

tion. Any other interpretation would not only defeat the avowed object of the framers of the amendment, but would make it wholly meaningless and futile; for the power of the law to restrict public advertising on other than esthetic grounds was already established.

While the state constitution thus explicitly sanctions the **restriction** of unsightly outdoor advertising, it does not sanction its complete prohibition, and restrictive laws cannot go beyond the limits that the supreme court may decide to be reasonable. Moreover, all exercise of the police power by a state is subject to the authority of the constitution of the United States, which forbids taking private property for public use, without just compensation. It follows that before we can know how far we may proceed in bill board restriction under Massachusetts laws, there must be one or more decisions by the United States Supreme Court.

Judging by its action in former similar cases, such for instance as are cited in Bulletin No. 11, the prospect of a liberal ruling is hopeful. Court decisions in this country show a disposition to enlarge the limits of the police power progressively wherever such extensions are in the public interest and supported by public opinion. In this connection the Supreme Court has said (239 U. S. 394, p. 410) "It is to be remembered that we are dealing with one of the most essential powers of government, one that is the least limitable. It may indeed seem harsh in its exercise, usually is on some individual, but the imperative necessity of its existence precludes any limitation upon it when not exercised arbitrarily. There must be progress, and if in its march private interests are in the way, they must yield to the good of the community." The same authority has said in a slightly different connection that regulations of this general character do not constitute an "appropriation of private property, but merely a lessening of value due to a permissible restriction imposed upon its use" (264 U. S. 303) and that the person suffering in this way must be held to be compensated by the general benefit to the community of which he is a member.

#### IV—Present State Regulations for Bill Boards:

Acting under the authority of chapter 93 of the General Laws, the division of highways of the Massachu-

setts department of public works on January 24, 1924, announced a new set of rules for the control and restriction of bill boards, signs and other advertising devices within public view from any highway, public park or reservation. Copies of these rules may be obtained by applying to the Division at the State House. Considerations of economy in the use of language forbid quoting them in full; but their more important parts are given in condensed form as follows:

**Permits**—No advertising device shall be displayed on any property within public view until the consent of the owner or tenant has been obtained and a permit therefor granted by the Division.

(Note—Although it is not so stated in the regulations, we understand that it is the practice of the Division to exempt from this rule, and from all others, those advertising devices specified as exempt from the provisions of section 30 in that section of chapter 93, General Laws; namely, such as advertise only the person or business occupying the premises, or the property itself as for sale or to let. But the law does not exempt such advertisements from the regulations authorized by section 29; and local ordinances and by-laws should therefor specify whatever exemption it is desired to grant such advertisements.)

Applications for permits for locations for outdoor advertising devices shall be made on forms furnished by the Division, which on receipt of an application, will send a copy thereof to the city or town where such device is proposed to be located. Such notices will be addressed to the clerk, the chairman of the Selectmen or other officer designated by the local authorities to receive them. If the city or town objects to the location it shall, within thirty days of the date of the notice, file with the Division its objections, in writing. Thereupon the Division will notify the applicant, who will be allowed ten days from the date of such notice to file reasons why a permit should be granted. The Division will finally decide whether or not to grant the permit, and may or may not give a hearing to the parties before taking final action.

Permits are of two kinds, named respectively "permanent" and "temporary," and fees for each class are prescribed by the rules. So-called permanent permits ex-