

Mayor Brogden Answers Swartz

New Charter a Direct Strike at Representative Government. Shows Business Methods of Durham to Be Better Than Commission Governed Towns. Good Government a Matter of Selecting Good Men, Not a Matter of Charter.

March 9, 1915.

Mr. Sam Swartz, Durham, N. C.
Dear Sir—Your letter of recent date addressed to me as mayor, desiring to know my views upon the subject of the new charter for the City of Durham has been called to my attention.

I am not certain that you have a right as a citizen to demand or request of a public official an expression of opinion in regard to a matter not involving official conduct. The advantage or disadvantage of the new charter is a question for the individual voted to decide himself, by the free exercise of his own intelligence and judgment.

Assuming, however, that your letter was written in good faith, I shall undertake to give you the results of such investigation as I have had an opportunity to make since your communication was published.

In order that there may be no misunderstanding, I desire to say that I am not a candidate for mayor and will not become a candidate whether the new charter is adopted or not. The paramount question in this campaign is whether the present charter of the city of Durham is sufficient for our needs or whether we should adopt a new charter. A charter is simply a grant or delegation of power. In itself it has no life, no motion, and can do no work. It is a piece of paper. Changing of a charter, or abolishing one and placing another in its stead will not work a miracle. The adoption of a new charter will not in itself make inefficient men efficient; nor create revenue out of nothing, nor cause streets and sidewalks and parks and play grounds to grow in our midst like the grass of the fields. These things are not born of a charter, but are born of the earnings, economy, patriotism and intelligence of the whole people.

Many of our citizens desire a change. They feel that there should be a new order of things in Durham. In most instances this is due to a lack of confidence in the ability or integrity of some individual or individuals or is based upon disconnected incidents. A verdict and judgment upon unrelated facts or occasional errors or even upon individual blunders is usually an unfair verdict and an unjust judgment. Certainly no man would vote to abolish banks and banking systems on account of a few failures; no reasonable man would vote to abolish mercantile enterprises or credit systems simply because a few individuals engaged in the business failed or defrauded their creditors; no reasonable man would vote to abolish the churches because certain individuals or sets of individuals did not measure up to his personal standard of piety or right conduct.

Now why should the present charter of the city of Durham be abolished?

The answer usually given is that the present charter should be abolished because the "system" is wrong. The friends of the new charter say that they have no grievance against any individual officer or employe but that the "system" is "depraved above all things and desperately wicked." What is this "system" that is guilty of so many crimes and misdemeanors? It is known as the "aldermanic system." The "aldermanic system" is that system by which the people, through their chosen representatives administer the functions of government. The primary unit of local government is the precinct. In the state it is the county and in the nation it is the state. The county administrators its affairs through the chosen representatives of the people and likewise the same rule applies to state and nation. "The aldermanic system" is, in short, the "representative system" and upon this the whole fabric of American civilization rests. It is the same "system" that received its baptism of fire at Bunker Hill and its "baptism of freedom" at Yorktown. It is the same "system" that Hancock and Jefferson and Washington and Franklin and Monroe wrought into the constitution of the United States and forever made it the glory of our American republic. When did this "system" first go wrong? How long has it been worn out and dead and who first discovered its corpse?

One of the fundamental doctrines of the representative system is that each unit of government should have a voice in order to keep the government close to the people. There are eight units or precincts in the city of Durham. Is there any good reason why any of these units should be

ignored or denied representation? Certain men have frequently introduced bills in the congress of the United States providing for the reduction of representation in some of the southern states. These bills have always kindled the fires of protest and so effective has been the opposition that their promoters have been unable to succeed; and yet the new charter will reduce representation fifty per cent.

But I apprehend that the champions of the new charter do not really mean what they say when they assert that the "system" is wrong and out-worn. I am sure that the majority of them do not mean to attack the principle of representative government because the new charter provides an "aldermanic system" of government. The "aldermanic system" cannot be bad, wasteful and inefficient under the present charter and be good, economic and efficient under the same kind of charter just because it has the prefix "NEW" and is cut by the fashion plate of Dayton or Morganton or Raleigh.

Doubtless the friends of the new charter mean that the affairs of the city are not properly administered. If this is true, then the question resolves itself into a question of the right kind of men, and therefore, the adoption of a new charter is not even an issue, but the election of competent men is and always should be the chief issue. If there is anything wrong in Durham it cannot be corrected by a charter. It must be corrected by men. In this aspect of the case we are running up steam for a campaign and are about ready to pull hair over a form rather than a reality, chasing a shadow and losing sight of the real abiding issue.

But there is another argument that I wish to call to your attention. It has been suggested that money has been wasted and that the administration of public affairs in this city has been inefficient and extravagant. This is a serious charge, and if true, there ought to be a change. However, it must be borne in mind that the present charter of the city has not wasted money or been extravagant; it is simply a meek, unoffending, printed document. Cutting off the head of the charter does not cure this disease and adopting a new charter will not relieve this pain.

Has Durham, then, been a poorly managed city from a business standpoint? If you will call the roll of the men who have served it as aldermen for the past fifteen or twenty years, the list will include a large number of the best business men in this city. I do not believe there is a single one of them that did not honestly desire to do his duty when he was on the board. I do not believe that a single one of them would have countenanced waste or extravagance in public matters. It cannot be said that waste went on and they did not know it or did not have opportunity to discover it. It was their business to know or resign. But you can lay aside the sentimental argument and come down to the cold, hard facts.

The business function of government is two-fold. First gather revenue provided by law. Second, disburse revenue for the public good.

When your letter first appeared, I had not thought very seriously upon the questions involved. I began to investigate. I requested that telegrams be sent to various cities in North Carolina, soliciting information relating to their business proficiency. Some of these telegrams have not been answered, but I will give you the result from answers I have. Now let us examine the facts as to the gathering of revenue. Is Durham reasonably business-like in this particular.

The gross amount of the tax list charged to J. R. Patton for collection for the last fiscal year was \$222,210.79. He failed to collect \$2,257.59. This insolvent list or uncollected taxes for 1910, 1911, 1912, 1913, amounts to \$3,589.31 for the last four fiscal years. Raleigh is a commission government city. During the same four years the uncollected taxes in Raleigh amounted to over forty thousand dollars. But Raleigh has not had commission government for four years. So I will confine the facts to the last fiscal year in all the towns and cities heard from.

Raleigh failed to collect last year \$10,711; Wilmington, \$11,000; Asheville, \$3,119; Greensboro, \$5,900; Hickory, \$1,500; Morganton, \$1,641. Morganton and Hickory are small towns and have city managers; Raleigh, Wilmington and Greensboro

have the commission form of government. Now tell us whether or not there is business efficiency in Durham? If poor old Durham is inefficient in the application of business principles, may the Lord have mercy on the other cities in North Carolina. In other words, we lose about one per cent on bad accounts. Let the business men, the merchants of Durham, say whether or not this is good business or poor business.

Now let us examine the disbursements and consider the second business function of our government. Have we spent money extravagantly? It is a fact that salaries, upon an average, are lower in Durham than in other cities of the same class. Practically 42 per cent of the total revenue of the city is appropriated by law, and this constitutes what is known as fixed charges. This leaves only about 58 per cent of the total revenue that can be spent by the board of aldermen. I cannot undertake to give an analysis of all of these items. You can get all of this information from the budget.

The bulk of the complaint against the board of aldermen centers about the cost of the police and fire departments and the street department. The total cost of police and fire departments for the last fiscal year was \$55,735.27. Hydrant rental amounting to \$10,000 is charged to this department, so the actual cost of these departments was \$45,735.27. During the last fiscal year, Raleigh, Wilmington, Asheville and Greensboro spent on their police and fire departments the sum of \$186,999. The average therefore, in these cities is \$46,749, and Durham, therefore is below the average in this item of cost.

Now let us examine the cost of street construction. We lay bituminous pavement in Durham. I requested the city engineer to examine the records in order to ascertain cost of streets built within the past two years per square yard. The total cost averages \$1.17 per square yard. The total cost without grading averages 74 cents per square yard. At my request he compiles figures from other cities using the same kind of pavement. He shows 99 cities in 24 different states. The average total cost including grading in these 99 cities, \$1.28 per square yard. The average cost of street construction without grading in these 99 cities was \$1.02 per square yard. Curb and gutter is not included in any of these averages as that item is usually fixed. I assume that Mr. Kueffner's figures are correct. This list included Springfield, Mass.; Dubuque, Iowa; Cincinnati, Ohio; Providence, R. I.; Milwaukee, Wis.; Danville, Va.; Union, S. C.; Houston, Texas. Houston has a commission form of government, and the average cost in that city was \$2.07 per square yard as against \$1.17 per square yard in Durham. Who, then, is prepared to say that Durham has wasted money in street construction?

Durham had in cash in bank on June 1, 1914, the sum of \$254,076.26 as a sinking fund to retire her bonded indebtedness and this is more than any other city in North Carolina; Winston-Salem comes second with \$120,000; Charlotte has none, and Raleigh has only \$65,000.

But are any changes necessary? I think so. But I do not mean by that to imply that the new charter is necessary. In May, 1913, I read a communication to the board of aldermen, calling their attention to certain phases of the business end of the government. I said in that article that many people felt that the administration of public affairs was "tedious, cumbersome and local," but that I did not think "this criticism was altogether just." I pointed out some things which I thought would expedite business and diminish cost. On November 17, 1914, I wrote a letter to Capt. S. C. Chambers, which was published a few days ago. The date and heading of the letter was left off and it appeared as addressed, "To the Editor." This error, however, was not made by Capt. Chambers, or even suggested by him. Mr. Connell, of the Morning Herald staff, told me that it was his mistake. If you will read the letter you will find that I favored two changes. First, that one-half of the board should be experienced men. Second, that the board of aldermen should appoint necessary commissioners, managers or heads of departments. PRESCRIBING THEIR DUTIES and fix their compensation.

The new charter provides for two

aldermen for two years and two for four years. This will always insure experienced men on the board. In my opinion this is a wise provision and decidedly the best feature in the whole document. But in my opinion this good feature is outweighed by the fact that representation on the board is cut from eight men to four men or to put it in different language, that 50 per cent of our units of government is denied direct representation.

I believe that the appointment of a city manager would be a wise provision, and yet at the same time, I do not think the adoption of a new charter is necessary to secure this change. There is ample power, in my opinion, in sections 33 and 34 and of the present charter for the board of aldermen to appoint a manager, to prescribe his duties and fix his compensation. The new charter delegates tremendous power to the manager. If he should be a good man, he would use it wisely. If he was a bad man he would use it for selfish ends. And, then, under the new charter a part of the power is delegated to the board of aldermen and the balance to the manager. "No man can serve two masters." The board governs one set of men and the manager governs the others. Two governors in the same jurisdiction, one, likely to create confusion and waste. If matters should go wrong the board would try to hide behind the manager and the manager would say: "The board tempts me and I did eat." "Fixed responsibility" would be an iridescent dream under such conditions. There are 65 men to be appointed to carry on the work of the city, not including, of course, the health board or city schools, or any of the laborers. Is there any good reason why the whole board or a majority of them should concur in the selection of only five of them and the manager, without the concurrence of any person, should be allowed to select and appoint the remaining 63?

There is one argument for the new charter to which I shall refer in conclusion, and that is that "somebody ought to give his entire time to the city." The answer to this is that there are new over 70 men giving their entire time to the city. We have Mr. Lyon, a purchasing agent, giving his entire time to the purchasing of supplies and preparing pay rolls. We have Mr. Christian, chief, and Mr. Cannady as assistant chief of the fire department, giving their entire time to the supervision of this department. Acting Chief of Police Pendergrass, and Sergeants Proctor, Cagle, and Woodall are giving their entire time to the supervision of their department. Mr. Durham and Mr. Kueffner and Mr. Hoppson and Mr. Thompson give their entire time to the supervision of their department. Mr. Still gives his entire time to the inspection of buildings, plumbing and opening of streets. Mr. Holmes gives his entire time to the supervision of the market and Mr. Billings to the cemetery, and Mr. Jernigan to the blacksmith work and repair work of the city, and Mr. Byrd and Mrs. Dixon, Dr. Cheatham and others to the sanitary and health department. Are these men incompetent? If so, they should be removed. It ought not to require the adoption of a new charter in order to correct any inefficiency that may exist in these departments.

My answer to your question, is that I shall stand by the old charter in the present election. It has brought us from a flag station to a city. Under it our tax rate is lower than any other city in North Carolina in the same class, with the possible exception of Winston-Salem. Under it our sinking fund or savings account is larger than any other city in the state. Under it our bonded indebtedness is smaller than any other city in the state, in the same class. Under it we have built more streets out of our current income than any other city in North Carolina. Its resources are not yet exhausted. Under it we can appoint a manager and prescribe his duties. Under it we can have more frequent aldermen, so as to avoid delay in meetings of the board of aldermen and promote the dispatch of business.

I do not think this campaign should be based upon prejudice or upon suggestions of wrong motives. It is a straight, clean-cut issue that ought to be decided upon its merits and by the unclouded intelligence and judgment of all our citizens.

W. J. BROGDEN.

AUTOPSY AND INVESTIGATION INTO DEATH OF COOK, IN NEW HAVEN.



LILLIAN MAY COOK

New Haven, Conn., March 9.—Beside holding an autopsy to determine if there were any reason why Lillian May Cook, of Brooklyn, should have committed suicide, the authorities will conduct a rigid investigation of all phases of the affair, to clear up the mystery which shrouds it. Virginius J. Mayo, president of the Mayo Radiator company, where Miss Cook was employed as stenographer, has refused to say anything further regarding the case unless he is compelled to. So far, the suicide has revealed to the world Mayo's double life for although his wife is living here he has maintained Miss Lois Waterbury, formerly a stenographer in his office, in a private house in Brooklyn where she lives with her two children.

MR. MANN WAS LAID TO REST

Hundreds of Friends Attended the Last Services at West Durham

ARE STILL NO CLUES

Police Are Working on the Same Clues They Had Tuesday Night

The funeral services of the late Burkhead N. Mann were conducted from the West Durham Methodist church yesterday afternoon and the remains of this good man, who was so mysteriously murdered on Monday evening, were laid to rest with the honors of the Masons and the Junior Order.

The church was filled with sorrowing friends of the dead man and his family, and the banks of flowers were mute tokens of regard in which this quiet and unassuming merchant was held.

Rev. J. H. McCracken, a former pastor, offered prayer. Rev. J. A. Dailey, his present pastor, read the scriptural lessons, and Bishop John C. Kilgo spoke the eulogy over the dead body. The bishop said that the quiet man, while not often known, and hardly ever in the limelight, were the real makers of history, if they were not the recorders. He told of the fine character of Mr. Mann and of his friendship for all people.

NO DEVELOPMENTS. There have been absolutely no developments in the attempts of the police to solve the mystery surrounding the death of Mr. Mann.

Since the night of the murder they have made every effort possible to get hold of a clue that would lead to the discovery of the man or men who struck the fatal blow.

They have followed many clues but most of them have been blind ones, promising little in the beginning, and less as they were worked out. They have made an investigation of every criminal in the city on the night of the murder. They have brought a number of men to the police station and put them through the most rigid examination, but all of this work has been in vain.

The story of the cue stick, carried in yesterday morning's paper, has been greatly magnified, in the mouths and minds of people, till yesterday afternoon it was being talked

A YOUNG MEN'S CHARTER CLUB

Will Be Organized at the Armory on Next Friday Evening

ALL ARE INVITED OUT

About Fifty People Heard Speaking at Dry Bridge Last Night

A letter is being sent out to the younger men of the city calling for a meeting in the armory on Friday evening at 7:30 o'clock at which time a Young Men's Charter club will be organized. A committee composed of Mr. L. S. Sasser, W. G. Sheppard and others have been at work on this proposition for the past few days, and they want every young man in town to come out to this meeting on Friday evening.

Not a few men will vote for their first time in this election, and in a number of other cases this will be the first city election in which the young men have had an opportunity to cast a ballot. These and all other young men of the city are invited to attend this meeting on Friday evening.

In addition to the organization of the club, in which all young men are invited to join, there will be a number of short speeches on the new charter. It will be explained in detail and all of those interested will have an opportunity to ask as many questions as they desire about the proposed new system of government.

HAD GOOD MEETING. The charter meeting which was held at O'Brian's store near the dry bridge on Holloway street was attended by about fifty people last night. The speeches were made by Mr. R. F. Reade and Mr. J. L. Morehead. Mr. Reade is a member of the charter committee and Mr. Morehead is a former alderman of the city.

These gentlemen went into the details of the new charter. They told of what they believed to be the defects in the old charter and explained wherein it was believed the new charter would bring about a better system of government for the city. Mr. Morehead told of the obvious delays that must result in the transaction of the city's business under the present system. He explained why it was that the present form of government caused inefficiency in the disbursing of money. He explained that the city was now facing nearly a million dollar bond issue, \$500,000 for the water works which has already been voted on, \$84,000 for bonding present debt, and \$300,000 for streets, both of which latter propositions are yet to be voted on. Mr. Morehead said that it was best to have this money spent by a smaller body of men under the direction of an expert.

Mr. Reade incidentally referred to the letter of Mayor Brogden's which was printed in a page advertisement in which he came out against the new charter. It was pointed out that the adoption of the new efficient system of tax collection and the other good things of the present government which the mayor praised. But in the disbursement of this money the new charter, dividing the city government into the various departments with a head for each department, who was a part and a parcel of the board of aldermen, who have final and absolute jurisdiction in the disbursement of money, would enable the city to get a hundred cents worth for every dollar that was spent.

MEETING FOR TODAY. Today at 1 o'clock there will be a charter meeting at Tally's store. Mr. Sidney C. Chambers and Mr. T. B. Fuller will talk about the charter at this hour. All people in that section of the town as well as those from other sections are invited to hear these talks. The speeches will be short and to the point.

The meeting place for tonight will be at Sorrell & Stone's store on Alston avenue. Mr. J. A. Giles, Mr. J. H. Southgate and Mr. R. P. Reade will do the speaking at this store tonight. The meeting will begin about 7:30.

daring demands from Berlin. Now I believe that styles will be more conservative when the war is ended and France turns her attention to hats and millinery again."

NOTICE OF ADMINISTRATION.

Having qualified as executor of the last will and testament of the estate of Jane C. Latta, deceased, this is to notify all persons having claims against her estate to present the same to the undersigned at his residence in the county of Durham, or at the office of Fuller & Reade, attorneys-at-law, Durham, N. C., on or before February 26, 1916, or this notice will be pleaded in bar of their recovery. All persons indebted to said estate are requested to make immediate settlement with the undersigned.

This February 25, 1915. J. G. Latta, Executor.

Miss Groth Says War Has Released French Modistes of Domination by German Stylemakers.



MISS CATHERINE D. GROTH. New York, March 2.—Miss Catherine D. Groth has just returned to the United States after spending several months in Paris. "The war will result in more subdued and modest styles, I think," she said. "The French modistes and costumers long have been dominated by the risque and