

duty of your honorable body to provide for the necessary mandatory referendum under the Mueller law. Similar instructions having been given to me as mayor, both by advisory referendum and the circumstances of my election, I have no doubt of my own duty to do all in my power to accomplish that result. I therefore advise your honorable body to proceed without further delay to establish municipal ownership of the traction service under and pursuant to the Mueller law. To facilitate your action in this respect I submit to your consideration the accompanying draft of the ordinance which has been prepared under my direction by the special traction counsel of the city. As I am advised and believe, this ordinance lays the proper legal basis for a complete, speedy and final judicial test of the validity of the Mueller law certificates, by providing in detail and full legal form for acquiring and equipping, under the Mueller law, a first-class municipal street railway system for the entire City of Chicago. While I still believe that pending the necessary proceedings under, and adjudications of, the provisions of the Mueller law, a construction and temporary operating company, properly safeguarded, would be the most effective first step for securing municipal control, I am satisfied that this advantage should not be purchased at the cost of postponing proceedings under the Mueller law indefinitely. Accordingly I hereby recommend that the accompanying proposed ordinance be submitted by your honorable body to the people at the next municipal election, in due form, in accordance with the provisions of the Mueller law.

The council referred the message and proposed ordinance to the committee on local transportation.

Mayor Dunne's message, relative to municipal operation, which followed the other, was as follows:

The Mueller law provides as well for municipal operation of the street car system of Chicago as for municipal ownership. But under that law municipal operation cannot be adopted by the city authorities until it has been authorized by a three-fifths vote of the people on referendum submitted to them by your honorable body. It is important that the will of the people on this phase of the traction question be speedily and authoritatively ascertained. I, therefore, advise the submission by your honorable body to the people at the next municipal election of the question of authorizing the adoption of municipal operation of street cars. Herewith I transmit to you an ordinance for that purpose,

which has been drafted under my direction by counsel for the city. Respectfully submitting it to your good judgment, I advise its prompt passage by your honorable body.

#### Mayor Dunne's movement against gas monopoly.

At the same meeting of the Chicago City Council, at which he submitted his traction recommendations, Mayor Dunne also submitted an ordinance to compel the gas companies to reduce their price to 75 cents per thousand cubic feet. In 1900 the City Council adopted an ordinance fixing the price of gas at 75 cents. A Federal injunction was interposed by proceedings of the gas company, but this was finally dissolved by the Supreme Court of the United States. Meantime, D. O. Mills, of California, brought suit in the Federal Court as a non-resident stockholder against the gas company; and as he procured an injunction, the dissolution of the other injunction did not set the city free to enforce its ordinance. The city administration preceding Mayor Dunne's neglected to press the demands of the city in the Mills suit, and for that reason Judge Grosscup has recently denied the motion of the special counsel for the city appointed by Mayor Dunne, Henry M. Ashton, to compel Mr. Mills to give security for the accumulated excessive charges, now amounting to over \$13,000,000, which gas consumers would be entitled to at once if the Mills injunction were dissolved. While Mr. Mills's suit was pending one of his claims being that the city has no legal power to reduce the price of gas without legislative assent, the legislature of Illinois (pp. 73, 99) passed an act conferring "upon the city of Chicago the power and authority to sell surplus electricity and to fix the rates and charges for the supply of gas and electricity for power, heating and lighting, furnished by any individual, company or corporation, to said city of Chicago and the inhabitants thereof." provided such rates are reasonable and provided the act is adopted by local referendum. At the recent election the act was adopted by local referendum. It was in execution of this authority that Mayor Dunne proposed his 75-cent gas ordinance at the last meeting of the Council.

In his message submitting his draft of this ordinance, he recited the history of the subject and said:

"The Mills suit is now pending. The city is contending that the stockholder, Mills, is in collusion with the gas company. I am advised that the city can establish its contention in this regard and that there is strong probability of the city's being able to maintain the validity of the 75-cent ordinance of 1900. The excess above 75 cents charged by the gas company since January 1, 1901, amounts to more than \$13,700,000. As there are in round numbers 300,000 customers of the gas company in this city it follows that these people are interested to an average amount of \$49.69 each. In view of this enormous sum that the city contends has been collected wrongfully and that must be paid back to the gas users in case the city is successful in the pending litigation, I am advised by counsel for the city that the rights of the people might be seriously jeopardized if your honorable body should take any action which could be interpreted as calling into question the reasonableness of the 75-cent rate fixed by the ordinance of October 15, 1900. From data which I have collected, I find that there are a number of cities in the United States where the cost of material, wages, etc., are as high as in this city, in which artificial gas is being profitably furnished by privately owned companies for 75 cents. Being convinced, as I am, that nothing should be done that would impair the rights of the people under the old ordinance, and that 75 cents is in fact a reasonable rate, as demonstrated from the actual experience of many large cities, I herewith transmit an ordinance for such rate.

This message and ordinance were referred to the committee on gas, oil and electric light.

#### Charter convention for Chicago.

Upon the call of Mayor Dunne, issued on the 10th, pursuant to a resolution of the City Council of June 19 last, a convention to frame a charter for Chicago for recommendation to the Illinois legislature to meet in 1907, is to assemble in Chicago on the 12th of December next.

The movement resulting in this call took shape in 1902. In October of that year a conference composed of delegates from various civic bodies of Chicago assembled to consider the question of revising the State Constitution in order to secure release for Chicago from oppressive Constitu-

tional restrictions, decided in favor of revision by special amendment (vol. v, p. 473) instead of general revision. At the meeting of this body on November 14, 1902, the executive committee accordingly reported an additional section to Article IV. of the Constitution, to be known as Section 34, and Judge Dunne (now Mayor Dunne), one of the delegates, offered as a substitute for the report a provision for home rule and referendum voting, the executive committee having ignored that subject. In consequence of the ensuing discussion, the whole matter was referred back to the committee (vol. v, p. 586). When the committee reported on the 18th its report was adverse to Judge Dunne's substitute, and the substitute was accordingly defeated in the conference, as was an amendment then offered by Judge Dunne authorizing municipal ownership (vol. v, p. 600). At the next meeting of the conference (vol. v, p. 600), the proposed amendment of Article IV. of the Constitution by adding section 34 was adopted and the conference resolved itself into a permanent body for securing its passage and approval by the people. The proposed amendment was introduced into the legislature on the 20th of January, 1903 (vol. v, p. 664); it was adopted by both houses on the 22d of April, of the same year (vol. vi, pp. 40, 457); at the election in the Fall of 1904 it was adopted by the people by a small majority over a negative vote of about 104,000 (vol. vii, pp. 435, 466, 483, 505, 521, 529). Steps were subsequently taken in the legislature for legislation under this amendment (vol. vii, p. 683), and on the 28th of May, 1900, a bill for a Chicago charter convention, partly appointive and partly elective, was passed by the lower house of the legislature (vol. viii, p. 73); but this was subsequently killed (pp. 89, 90).

Having been thus defeated by the legislature (Republican), the subject of a charter convention was taken up by the Republican leader of the Chicago City Council, Milton J. Foreman, who proposed in the Council a charter convention wholly appointive. The Foreman plan was adopted. June 19, 1905, by viva voce vote, after the

following record vote for the previous question on amendments had cut them off:

Yeas—Dixon, Pringle, Foreman, Young, Snow, Bennett, Jones, Moynihan, Uhlir, Beilfuss, Smith, Sitts, McCormick, Reese, Schmidt, Söhmidt, Hahne, Williston, Dunn, Lipps, Siewert, Raymer, Wendling, Burns, Roberts, Badenoch, Eldmann, Bihl, Hunter—Republicans; Maypole, Harkin, Finn, Werno, Heinberg, Carey, Bradley, O'Connell—Democrats; and Potter, independent.

Nays—Rundon—Republican; and Coughlin, Kenna, Richert, Dailey, McCormick (J. J.), Martin, Hunt, Scully, Hoffman, Cullerton, Zimmer, Considine, Riley, Kunz, Nowicki, Dever, Conlon, Brennan, Ryan, Powers, Dougherty, Sullivan, Kohout—Democrats.

The resolution then adopted provided for a charter convention to be constituted as follows:

- Appointments by City Council from their own body (Republican).....15
- Appointments by the presiding officers of the two houses of the legislature jointly from that body (Republican).....15
- Appointments of citizens of Chicago by the Mayor (Democrat).....15
- Appointments of citizens of Chicago by the Governor (Republican)....15
- Appointments by presiding officer of Cook County Commissioners (R.) 2
- Appointments by presiding officer of Sanitary Board (R.)..... 2
- Appointments by presiding officer of Board of Education (R.)..... 2
- Appointments by presiding officer of Library Board (R.)..... 2
- Appointments by presiding officer of South Park Board (R.)..... 2
- Appointments by presiding officer of West Park Board (R.)..... 2
- Appointments by presiding officer of Lincoln Park Board (R.)..... 2

The delegates appointed are as follows:

Council appointees—Milton J. Foreman, Frank I. Bennett, R. R. McCormick, H. F. Eidmann, B. W. Snow, Walter J. Raymer, A. W. Beilfuss, Thomas J. Dixon, Thomas M. Hunter, Charles Werno, Thomas Carey, John Powers, Michael Zimmer, William E. Dever, Joseph Badenoch—Republicans 10, Democrats 6.

Legislative appointees—Francis W. Parker, William M. Brown, Carl Lundberg, Joseph F. Haas, George W. Dixon, R. E. Pendarvis, Walter E. Beebe, John W. Hill, M. L. McKinley, D. E. Shanahan, Chester W. Church, James M. Kittleman, F. E. Erickson, B. F. Clettenberg, Lewis Rinaker—Republicans 14, Democrats 1.

Governor Deneen's appointees—B. A. Eckhart, Carter H. Harrison, George

B. Swift, John P. Wilson, H. A. Haugan, Francis Lackner, Lessing Rosenthal, Walter L. Fisher, Graham Taylor, John G. Shedd, Frank C. Hoyne, Edward C. Young, George W. Perkins, C. E. Merriam, A. H. Revell—Republicans 12, Democrats 2, Labor 1.

Sanitary Board's appointees—William H. Baker, A. J. Jones—Democrat 1, Republican 1.

Board of Education's appointees—C. O. Sethness, R. A. White—Democrats.

County Commissioners' appointees—E. J. Brundage, Edwin K. Walker—Republicans.

Library Board's appointees—Z. P. Brosseau, John W. Eckhart—Democrat 1, Republican 1.

Lincoln Park Board's appointees—Bryan Lathrop, F. H. Gansbergen—Republicans.

South Park Board's appointees—E. J. Rainey, Daniel F. Crilly—Democrat 1, Republican 1.

West Park Board's appointees—John F. Smulski, Judge O. N. Carter—Republicans.

Mayor Dunne's appointees—Judge Murray F. Tuley, John J. Fitzpatrick, Theodore Oehne, John P. McGoorty, John E. Owens, Dr. John Guerin, Daniel L. Cruice, Rev. D. R. Wilkins, C. J. Vopicka, Louis F. Post, J. J. Linehan, Raymond Robins, J. M. Patterson, Joseph A. O'Donnell, A. J. Graham—Democrats, 11, Republican 1, Labor 2, Negro 1.

The Chicago Tribune of the 11th (Republican) reported the convention to be "Republican by a large majority" (p. 466). Only 10 of Mayor Dunne's appointments, together with 3 of the 6 Democrats from the City Council, and one of the Governor's appointees, are distinctly representative of the views in furtherance of which Mayor Dunne was elected. Mayor Dunne's appointments were the last to be made, and when announcing them he said:

I believe the majority of them are favorable to municipal ownership, but I do not know if all are. I made the selections to represent the various classes. The judiciary, the bar, the legislature, the medical profession, the labor unions, the social settlements, the clergy, and the colored people are represented on the delegation I selected.

Upon the formulation of a charter by this convention, it must be submitted to the legislature and whatever charter that body may adopt must be submitted to the people of Chicago on referendum before becoming operative.