
RELATED THINGS

CONTRIBUTIONS AND REPRINT

THROUGH THE NIGHT.

For **The Public.**

If dreams were true—but then, forsooth,
Forever we should dwell with youth—
With glad ideals, free and fair,
Apart from all the claims of care.

If dreams were true—as might they be
If we could manage destiny—
If dreams—but where were their delight
If life and love were surely right?

Comes first the dream, or serves the deed
Life's riddle most to help us read?
To doubt, to dread, deny and dare,
As age by age we onward fare?

If dreams were true—(and what are dreams?)
Would life be troubled, as it seems?
Or, would transcendent joys afar
Replace the miseries that are?

Yet, if at last of dreams we build
The life whose wonders we have willed,
Will other dreams, more roseate,
Disturb contentment's new estate?

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Dream on, O deathless love of peace,
Till all the waste of war shall cease.
Dream on, O faith in freedom's plan
For prisonless, perfected man.

Dream on, O longing for the light,
Beyond the guarded walls of night.
Dream on, O restless pioneer
Of Canaan, past the land of fear.

Dream yet again, whatever dream
Out of a nobler life shall gleam.
Dream yet again—a brighter view,
To beckon life, when dreams come true.

Nor ask if soul-adventures pay,
That cleave to liberty the way.
Nor think there'd be no work to do
For mules or men—if dreams were true.

GEO. E. BOWEN.

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CITY CHARTERS AND DIRECT LEGISLATION.

A Condensation of a Paper by Robert Treat Paine, of
Boston, Read Before the National Municipal
League at Pittsburg, November
17, 1908.

Direct legislation has been rapidly becoming one of the leading questions in connection with the government of our cities. The Referendum feature is optional. It becomes therefore a true

people's veto to be used when occasion requires in the judgment of the people. The people are thus directly sovereign in regard to the acts of their own agents or representatives. Similarly, the Initiative takes its rise from an initial action by the people in those cases where their representatives appear unwilling to act in accordance with the supposed will of the community.

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Unfortunately, in rather marked contrast with modern Europe and England, our cities have been mere creatures of the legislature. Therefore every new task has involved resort to the legislature, and results have been disastrous. So well recognized has been this evil that a majority of the State constitutions now forbid the legislatures to interfere by special legislation. Owing, however, to the legislative device of classification this effort has been but partially successful. In the West a remedy has been sought through the constitutional assertion of the independence, more or less complete, of cities from the legislature. In 1875 the constitution of Missouri was the first thus to be amended, by giving cities of over 100,000 population, that is St. Louis, and later Kansas City, power to decide upon their charters by a vote of their own citizens. California followed in 1879, but provided that charters, after adoption by the voters, must be submitted to the legislature for ratification or rejection as a whole. California further extended the power of cities over their charters so as to provide that an initiative petition can compel the submission to popular vote at a regular municipal election of any proposed charter amendment. In Oregon the Constitutional amendment granting the voters of every city and town power to enact and amend their municipal charters was adopted, on an initiative petition from the people, by a vote of 52,567 to 19,852 on June 4, 1906. Washington, Minnesota, and Colorado have carried on this home rule movement. In Michigan the Constitutional convention inserted a home rule section in the new Constitution which was voted on and carried November 3, 1908.

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But far more widespread, or at least far more successful over a wider stretch of territory, is the movement for more direct and popular control by the citizens themselves of their municipal affairs. This movement is either advisory or mandatory in its operation.

The advisory system aims to secure action by city authorities in conformity with the popular judgment through milder methods than direct legislation. The voters are allowed to suggest or to express their opinion on a course of action without, however, thereby enacting such legislation or ordinance.

Winnetka, Illinois, is generally given the credit

for devising this method through pledging candidates before their election to permit the reference to the people of questions when petitioned for.

Geneva, Illinois, extended the system to include the advisory initiative. The Winnetka method has been followed by several cities. Detroit, June 17, 1902, unanimously adopted rules of procedure by which a petition of 5 per cent of the voters may force all ordinances granting or renewing public utility franchises to a popular vote, and also any other measure instructing the officials.

Grand Rapids, Michigan, petitioned the legislature for a new charter which was approved June 6, 1905, granting a referendum on any ordinance and an initiative for an advisory vote on charter amendments. This referendum has been used twice.

Buffalo, under the general welfare clause of its charter, adopted city ordinances still in force, which authorize the submission at a general election of any questions of public policy to obtain the opinion of the electors thereon.

In Illinois, a public opinion law was enacted May 4, 1901, allowing questions to be referred to the voters of cities for an expression of opinion. Chicago has made effective use of this authority, voting in April, 1902, for direct primary nominations of city officers by 140,860 to 17,654, and April 5, 1904, for the popular election of the school board by 115,553 to 58,432. Both at these elections, and April 4, 1905, April 3, 1906, and April 2, 1907, there were referendums on the burning street railway issue. The question has been too prominent throughout the country during all these years to need extended comment.

In Canada this advisory system has been authorized for cities by general Provincial law in British Columbia, June 21, 1902, and in Ontario June 27, 1903. In Victoria the referendum by-law was adopted by the council December 15, 1902. Either the council or a petition of the voters may send questions to the annual municipal election. In Toronto, this advisory referendum has been used for questions like reducing the number of liquor licenses, paying salaries to the aldermen, and exempting dwellings from assessment to the amount of seven hundred dollars.

Augusta, Maine, has held special elections from time to time to secure the opinion of the people whenever the importance of the issue has seemed sufficient to warrant such an election. The city clerk states that the authority is found in a clause of the city charter which provides that general meetings of the citizens may be held to consult upon the public good and to instruct their representatives according to the right secured to the people by the State constitution—to be summoned by the mayor and aldermen upon the requisition of thirty voters.

The Constitution of Massachusetts contains a

similar provision inserted in the original document of 1780, and repeated in the city charters. In the smaller cities where the capacity of a hall bears a reasonable relation to the probable number of voters expected to attend there have been numerous meetings to decide on various important matters, but it is not known that any city has yet adopted Maine's sensible expedient for changing a huge mass meeting into the modern method of booths and ballots.

In Delaware under the terms of the law the people voted November 6, 1906, on the question, "Shall the general assembly provide a system of advisory 'initiative and referendum'?" Though the vote of the entire State was more than 8 to 1 in its favor, the system was not authorized by the following legislature which, however, with but a single dissenting vote in the Senate, did establish for the city of Wilmington, which had favored the proposition by 10,548 to 747, a local initiative without the referendum.

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The grants by municipal councils of franchises for public service utilities have been the cause of much anxious thought, and there is a more or less general movement to require that such grants be referred to a popular vote for ratification or for rejection through a people's veto.

Iowa, which as early as 1872 had provided for a referendum on franchises for water-works, to be followed by a similar regulation in 1888 on municipal lighting plants, established in 1899, an optional referendum and initiative with reference to all similar quasi-public services. Indiana in 1899 established an optional referendum along somewhat similar lines. In Ohio, by an act approved by Governor Harris, April 15, 1908, no ordinances granting or extending a franchise to any street railway can become operative if within thirty days after its passage by the council there is a petition of the voters until it has received a majority of the votes cast. An amendment to the charter of Memphis, Tenn., passed March 10, 1905, enacts that no quasi-public franchise shall be granted unless approved by the voters if such submission has been demanded by 500 freeholders. Nebraska carried the system to its fuller recognition of the people's right to originate or to veto ordinances of any kind, and Lincoln adopted the provisions of this statute at the city election May 7, 1907, by 2,754 to 679, the mayor being elected by 2,632 to 2,590. In Omaha the city council accepted this initiative and referendum statute August 21, 1906, but no questions under it have since been brought to a popular vote.

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South Dakota was the first State to embody the provisions for the Initiative and Referendum in

her Constitution. She adopted the amendment November 8, 1898, by 23,816 to 16,483.

Oregon adopted a State system of the initiative and referendum June 2, 1902, by a vote of 62,204 to 5,668. The people took advantage of its provision for the initiative and amended the Constitution at the biennial election June 4, 1906, by 47,678 to 16,735, and established local direct legislation.

Montana followed Oregon in a Constitutional amendment for direct legislation November 6, 1906, with a vote of 36,374 to 6,616, and the legislature the next winter provided for the application of the Referendum in cities and towns.

Oklahoma in her new Constitution, adopted Sept. 17, 1907, which President Roosevelt in his proclamation on November 16, 1907, declared to be "republican in form," provides for a local referendum and initiative as well as a State system.

The Constitutional amendment establishing a State system of direct legislation which Maine adopted September 14, 1908, by 51,991 to 23,743, provides that any city may establish the Initiative and Referendum through an ordinance ratified by a popular vote.

In Illinois, under the public opinion law, a vote was taken at the State election in November 1902, upon the popular petition for a local referendum law and resulted in a favorable vote of 390,972 to 83,377. This expression of opinion was ignored by the legislature. A second vote was taken November 8, 1904, on a similar question of establishing a local people's veto, and resulted in an even more overwhelming vote in its endorsement—535,501 to 95,420. The people's representatives, however, have paid no attention to these and other similar expressions of the people's wishes.

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The greatest local development of Direct Legislation has been witnessed in the Pacific States.

San Francisco, under the home rule provisions of the California Constitution, elected a Board of Freeholders December 27, 1897, to propose a new charter which was ratified at a special election May 26, 1898, by 14,386 to 12,025, and having been approved by the legislature in 1899, went into effect January 8, 1900. It provided for an initiative to apply either to ordinances or to charter amendments; and franchises for waterworks or lighting plants, or ordinances for the purchase of land, must be referred to the next election.

The same system was copied by Vallejo through a special election December 8, 1898, and by Fresno, October 19, 1899.

The initiative and referendum system which is generally thought of when reference is made to it is that of Los Angeles, adopted at a special election December 1, 1902, by a vote of 12,105 to

1,955. The legislature ratified it in 1903. The movement thus started made rapid progress. Sacramento, San Bernardino, San Diego and Pasadena held special elections November 3, 1903, January 6, 1905, January 27, 1905, and February 28, 1905, and adopted amendments to their charters, excepting in the case of San Bernardino which proposed an entirely new charter, and the legislature gave its approval in 1905. Eureka, Santa Monica, Alameda, Santa Cruz, Long Beach, and Riverside, held elections June 19, 1905, March 28, 1906, July 18, 1906, January 22, 1907, February 5, 1907, and March 1, 1907, to adopt new charters; which were approved by the legislature in its session of 1907. In general these later charters followed pretty closely the model of Los Angeles.

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The experience of Los Angeles throws light upon the value of direct legislation. There has been only one special election called under a 15 per cent initiative petition obtained by the prohibitionists who tried to close all saloons; but in this they were defeated.

At the general election December 6, 1904, four ordinances were presented under the initiative to fix the limits of slaughter-house districts. Though confusing and conflicting, a local authority states that with keen intelligence and good judgment the people carried the best one by a handsome majority.

About a year ago an additional franchise of great financial and strategic value, estimated to be worth a million dollars, was given by the council to the street railway corporation. Though rushed through to catch the people napping, under the threatened use of the referendum and the recall the ordinance was revoked by the council.

This spring the council granted for five hundred dollars another very valuable franchise to the same street railway company, and passed it over the veto of the mayor. A referendum petition was presented May 18, and the council having refused to repeal the ordinance, it is held up and will be referred to the next municipal election.

The same city council having refused to pass an ordinance compelling the street railways to properly equip their cars with efficient fenders and run at a moderate rate of speed within the heart of the city, the Voters' League secured over four thousand signatures to a petition calling for a special election, but before presenting it persuaded the council to adopt a satisfactory ordinance which has since saved many lives.

Los Angeles claims a population of over three hundred thousand which would perhaps rank it as the seventeenth largest city in the United States, approximately the size of Washington.

As the city in which the modern system of di-

rect legislation was established first and has therefore been given the longest trial it is interesting and instructive to see what testimony is offered as to its value. The first act of a committee lately sitting on charter revision was to resolve that the direct legislation provisions be retained intact without any increase of percentages. "Municipal Affairs," the organ of the Municipal League of Los Angeles, says that "nothing better has happened to Los Angeles than making the initiative, referendum and recall a part of its organic law," for "large as was the vote in their favor, it would be many times larger should any attempt be made to eliminate them." It points out "that to a very large extent the value of the initiative, referendum and recall lies not in the fact that they are used, but that they *may* be used"; that "they are the most powerful deterrent we have against bad officials and corrupt and incompetent law making." Two years ago a circular letter addressed to the Christian people of California says: "Civic reform and a revival of practical righteousness cannot be secured by individual or allegiance efforts alone, without regard to environment and practical means of working. Our duty and responsibility as voters also requires us to secure a simple method by which Christian influence can be made most effective in promoting the public welfare. The best method yet proposed for non-partisan political action is direct legislation—the initiative and referendum." This circular was signed by ten leading ministers of the Methodist, Baptist, Presbyterian, Congregational and other denominations, by Bishop T. J. Conaty of Monterey and Los Angeles, and by the President of Pomona College.

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Inasmuch as the Recall has been adopted very generally as a part of the new system of direct legislation, and is often referred to as one of the bulwarks of the people against misrepresentative government, it may be well to consider briefly its present status.

Papers in the 1905 and 1906 volumes of the League have described the principles of the Recall as first devised for Los Angeles and later adopted in Fresno, San Bernardino, and San Diego, and also the first use of it in Los Angeles in the removal of a councilman. Since then Santa Monica, Alameda, Santa Cruz, Long Beach and Riverside, as well as San Francisco and Vallejo, whose charters were adopted prior to this new movement by Los Angeles, have all inserted in their charters provisions for the recall. Oregon adopted June 1, 1908, by 58,381 to 31,002, under an initiative petition, an amendment to her Constitution whereby she becomes the first State to render every public officer subject to the recall by the voters of the State or of the electoral district from which he is chosen. In Washington

under a law passed March 21, 1903, a petition of 15 per cent of the voters asking the adoption of a specified charter amendment, within the realm of local affairs, causes it to be submitted at the next municipal election. A charter amendment was thus initiated in Seattle and adopted March 3, 1908, by 11,493 to 6,063, providing for the referendum and the initiative to go to the next regular election. The recall was adopted at the city election March 5, 1906, by 9,312 to 1,265. Everett adopted a city charter November 26, 1907, containing the initiative, referendum and recall, by a vote of 2,287 to 389. Spokane has a provision for a 15 per cent referendum. Denver under the home rule provisions of the Colorado constitution, elected its Board of Freeholders and ratified the proposed charter March 29, 1904. A 25 per cent petition is required for either the initiative or the referendum, and all franchises must be submitted to the vote of the qualified tax-paying voters and the expense of such submission paid in advance by the applicant.

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The initiative and referendum has been given a great impetus through another movement which has aimed by establishing a Commission form of government to lessen inefficiency, waste and corruption through concentrating power and responsibility upon a small body of men. The Commission system was first authorized for Galveston in a charter granted by the Texas legislature in 1901. The example of Galveston was followed by other cities in Texas. Houston in 1905, and El Paso, Fort Worth and Dallas in 1907, obtained charters for a commission government, and Waco voted for it this spring. San Antonio in a new charter of 1903 provides for a referendum to apply only to franchises and suspending the operation of the ordinance until it has been ratified by a majority of all voters. So do Houston and El Paso. Fort Worth provides a referendum and also a recall. Grenville and Denison in their 1907 charters for a council of a mayor and two aldermen provide, the one for a referendum on franchises and the other for a recall. Dallas allows an initiative and a referendum on franchises and has a 35 per cent recall.

The final form by which the Commission plan of government is at the present time being generally combined with direct legislation, and often with the recall of the Los Angeles type, has been made prominent by Des Moines. By a law passed March 29, 1907, Iowa permits all cities in the State with a population exceeding 25,000 to adopt by a popular vote a charter which is set forth in the act.

Des Moines adopted this charter June 20, 1907, by 6,044 to 4,143, and it went into effect the following March. The initiative requires a 10 per cent petition for the general election and 25 per

cent for a special election. The referendum may be demanded, and the recall is allowed. At the election November 3, 1908, there were three referendums voted on and carried by decisive majorities. An interesting incident was the voting of the women on these questions in accordance with the terms of the charter.

Cedar Rapids is the second city in Iowa to adopt a similar charter which went into effect April 8, 1908; and according to the mayor has been universally satisfactory. But Sioux City voted against the acceptance of a commission charter, 567 to 533.

South Dakota passed an act in 1907 very similar to the one in Iowa. Cities are allowed to adopt the "commission form" charter at special elections held under an initiative petition. Both the initiative and the referendum are brought into use, as is the recall. Sioux Falls voted September 29, 1908, by 857 to 353, to incorporate under this charter. Lewiston was given a new charter by the Idaho legislature, March 13, 1907, providing for a mayor and six councillors elected at large. The initiative, the referendum and the recall are provided for.

Kansas passed an act March 2, 1907, for a commission form of municipal government and permitting all cities of the first class to adopt it by a majority vote at a special election. A referendum is authorized on franchise ordinances. Leavenworth adopted the act early in the year but Topeka and Wichita have rejected it.

In conservative Massachusetts two cities have blazed the way to direct legislation in the charters which they have just adopted. Haverhill was the first to accept the new law, by a vote of 3,066 to 2,242, at a special election October 6, 1908, following the model of Des Moines exactly in respect of the initiative, the referendum, and the recall. Gloucester accepted, on November 3, 1908, by 1,762 to 1,400. The referendum and the initiative, but not the recall, are authorized.

Kansas City elected a Board of Freeholders under the home rule provisions of the Missouri constitution and adopted the charter prepared by them at a special election August 4, 1908, by a vote of 14,069 to 5,219. The recall which was submitted as a separate proposition was lost, not receiving the necessary four-sevenths of the total vote, the figures being 4,099 to 2,724. All franchises are subject to referendum, and an initiative petition can cause amendments to the charter to be submitted to a general or special election.

North Dakota and Mississippi are other States that in 1907 provided for a popular initiative to call for special elections to act on the question of adopting commission government charters in cities. Wisconsin authorizes the same popular initiative. Other cities are now considering the adoption of direct legislation under new charters,

among them being Milwaukee, Wis., Berkeley, Cal., and St. Joseph, Mo.

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No instance is recorded of any city rejecting Direct Legislation after having once adopted it and tried it, nor of any unfavorable popular vote specifically upon the question of establishing it.

Experience shows that neither the initiative, the referendum or the recall is abused by an excessive number of petitions.

Nearly every form or combination of forms in municipal government has been tried and hitherto has been more or less of a failure. Two fundamental difficulties have been experienced. The masses of the voters have been unfortunately divided by allegiance to and consideration of national or State partisan organizations; the influential and propertied classes have too often had financial interests at stake in the quasi-public service corporations, which have prevented them from considering municipal questions with an eye solely to the general welfare of a community. Direct legislation is of immense gain in concentrating the attention of the voters upon measures and not men. Partisan considerations can no longer dominate. Instances are numerous where party candidates have won, but the measures they advocated or had passed have been defeated.

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DOMESTIC HARMONY.

From "Hashimura Togo's" Letter on "Will Hon. So. Dakota be a Blissful Married State?" in Collier's Weekly of January 9.

Mr. Editor, I am reminded of a mothological legend. In awful old-fashioned date of Japan famous poeter Obi Obi were a-wandering through crying-willow grove endeavoring to try & think up a good poem to write for a magazine. While full of ponders of suddenly he seen a Willy Sparrow dancing mongst twiggly branches like he was suffering from huj jokes. Often & at times them maudly bird laugh "Ha-ha!" and do a kick & six comick capers. So Obi Obi, famous poeter, he tune his Japanese Jews harp and enquire with rhymes:

"Dilly-darrow, Willy Sparrow,
Why you do such dance & caper
Like a crazy piece of paper,
Chirping, cheeping, shrieking, peeping
With a piggly motion giggly
On that wriggly willow twiggly?"

And that dafty Willy Sparrow, who also had talant, make laughing teardrop & reply:

"Tabby-toby, Obi Obi,
Thus I flutter, flatter, caper
Since my Wife I did escape her
From her scratching feather-snatching—
Hence my piggly anticks wiggly
On this wriggly willow twiggly."