

To the Honorable, the President
and Members of the City Council

(continued)

under the police powers of the State, in the public interest, this act in no way violates the limitations of sections 8 and 10 of article I of the Federal Constitution.

"It is true that such military powers as the State of Illinois possesses cannot, under article XII of the Illinois constitution, be delegated to the city of Chicago. City of Chicago v. Chicago League Ball Club, 196 Ill. 54, 62 N.E. 695. The Illinois Civil Defense Act was not enacted under the militia powers of the State, but as an application of the police powers. There is no effort under this statute, by the city of Chicago, to engage in war, or create a militia to put down riots or insurrections. The statute merely authorizes political subdivisions to appropriate and levy taxes to raise a civil defense fund to deal with disasters of war affecting the lives, health and property of the residents of this State. We have already found this statute to be a valid exercise of the police power of the State, and the tax to be for a proper corporate purpose. It is obvious that the State may delegate the police power to properly constituted municipalities in the State. Consumers' Co. v. City of Chicago, 313 Ill. 408, 145 N.E. 144; People ex rel Nelson v. Beu, 403 Ill. 232, 85 N.E.2d 829.

"Section 13 of the Illinois Civil Defense Act of 1951 does not violate any constitutional provisions as charged by the appellant, but is a valid exercise of the police power of the state, its effectuation being properly delegated to the municipalities of this state."

The local Baltimore civil defense organization was established by authority of Sections 232-243 of Article 41 of the Annotated Code of Maryland (1957 Edition). This article provides that the Governor of the State of Maryland is authorized and directed to create a state civil defense agency and that each political subdivision of the State is also authorized and directed to establish local organizations for civil defense. The local civil defense organizations shall be directed by a director and an alternate appointed by the governor upon the recommendation of the mayor or governing body of the local political sub-divisions. Article 41 further provides in section 243 that -

"It shall be the duty of every organization for civil defense established pursuant to this sub-title and of the officers thereof, to execute and enforce such orders, rules and regulations as may be made by the governor under authority of this sub-title."