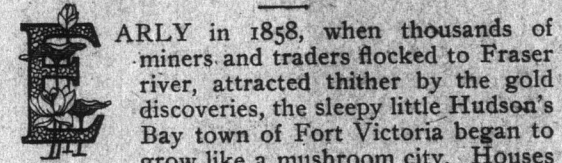


# THE WAY OF THE TRANSGRESSOR

By D. W. Higgins, Author of "The Mystic Spring," etc.

"By the pricking of my thumbs,  
Something wicked this way comes."



ARLY in 1858, when thousands of miners and traders flocked to Fraser river, attracted thither by the gold discoveries, the sleepy little Hudson's Bay town of Fort Victoria began to grow like a mushroom city. Houses and stores were erected by candlelight as well as by daylight, outside the fort palisades, and prices were paid for property in fee and leasehold that would throw the figures now asked for realty far into the shade. Skilled labor was \$10 a day and lumber \$100 a thousand. Provisions were high and the supply was always far behind the demand. Wharf and Yates streets were quickly lined with wooden shacks—in which were piled goods of miscellaneous varieties. The merchants and miners nearly all came from California, and the control of the territory controlled by the Hudson's Bay company became a serious problem, which, however, was soon solved by the wise and just administration of Governor Douglas.

Among the merchants or dealers who erected business shacks here was a small, nervous-looking man, who dealt in shawls, doors and blinds and window-glass. The name, "Wm. Sharon," appeared on a canvas strip that was stretched across the front of the shack, and his wares were displayed in the store. Mr. Sharon did not remain long here. The failure of the mines to produce gold in paying quantities induced him to dispose of his stock in the fall of the year and return to California, and but for a succession of astounding and tragic events with which the name of the nervous little gentleman was afterward associated, it is not at all likely that he would have found a place in this story.

Soon after Mr. Sharon's return to California, the erstwhile Victoria dealer became interested in mining claims. The Washoe silver and great bonanza excitement broke out, and he got hold of a few shares which quickly rose in value and made him comfortably rich. Then he became associated with W. C. Ralston, a pursuer on one of the lower coast steamships, and the two added to their wealth and importance. In a few years both men were regarded as millionaires. At that time fortunes were made and lost in a day. Many individuals and firms would enter the stock market and remain for a few brief months, and then as suddenly disappear from the street to be heard of no more in that busy haunt. Others came to stay, and staid old California went mad on stocks. Rich and poor, old and young, speculated in Washoe shares. Instances were narrated of men who reaped fortunes in a day or two on a small investment. The prices of some stocks rose to \$1,200 a share upon a mere prospect. A young clerk in Wells-Fargo's, who had bought 800 shares of Gould and Curry at 35 cents was offered \$1000 a share for it. He demanded a cool million. One month later he returned to his desk poor but wiser, for his stock had meanwhile become unsalable. There were many similar cases that might be recorded. An enormously fat woman who rejoiced in the name of "Slapjack Johnny," resided in Victoria. She

had been to Washoe years before and bought several hundred shares, which were then of little value. She kept them in a box, and one day, while the excitement was at its height, she sold them for \$20,000. The shares were carried to Washoe by Wells-Fargo's express, and when delivery was about to be made, two brokers claimed them. The woman had sold the shares twice. A fight ensued for the possession of the stock, and one of the claimants was shot and died. The survivor kept the stocks and realized a large profit.

Ralston and Sharon continued to add to their wealth. All their investments turned to gold. They seemed to possess the power of Midas. In the height of their prosperity they built the Palace hotel, then the largest on the continent, and established the Bank of California. A few more years and Ralston died by his own hand. Then it was found that his estate was heavily involved and that his account at his own bank was \$4,000,000 overdrawn. But Sharon was rich. He had refrained from certain investments that Ralston had made to his sorrow and loss, and when his fellow-operator died, Sharon was rated as worth \$15,000,000 and owned much of the property that had been regarded as Ralston's.

Sharon's great wealth brought him friends, and as his riches increased he grew in importance. He was no longer nervous in manner or shrinking in disposition. He had lost his diffidence as his fortune grew, and he was now an authority upon all matters financial. By a generous expenditure he had himself elected United States senator for Nevada. But with all his astuteness he ran wild on one subject, and that subject was lovely women. He was not nearly so bad as Lucky Baldwin, another mining speculator, who had five or six wives and a countless number of lady friends. But he was much worse than he should have been.

On an evil day for all parties concerned he became acquainted with a Miss Sarah Althea Hill. Miss Hill was a beautiful and fascinating society woman, and until she knew Sharon was regarded as the pink of propriety. She laid siege to Sharon's heart because she wished to gain a rich husband. Sharon was proof against her wiles for many weeks. She consulted an old negress known as Mammy Pleasant, who had been her nurse when Miss Hill was a baby. Mammy gave her a love potion to mix with Sharon's sherry. He drank the doctored wine, but it seemed to have a contrary effect to that desired. He began to hate and to plan to get rid of the girl, another female derelict having caught his fancy.

Then Miss Hill began to call herself "Mrs. Sharon—Sarah Althea Hill Sharon"—alleging that she was his common-law wife. A "common-law wife" is a woman who has been acknowledged by a man as his wife in the presence of a third party. No ceremony is necessary after such acknowledgment. Sharon resisted the claim and expelled the woman from his rooms. Suit was brought in the courts to establish Miss Hill's "rights." She produced a contract of marriage written in a strange hand, and apparently signed by Sharon. On the stand he acknowledged that the signature was

his. It was written at the head of half a sheet of note paper and so closely to the edge that there was not room for the scratch of a pen above the signature. Below it the paper was blank, but on the reverse side of the half-sheet appeared the alleged contract, which came down to the lower edge of the paper. The plaintiff swore that there not being room on the reverse side, Mr. Sharon had signed his name at the top of the paper on the other side, after assenting to the marriage agreement.

Asked how this strange circumstance occurred, Sharon said that one evening he was asked to sign his name by Miss Hill, so that she might have his autograph. He did so, but took the precaution to place his name in the position in which it appeared, so as to prevent it being used for the purpose of forgery. The use that was made of the autograph showed that he was the victim of a deep-laid conspiracy to entrap him by a bogus contract.

Among the lawyers retained by Mrs. Sharon, otherwise Miss Hill, was David S. Terry, formerly chief justice, and the slayer of David C. Broderick in a duel in the summer of 1859 (as told last week). Terry's first wife, who had stood by him during all his troubles, had meanwhile died. After the death of Broderick, Terry gradually sank in the estimation of his friends, even of those who had encouraged him to fight the duel. He never appeared in public life again, and his law practice fell off. It was said of him that he was not the same man after Broderick's death. The mark of Cain was upon him, and this once proud, handsome man, whose soft voice and majestic appearance charmed all who came near him, fell into bad habits and adopted the manners and language of a bravo. "Evil communications corrupt good manners," as St. Paul wrote the Corinthians.

Terry's conduct in court during the progress of Sharon's suit was doisterous, overbearing and often insulting. He appeared anxious to stir up strife with the opposing counsel, and the insults which he flung across the table were often rebuked by the judge. In the midst of the trial, Sharon died, worried to death. He had brought the great trouble upon himself, and his sins had hurried him to the grave. When on his death-bed he made his heirs swear to fight the suit to the end, if it took every dollar of his great fortune. Under no circumstances should there be a compromise. The judge, after a long hearing in the court of first instance, decided in favor of the plaintiff, and the action was before the higher court on appeal when Terry's friends were shocked to learn that he had married "Mrs. Sharon"—Sharon's widow, as she called herself. On the stand she had admitted misconduct with the late millionaire. That a woman of bad character should take the place of the late Mrs. Terry was regarded as scandalous. But people were afraid of Terry, and feared to excite his anger or provoke him to violence; so, although there was much whispering, there was no loud talking.

Later on, when the case came before Stephen A. Field, the chief justice of the United States Supreme Court, the jurist in dismissing a motion of the respondent's referred to the new Mrs. Terry and her suit in scathing terms,

Terry fired up and continued to press the case for the plaintiff in forcible language. The chief justice was inflexible and rebuked Mr. Terry's attitude in scathing language.

Stephen A. Field was one of three brothers, all remarkably clever, and all now dead. Cyrus W. Field was the projector of the first Atlantic cable, and through his energy and enterprise it was laid in 1866. He was a very rich man, but becoming involved in New York elevated railway stocks, died insolvent. David Dudley Field was an eminent corporation lawyer. His only daughter married Sir Anthony Musgrave, the governor who steered British Columbia into the Confederation fold. She resided for two years at Government House, Victoria, and was a charming lady, gracious and courtly in manner, and a very great social favorite. Chief Justice Field finally dismissed the case as trumped up, disgraceful and altogether untenable. Terry was furious. He took the remarks of the chief justice about his wife and the case to himself. Instead of the great fortune he expected to gain by marrying the claimant, he was confronted with a pyramid of debts and social ostracism. He became desperate. This man who had been noted formerly for his gentlemanly and chivalrous demeanor and his just and impartial decisions, was heard to make threats against Judge Field should they ever meet again.

To show upon how slight a foundation the plaintiff's case rested, it is only necessary to mention one incident out of many. All the available evidence being in, it was intimated that there remained one link to perfect the chain. It was necessary that a witness should be produced who would swear that he had heard Sharon acknowledge the plaintiff as his wife. So a tramp was found who was willing to supply the missing link. He was shaven and shorn and bathed and perfumed and dressed in a good suit of clothes. When he entered the witness-box he was asked:

"Did you know the late Senator Sharon?"

"Yes, sure."

"Did he ever say in your presence that the plaintiff was his wife?"

"Yes; sure he did."

"State the circumstances and the occasion."

"Well, yer see, I was a-walkin' along Montgomery street one evenin', takin' the air after me dinner, as it were, when I seed Senator Sharon a-comin' toward me from the Palace hotel. There was a lady with him, and I noticed he was very affectionate like. The lady was a-lookin' into his eyes an' he was a-lookin' into hers—they seemed awful happy."

"Well, what happened next?" asked the counsel.

"As they come up, I raised me hat and said: 'Good evenin', Senator!' You see, I mined with him when we was both poor, and he always recognized me."

"Good evenin', Wells," he said, and we shook hands. Then he said, 'Wells, I want to introduce you to me wife.' So I shook hands with her."

"Go on," urged the counsel.

"We strolled along the street, and he told me the lady was his common law wife and that her name before marriage was Hill."

The witness was then asked if he saw the lady in court, and he pointed out the plaintiff. Asked as to the date of the interview, he replied:

"The twenty-first of July."

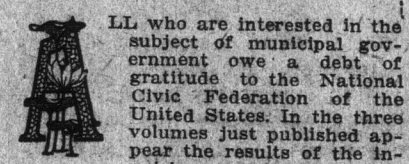
The papers were consulted, and it was found that Mr. Sharon was in Washington attending to his senatorial duties on that date.

While Wells had been giving his testimony, one of the attorneys for Sharon was observed to be busily engaged in filling out a blank, and as the witness left the stand he was served with a warrant for perjury and taken to jail. At the next term of the Criminal Court he was convicted and sentenced to the penitentiary.

The words of the chief justice rankled in Terry's breast, and the newspapers by mischievous allusions to his threats of violence kept his hostility alive. The following year, a twelvemonth later, Field left Washington to hear appeal cases at San Francisco. He embarked in a Southern Pacific train and was met at the border of the state of California by David Nagle, a detective, who had been specially charged with the jurist's safety. At the town of Fresno in the evening Terry and his wife entered the sleeper as passengers for San Francisco. It is believed that neither Field nor Terry was aware of the other's presence. At the town of Lathrop, where, about 8:30 o'clock, the passengers got out for breakfast, the Chief Justice and Nagle entered the dining hall and took their seats at a table with other passengers, near the centre of the room. Mr. and Mrs. Terry entered a few moments later and sat down at a table about ten feet distant from the table where Field and Nagle were eating. Mrs. Terry was observed to glance quickly round the room until her eye rested on Field. She started and said something in a low voice to her husband, who arose and walking swiftly to Field's table, seized him from behind by the beard and throat and with his clenched fist was about to strike him when Nagle, by a quick movement, reached his revolver. A shot rang through the room and Terry's grasp on Field's throat was relaxed. The maddened man swayed for a moment and then fell to the floor with a crash. Nagle's shot had made no mistake. Terry had been shot through the heart, and died instantly. He was a piece of insensate clay before he reached the floor, and as he lay there, motionless and inert, his great form stretched out at full length with his handsome face upturned, his staring eyes wore an expression of malignant ferocity that not even the hideous method of his taking off had subdued.

Nagle was acquitted by a coroner's jury, and some months later Terry's wife, once gifted and beautiful, now broken-hearted, poverty-stricken, bent and grey, was committed to an asylum for the insane, with Mammy Pleasant, the old colored nurse, as her only friend. Of all the gay and brilliant throng that once worshipped at the shrine of Sarah Althea Hill's beauty, not one remained to do her reverence or provide for her wants. Sharon and Terry dead and Sarah Althea Hill insane, who will dispute the saying in Holy Writ that "the way of the transgressor is hard?"

## Municipal Trading in the United Kingdom and the United States



LL who are interested in the subject of municipal government owe a debt of gratitude to the National Civic Federation of the United States. In the three volumes just published appear the results of the inquiries conducted by a commission which the Federation set on foot to inquire into the workings of public and private ownership and management. No pains were spared to make the inquiry exhaustive and trustworthy. A committee of fewer than 150 publicists, heads of corporations, and leaders of labor was formed. Its first task was to construct a truly representative committee of investigation of 21 persons about equally divided into three groups—one-third having a bias in favor of municipal ownership, one-third an opposite bias, and a third consisting of those who were unpledged. It was decided to confine the inquiry to the United States, Great Britain, and Ireland.

The services of "public utilities" to borrow the convenient phrase, selected for investigation were gas, electric lighting, water, and street railways. Experts were employed, and the field of investigation here and in the United States was mapped out. Certain cities in America affording examples of public and private ownership were visited, and the same was done in England. Thus, in the case of gas, Glasgow, Manchester, Birmingham and Leicester were chosen as exemplifying public ownership; while the London district supplied by the South Metropolitan Gas Company, Newcastle and Gateshead, and Sheffield, were chosen as illustrating the operation of private ownership. In regard to tramways, the two sets of examples were furnished by Glasgow, Manchester, Liverpool and the southern system of the London county council on the one hand, and by the private systems of Dublin, Norwich, the London United Tramways, and Bristol on the other. To show what care was taken to arrive at just conclusions it may be stated that "in the inspection of each plant visited, as was the procedure in America also, the committee was accompanied by the experts, and in this way things that would otherwise have been overlooked were carefully noted. At the end of each day it was the practice to hold a meeting of the committee for the purpose of consulting with the experts regarding the particular plant visited that day. Some

six months were spent in the investigation in this country, the whole work occupying about two years. The least that one can say of the labors of the commission is that they are a monument of public spirit, of which all concerned may be proud. The reports are by no means conclusive as to the merits of the chief controversy; but they are among the documents which every impartial inquirer will examine. The conclusions of the commission are less important than the valuable and varied materials which they collected. In future discussions of this subject, some of the documents to be found in these volumes will be often referred to. We are not undervaluing the report of the majority in saying that some of the statements made by the engineers and accountants are even more interesting. Nineteen out of the 21 members of the committee of investigation arrived at certain conclusions, some of which are very precise, and some of which are evidently framed with reference to the conditions of things in the United States. In considering the relative merits of municipalizing industries or of working them by companies, the committee, as might be expected, admit the difficulty of comparison between the two systems. There may be natural advantages which neutralize the bad effects of administration. How compare in point of expense and efficiency the system of a city in which water flows by gravity with that of a city in which every gallon must be pumped, or the gas plant of a town which can avail itself of natural gas with one in which the whole article sold is manufactured? It would obviously be unfair to say that municipal electric light and street railway plant was superior to private if no account were taken of the fact that the municipal system has permanent franchises, while the rights of the private companies may be for short periods. It is with many reservations that the majority express an opinion somewhat favorable to municipal enterprise in these recommendations.

First—Public utilities, whether in public or in private hands, should be conducted under a system of legalized and regulated monopoly.

Second—Public utilities in which sanitary motive largely enters should be operated by the public.

Third—The success of municipal operation of public utilities depends on the existence in the city of a high capacity for municipal government.

Fourth—Franchise grants to private corporations should be terminable at a fixed period, and meanwhile subject to purchase at a fair value.

Fifth—Municipalities should have power to enter the field of municipal ownership upon popular vote under reasonable regulation.

Sixth—Private companies operating public utilities should be subject to public regulation and examination under a system of uniform records and accounts, and of full publicity.

Seventh—The committee takes no position on the question of the general expediency of either private or public ownership. The question must be solved by each municipality in the light of local conditions. What may be possible in one locality may not be in another.

The majority report still further qualifies their recommendations by stating that no municipal operation is likely to be successful that does not provide for:

First—An executive manager, with full responsibility, holding his position during good behavior.

Second—Exclusion of political influence and personal favoritism from the management of the undertaking.

Third—Separation of the finances of the undertaking from those of the rest of the city.

Fourth—Exemption from the debt limit of the necessary bond issues for revenue-producing utilities, which shall be a first charge upon the property and revenues of such undertaking.

The majority still further attenuate their report by pointing out the danger in the United States of turning over the management of public utilities to the government of some cities. "Some, we know, are well governed, and the situation on the whole seems improving, but they are not up to the result of many years of struggle and improvement. With all the limitations and qualifications attached to approval of municipal ownership, the majority indeed, with the majority in thinking that Glasgow, Manchester and Birmingham, being well-governed cities, are favorable to municipal ownership. But he has come to the con-

clusion that the city and citizens of other cities, as well as of the other municipalities investigated, are not so well served by their public service trading departments as the cities and citizens of London, Newcastle, Sheffield, Dublin, and Norwich are by trading companies, and that there no element of blessing in the municipalization in the former cities to compensate for the different character of the service rendered. His decided opinion is that the water companies have made the more intelligent efforts towards furnishing adequate and pure supply, and that, all conditions considered, the result of their efforts has been and is a better and cheaper water supply and service than that maintained by the municipal waterworks departments." His report ends with clear weighty observations.

"I am convinced that the condition of the British people, individually or collectively, has not been improved by the municipalization of the industries we have investigated."

"I believe that political and social conditions in the United States are less favorable to the success of municipal ownership than are the same conditions in Great Britain."

"I find this conclusion strengthened by our investigation into municipalized industries in the United States."

"I am convinced that, under American conditions, the system of private ownership of public utilities is best for the citizens and the consumers."

"I am convinced that the protection of public service companies provided by statute, and as far as possible automatic in its application and operation, and this aristocracy in England, has not been high."

"With the American municipalization, Mr. Fisher draws a contrast, sharper than the facts warrant, between the democratic municipal government in America and the aristocracy in England. He admits that the latter has good points. 'The management of the cities is characterized not only by the degree of efficiency attained,

but it is also commonly free from even insinuations of graft or corruption on the part of public officers.' His main conclusions are, on the whole, highly favorable to the English system."

"In the third place, municipal government is out of politics, the spoils system is unknown in Great Britain, and the political and social conditions are more favorable than in the United States for the development of efficient municipal government."

Finally, the British people are educated to the belief that their city government should be conducted uprightly, honestly, and without partiality, and therefore they demand that their officials shall live up to standards which are higher than are required of the city officers in the United States."

It will be noted that it is generally taken for granted that public service business, whether conducted by municipalities or by corporations, must be, as the phrase is, "in politics," the only question undetermined being how, and to what extent, Mr. Commons, who reports upon labor and politics, seems to think that the connection is likely to be closer and more mischievous in the case of trading corporations. "The politician profits more in some respects by appointments which he secures for his supporters with a franchised company than he does by that on municipal jobs," an observation which may be true of the United States. Then, too, such companies contribute to the campaign funds of the party; also an observation which has point as to the United States. In fact, there are many other remarks applying to a system, unlike ours, in which companies performing public services are subject to no control. Mr. Fisher, however, recognizes the presence of grave perils here as well as in America, arising from municipal ownership. One of the chief is the subject of the status, appointment, promotion, and dismissal of the servants of municipalities engaged in trading. He calls attention to the "enormous pressure brought to bear upon the Glasgow tramways in the depression of 1905-6 to take on unskilled labor. The comparative immunity so far of English towns from corruption is ascribable to the absence of a political machine supported by contributions. To Mr. J. W. Sullivan's former labor one cannot refer in terms of unqualified praise. It contains much crude eulogy of the condition of the American working man, compares with his English brother,

and unproved statements about the wretched lot of the latter. The subjects of water and gas works and electricity supply in the United States, necessarily contains much that is of little interest to English readers. It is particularly instructive and suggestive so far as labor and politics are concerned. Here we find such significant statements as these: "There is a perfect agreement of politicians of both parties interviewed that a large proportion of the votes in certain districts is purchased on election day."

"Votes are bought for \$2 to \$5, and the practice is found among all nationalities." Here is an indication of the class of men who are appointed to conduct gas works.

"No director of public works ever started his administration with practical experience in the gas work business." "The assistant chief and general storekeeper consult every day with the chief upon matters of policy and politics."

Of course some municipalities have excellent services and efficient staffs. But the purpose of much of the reports is to show that politics and municipal trading are apt to get mixed; that places are found for those who have done the party service; that the employees get out of hand, and think of promoting their private interests instead of keeping to their business. Vigorous efforts are made in certain cities to suppress such evils. Thus, municipal employment in Chicago is subjected to a highly stringent civil service law, intended to prevent a repetition of abuses of the form of rewarding political supporters with municipal appointments.

Much good has been done, according to Mr. J. W. Sullivan and Mr. John R. Commons, the reporters on the subject. But, as they remark, "a politician as mayor can displace efficient employees by those who will assist him in giving positions to his political supporters. This has been done, and might occur again, especially when a mayor succeeds one of a different party."

The third volume, in some respects by far the most interesting, contains the reports of experts as to gas, electricity, and tramways in the United Kingdom. One observation is applicable to all these reports; they are founded on careful examination; they are the results of inquiries to which there was a free and full response.

"The Bristol Tramway company investigation," it is stated, "refused to permit any investigation." We can do no

more than extract a few samples from the bulk. It is a criticism of the conclusions to which the experts come. And first, as to labor and politics, and the report as to Glasgow. It brings out the fact that pressure was brought to bear upon the corporation to give preference to applicants recommended by councilors. So far, a great harm has been done. On the whole, the field in which "pull and influence" are effected in Glasgow is getting positions and promotions is personal rather than political in character. The criticisms are all confined to charges of giving preference to friends, relations, aged and worn-out employees, non-residents from the home neighborhood of councilors, officials, and destitute or unemployed workmen."

The same report speaks more decidedly of the Sheffield Tramways; "recommendations of councilors are an important requisite in securing positions in that service." There are many reports of great value, but of too technical a character to be described here. But reference may be made to the general remarks by Mr. C. Jones and Mr. E. Hartley Turner on financial conditions, particularly as to their observations regarding depreciation. It is pointed out that no depreciation is provided for in the law, and that a certain percentage as to certain items; but this practice varies much.

These volumes may not make any advance to any particular policy. They do not deal with some questions of moment and urgency; but they are full of instruction to all who approach the subject in a spirit of impartiality, and with a desire to preserve the good reputation of English local government.

Since Miss Geraldine Farrar, the young American prima donna, has been singing in "Madame Butterfly" in New York at the Metropolitan Opera House, old Japanese prints, wonderful flower holders and vases come pouring in.

Miss Farrar says one of the chief difficulties in taking the role of Madame Butterfly is that the attitude of continual stooping, attributed to the Japanese, is a physically fatiguing one.

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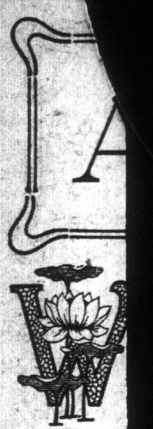
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