franchise may be revoked at the pleasure of the city. If, however, it does erect and place in operation such electric lighting plant, the city has the right, after five years, to purchase the same upon a valuation based upon the actual cost of duplication at time of such estimate plus 10 per cent., provision being made to arrive at such valuation by arbitration. It is specially provided that in such estimate nothing shall be added on account of franchise. The city may also purchase regardless of time limit whenever it is ready to agree to contract with the Power Company for a period of at least five years for power for such electric lighting, and if the city enters into such contract relation with the Power Company before the company shall have erected its lighting plant the city may revoke the Power Company's franchise in that regard.