

THE MUNICIPAL SITUATION IN MONTREAL.

An agitation has sprung up in Montreal which has arisen from action being taken by the Provincial Legislature that is generally regarded as an uncalled-for interference with the internal affairs of the city. The circumstances out of which this agitation arose were such as are liable to occur in any city, they, therefore, are of more than local interest. Some years ago the citizens residing in the eastern section along a certain portion of Notre Dame street took the necessary initial steps to secure the widening of that thoroughfare. This work involved the expropriation by the city of a number of properties, in whole or part. The valuations were fixed by commissioners, the proprietors were paid according to these valuations for what real estate they were compelled to give up to enable the work of street widening to proceed. The cost of the improvement, save a small proportion, was assumed by the property owners, and they voluntarily and legally rendered themselves liable for the payment of their share of the expenditures. The whole scheme was submitted to and approved by the Superior Court. That the property owners in question gave their formal assent to the expropriation and to the schedule assessing them for a certain portion of the cost of the work of widening the street, and that the whole transaction was legal has not been questioned. But, when the street had been widened, the local property owners commenced an agitation to release themselves from the obligations into which they had entered. As the City Council rejected their plea, they appealed to the Legislature of the Province which also, some years ago, declined to cancel their obligation, owing to the strong remonstrances of delegations of leading citizens sent to Quebec to defend the city's interests. This year another appeal was made to the Legislature which passed an Act by virtue of which the property owners who secured the widening of the street in front of their possessions, who had been paid a liberal sum for what had been expropriated, who had given free assent to the schedule of assessments to pay a share of the cost of the improvement they had asked for, were relieved of this obligation and the city condemned to pay the amount.

By this action of the Provincial Legislature the resolution of the City Council is set aside; a debt due to the city, which has formed part of its assets, is turned into a liability, and the city is left exposed to similar claims that may prove exceedingly embarrassing. No expropriation proceedings in the future can be regarded as closed by the action of the Council or the ratepayers, for those who desire to repudiate their share of the cost of local improvements have only to appeal to the Provincial Legislature to secure an Act cancelling their obligations.

The disturbance of a city's financial arrangements by an outside power, though legal, is liable to be highly confusing and injurious to its credit. The above case suggests a consideration of the respective limits of the powers of civic and provincial governments, and of their relations to each other.

Under the constitution of Canada, that is, the British North America Act, each Provincial Government has authority to regulate "Municipal Institutions." Although the authority of a Provincial Legislature over a municipality is doubtless very extensive, it is obvious that some limit must exist as to its powers, for all legislative bodies, however absolute in point of legality, have practical restrictions. The Federal Parliament, for instance, has the power to disfranchise every person of English descent, but practically, no such power exists. It is doubtful whether those who arranged the British North American Act contemplated any Provincial Legislature continually over-riding the actions of a City Council, assuming its functions, and generally acting as a Court of Appeal for aggrieved citizens. It seems a reasonable position to take, that the function of a Provincial Legislature is to make laws for municipal institutions, to confer upon them certain definite powers, and to restrain them within clearly defined limits. The legislature having done these things, the citizens of each municipality should be left to conduct their self-government under the laws provided and according to the Charter granted to them. For any breach of the general municipal law, or of its Charter, a municipality can be prosecuted, or an injunction taken out to restrain its illegal actions. In the case alluded to above there is no charge made that the city of Montreal has exceeded its powers, or broken the municipal law, yet the Legislature has stepped in and set aside an agreement entered into between the city and certain citizens, by which action the Legislature has cancelled a portion of the city's assets and converted them into a liability. The Legislature has assumed the functions of the City Council at the request of a dozen or so of citizens who desired to throw off their voluntarily-incurred obligations in order to make the citizens at large pay the costs of improving the properties of a mere handful of real estate owners. This seems to be straining the powers of a Provincial Legislature to the extreme. That it most seriously lowers the self-governing powers of the citizens of Montreal is manifest, for it makes every action of the City Council subject to the veto, or reversal of the Provincial Legislature. It would be reasonable to require that, before such appeals be acted upon, that some evidence be presented showing any appeal to be supported by a substantial body of citizens or a strong minority of the City Council. Those