

have been appointed by "reform" department heads, and the other four by "organization" officials. Of these eight, one has left the city's service for private business, one has gone into another branch of public work, one was recalled by the bureau to resume work there, and five still remain in the employ of the city.

In closing, I cannot forbear saying a word or two as to the faithfulness and untiring zeal of the bureau staff and employees. Working, most of them, for less compensation than private business would offer, they have not hesitated to disregard hours in emergencies, and have toiled as the artist toils, because he is in love with his job.

You may perhaps want to know how that bureau has been received by the present administration. It is a little early to pronounce upon this question, but in an interview with Mayor Smith on the part of your trustees and your director, the mayor expressed his willingness to utilize our services whenever possible, and expressed particular interest in a study of salary standardization that the bureau has been making.

This morning he sent for Mr. Gruenberg and told him to convey a message to us of his willingness to co-operate with the bureau at all times, of his sympathy with the bureau ideals and program, and his great regret at being unable to be with us to-night.

MUNICIPAL CONDITIONS IN WEST VIRGINIA CITIES

BY CLARENCE M. WERUM
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THE constitution of the state of West Virginia is of the old form and type, and needs to be revised, especially that part which concerns the municipal government of the state. Running parallel with this old form are its frontier political methods; but fortunately for the municipalities of the state, the bad laws and practices are being felt. Their enforcement will result in the enactment of good laws. The history of municipal government in West Virginia is not different from other states except that its present status is still in the crude form.

For a long time the unbridled power of the legislature has exerted its influence and authority over the municipal governments within its jurisdiction, wielding this power regardless of the manner or sentiment of the people of the community affected, and out of this unscrupulous use of power the politicians are destroying the very fruits that they have forcibly created.

The constitution of the state provides that "the legislature shall not pass local or special laws . . . for incorporating cities, towns or villages or amending the charter of any city, town or village containing

a population of less than two thousand. The legislature shall provide, by general laws, for the foregoing, and all other cases for which provision can be so made; and in no case shall a special act be passed, where a general law would be proper, and can be made applicable to the case; nor in any other case in which the courts have jurisdiction, and are competent to give the relief asked for."

The supreme court of appeals has shown an inclination to favor the legislature in its authority over municipalities, when in the case of *Woodell v. Darst*¹ it says: "The court will not hold the special act as contravening this section, unless it clearly appears that the general laws would have accomplished the legislative purpose as well."

This constitutional provision is not a safeguard to municipal government. Municipalities whose population exceeds two thousand have absolutely no protection while those which have less than two thousand inhabitants have only a limited protection as shown in the constitutional provision above recited. The word "amend" means to change or modify that which exists; but it does not prevent the legislature from completely destroying municipal government and re-creating the same.²

So difficult has it been to amend the constitution of this state that neither of the political parties will indorse an amendment for fear of the defeat of their measure, and so the pious voters of the municipalities have closed their eyes to take their medicine. Within the last few years, however, the medicine has become quite bitter.

A certain legislator, who represents the district in which the city of Williamson exists, decided that Williamson had too many Democratic voters so he appeared at the regular session of the legislature in 1915, which was a Republican legislature, and with his influence and the customary trading of voting patronage was able to have a law passed amending the act incorporating the city of Williamson. This act vested the corporate power of the city in a board of five commissioners, three of whom must belong to one of the political parties and two to the other, and provided that said commissioners shall be appointed by the governor of the state for a term of two years. Thereafter the commissioners are to be elected by the people. This board of commissioners takes the place of the previous governmental board whose officers, Democratic in party affiliation, had just been elected to run the government of the city. The governor permitted the act to become a law without his signature and partially escaped the criticism heaped upon the legislators. The commissioners were appointed, and the act carried to the court. The power to create, unrestrained, naturally carries with it the power to amend or change, or even to destroy, so when the courts reviewed this case, they had no choice but to recognize the power of the legislature.

¹ 77 S. E. 264.

² *South Morgantown v. Morgantown*, 40 S. E. 15.

There was some hope pending this litigation, however, that the supreme court of appeals would find some grounds to rule otherwise.

This same legislature had its attention called to another municipality in this state, namely Fairmont, a political hot-bed like other West Virginia cities, where not the slightest ethics is recognized in political contests. The scrambling parties disliking the practice of one party feasting with the other party famishing, with neither party knowing until after election which would draw the famine, decided in some of the localities to create a charter form of government with a bi-partisan board, that would permit both parties equal representation upon the governing board. Thus it would be feast for all forever. But alas! when the city of Fairmont had its election there was elected on the bi-partisan board two Democrats and two Progressives and the poor Republican politicians remained out in the cold. The politicians in other cities fared better. Immediately they became busy, suggested a non-partisan board and when they were defeated in an attempt to exercise the "recall," they marched with their drooping heads to the brilliant legislature that made history for West Virginia, in 1915, and pleaded for a new charter for Fairmont. The legislature, after weighing seriously the arguments of both sides in so much as matters pertaining to municipal government were of such great importance, decided in their wisdom to give Fairmont another new charter. This charter, too, has found its way into the courts and if this act is declared invalid it will be on the grounds that you cannot eliminate the voters by mental test and that the legislature did not follow the proper rules in the passage of the act. But for these apparent defenses the act would undoubtedly be sustained.

The advocates of municipal home rule are striving hard to create sentiment that will eventually result in an amendment to the constitution, to provide that any act passed by the legislature changing the form of government of any municipality shall not take effect until ratified by the majority vote of that municipality.

DENVER'S NEW CHARTER

BY ELLIS MEREDITH

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BY AN overwhelmingly decisive vote Denver discarded the commission form of government May 9 and adopted a charter amendment which gives practically all executive power to the mayor and creates a city council of nine members.

¹ Ex-President, Denver election commission. See NATIONAL MUNICIPAL REVIEW, vol. iii, p. 668.