

of the company for terminating their use of the streets in the way least inconvenient to the public, and also the amount which the company concedes to be due the city for their past use, together with data upon which that amount is determined. In July, 1905, the president of the Cleveland Electric Railway Co. stated in writing that the company was willing, in consideration of its being allowed to continue the operation of its cars pending the appeal, to pay to the city all that it received from such operation, less operating expenses, taxes, depreciation and 6 per cent. interest on the value of the physical property used. The present situation is that the Cleveland Electric Railway Co. is operating without right on the following streets and parts of streets: East Ninth street, from Prospect avenue to Central avenue; Central avenue, from East Ninth street to East Eighty-third street (Lincoln avenue); Quincy avenue, from Fifty-fifth street (Willson) to Woodhill road (Woodland Hills avenue); East Ninth street, from Superior avenue to Euclid avenue, and from Scovill avenue to Woodland avenue; Michigan avenue, from Ontario street to West Third street; West Sixth street (Bank), from Lake avenue to private right of way; eastern track of the eastern roadway of Monumental square, between Superior avenue and Euclid avenue; Bolivar road and Eagle avenue, S. W., west on East Ninth street. The importance of immediate action of the Council is therefore apparent as each day's continued operation under existing circumstances is a denial of the public right and gives to the Cleveland Electric Railway Co. by sufferance, profits which should accrue to the people.

At the same meeting of the Council at which the public meeting was ordered as stated above, franchises to the Low Fare Company (p. 943) covering the same street territory which has already been granted to the "Threefer" were unanimously ordered. The "Concon" has now attacked the Low Fare Company by injunction, upon the ground that it is organized to evade the injunctions obtained against the "Threefer" upon the basis of Mayor Johnson's alleged financial interest therein. On behalf of the Low Fare Company it is argued that inasmuch as Mayor Johnson has no financial interest whatever in the Low Fare Company the objection is untenable, no matter whether it would be good or not as applied to the "Threefer."

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#### The Traction Struggle in Chicago.

The Chicago traction ordinance (pp. 914, 937), which has been for some months in preparation along the lines of Mayor Dunne's "Werno letter," under the direction of Walter F. Fisher as special counsel in behalf of the city, and a host of New York and Chicago corporation lawyers in behalf of the traction companies, was attacked before the local transportation committee of the City Council on the 3rd upon charges of bad faith in its construction. The attack was made by D. K. Tone, as counsel for the Chicago Federation of Labor, the Referendum League and the Municipal Ownership Delegate Convention. Mr. Tone criticized the ordinance in many particulars. One of his important disclosures was the fact that as the ordinance stands the City Railway Company, to which the South Side grant is to be made and which is authorized to go into the North Side if the North Side company refuses proffered terms, has no power under its charter to operate on the North Side and that under the constitution its charter cannot be amended. To overcome this difficulty a company called the "City Rail-

road Company" has since been organized to perform such obligations as the City Railway Company accepts, but may have no corporate authority to perform. Another of Mr. Tone's objections was to the effect that the companies to whom the franchises are to be granted are not limited in their expenditures for rehabilitation, and that consequently they may spend in excess of \$75,000,000. This would make it impossible for the city to buy, because \$75,000,000 is the limit of the Mueller certificates that have been authorized. Among Mr. Tone's other points were these: That the ordinance is not a license but a franchise in perpetuity unless terminated by purchase at exorbitant figures; that if the Mueller law should be overruled by the courts after the passage of the ordinance it will be impossible to terminate the franchise; and that it obligates the city to pay in the event of purchase, millions of dollars for useless property and expired or expiring franchises. It was argued also that in still other respects the ordinance fails to conform to the "Werno letter." Since this attack, amendments have been discussed, but no further action has been taken by the transportation committee.

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In view of these objections to the ordinance, and also of his campaign pledges and those of the aldermen, Mayor Dunne submitted the following message to the City Council on the 7th:

Ordinances are now under consideration by your committee on local transportation which aim at a complete settlement of the street railway question. They, therefore, fall within the description of the Foreman resolution of your body of Oct. 16, 1905, which received the almost unanimous approval of the Chicago newspapers at that time and was adopted by the Council by a vote of 63 to 0. This resolution declared it to be "the sense of the Council that the procedure in dealing with any ordinance or ordinances for the settlement of the Chicago street railway question" should provide for a referendum. To that course of procedure I therefore submit that your honorable body is pledged with reference to the pending ordinances for the settlement of said question. Many of your members are likewise pledged by the political platform upon which you were elected. And as Mayor I also am pledged to the same effect, as was my opponent at the last mayoralty election. In addition to these obligations of honor it behooves us all as trustees of the people to proceed with caution in this matter, for the ordinances in question are not yet in proper form to effectuate the purposes of the "Werno letter," and objections have been raised to them in their present form, which, if valid and not corrected, might operate to confer unwarranted and unintended franchise rights upon the traction companies. For these reasons and in order that the said ordinances may not be adopted without public scrutiny and approval, and also in order that the people may be fully assured of opportunity for such scrutiny and approval, I respectfully recommend that your honorable body readopt the aforesaid Foreman resolution of Oct. 16, 1905, as follows:

"Resolved, That it is the sense of this Council that the procedure in dealing with any ordinance or ordinances for the settlement of the Chicago street railway question shall be as follows: The ordinance or ordinances shall be framed up for passage and voted on in committee of the whole without final action by the City Council. Thereupon such ordinance or ordinances as shall receive a majority of votes taken by roll call in the committee of the whole shall be published, and the City Council shall take steps to have the question whether it or they

shall be passed by the City Council placed on the ballot to be voted on by the people. The form of the proposition or propositions to be placed on the ballot shall be formulated by the committee on local transportation and approved by the City Council. The City Council pledges itself not to pass any ordinance or ordinances that shall not receive a majority of the votes cast by the people upon the proposition or propositions. Provided, however, that before any such ordinance is submitted to the people for their approval or disapproval it and all ordinances purporting to grant franchises, proposed on or about the same time, shall first be submitted to the grantees named in such ordinance for the purpose of ascertaining whether or not said grantees will accept such ordinances if favorably acted on by the people. The answer of said grantees to be made in writing within a time certain. Only one proposition shall be submitted to the voters on any one ordinance that may be recommended for passage to the City Council by the committee on local transportation, and the City Council hereby pledges itself not to recommend the submission of any proposition or propositions other than those herein provided for."

Alderman Dever moved the readoption of the foregoing resolution, in accordance with Mayor Dunne's recommendation, and it was defeated by 40 to 26.

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Upon the refusal of the Council to guarantee a referendum, Mayor Dunne issued an address to the people on the 8th, published in the morning papers of the 9th, in which he called for a referendum and indicated dissatisfaction with the ordinance as it stands. In this address Mayor Dunne said:

To the Citizens of Chicago: Certain ordinances are now under consideration by the committee on local transportation of the City Council, which, if passed by the City Council, will effect a final settlement of the traction question which has engrossed the attention of the public of this city for ten years last past. Many objections have been urged against the passage of these ordinances, some of them of serious character. A decided divergence of public sentiment has developed as to the advisability or inadvisability of passing these ordinances. When I was seeking your suffrages as candidate for Mayor I solemnly pledged myself as follows: "No ordinance of any kind bearing upon the matter of street railroads other than a temporary arrangement will escape my veto, unless provision is made for the right of the people to approve or disapprove of the same by referendum." My opponent, Mr. Harlan, pledged himself emphatically in the following language: "I now declare that if elected Mayor of Chicago I shall veto any proposed solution of this problem (the traction problem) that shall not have been previously approved by the referendum vote of the people." The Republican municipal platform of 1905, upon which Mr. Harlan pledged himself and the aldermanic candidates running upon his ticket, is in the following language: "It is our settled conviction that no ordinance for the solution of the street railway problem should be placed upon its final passage until ample opportunity shall have been afforded for a referendum under the public opinion law. If disapproved by the people, such ordinance should not be passed, for this particular matter is of such general interest and of such vital importance to the people that no solution should be adopted of which the people disapprove." After my election the City Council of the City of Chicago, upon the motion of Alderman Foreman, pledged itself unanimously on Oct. 16, 1905, as follows: [Here the resolution of the Council set out at length in the Mayor's message quoted above, is reproduced.] The foregoing resolution unanimously adopted by the City Council on that date voiced the almost unanimous sen-

timent of the citizens of Chicago and was approved by most of the newspapers of Chicago.

In view of these solemn pledges made by myself and my opponent, when candidates before the people for the office with which you have honored me, and by the City Council unanimously, I have believed and still believe it incumbent upon me as your Mayor, and as a private citizen who desires to retain your respect as a man of honor, to give the registered voters of this city an opportunity to express themselves at the ballot box upon the question as to whether or not the ordinances now under consideration by the committee on local transportation should be passed by the City Council. In this belief, and for the purpose of obtaining joint action by the City Council and myself in securing a referendum vote of the people upon the proposed ordinance, I submitted a message on Jan. 7, 1907, to the Council asking that body to repass the resolution known as the Foreman resolution of Oct. 16, 1905. A motion to suspend the rules for the purpose of placing this resolution upon its passage, was made by Alderman Dever and seconded by Alderman Flinn, but was defeated by a vote of 40 to 26. Nothing is left for me to do now but to appeal to the people to assist me in getting up a popular petition for a referendum to be addressed to the Board of Election Commissioners of this city.

The only legal method of giving the voters of Chicago that opportunity to express their views upon this most important question which may involve \$100,000,000 worth of property and the people's transportation for the next twenty years is by the presentation to the Board of Election Commissioners before Feb. 1, 1907, of a petition signed by 25 per cent. of the registered voters of this city, asking them to place upon the ballot at the election to be held upon April 2, 1907, the question as to whether or not the aforementioned ordinances as now framed or as hereafter amended should be passed by the City Council.

I am solemnly bound to give the voters of Chicago an opportunity to express their approval or disapproval of these proposed ordinances. Either private citizens, organizations or newspapers, or, in case of the failure of these, I, as Mayor of Chicago, in consequence of my pledge to the people, will prepare and distribute among the registered voters of this city a petition to the Board of Election Commissioners asking them under the public policy act of this State to place upon the ballot which will be presented to the voters of this city at the election to be held April 2, 1907, the question as to whether or not the ordinances now under consideration by the committee on local transportation, either as now framed or as hereafter amended and recommended to the City Council, should be passed by that body.

I respectfully urge my fellow citizens, irrespective of party, to sign this petition. The ordinance as now drafted or as hereafter amended and the other ordinance or ordinances to be drafted may be good or bad. In my judgment they cannot be finally agreed upon and recommended to the council until late in the month of January, too late for a referendum petition to be gotten up after their completion in compliance with the law. A referendum petition signed by 25 per cent. of the registered voters of the city must be filed in the office of the election commissioners on or before Feb. 1, 1907. To insure the filing of such a petition, which is the only way of enabling the citizens of Chicago to vote upon the question, action must be taken at once. One, if not more, serious defects which may not be remedied within the time allowed by law for the legal referendum have been disclosed in the ordinance within the last few days, and amendments to the same are absolutely necessary to guard the public interests. Some time during the month of February the Supreme Court of the State will, in all probability, decide the case involving the legality of the Mueller law and the Mueller certificates,

now pending before it. That decision will undoubtedly define the proper method of proceeding to acquire municipal ownership under the Mueller law. After that decision has been rendered the people will be in a position to vote more intelligently on any proposed settlement ordinance. I have heretofore stated that I was opposed to any settlement of the traction question without a referendum to the people. Nothing has transpired during the last two years to change my attitude on that question. On the contrary, I am more than ever convinced that any final settlement before final adoption should be submitted to the voters for their approval, especially in view of their emphatic declarations in the past upon the question of granting any franchises covering public utilities to private corporations.

The fact that certain newspapers, which have in the past steadfastly opposed all steps toward municipalization of the street car system, are now urging precipitous haste in closing with the traction companies is not reassuring.

Therefore, impelled by a sense of public duty which I owe to the people of this city, I will assist in the preparation of and sign a petition for a referendum vote at the next April election, and I earnestly urge my fellow citizens to sign such a petition so that between Feb. 1, the last day upon which under the law a petition can be filed, and April 2, 1907, the day of the election, a full and free discussion of the proposed ordinances as finally formulated can be had before the public, which is vitally interested therein. If the ordinances as finally drafted prove to be for the best interests of the public, they should be approved by the people. If they do not safeguard and protect the public interests, they should be defeated at the polls.

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#### **An Investigation of Harriman.**

An investigation into the Harriman system of railroads was begun at New York on the 4th by the Interstate Commerce Commission, which is reported as revealing Mr. Harriman as a greater power in railroad affairs than he has been suspected of being. He appears to have unlimited authority to pledge the assets of the roads he controls, and to have used it for temporary purchases of railroad stocks for the purpose of combining and consolidating vast railroad systems. The investigation is still proceeding, the Commission having begun sessions at Chicago on the 9th.

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#### **Inauguration of Governor Hughes.**

Governor Hughes of New York sent a notable message to the legislature at Albany on the 2nd. The message is a long one and deals with many subjects, most of them of local importance but nearly all of them of general interest. The principal recommendations of the latter kind relate to the Hearst-McClellan mayoralty contest, to election ballots, to preservation of public water rights, and to public utilities regulation. As to public water rights, he recommended that they be preserved and insistently held for the benefit of all the people. On the subject of the ballot, he recommended the abolition of the party column. On the Hearst-McClellan election his recommendation is that "immediate provision be made for a recount of the votes cast for mayor at the municipal election in New York city in 1905." "The matter is not one," declares Governor Hughes, "into which any considerations with respect to persons or expediency should be allowed to enter.

If upon a recount it is found that the present incumbent of the office received a plurality of the votes, he will be confirmed in his title and the claims which have been vehemently asserted against it will be conclusively answered. If, on the other hand, his opponent was elected he should be seated."

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#### **The Hearst-McClellan Contest.**

In harmony with the recommendation of Governor Hughes in his message to the legislature (p. 898), a quo warranto suit was brought by the Attorney General of New York on the 7th to oust Mayor McClellan from office on the ground that at the election in 1905 (vol. viii, p. 508) McClellan was counted in and Hearst was counted out. In aid of these proceedings an order was obtained of a Supreme Court judge on the 7th, by the Attorney General, for the seizure of the boxes containing the ballots of the mayoralty election of 1905, and on the 8th a raid was made upon the various warehouses where the ballot boxes were stored. By noon possession was obtained of nearly all the boxes, except some in the Bronx and Queens county. The boxes or the rooms were sealed.

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#### **John W. Bengough an Alderman.**

At the municipal election in Toronto on the 1st, John W. Bengough, who is well known throughout Canada as a lecturer and cartoonist and in the United States as well as in Canada as a Single Taxer, and who for five years has been the cartoonist of The Public, was elected to the Board of Aldermen. At the election last year, at which Mr. Bengough was a candidate for the same office, he was defeated.

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#### **Large Socialist Vote in Toronto.**

An unexpectedly large vote was polled at the Toronto election on the 1st for the Socialist candidate for mayor. Mayor Coatsworth was re-elected by 13,698, but the Socialist candidate, Mr. Lindala, came next with 8,286. The surprise at this may be inferred from the following from the Toronto Globe of the 2nd:

That an unknown Socialist tailor of foreign birth should poll over eight thousand votes for the Mayoralty of Toronto against a barrister of irreproachable personal character, who at one time represented his native city in Parliament, and last year defeated Mr. F. S. Spence for the Mayoralty, proves how utterly repugnant to the citizens has been the jellyfish administration of the past year.

This unexpected vote for the Socialist candidate is reported to have resulted not from a sudden growth of Socialist sentiment, but in response to a feeling which was expressed as follows in the Toronto Tribune of the 29th:

The mayoralty is a foregone conclusion. Mr. Coatsworth is sure to be elected, therefore we might as well have a little fun at his expense. Wouldn't it be a good idea for readers of the Tribune each to pick out and vote for one of the other candidates? It would be good practice in independent voting, and help to get labor men out of the habit of following submissively in the tracks of the two old party organizations. If the vote for the other candidates was at all substantial it would be a useful hint to some people.

It is to be said, however, that the candidate who