FILE NO. 146583

Annual Report

OF

Law Department

For 1934.

FILED MAR 29 1935

BY

ADDRESS

H. W. CARROLL

CITY COMPTROLLER AND EX-OFFICIO CITY CLERK

BY C. W. Scott DEPUTY

ACTION OF THE COUNCIL

REFERRED APR 1 1935	TO ON FILE
REFERRED	TO
REPORTED	REPORT ADOPTED
REPORTED	REPORT ADOPTED
REF. FOR ORD.	C. B. ORD.
	DISPOSITION

REPORT OF COMMITTEE

Mr. President:

Your .... *Committee*

to which was referred the within ....

would respectfully report that we have considered the same and respectfully recommend that ....

CHAIRMAN

CHAIRMAN

10M-1-32 L&HCo 53850

ACV:CM 3/22/35

ANNUAL REPORT

OF THE LAW DEPARTMENT OF THE CITY OF SEATTLE

FOR THE YEAR 1934

TO THE MAYOR AND CITY COUNCIL OF THE CITY OF SEATTLE:

Gentlemen:

Pursuant to Section 16, Article XXIV, of the City Charter, I herewith submit the annual report of the Law Department for the year ending December 31st, 1934.

I.

GENERAL STATEMENT OF LITIGATION

1. Tabulation of Cases:

The following is a general tabulation of suits and other proceedings pending in the Superior, Federal and appellate courts and before the Department of Public Works of Washington during the year:

	Pending Dec. 31 1933	Commenced during Year 1934	Ended during Year 1934	Pending Dec. 31 1934
Condemnation Suits	8	8	2	14
Condemnation Suits, Supplementary	0	0	0	0
Damages for Personal Injuries	135	75	74	136
Damages other than Personal Injuries	76	40	27	89
Actions relating to collection of Assessment Rolls.....	0	0	0	0
Injunction Suits	34	14	18	30
Mandamus Proceedings	13	15	13	15
Miscellaneous Proceedings	101	47	47	101
Public Service Proceedings	2	1	0	3
	369	200	181	388

2. Personal Injury Actions:

	Number	Amt. Involved
Pending December 31, 1933	135	$1,411,256.88
Commenced since December 31, 1933 ..	75	864,482.79
Total	210	$2,275,739.67
Tried and concluded since December 31, 1933	74	771,888.90
Actions pending December 31, 1934 ..	136	$1,503,850.77

Of the personal injury actions pending in the department during the year, seventy-four, involving $771,888.90, were tried and finally disposed of. Twenty-seven of these cases resulted in judgments in favor of the City, and in the remaining forty-seven cases there were recoveries aggregating $51,966.89, which is six and six-tenths per cent. of the aggregate damages claimed.

Of the seventy-five personal injury actions begun during the year, forty-one, involving $474,652.89 are based on alleged accidents occurring in connection with the operation of the municipal street railway system.

3. Damages other than Personal Injuries:

	Number	Amt. Involved
Pending December 31, 1933	76	$ 232,705.06
Commenced since December 31, 1933 .	40	228,596.12
Total	116	$ 461,301.18
Tried and concluded since December 31, 1933	27	38,912.16
Pending December 31, 1934	89	$ 422,389.02

Of the total of one hundred sixteen cases involving damages other than personal injuries, twenty-seven cases, involving $38,912.16, were disposed of during the year. In fourteen cases there were judgments entered in favor of the City; in the remaining thirteen cases, judgments were entered against the City in the aggregate amount of $4,692.37.

4. Miscellaneous Cases:

Five actions were commenced against police officers for $52,078.20 for false arrest. In these actions this department was authorized by ordinance to defend said officers.

Twenty-four cases were filed seeking to foreclose mortgages and the City was compelled to answer in many cases in order to protect its liens upon the property involved.

Of forty-seven miscellaneous cases tried, forty-one were won by the department.

Three hearings were conducted by the department before the Civil Service Commission, in all of which decisions were rendered by the Commission sustaining dismissal of the employees from service.

Two Hundred forty-two actions were commenced for the Lighting Department, involving unpaid light and power bills. Judgments in favor of the City, including costs, amounted to $15,508.66. In addition thereto, the collection of a considerable number of past due accounts was effected without litigation by means of writing letters advising the various users of electric current that their accounts had been turned over to this department for collection, or that the removal of merchandise purchased on conditional sale from the City and out of the jurisdiction of the court rendered them liable to both civil and criminal actions. The handling of this work of the Lighting Department requires about eighty per cent. of the time of one Assistant in this department. Two hundred three garnishments were answered.

This department has commenced, pursuant to ordinance, numerous actions for the abatement of buildings on private property, on the ground that they are public nuisances. These cases are becoming increasingly numerous, and while quite effective, consume a great amount of time and considerable funds.

Tabulation 1 shows that the volume of pending trial work has increased from 369 cases pending December 31, 1933, to 388 pending December 31, 1934. Eminent Domain (condemnation) litigation shows a substantial increase. The disposal of pending litigation, particularly tort actions, was again impeded during 1934 by the congested condition of the Superior Court trial calendar and the cutting down of jury terms to two weeks each month. Despite this, 181 cases were completed during 1934.

OUTSTANDING CITY CASES DECIDED DURING 1934

TAXATION

The Supreme Court of the United States early in 1934 decided favorably to the City the cases of Pacific Telephone & Telegraph Company v. Seattle (291 U. S. 300, 78 L. ed. 810), Puget Sound Power and Light Company v. Seattle (291 U. S. 619, 78 L. ed. 1025), and Seattle Gas Company v. Seattle (291 U. S. 638, 78 L. ed. 1037). Said cases were, at least from the standpoint of revenue accruing to the City as the result of the decisions therein, outstanding in the history of this department.

All three cases involved the validity of Ordinance No. 62662 (Occupation Tax Ordinance), which levied upon said utilities an excise tax measured by the gross income from business done in the City. Said cases are referred to in the 1933 Annual Report as pending in the Supreme Court of the United States.

The Telephone Company case, decided February 5, 1934, was appealed by the Company on the sole ground that the measure of the tax established by the ordinance was so vague and indefinite as to infringe the due process clause of the 14th Amendment to the Constitution of the United States as applied to a foreign telephone corporation deriving income from both interstate and intrastate business

carried on within and without the City. The court held that the measure of the tax set forth in the ordinance is reasonably clear, at least to the extent that the definition gives the taxpayer an opportunity to comply.

The Power Company case, decided March 19, 1934, involved many unique constitutional questions. A majority of the court unqualifiedly supported our contention that the Power Company is not deprived of the equal protection of the laws nor its property taken without due process by said Occupation Tax Ordinance which subjects it to a license or excise tax based on gross income, even though the Company's contention that the City has not or can not tax its own competing business was sustained. The court further denied the Power Company's contention that the Company's possession of a franchise to do business in the City in any way exempted it from taxation. A special concurring opinion by Justices Van Devanter, McReynolds, Sutherland and Butler, is rested on a somewhat different ground, to-wit: The fact that the Occupation Tax Ordinance (Sec. 6) provides that the tax "shall, so far as permitted by law, be applicable" to the City's proprietary business of selling electric energy.

The Gas Company case, decided on the same day, involved the same questions as were involved in the Power Company case and is governed by the decision in that case. The practical result of said decisions was that the City during 1934 collected some $700,000 in back taxes, and has, since the decision, collected a like amount in current taxes. Such collections enabled the City to balance its 1934 Budget.

The case of Harry D. Austin, et al. v. The City, involving the validity of the above mentioned Occupation Tax Ordinance, in so far as taxes in the amount of $250 per annum on the business of lending money upon various kinds of security is concerned, was decided favorably to the City on March 17, 1934, the case being reported in 176 Wash. 654.

The State Supreme Court denied the appellants' contention that the City unlawfully classified the business of making chattel loans as distinguished from usual commercial banking and other forms of money loaning. The court also decided that a license or excise tax on an occupation does not constitute a debt within the State Constitution (Art. I, Sec. 17) prohibiting imprisonment for debt. Hence, the penalty of imprisonment for non-payment of a City excise tax does not render the ordinance invalid.

As stated in our report for 1933, the City of Seattle under Ordinance No. 63721, in conjunction with the City of Tacoma, commenced a suit in the Superior Court of Thurston County, on July 31, 1933, to enjoin the enforcement against the City of the State occupation or business tax law (Chapter 191, Laws of 1933) which levied an occupation or privilege tax upon the City in respect of its water system, its light and power system and its street railway system. The cities were successful in the lower court but upon appeal the Supreme Court held, as reported in 177 Wash. 604, that the tax imposed was valid and that no ground had been shown for the issuance of an injunction to restrain the collection thereof.

During 1934, the Pacific Telephone and Telegraph Company and the Home Telephone and Telegraph Company of Spokane commenced suits against the State Tax Commission to restrain the enforcement of the law above referred to as applied to telephone companies in this State. The Superior Court of Thurston County issued its temporary injunction against the Tax Commission restraining the collection of any tax. An appeal was taken to the Supreme Court from this temporary order. It was there argued on September 19, 1934, and at the close of the year the matter was pending a reargument en banc. We took part in the proceedings before the Supreme Court, filed briefs and argued as friends of the court in an effort to sustain the validity of the law. This action was taken because we realize that if the State law, which is similar to the provisions of our Occupation Tax Ordinance No.

62662, is held to be in violation of the Federal or State Constitutions, the same ruling might apply to the said Ordinance.

Century Brewing Company, et als. v. The City of Seattle, et al., was an action begun by breweries to enjoin the City from collecting the tax of $2.00 per barrel imposed by Ordinance No. 64111 on distributors of beer. The suit was grounded on the claim that the State Legislature, in enacting the Washington State Liquor Control Act (Chapter 62, Laws Ex. Ses. 1933) had expressly prohibited a municipality from licensing or imposing an excise tax on the sale of intoxicating liquor. The State Liquor Act took effect January 23, 1934.

The trial court (Judge Huneke) held that, without regard to the provisions of the Washington State Liquor Act, the City was without power to impose a license stamp tax on the privilege of engaging in the business of the sale and distribution of beer because, under a Charter amendment submitted to and adopted by the people at the general election in March, 1919, Subd. 32, Sec. 18, Art. IV of the Charter, expressly authorizing the City Council to license, tax and otherwise regulate the sale of intoxicating liquors, was repealed, thereby, according to the decision of the trial court, depriving the City of power to impose any license tax on the business of selling or distributing beer. This holding of the trial court meant that all revenues derived by the City of Seattle from the effective date of the original beer licensing ordinance on April 7, 1933, until the effective date of the Washington State Liquor Control Act, in the amount of approximately $250,000, were illegally exacted. On appeal to the Supreme Court, that court in a decision reported in 177 Wash. 579, reversed the trial court and held that until the effective date of the Washington Liquor Control Act the City was empowered to levy and collect the license taxes imposed by it on the sale and distribution of beer.

State ex rel. City of Seattle and City Treasurer v. King County and King County Treasurer, is a mandamus action brought by the City to require the County to pay the City 15% of the County general road and bridge levy for the years 1931 and 1932, amounting, on October 31, 1934, to the sum of $74,214.69, on property located within the City limits. Although the law in existence prior to the adoption of Chapter 41 of the Laws of 1933 clearly required such money to be paid to the City, it was withheld by the County under the claim that the last mentioned act repealed the general road and bridge fund levy and required all sums collected on prior levies to be paid into a county fund known as the Secondary Highway Fund, created by that act. The trial court (Judge Todd) ruled with the City and directed the issuance of a peremptory writ requiring the County to pay to the City the amount legally due it.

CIVIL SERVICE

Benjamin Allen v. City, 80 Wash. Dec. 57. In this case the Supreme Court, as a matter of first impression, determined that a civil service employee could not hold seniority in two positions at the same time, and further held that Allen was chargeable with knowledge of his rights under the civil service and his action in securing from the Commission application of seniority for the entire period in one position amounted to an election.

State ex rel. Knez. v. City, 176 Wash. 283; Affirmed on rehearing 78 Wash. Dec. 33: In this case the waivers of salary obtained from firemen under the administration of former Mayor Dore were held invalid. The trial court based its decision on the duress exercised in obtaining the waivers, but the Supreme Court held that firemen being public officers the waivers were void on grounds of public policy, and firemen were entitled to the salary rate fixed by Initiative Ordinance No. 46089 in 1924.

State ex rel. Marion F. Jackson v. City, 77 Wash. Dec. 519: Jackson was incumbent of position of Houseman at Firland Sanitorium, Health Department. Upon reduction of force he was dismissed for lack of work and his dismissal sustained by the Civil Service Commission. The duties performed by him were spread among other employees. Although the Commissioner of Health recommended to the Council that the position be abolished it was not abolished by ordinance until the subsequent annual salary ordinance. The Supreme Court held the removal was wrongful and directed reinstatement and payment of back salary in the sum of $1,338.75, which could have been avoided if the Council had acted upon the recommendation of the Commissioner of Health.

ASSESSMENTS

The Aurora Avenue, et al. assessment roll case (Ordinance No. 59719) involving special benefits arising from the extensive north and south approaches and connecting laterals to the George Washington Memorial Bridge, referred to in the 1933 Annual Report, which was decided by the trial court on September 22, 1933, had not been decided by the State Supreme Court at the close of the year 1934. Said appeal involves more than $200,000 in assessments.

MISCELLANEOUS

Closing hours for barber shops

In our last report, we referred to the case of Joseph P. McDermott v. City of Seattle, in the United States District Court for the Western District of Washington, Northern Division, in which McDermott sought to restrain the enforcement of Ordinance No. 63944 providing for the closing of barber shops in this City at 6:00 o'clock P. M. On November 8, 1933 the City's motion to dismiss was denied and a temporary injunction issued. Thereafter, we filed the City's answer and the cause was continued from time to time pending

the decision of the State Supreme Court in the case entitled Patton v. Bellingham, 79 Wash. Dec. 508, which involved similar provisions of an ordinance of the City of Bellingham. At the close of the year the McDermott case was still pending.

City Manager Case

State ex rel. Faris v. Stevenson, et al., Superior Court Cause No. 268666: In said case certain petitioners attempted, under the direct amendment statute (Rem. Rev. Stat., Secs. 8963, et seq.), to present to the voters of the City as a single amendment the incorporation of City-Manager government and the proportional system of voting into the Charter.

This department had previously advised the City Council that the said petition was improper for the reason that it presented at least two separate and distinct amendments to the City Charter, to-wit: The City-Manager amendment and the proportional system of voting amendment.

The trial in the Superior Court commenced Monday, January 8, 1934, and the arguments continued for almost a week. The court on January 16, 1934 entered a memorandum decision that the petition was double and contained two specific Charter amendments, and denied the relators any relief. Judgment was entered the same day and no appeal was taken therefrom to the Supreme Court, thus ending the case.

Emerson Bridge Case

This case was brought to compel the Oregon-Washington and Great Northern Railroads to build an overhead bridge, viaduct and roadway, costing approximately $300,000. The structure extended from the south end of the Ballard Bridge and thence westerly and northwesterly to Gilman Avenue. The case was removed by said railroad companies from the Superior Court to the Federal Court and came up for trial on September 11, 1934. Both railroad companies

interposed a motion to dismiss the case on the ground that the proceeding was one for the specific performance of contracts which is an equitable action and that the City had an adequate remedy at law.

The Federal District Court entered a decree dismissing the action and held that the City had an adequate remedy at law, that is, the City could build the proposed structure and then sue the railroad companies for damages.

The outcome of this litigation was reported to the City Council and referred to the Streets and Sewers Committee to consider what steps it would be advisable for the City to take. The Committee was to hold a conference of all the interested parties to determine whether or not a compromise could be effected so that further litigation might be obviated.

Gravel Pit Cases

The City has operated a gravel pit at Juanita on the Bothell-Kirkland Highway since 1919 and has owned the same since 1924. In the operation of the pit the Streets and Sewers Department dug a six-foot trench in the location of a creek which flowed out of the gravel pit and thereby caused several streams and many wells on six different pieces of property to become dry. The six pieces of property contained an area of approximately twenty-two acres. The owners of said six pieces of property filed claims and suits which were consolidated for trial, wherein they contended that the City diverted an underground stream of water thereby causing their streams, springs and wells to dry up. The City contended that the waters in the gravel pit were what are known as percolating waters, and that as it was making a reasonable use of the gravel pit property there was no liability upon the City. However, the trial court found against the City upon the material issues in the case and entered judgment in the total sum of $11,000 for said six properties.

These consolidated cases have been appealed to the Supreme Court of the State, which has not yet rendered its decision.

Contractors

George Nelson v. City, 80 Wash. Dec. 1: This action arose out of Denny Hill Regrade No. 2, L.I.D. No. 4818, Ordinance No. 55595, as amended by Ordinance No. 55861. The trial in the lower court occupied some six weeks in 1932, but the decision of the Supreme Court was handed down in December, 1934. The general contractor, George Nelson, in addition to his differences with various subcontractors, made claim against the City for various items totaling $63,600.55. His total recovery, including an item of $2215.87 which we at all times conceded, was $13,000.22. One item of $1450.35, which was recovered by Nelson, was a hold-out covering the expense of Inspectors on the scows to insure compliance with the Federal permit for the dumping of dirt into Elliott Bay. Cancellation of the permit was threatened, and to avoid the subsequent loss not only to the contractor but to the City, the City put inspectors on the scows. The court, however, held that the City was required to bear this expense as there was no provision in the contract rendering the contractor liable.

Sunday Closing

Paris v. Smith, et al., 79 Wash. Dec. 136, was an action commenced in the Superior Court to enjoin the Mayor and Chief of Police from enforcing the Sunday closing law ($2494, Rem. Rev. Stat.) with respect to the sale of beer and wine. The City defended against the action on the theory that the law was applicable to the sale of beer and wine. The Honorable Robert M. Jones, the trial judge, ruled with the City and dismissed the action, and on appeal by the plaintiff to the Supreme Court, the Supreme Court affirmed the judgment of the trial court.

State ex rel. Crawford v. Burgunder, Prosecuting Attorney, and the Mayor and Chief of Police of the City of Seattle, was an application made for a writ of mandate to compel the defendants to close and keep closed on each and every Sunday in the City of Seattle and County of King all theatres, moving picture houses, theatrical performances, football games, baseball games, golf courses, billiard and pool halls, ice cream parlors, grocery stores and all similar businesses, and all sports and amusements which employed labor, and to immediately arrest and prosecute all offenders and violators against the Sunday closing law and the City Sunday closing ordinance. An alternative writ of mandate was issued by Honorable Roscoe R. Smith and on the return thereto the defendants demurred to the complaint and moved to quash the alternative writ. Upon a hearing thereon before the Honorable James B. Kinne, the court entered an order sustaining defendants' demurrer, denying the application for a peremptory writ and dismissing the action.

Lotteries

State ex rel. Meneces, et al. v. Smith, Mayor, et als., was an application for a peremptory writ of mandate to require the Mayor and Chief of Police to close and keep closed certain enumerated lotteries which it was alleged were operating in the City in violation of the law. A demurrer to the application was interposed on the theory that the court was without jurisdiction to direct the City officers in the performance of official duties with respect to enforcement of criminal laws. This defense was sustained by the Honorable Malcolm Douglas (January 26, 1935) and the action dismissed.

Strike

Pacific Coast Marine, Firemen's, Oilers', etc. v. Seattle, Charles L. Smith, as Mayor, and G. F. Howard as Chief of Police, was

an action which was the outgrowth of the waterfront strike and by which the plaintiffs sought to enjoin the City, the Mayor and the Chief of Police from interfering with the assemblage of representatives of the Union along the waterfront and performing picket duty. After a hearing before Honorable James B. Kinne on the plaintiff's application for a temporary injunction, and the taking of oral evidence, the court entered an order denying the application for a temporary injunction.

State ex rel. Fallbom v. Smith and Howard, as Mayor and Chief of Police, respectively, was another case which was an outgrowth of the waterfront strike and by it the plaintiffs sought to enjoin the defendants from appointing special policemen and receiving supplies and money for payment of special policemen. An order requiring the defendants to appear and show cause why the relief prayed for should not be granted was issued by the court, to which the defendants made return by way of demurrer and answer. At the request of plaintiffs the hearing was continued several times and was finally dropped, but has never been finally disposed of.

RATE HEARINGS

Gas Rates

In our annual report for 1933, we gave a brief history of the Seattle Gas Company's attempt by the filing of a schedule (x-1) with the Department of Public Works, to increase its rates for gas in the City effective July 1, 1932 for the purpose of recouping the three per cent. (3%) occupation tax imposed upon the Company by Ordinance No. 62662. The City protested the increase. A hearing was had in the fall of 1932 which resulted in an order on January 10, 1933 by the Department of Public Works sustaining the increased rates. On February 1, 1933 the City filed a petition for a rehearing and an alteration of the order of January 10, 1933.

Upon the said petition and upon its own complaint, the Department proceeded to a hearing on October 19, 1933, in which valuation of the Company's property for rate making purposes was examined by the Department in detail. This hearing resulted in findings of fact, opinion and order on February 14, 1934 denying the increase sought by the Company and making other reductions in certain classes of rates, effective February 15, 1934. At the instance of the Gas Company,the Superior Court of Thurston County in Cause No. 15418 reviewed the findings, opinion and order of the Department and on December 14, 1934 entered its judgment reversing and setting aside the order of the Department and remanding the proceedings to the Department for its further consideration in respect of certain items affecting the Company's rate base. Shortly after the first of the year 1935, both the City and the Department filed notice of appeal to the Supreme Court.

Telephone Rates

Pursuant to a complaint filed by the Department of Public Works against the Pacific Telephone and Telegraph Company and the Home Telephone and Telegraph Company of Spokane, questioning the reasonableness of telephone rates and the sufficiency of telephone service in the State of Washington, the Department proceeded to a hearing on September 13, 1934, which continued to September 29, 1934.

At this hearing, the Department's engineers and accountants filed preliminary reports and gave testimony based thereon concerning the Companies' rate base, telephone charges and services. Nearly all of this evidence was taken from the Companies' own books and records. The Department lacked funds with which to conduct a comprehensive engineering and accounting investigation aside from an examination of the books and records.

In compliance with the direction of the City Council, Assistant Corporation Counsel Baumgartner attended said hearing, and a

subsequent hearing, and participated therein. The City Attorneys from several other cities and some members of city councils thereof were in attendance at the opening day but made no subsequent appearance. The Federated Clubs of the North End, a Seattle organization, by and through Mr. Alfred H. Henry, attorney, and Mr. Garrison Babcock, a telephone engineer, filed an appearance and participated as interested parties.

On December 4, 1934, the hearing was again resumed and carried on till December 22, 1934. At these sessions the Telephone Company fully presented its evidence, and in much detail. This department was again present and participated continuously. The Federated Clubs by its representatives was present and participating for a large part of the time.

Further hearings are to be held some time during 1935 commencing upon a day to be fixed by the Department, at which time the Department, if it succeeds in getting a sufficient appropriation from the Legislature for that purpose, will present in evidence the results of its first hand engineering and accounting investigation of the Telephone Company's entire properties, plant and facilities and a thorough study of the Company's rate structure and the adequacy of its services throughout the State. In addition, the Department, upon the request and insistence of this office, will, if, as stated, sufficient funds are made available, make studies of, establish a rate base for and fix rates applicable to, the Seattle exchange area. This Department intends to take part in further hearings. A transcript of the evidence to date was purchased for the use of the City, and paid for in the sum of $813.05, out of our Court Cost item in the 1934 and 1935 budgets. This extra expense we could ill afford.

II.

Statement and Investigation of Damage Claims filed Against the City:

	Number	Amt. Involved
Claims for damage under investigation December 31, 1933	1199	$2,880,800.57
Claims for damages referred to this department for investigation Dec. 31, 1933 to Dec. 31, 1934	1010	2,365,542.21
	2209	$5,246,342.78

Claims Disposed of as follows:

	Number	Amt. Claimed	Amt. Paid
Settled	453	$ 461,953.22	$ 65,338.52
Rejected	729	2,092,584.24	
	1182	2,554,537.46	
Claims pending Dec.31, 1934.	1027	$2,691,805.32	

Eighteen of above settled claims were in suit and settled in conjunction with Claim Agent:

Amount involved $132,769.00

Amount of settlement..... 9,842.00

Number of street railway accident reports from Department of Public Utilities and investigated, Dec. 31, 1933 to Dec. 31, 1934 3906

Number of circulars and letters mailed in connection with the investigation of foregoing claims and reports 7750

III.

WORK OF THE CITY ATTORNEY

1. Prosecutions for Violations of City Ordinances:

During the year the City Attorney disposed of 22,414 cases in the Police Court, resulting in the imposition and collection of fines and forfeitures in the amount of $76,279.80. During the year forty-five appealed cases were tried and disposed of. The results were: 17 acquittals; 16 convictions and 12 pleas of guilty.

IV.

OPINIONS

During the year, in addition to innumerable conferences with City officials concerning municipal affairs, of which no formal record is kept, this department rendered one hundred nineteen written legal opinions upon various questions submitted by the several departments of City government. A material increase in the amount and difficulty of advisory work of the department with a reduced force and drastic salary reductions, constitutes a serious problem.

V.

ORDINANCES, RESOLUTIONS AND BONDS

The members of the City Council and the Mayor have, from time to time, requested this department to prepare, during the period of this report, two hundred sixteen ordinances and resolutions; many of these were of unusual difficulty, involving a great deal of time and research.

During the year, 544 bonds of officials, bidders, contractors, depositaries and others were examined and approved, totaling $3,782,228.00.

VI.

The revival of condemnation cases in connection with the public works program will necessitate the temporary employment of a process server during 1935.

VII.

MISCELLANEOUS MATTERS

1. Charter Amendments:

At the request of the City Council, we prepared seven resolutions submitting charter amendments.

VIII.

Sixteen cases were argued in the State Supreme Court, of which seven were won, seven lost, and two modified in the City's favor.

Three of the most important cases in the history of the department were argued and won by the City in the United States Supreme Court. These have been referred to in detail.

CONCLUSION

The budget allowance for this department for 1934 was $73,896.00, which is by far the lowest figure in fourteen years. The 1920 budget was $107,665.00. By the exercise of the most rigid economy, some $3000.00 of the 1934 budget was saved by the department. Drastic salary decreases running as high as thirty to thirty-five per cent. in this department inaugurated in 1932 were still in effect. In the case of the Assistants, some were reduced to the salary they had received as law clerks several years before. Some fair adjustment of these salaries should, in my opinion, be made as soon as practicable. The department in 1933 lost the services of two Assistants and of the Senior Law Clerk (Miss Morrow) because of these low salaries.

The fact that the department was able to function so effectively as is indicated in this report, in the face of the adverse conditions referred to, is a tribute to the industry, efficiency and loyalty of the personnel.

As hereinbefore pointed out, the volume and complexity of advisory work, ordinances and resolutions increased materially in 1934, and the total number of cases pending at the close of the year was larger than in 1933, illustrating that the work (except condemnation cases) has not lessened during the depression.

Another substantial increase in work has continued by reason of the City's applications for P.W.A. and W.E.R.A. aid in financing public improvements.

The legal problems presented by the business and governmental activities of the City of Seattle are probably not appreciated by those not familiar with the operations of this department. They have multiplied during the depression. The demand for utility rate adjustments; projects for work relief (P. W. A. and W. E. R. A., etc.); legal problems arising out of reduction of force; sometimes unreasonable demand for economy without curtailment of service, and search for a legal basis for raising revenue other than by taxation of property, and the united opposition of privately owned gas, power and telephone utilities to excise taxation by the City, are illustrative of the legal problems mentioned.

Respectfully submitted,

A. C. Van Soelen

A. C. VAN SOELEN,

Corporation Counsel.