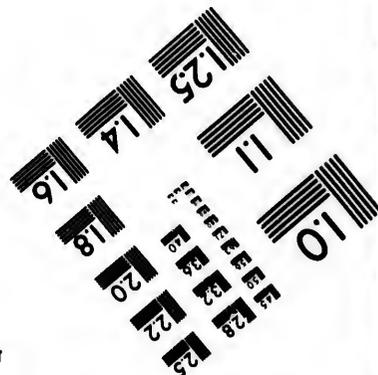
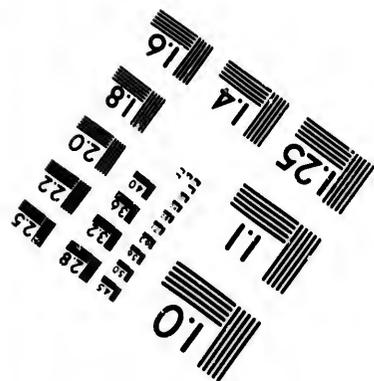
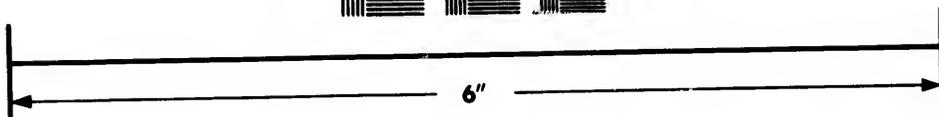
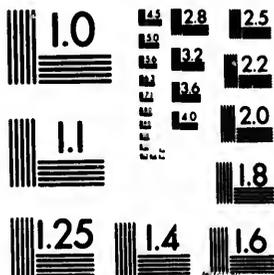


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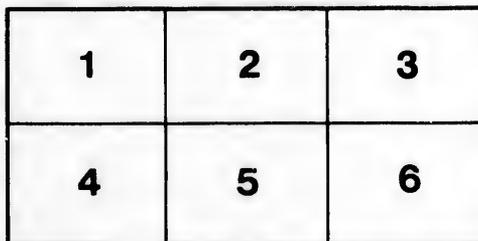
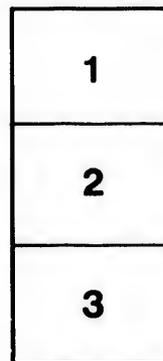
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SOME
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 - ON -
 MUNICIPAL REFORM
 - IN -
 BRITISH COLUMBIA.

BY ALDERMAN W. J. WALKER,
*Chairman of the School Board of New Westminster, B. C., and a Member of the
 Institute of Chartered Accountants, Ont., Etc.*



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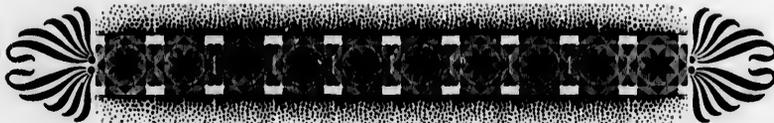
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“What constitutes a State?—
Men, high-minded *Men*,
With *Powers* as far above dull brutes endued,
In forest, brake or den,
As beasts excel cold rocks and brambles rude ;
Men, who their *Duties* know,
But know their *Rights*, and knowing, dare maintain,
Prevent the long-aimed blow,
And crush *Corruption*, while they rend its chair :
These constitute a State.”



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SOME THOUGHTS AND SUGGESTIONS

ON

Municipal · Reform · in · British · Columbia.

BY ALDERMAN W. J. WALKER,

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It is probable that more controversy is occasioned by different meanings attached to certain words, by the disputants, than by any differences of opinion between them, as to the ideas which those words are supposed to convey. So it is necessary to have a clear understanding of what is meant by Municipal Reform.

Primarily, the term is intended to convey the idea of the correction of the abuses of (and an attempt to develop into perfection) the government of the civic communities, and the management of the different corporate works undertaken by them.

Broadly, this governing power may be described as the legislative and executive functions. These functions are of a widely different nature, and it may be roughly laid down, that most of the abuses which have arisen have been occasioned by a careless and unbusiness-like confusion of these powers, in one body of municipal representatives. A

radical reform would, therefore, be initiated by separating them, and insisting that the people should elect one set of men to make the laws, and that another set of men should see that they are carried out. The former would be a legislative body, and the latter an executive body. The one would be a local home-rule parliament, and the other a local cabinet or executive council.

It may be well, in order to clear the way, and disarm criticism, to state that members of the Privy Council of England are not necessarily members of either house of parliament, and that the practical government of the country is carried on by permanent heads of departments or commissioners.

But, considering the commercial works which all modern political and social economists more or less agree should be in the hands of municipalities (i. e., gas works, water works, electric lighting, street railways, etc.), the executive councils should also be, if those works are to be successfully carried on, as much as possible of the nature of boards of directors of incorporated business companies.

What is a Municipality?

It is also necessary to understand the nature of a corporate municipality, and to realize how it came into existence. It is the creation of the State. It was not evolved to its present condition from a primary creation. Just as we see it now, with all its blemishes, the State made it, so the State is responsible for it, and to the State we must look for corrections.

Just as in the creation of the world, certain evolutionists confine the work of a Divinity to the First Cause, so certain apologists for Judge Lynch and other irregularities in districts over the line, describe them as the birth throes and growing pains of a young and vigorous (because American) people, from which will be evolved, in process of time, a peaceful and perfect community. And until then they are to be severely left alone.

But those who believe in an active and beneficent Providence, guiding and guarding the affairs of men and nations, will readily admit that a State which creates a municipality is morally bound to protect and guide its creature.

If the Government of British Columbia had fully recognized this obligation, instead of leaving the Municipal Act of last session to be introduced by a private member, it would have brought in a public bill. And rumor states that the Attorney-General had been working three months in preparing such a measure.

The Government of Ontario has been more mindful of its duties, as the Royal Commission on Municipal Institutions shows, whose First Report, issued in 1888, will be largely drawn upon in the following pages.

The Imperial Government, too, has a Local Government Board, which exercises considerable control over the municipal corporations in the United Kingdom.

What are the Abuses?

The abuses of the present system may be divided into two classes. First: Those arising out of the personal characters of the corrupt members of the representative bodies; and, second: Those which may be charged to the imperfections of the system.

But the former may be said to be resultant from the latter. This is true to

a great extent, but no security can be created which can protect the people's interests from unscrupulous men, who are false to the cause which they have been elected to serve.

It is true that, occasionally, unscrupulous representatives grow less careful, and the history of the word "boodle," and, at times, the inside of a penitentiary cell, illustrate the result. But, as a rule, the bar of public opinion is the only one before which they are arraigned. In certain cases, it is just possible, that the native instincts of the great American people may be correct, and that there is, after all, some justification for Judge Lynch.

The Evils of the System.

The Ontario Commission, if it proved nothing else, established beyond doubt, that the municipal system, such as is still in existence in British Columbia, has led, in other places, to great evils. And a wise Legislature, instead of leaving the infant municipalities to struggle amidst their difficulties, trusting to the instincts of the people to evolve a perfect system from amongst themselves, would profit by the experiences gained in other places, and, by force of law, create in this Province the most modern and the completest form of municipal system as yet ascertained.

In the United States.

The Commissioners report as follows, concerning cities in the United States; and, as human nature is pretty nearly the same all the world over, what took place in the States, is a fair criterion of what will take place elsewhere, under the same conditions:

The government in other American cities was organized under charters long before any one had ventured to suggest that Boston could not be governed properly by its town meetings and its select men. A charter was given to Philadelphia, by William Penn, in 1691. All early charters necessarily bore a general resemblance to one another, but they differed in several important particulars, and all were many times amended. There is scarcely a single point on which each does not differ from several others. After the close of the civil war an era of large expenditures began, and the value of the different systems, as a means of procuring what was best, to be done at a reasonable cost, was severely tested. Not one withstood that test satisfactorily. In all the cities extravagant and wasteful expenditures led to heavy taxation, and in many corruption was said to be rampant. Many cities found that a thorough change of system was necessary for their protection. It is remarkable that in all the great cities in which

such changes were made, the executive were discredited

And the ability of a state to govern its own affairs

While done in rectitude, the extension of the system of the people who, much strengthened as their The different men make one to that of the ally tion sure

was better known in the world to the United States

such changes have been made they are in the same direction. All agreed that there was so much waste, and that dishonest contractors were allowed so many opportunities of defrauding the public with impunity, because the executive functions of the city government were discharged through committees of the Council, and direct immediate personal responsibility either did not exist or was not felt.

In the Dominion.

And, if it be answered that, although the above be true of the States, yet such a state of things is not possible under British rule, the report of the same Commissioners upon their own Province, the Province which is supposed to be the leading one in the Dominion (Ontario), will have convincing weight:

While the work of the civic departments is done under the immediate supervision and direction of committees of the Council, it cannot be expected that men of large business experience will be found willing to become members of the Council. We have not in this country, as they have in England, a large number of men who, having acquired a competency, have much time at their disposal and sufficient strength and energy left to enable them to take an active part in municipal affairs, devoting their time to the benefit of their fellow citizens. The demands of business on the time and attention of even our most successful business men is so great that there are few who must not make a sacrifice in order to devote even part of one or two afternoons or evenings in the week to the general business of the city. To expect that men of that class will undertake the work of canvassing the electors in the manner usually most successful in order to obtain a position requiring so much self-sacrifice, seems absurd.

We, too, hear complaints of extravagance and waste, and sometimes of petty or of gross jobbery. Taxation and expenditure increase enormously, but our system of sewerage remains imperfect, our pavements and sidewalks in wretched condition, the streets of some of our towns indescribably filthy, our water supply unsatisfactory. Can anything be done to secure a better and more economical administration of the affairs of our cities and towns? Should we adopt the principle found to work so well in several cities of the United States, or any modification of it? If not, what should we do?

In British Columbia.

Seeing that we have the same system of municipal government in B. C. that has been found imperfect in other places, and not claiming that we are any better, and protesting that we are no worse, than our neighbors, it is natural to expect that the same evils and abuses which have arisen elsewhere are existent amongst ourselves, or would be existent under the same conditions.

The fact that a commission of enquiry has issued in connection with the city of Victoria is a sufficient admission of the above. The presence of the New

Westminster Enabling Act, and of certain peculiar indemnifying clauses of the Municipal Act, 1891, in our statute book, is corroborative evidence.

Personal Corruption.

It is true that personal charges of the nature of what is usually associated with the term "boodle," are absent amongst us; but it would require a considerable amount of assurance to affirm that our municipal representatives enter the Council with the sole motive of the welfare of the whole community.

Under the ward system of representation, this is, of course, practically impossible; but we must admit that even the good of the ward he represents is not always the sole reservation of each Alderman or Councillor. If it were so, what would be the meaning of the popular phrase, "Having an axe to grind," which is so commonly used of such?

There have been Aldermen and Councillors who have not been ashamed to confess that they went into their Council with the object of spending the city's taxes, not so much for the good of the whole city, but in the improvement of the wards they represented, and more particularly in opening out new streets and laying down sidewalks adjacent to the property which they themselves possessed.

It is also a matter of strong suspicion that other Aldermen and Councillors represent the interests of sections of rate-payers, strong monopolies, labor organizations, private companies, and even private firms, more than they do those of the whole people at large. It may, for instance, be not true, or it may be quite the reverse, that, in one of our cities, the C. P. R. and all its interests, at one end of the city, predominate in the minds of a few Aldermen, to the detriment of the city at large, and especially of the other end of it.

How far such a state of things may be due to the system, and how much it may be a natural outcome of imperfect human nature, it would be difficult to estimate. But it is, nevertheless, true, that, in order to minimize such evils, the best plan is to make the system as perfect as possible.

A municipal government by angels would be perfect in spite of the system; what is required is to make the system

perfect in spite of—well! such men as are usually elected into municipal councils.

In New Westminster.

One would naturally suppose that a city possessing a special charter of its own, of so recent a date, and having, besides, the advantage of the provisions of the general Municipal Act, when not contradictory thereto, would have no reason to complain of imperfections in the system. But it is no secret that a revision of the charter is considered absolutely necessary.

Fortunately, and it is much to the credit of the Council, no charge amounting to more than a technical irregularity has ever been made against it. And, as these technical irregularities, being mostly expenditures in excess of the appropriations under the annual estimates and the loan by-laws, were by their very nature contrary to the provisions of the charter, it may be said that the system is in no wise to be blamed.

Practically, it would seem to prove simply that sufficient provision has never been made in the annual estimates and the loan by-laws for the annual expenditure; and that the Finance Committee has simply been guilty of bad management. But, as will be seen hereafter, the Finance Committee, having no means of controlling the expenditure, has not been in any way to blame. And, as the taxpayers have always promptly voted the money, when asked to do so, and so indemnified the Council, it may be said that all is perfectly correct, and there is nothing to complain about. But, suppose the taxpayers had refused to vote the money? What then?

A neighboring rural municipality in this Province is just in that position. The money has been spent, having been advanced on loan, in good faith, by a banking corporation; and the financial affairs of that municipality are at a dead-lock. Apparently, nothing but a second intervention by the Legislative Assembly can straighten them out, and enable the bank to get its own again. Can anything be more discreditable to the system, or more damaging to the credit of the municipality?

Excessive Expenditure in General.

It cannot be expected, in the nature of things, that actual expenditure can

always be kept under the estimates. A Chancellor of the Exchequer may obtain a brilliant reputation amongst the masses, especially those of his own political party, by presenting a handsome surplus at the end of his financial year. But a handsome surplus condemns him in the eyes of financial men, just as much as a dreadful deficit. In either case, unless unforeseen contingencies have arisen, he is a fool, and has made errors in his estimates. Or else, his handsome surplus convicts him as a political charlatan and a financial quack, who has in his budget either deliberately under-estimated his income or over-estimated his expenditure.

Such things may be possible in England, where a certain man's personality may cast a glamour in certain people's eyes, and party principles have degenerated into man-worship; but such things are impossible to a Finance Committee in B. C.

Early in the year, each committee sends in its estimate of annual expenditure, and upon these estimates, less, of course, the estimated income, the annual rate is struck, on the recommendation of the Finance Committees. The law insists that no payments shall afterwards be made, unless it is provided for in these estimates; and, if the Councils obeyed this law, there would be no abuses, at any rate in the way of excessive expenditure. But the Councils do not obey the law, and no Finance Committee can make them do so.

Nor are the taxpayers altogether blameless in the matter. Later in the year, after the rate is struck and everything fixed, petitions for opening out new streets, laying sidewalks, grants-in-aid, advertising dodges, etc., etc., come in shoals, and the members of the Councils grant some of them. What else could be expected of them? They wish to keep their seats in the Councils, although they may have no "axes to grind," and they know perfectly well that to refuse means to sign their own civic death warrants. It means more. It means an amount of personal abuse, in and out of the Councils, that would startle many admirers of human nature out of their blind optimism.

What can be said of a system that offers no protection to a fair-dealing and honest man, in his official capacity?

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Why should a respectable citizen, accustomed willingly in private life to associate only with fair-speaking and honest-dealing men be compelled, because, out of a conscientious desire to benefit his fellow-citizens, he has weakly consented to act as an Alderman or Councillor—why should such a man be compelled to submit to ungentlemanly abuse and threats of personal violence, even in the Council Chamber? It is an easy matter to say, such things are out of order, and the chairman should not permit them. But what do the newspaper reports of council meetings show, throughout the whole continent? And, under the present system, how is the chairman to stop them? Practically, he cannot, and the quiet-loving members of councils know it, and govern themselves accordingly.

New Westminster in Particular.

The above general remarks may be particularly illustrated by the financial history of the Board of Works Committee for 1891. Its estimated expenditure, as presented to the Finance Committee on May 31st, amounted to £20,065. But, as some confusion seemed to have arisen between ordinary street repairs and new work, the expenditure in the estimates was put down at £26,136, and a loan by-law for £25,000 was passed by the Council and the people, to cover the estimated new work. Then came the usual flow of petitions, as described under the preceding heading. The Board of Works Committee, to which they were referred, reported favorably of most of them, and, on its recommendation, they were granted.

On the 27th July a return was called for by the Council, of the expenditure already made, and to which the City was committed for the year, under the superintendence of the Board of Works. This was submitted on the 31st August, and referred back for the addition of the August pay-rolls. The amended report was presented on September 7th, as follows:

New Streets.....	£38,683.04
Street Repairs.....	14,376.92
Liabilities.....	3,000.00
Total.....	£56,060.56

On October 12th, the Treasurer, in accordance with instructions, reported to the Council the actual expenditure of

the Board of Works to the end of September to be as follows:

Authorized by Council.....	£27,628.70
Unauthorized by Council.....	29,518.19
Total.....	£57,146.89

As the amount provided by estimates and loan by-law together was only £45,136, it will be seen that an excessive expenditure of £12,010.80 was made up to September 30th. To this amount, of course, must be added the expenditure for the three months, October, November and December.

The moral to be drawn from the above is (1) The lack of any controlling power by the Council of the expenditure of the committees, and (2) The lack of the like control by the Finance Committee of the expenditure of the whole Council.

Expenditure by Committees.

The executive functions of the Council are mostly exercised in committees, which generally consist of five members. The difficulty of consulting every member, and of obtaining a quorum at every meeting, throws a considerable amount of power into the hands of the chairman; and it often happens that an aggressive chairman, of a strong personality, will commit the committee to an expenditure which possibly would never have been sanctioned by the majority.

The committee-men being also members of the legislative body, rely upon their power as such, at a future meeting, to pass a resolution through the Council to authorize the expenditure irregularly initiated, and so indemnify them against any personal responsibility which may have been incurred thereby.

How far the excessive expenditure of the Board of Works Committee has been due to the personal energy of the chairman, and how much to the whole of the members, is a personal matter amongst themselves.

Expenditure by the Councils.

The tendency of members of Councils, acting as such, to pass resolutions which are *ultra vires*, could not be better illustrated than by an incident which occurred in the New Westminster Council on the 2nd Nov., 1891, and is duly reported in the *Morning Ledger* of the following day. An application was made by a certain firm for permission to store explosives within the city limits. It was

pointed out that such a thing was contrary to the Explosives Act. But an Alderman gravely arose and coolly stated that the Council should not be particular about observing the law.

If such a spirit is shown regarding the statute law, how can we wonder at the by no means uncommon disregard of their own by-laws. Illustrating the adage, that truth is often spoken in jest, there was a great amount of veracity shown in the recent trades procession at the Annual Exhibition in September, when a car, containing living representatives of the eleven members of the City Council, was drawn through the streets, displaying a motto, "We make the laws, and we break them."

The only control provided in the charter seems to be the refusal of the Mayor to sign cheques; and this power the Mayor of New Westminster had to exercise in October, 1891. As a result of this, the discreditable situation arose of the employees of the city, engaged in street work, not being able to obtain their wages. Such a position was intolerable, and the whole of the members of the Council thereupon raised over \$4,000 on their personal security, until a loan by-law could be passed, to defray the obligations incurred by the Board of Works Committee.

When, in the following month, the same situation occurred, some of the very members of the Council who were responsible for the irregular expenditure refused to take the same steps to get over it. Eventually, the Mayor signed the cheque, the whole of the Alderman having executed a bond of indemnity in his favor.

But, if the by-law is vetoed by the tax-payers—What then? At any rate, the members of the Council are drawn into a personal responsibility which is unfair, at the least, to those who are not members of the Board of Works.

And who is to blame? The men or the system? If the former, should not the innocent minority be protected against the consequences of the reckless majority? If the later, it is the duty of all loyal citizens to inaugurate a sweeping system of municipal reform.

Remedy by the State.

It has already been laid down, that, as a municipality is the creation of the State, the State is responsible for its

protection. A Local Government Board should be formed, and its head made a member of the Provincial Cabinet. The accounts of the rural municipalities certainly should be subjected to a Government audit, as in England. No loan by-law should be in force until sanctioned by the Local Government Board. And, seeing that the Province can borrow at a cheaper rate than the municipalities, it would be sound policy for the Government to guarantee the local debentures, if not to loan the money direct, as in England.

And, most certainly, the same safeguards should be in force, affecting the corporate works of the municipalities as are enforced upon limited liability companies and other corporations, under the "Companies" and other Acts.

And last, though not least, the Local Government Board should be continually adding to its experience, and amending and reforming the municipal system, until such an amount of perfection is secured as is possible in matters mundane.

Separation of Executive and Legislative Functions.

The first step is to profit-by the experience of others. The Ontario Commissioners, after recording the failure in the United States of the municipal system as at present existing in British Columbia, go on to report the remedy:

Within a few years, changes have been made in the charters of New York, Brooklyn, Philadelphia, Boston, Baltimore, St. Louis, Chicago, and other cities, for the express purpose of separating the executive from the legislative work in those cities, and making the powers and duties of the councils merely legislative and supervisory, or inquisitorial. Under this system the councils determine what new works or improvements shall be undertaken, make the necessary appropriations, determine what rates shall be levied, and, in the first instance or otherwise, what sums, if any, shall be borrowed. Accounts of all expenditures made are submitted to them for inspection, and in all cases they have power to call at any time for such statements, explanations or documents, as they think it desirable to have.

In the cities of the United States, after the great war, the expenditures for improvements, useful or ornamental, became enormous. Extravagance prevailed everywhere, and this led to corruption. Respectable men were excluded from the city councils, the control of which fell into the hands of a few, who suddenly became rich. Various changes of the law regulating municipal government were made for the purpose of remedying these evils. Governor Hartranft, of Pennsylvania, in a message to the legislature recommending that a commission be appointed to enquire what should be done, ad-

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mitted that "honest men can not be made by legislation," but said that "the power for evil of those who are dishonest and careless a limit can and should be fixed," and that "the principal source of abuse is not in the disposition to do wrong, but in the license to speculate and plunder." When the belief that the majority of those who sought election to the council of a city had dishonest motives became general, respectable men shrank from positions which would subject them to such an imputation, and very many would not participate in city government even so far as to vote at city elections. Other means having failed, many cities of the union have sought, in the absolute separation of legislative and executive functions, a remedy for both those evils. They believe that it will prove efficacious.

And, writing of evidence given before the Commissioners by a large number of Toronto gentlemen, they say: "All agreed that the time has come when the Mayor should have more power and more responsibility, and when the legislative and executive functions should be separated, wholly, as some thought, or to a very great extent, as a few would prefer."

After describing the evils into which Philadelphia had fallen, they report: "Could any more change in the system of government rescue a city from such a condition? The people thought it could, and the main change to be wrought by the measure on which they placed such reliance was the complete separation of the executive from the legislative functions. They resolved to entrust the legislative function to the Council, but to do away with the old committee system, and to entrust to the Mayor all executive functions, and to hold him responsible for their proper discharge."

In the city of Buffalo, the duties of the Council are chiefly legislative, and in Waltham all the actual work is done by boards, of which no Alderman can be a member.

The City Legislative Council.

"One of the beneficial results which would arise from the separation of the executive functions would be that the members of the Council would be relieved from the work which now requires so much time and attention, and which no man actively employed in business can afford to give. The power of legislative appropriation and general supervision would still remain in the Council. All by-laws necessary for the good government of the city would still be passed by them.

"No work could be undertaken, no tax imposed, no dne or toll charged, no money borrowed, and no money expended, unless perhaps the interest on the debt, without their express sanction."

The number of members could be with advantage considerably increased. In the multitude of counsellors there is wisdom. There is safety in numbers, safety against corruption and jobbery, "rings," and other immoral collusions. Most of the business men of the city could afford time to attend the Council meeting, especially as they need not occur oftener than fortnightly, or perhaps only once a month.

Home Rule for Cities.

The committal of legislative functions to civic municipalities, by the State, should be as complete as possible, reserving only such control as is necessary to keep the home rulers within the limits of their charter.

The present power to pass by-laws seems to include an ample range; but there are one or two statutes in force which have a most mischievous tendency, and should be instantly shorn of their dangerous clauses.

For all public purposes, one incorporation is sufficient within the municipal limits. And, seeing that an incorporated municipality by its very nature includes all the citizens, other corporations are not only unnecessary, but are positively deleterious. This is, to a certain extent, admitted by the constitution of the City Councils, as the sole taxing powers for school and free library purposes. Why, then, should the Board of School Trustees and the Board of Management of Free Libraries be also corporations and bodies politic. Cannot the whole citizens be trusted to manage and to be trustees for their own affairs, in their corporate capacity as a municipality? Why multiply corporations within a corporation? The idea is irrational and absurd.

The School Act a Retrogression.

There is also an uncalled-for invasion of the rights of the people in the School Act, 1891. Previously, the school trustees were elected by the people direct; but now the City Council elect three and the chairman, and the Government

appoint three. What have the people done that they should suffer this latter indignity, and be deprived of the sole elective power? The evil does not rest here, for the Board of School Trustees have the power to elect three members of the Free Library Board. And yet, further, comes the monstrous imposition, that these two separate corporations may compel the City Council to pay them, whether it be advisable for the good of the whole community or not, whatever money they demand, for the maintenance of their corporate works. True, the maximum library rate is limited to half a mill on the dollar, but the demands of the School Trustees are *unlimited*. Whatever they ask, the City Council is bound to pay.

Under what principles of political economy or commercial morality can one corporation be compelled to pay for the maintenance of buildings and property which are vested in other corporations? It is dishonest financiering. It may be said that it all comes to the same thing, the three corporations all represent the same body of people, it is simply robbing Peter to pay Paul. But, if this were true (which it isn't, on account of the Government nominees), why not be content with the one corporation, in which all property would be vested, and confine the unnecessary School and Library Boards to executive functions. I say "unnecessary," for there is no reason why the City Councils should not, directly or indirectly, manage schools, libraries, and every public work whatever, that comes under popular control.

Aldermen and Councillors in Cities.

At present there are two classes of voters, one assessed at \$100 to \$300 each, and the other assessed at \$300 and over each. The former vote for Mayor and Aldermen only, and only the latter have power to vote on loan by-laws. It may be doubted whether \$200, more or less, make any appreciable difference in the capabilities of the taxpayer; but, still, it is an important matter that only owners of real property should vote on by-laws which indirectly mortgage that property.

The Municipal Act, 1891, makes an arbitrary difference in the terms Aldermen and Councillors, the one being members of civic, and the other of rural,

Municipal Councils. But the two classes of voters suggest two classes of representatives, the object of which will appear as we proceed.

Qualifications of Members of Councils.

The property qualification in England has been abolished. The Ontario Commissioners report that in Canada, practically, it seems to matter little whether it is retained or abolished, and that in Montreal the intention was to abolish it. The different offices, however, should be limited to those qualified to vote for them.

Qualifications of Electors—Councillors.

Broadly speaking, the nearer we approach to universal suffrage, the more perfect becomes our electorate. But, under a system of compulsory education, illiterates should be disfranchised, that unhappy position being in itself evidence of a breach of the law. Once admit the principle of the people—not property—being represented, then all disqualifications appear as disfranchisements for crime, neglect to register, or other reasons. Poverty is no crime, therefore, that alone is no reason why one of the people should be deprived of a vote; unless it be broadly stated, as at present, that none but property holders may vote.

"No taxation without representation" is an established political axiom. "No representation without taxation," is equally axiomatic, on the principle that "It's a poor rule that won't work both ways." All who pay road tax, provincial revenue (school) tax, and any city tax whatever, should have the right to vote for Mayor and Councillors. This would enfranchise the two former classes, and abolish the \$100 qualification of the latter.

Qualification of Electors—Aldermen.

This qualification should be the same as that for voting on loan by-laws, at whatever limit the assessment might be fixed. The number of Aldermen should be small; only one for each ward, if the ward system be retained. They might form the executive council, if such were elected direct by the people. But, if not, then to them should be limited the right to vote in the legislative council on loan by-laws. If the executive functions

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were not wholly alienated from the Council, then whatever is reserved of them should belong of right to the Aldermen. Practically, they would be the Finance Committee of the Council. They should have also the longer terms of office, and any small privileges which would tend toward making the Aldermanship the more honorable office.

Term of Representation.

This is a most important matter, as will be seen by the report of the Ontario Commissioners:

We have found also that, in the opinion of a large number of those who have had much experience in municipal affairs, the services of active business men in City Councils cannot be secured if the elections continue to be annual as at present. Months, they say, must elapse before even the most intelligent, energetic business man can learn all that a member of the Council must know about the working of the city government and the affairs of the city in order to be really useful.

The general feeling appears to be in favor of a term of more than one year for members of municipal councils and boards, the object being apparently to ensure that a large number of the members shall have sufficient experience to conduct municipal affairs prudently, and to induce men to accept seats who are averse to undergoing the turmoil and excitement of annual elections. As there has been no agitation for a shortening of the term in Great Britain, the feeling there must be that councillors and commissioners holding their seats for three years are sufficiently amenable to public opinion. In none of the cities of the United States, in which aldermen or councillors are elected for terms longer than one year, has a reduction of the term, as far as we have learned, been proposed as a means of obtaining the reforms which have been found absolutely necessary in several cases to prevent insolvency.

This principle has been conceded in the Public Schools and Free Library Acts; but the longest term of office of any one member should be limited to three years.

Ward Representation in Cities.

It has already been stated that, under the ward system of representation, it is practically impossible to secure the good of the whole community. And the principle is entirely wrong. The Aldermen are supposed to be the representatives of the people of (say) New Westminster. That is, they represent the people, not the land. Why, then, should a citizen who has property in five wards, have five times the representation of a citizen who has only property in one ward? If the amount of property is to be represented, it would be more rational to give one vote for every \$100 or \$300 assessed

value, owned by each citizen. But, "One man, one vote," is a good radical maxim. Again, why should the two representatives of the 180 voters in Ward One have just as much power in the Council as the two who represent the 350 voters in Ward Three? Simply for local property reasons.

Differential property qualification, however, in England is being discarded, and the Imperial House of Commons is elected by numerical representation on the basis, as much as possible, of one member for each 50,000 people. If the City Council of New Westminster is to represent the whole city, and not to be a convention of the representatives of five separate and distinct portions of that city, would it not be, both more expedient, and also more according to business principles, to have it elected by the whole of the citizens.

The whole of the candidates should be named on one ballot paper. Whether each voter should vote for one candidate only, or two, as at present, or the whole number required, say ten; or should be permitted to give the whole ten votes to one man, or to divide them up as he chooses, are mere matters of detail.

For convenience of polling and other reasons, the ward divisions might be retained. The above views are borne out by the evidence before the Ontario Commissioners, as the following shows:

With two or three exceptions, only, all the Toronto gentlemen who appeared before us were in favor of the abolition of the present system of ward elections. They thought it unfair that wards with a small population, and the assessed value of whose property and income is small, should have representation in the Council as great as that of the wards whose population and wealth are many times greater. The injurious effects of many undue influences, some said, are greatly increased by the division into small wards. It is almost impossible, they told us, to resist those influences successfully in some of the wards. Extravagance, waste, jobbery, and even corruption, wherever they exist, are due largely to this system. Not only does the desire to grab all that can by any means be got for the smaller wards lead to general recklessness and extravagance, but contractors and others who intend to disregard the obligations they undertake, too often obtain influence enough in some of the wards to enable them to largely control their representatives. To this is attributed, in a large degree, the immunity which even those convicted of dereliction of duty, or of breach of contract, have in so many cases enjoyed. It was the general opinion also that the abolition of the ward system would do away with the necessity for such a style of canvassing as is now absolutely essential to success in many of the wards, and that it would be one very effectual means of inducing experienced business men to seek, or to accept,

seats in the Council. We have found that, in Toronto, the feeling prevails very widely that the abolition of the ward system of elections is absolutely essential to the success of any attempt at reform.

And, on page 43 of the report, the whole question is summed up, in the following incisive words: "What broad-minded and upright man," asks one writer, "will care to sit in the City Council knowing that he is expected to secure as large a slice as possible of the public funds for improvements in his locality—jobs which will bring money into his ward and into the pockets of the clique that worked for his nomination? How can any but the small-minded man set himself to represent or to uphold the alleged 'interests' of a few square feet of ground."

The Mayor.

The general duties of the Mayor are stated in the Municipal Act, 1891, (B. C.) to be as follows:

The person elected as Mayor or Reeve shall be deemed one of the Municipal Council, and the head and chief executive officer of the Corporation, and it shall be his duty to cause the laws for the improvement of the Municipality to be duly executed and put in force; to inspect the conduct of all subordinate officers, and, as far as may be in his power, to cause all negligence, carelessness, and positive violation of duty, to be prosecuted and punished, and to communicate from time to time to the Council all such information, and recommend all such measures as may tend to the improvement of the finances, health, security, cleanliness and comfort of the Municipality.

As the principal executive officer, he should preside over the executive council; but whether he should be chairman of the legislative council, or should communicate with it by message, is an open question. Probably, as a link and a means of communication between the two councils, it would be preferable for him to preside over both.

As chairman, he should be clothed with more ample powers for the preservation of order. At present, an Alderman may be removed by order of the Mayor for misconduct during the sitting of the Council. Presumably, this would be done by the police, but the situation would be too strained, especially if the chairman of the Police Commissioners, or the other Police Commissioners, present should order the police not to interfere.

A better plan would be to make the offence contempt of court, and follow the English precedent in the Ecclesiastical

and, perhaps, other Courts. There the offender is presented to the Court of Queen's bench, and the judge hears and deals with the case in proportion to its merits. So, an Alderman, refusing to obey the chair, would have to answer therefor to a judge of the County or Supreme Court. And a presentment under the hand and seal of the Mayor, should be sufficient proof of the contempt.

The question of the powers and responsibilities of the Mayor seems to be the warmest corner in the battlefield of municipal reform. Some, disgusted with the abuse of the executive function by Aldermen and Councillors, rush to the opposite extreme, and would limit the executive power to the Mayor, and also give him the sole power to appoint the administrative officers.

Ex-President Cleveland, when signing a bill, as Governor of New York State, to that effect, filed his reasons:

If the chief executive of the city is to be held responsible for its order and good government, he shall not be hampered with any interference with his selection of subordinate administrative officers, nor should he be permitted to find in a divided responsibility an excuse for any neglect of the best interests of the people. The plea should never be heard that a bad nomination had been made, because it was the only one that could receive confirmation.

And Governor Tilden, a man distinguished for his ability and for the reforms he effected in the state, in vetoing a bill passed to give the power of appointment to the common council, said: "Nowhere on this continent is it so essentially a condition of good government as in the city of New York, that the chief executive officer should be clothed with ample powers, have full control over subordinate administrative departments, and be subject to an undivided responsibility to the people and to public opinion." On another occasion he said: "Have no provision in your charter requiring the consent of the common council to the mayor's appointments of heads of departments. That only opens the way for dictation by the councils, or for bargains."

But, surely a Mayor is but human, and just as open to corruption as any common councilman. There must, therefore, be of necessity a thorough check upon his actions; and this, apart from the general inquisitorial power of the legislative council, would be best served by the appointment of an executive council. The following practical recommendations in this report are so strong that they demand thorough attention and consideration:

The Mayor is now directed by the Municipal Act to have supervision of all the departments of the civic government, and to see that all perform their duty, but no power is given to

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him to compel any officer of the city to do what is right or to punish him for doing wrong. He is, in fact, little more than chairman of the council and *ex-officio* member of the committees, and almost the only means he has of giving effect to his views, or of preventing the doing of wrong, is refusing to sign contracts or other documents of whose purport he disapproves. As to the legality of such refusal, there has sometimes been much room to doubt.

Nearly all the gentlemen who have had much experience in municipal matters agreed that the Mayor should have the power to veto any act or decision of the council, any appropriation, and any one or more items in any appropriation, and that a two-thirds vote of all the members of the council—not merely of those present at any meeting—should be necessary to override the Mayor's veto. Some thought that even if the Mayor had this power he should continue to preside over the meetings of the council, as he may often exercise a salutary influence over its deliberations, and do much to guide it to sound conclusions. Others thought it improper that the Mayor should have the power to veto the decisions of the body in whose deliberations he had taken part, and that the American system, which makes the Mayor a distinct branch of the city government, and allows him to communicate officially with the council only by message, is better calculated to produce good results. In Boston, the Mayor was, until very recently, chairman of the board of aldermen, but the last reform of the charter removed him from that position. Both branches now elect chairmen, who hold that position for the year.

The Executive Council.

We are not without precedents of the existence of separate executive bodies in our present municipal system. The Commissioners of Police have sole control of the police, and the Council cannot interfere. The Board of School Trustees have similar powers. The Commissioners of Waterworks and Public Library (at present) act subject to the approval of the City Council. There is no reason why the whole of their powers should not be vested in one executive council. If one man, one vote, be good for electoral purposes in the city, so one corporation, one administration, is good for the government of the whole city.

The advantages of having such a separate body, subject to the criticism and healthy jealousy of the legislative council, have been proved during the past year. The Water Commissioners have several times been required to furnish returns of their work and expenditure, and the Library Commissioners have been debarred from expenditure which the Council considered inexpedient at present, in the interests of the whole community. And, although the need for such enquiry regarding the School Board and the Police Commissioners

has not arisen, yet it is most expedient that they, also, should be subjected to this like liability. The latter, being appointed entirely by the Council, have acted with great usefulness on several occasions, as a committee, and decided matters referred to them; and generally, though not strictly required to do so by the charter, have reported regularly to the Council.

Whether the executive councillors should be directly elected by the people, or indirectly by the appointment of the legislative council, may be left an open question. The former seems preferable; but there is some strength in the plea that the Council would be more likely to confine their choice to "experts," and to exclude all social, political and other extraneous considerations. Possibly, if the Council nominated double the number required, and the people elected the executive council out of those nominees, a double security would be created.

As to the number, that is entirely a question of the work to be done. At present, three, exclusive of the Mayor, would be amply sufficient. It is no secret that the bulk of the executive work of the present Council has been done by four Aldermen, and more than half their time has been occupied by the necessary explanations and attendances at their committee meetings. It is just as well not to name those four Aldermen, so that each of the ten may felicitate himself as being reckoned one of the four.

The name is not important, "Executive Councillor," though a somewhat clumsy term, yet is honest as signifying exactly what it says; but in process of time each Councillor would naturally be called by some name derived from his own particular functions.

The present committees of Council are Board of Works, Water and Sewerage, Parks, Finance (including Railway and Ferry), Fire and Light, Police, and Health, seven in all. Their work naturally groups itself under three headings, *viz.*: Public Works (construction and maintenance), Finance, and Department of Public Safety. It would be easy, therefore, to apportion the work to three executive councillors, each directly responsible to the people for the due performance of his duties. If the councillors were paid a salary, a proper guaran-

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Besides the inquisitorial powers of the legislative council, a further check upon each executive councillor should be provided in the powers of the Mayor, as the chief executive officer in the municipality. It should be his duty to oversee the work of each department, and to veto any work which he should think fit, pending an appeal to the whole executive council. A further appeal should lie, in certain, or perhaps in all cases, to the legislative council. This would be natural whenever the dispute were as to the interpretation of any by-law or resolution of that council; but the appeal would not lie, with so much propriety, if the matter in dispute were entirely of an executive nature, that is, as to the manner of carrying out the indisputable orders of the legislative council.

In very grave cases, as a last resource, there should be power to dismiss an executive councillor, permanently by the legislative council, and temporarily, until that council should meet, by the Mayor. This would seem to be contrary to the good principle that none should dismiss except he who appoints; but exceptions must be made, and the authority which creates both councils can do so with what differing powers it chooses.

To provide for vacancies, from the above and other reasons, the executive functions should be legally vested in the whole executive council, and not those of each department in the head of that department. So that, in the absence of one executive councillor, his authority could be exercised by the others, either by the Mayor, as the chief executive officer, on his own official responsibility during the vacancy, or through him as the mouthpiece of the councillors. But perhaps this contingency would be better met by a special provision in the statute, that the Mayor should have the requisite full powers in case of any vacancy. In any case, however, it seems necessary that the executive council should consult together, as the separate functions of each are bound to overlap, e.g.: Financial matters and the enforcement of the by-laws affect all public works. And the whole executive council would form a board of directors for the commercial undertakings of the city.

Commission of Public Works.

The Ontario Commissioners' report speaks to the point upon the question of the arrangement of civic departments, though it is but fair to premise that it looks upon the heads of departments more as paid officials than as members of an executive council. But experience proves that, although a city may be happy in possessing a city engineer of acknowledged merit and worth, yet it is not wise to place authority in his hands which should only be exercised by the City Council. The more competent and painstaking a man becomes in his work, the more he insists on receiving plain decisive orders, and desires to be relieved of responsibility. The report states:

It is obvious that much would be gained by placing the control of all works of construction, the making and repairing of sewers, the making and repairing of streets, the construction of sidewalks, the putting down of water pipes, etc., under the control of one competent person, not only because the repeated breaking up and repairing of streets that now goes on would then be prevented, and pavements would not be spoiled almost before the work of laying them had been completed. Gas companies, telegraph companies, and all others should be required to obtain permission of the head of this department before opening any street or erecting any posts, and this permission should be applied for at the opening of each season, cases of emergency, of course, excepted. The construction, repairs, and maintenance of all public buildings and other erections should also be assigned to this department.

In the city of Philadelphia the department of public works has charge of water works and gas works, of the repair and lighting of streets, of the construction and maintenance of public buildings, bridges, and other structures, of public squares, of the real estate of the city not used for the police or educational works, of surveys, engineering, sewerage, drainage and dredging, of highways, wharves and docks.

In New Westminster the waterworks are being constructed and, under the present by-law, will be managed, when completed, by a board of three commissioners, directly elected by the people. Although nothing but praise can be said of the manner in which the work is being executed, yet what the Ontario report says of other places is equally true of this:

There is something to be said in favor of that system, as if competent, respectable, earnest men were selected as commissioners, a work would be carried on to completion without those changes which often mar the design and always involve much additional cost when change of control is frequent. But experience seems to have shown that, on the whole, the disadvantages of such a system outweigh its advantages, and that is wholly unnecessary

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In Pennsylvania the constitution now forbids the general assembly to "delegate to any special commission, private corporation, or association, any power to make, supervise, or interfere with any municipal improvement."

Where the public works department of a city is properly organized, possesses sufficient powers, and has a competent man at its head, the appointment of a commission for carrying on any public improvement should be unnecessary.

The Commissioner of Public Works would, therefore, have charge of the whole of the work now done in New Westminster by the Board of Works, Parks, Water, and Sewerage Committees, and the light, railway, and ferry portions of the work of the Fire and Light, and Finance Committees.

The City Comptroller.

The Comptroller should be the head of the Finance Department of the city, and should exercise, as the name implies, a controlling influence over every item of expenditure. The duties of the department are clearly stated in the Ontario report, in the remarks relating to the system in vogue in New York City.

It shall prescribe the forms of keeping and rendering all city accounts, the manner in which all salaries shall be drawn, and the mode by which all creditors shall be paid. All payments by or on behalf of the corporation shall be made through the proper disbursing officer of the department of finance, on vouchers to be filed in said department by means of warrants drawn on the chamberlain by the comptroller, and countersigned by the mayor. The comptroller may require any person presenting for settlement an account or claim against the corporation to be sworn before him, touching such amount or claim, and when so sworn, to answer orally as to any facts relative to the justness of such account. All accounts rendered to or kept in the other departments shall be subject to the inspection and revision of the officer of this department, and subject to the conditions aforesaid; it shall settle and adjust all claims in favor of or against the corporation, and all accounts in which the corporation is concerned. No contract shall be binding, or of any force or effect, unless the comptroller shall endorse thereon his certificate that there remains unexpended of an appropriation made for such service a sum sufficient to pay the estimated expense of executing such contract. The comptroller furnishes to each head of department, weekly, a statement of the unexpended balance of the appropriation for his department.

Audit Sub-Department.

A few remarks upon the audit system would not be out of place under this heading. At present, the Auditor is appointed by the City Council, and would seem, therefore, to be a mere check upon the corporation officials. But, just as the shareholders in public companies

elect auditors to be a check upon the board of directors, so the taxpayers in municipalities should elect auditors to be a check upon the municipal councils. But, inasmuch as the usual municipalities could not afford to engage a competent accountant, a Government Auditor should be appointed by the Lieutenant-Governor-in-Council, to audit their accounts.

The Auditor should have all the powers of a Royal Commissioner under the Public Enquiry Act, to take evidence upon oath, compel the attendance of witnesses, and the production of books, etc., and, most certainly, the power to surcharge, as in England. By this last is meant the authority to compel any municipal representative or officer to recoup to the municipality any sum of money which may have been expended by him without proper authority.

But, in cities which possess a separate executive council, the Auditor should be appointed by the legislative council. The following remarks of the Ontario Commissioners are well worthy of reproduction:

The auditor should be competent, energetic, and thoroughly honest, and he should be absolutely independent. How could the services of such a man most certainly be secured, and how could his independence be protected? The majority thought that he should be nominated by the mayor and appointed by the council for three or five years, and that he should not be removable unless by a two-thirds vote of the whole council. In that way they thought a competent man would probably be selected. Others thought that the auditor should be selected by the whole body of ratepayers, for one or three or five years. They contended that none but a competent man could be elected, and that an elected auditor would be thoroughly independent of all the influences which an appointed auditor may find irresistible. Others thought that, although it may seem an infringement of municipal independence, the auditor should be appointed by the Lieut.-Governor-in-Council, and hold office during good behaviour.

In all the cities of the Dominion, the city councils still appoint the auditors. We seldom hear of frauds, or misappropriations discovered and reported upon, or of surcharges made in any of those cities.

Department of Public Safety.

Under this heading group naturally the duties now discharged by the Police, Health, and Fire Committees. In fact, it seems astonishing how it has been possible to separate them.

The police are not only charged with the detection of crime, but also with the prevention of injury to the health, both moral and corporeal, and to the property

efficient. Probably, the best course of the people. It is their duty to see that all the laws are put in force, and most especially those by-laws which are intended to prevent the rise and spread of bodily disease, of immorality, and of fires. *Mens sana in corpore sano*, is a good police motto, and a sanitation which would keep the streets and lanes of the city in a cleanly state, and yet permit the minds and bodies of the citizens to revel in every description of uncleanliness, is but a one-sided policy.

It is unfortunate, in one sense, that the cause of morality seems to have become inseparably connected with the cause of Christianity, amongst civilized nations; and that Christian ministers should be regarded as a sort of moral police. Most people would be astonished at the high principles of morality preached and practised by many educated free-thinkers and so-called atheists, and to learn that whole nations, which are not Christian, are, perhaps, just as moral as those who profess and call themselves Christians. Their motive is not so high, but they have learned that the safety of the community demands that the citizens, whatever their religion or no religion may be, shall be compelled, by force, if need be, to think cleanly, to speak cleanly, and to act cleanly. The whole gist of the above mentioned misfortune is contained in the popular delusion that the eminent saying of John Wesley, "Cleanliness is next to Godliness," is part of Holy Writ.

In these days of religious liberty, men will not be made religions by Act of Parliament; but, for their own temporal welfare, and for the good of the whole people, every State insists that they shall be healthy both in mind and body, that is, in one word, "moral." The Public Schools' Act most distinctly lays down this power of disconnection between morality and religion, by ordering that the highest morality should be taught in the schools, and also that no minister of religion shall be a school trustee. And so, statute after statute, declares that the highest morality shall be practised by all subjects, although there be no established church in the land. Of course, many believe that Christianity is the highest form of morality; but their Christianity is often put to shame by a Socrates, a Buddha, or a John the Baptist.

Sub-Department of Police.

The present board of Police Commissioners should be abolished, if for no other reason than that it has proved in-

would be to give the sole control to the Mayor, so far as concerns the duties of the police. It may be bad in theory, that the detection and punishment of crime should both be vested in the chief magistrate of the city; but as, in practice, the latter is attended to by a special Police Magistrate, the difficulty may be only in theory. Even by him the graver cases are committed to the assizes; and it would be a distinct gain and save valuable time, even in petty cases, if the Mayor should be empowered to examine and decide whether there is sufficient evidence to carry a case into court.

Sub-Department of Law.

No expenditure is so begrudged as that in law charges. Yet little has been attempted to keep it within necessary bounds. The appointment of a local firm of solicitors does not work well, nor is it economical. The amount spent in law, in any one year, would be ample salary for a competent City Solicitor, who would devote the whole of his time to the city's interest. How many suits and injunctions against the city would have been prevented, if the Council had been assisted by the presence of their legal adviser at all their meetings.

There is an enormous amount of work waiting to be done, that can only be efficiently performed by one who has had a legal training. The amendment of the city charter, codification of the by-laws, prosecution of offenders in the Police Court, legal instructions to the police, all require special attention, besides the ordinary advising of the Council.

It may be, that a salary alone would not attract the most competent members of the profession; but, seeing the great number now in the city, some of them must very soon see the necessity, as in other places, of taking up a special department of law, in order to attain a special efficiency and authority in it. And municipal law, leading on as it does to parliamentary practice, is a splendid opening for any one of them. The drafting of municipal by-laws is the best training for drafting parliamentary bills, and, after a generation of municipal lawyers, we might hope to see a cessation of the ambiguous and loosely worded statutes, which must give old parliamentary hands a poor opinion of Provincial Legislatures, and, most of all, deter English capitalists and business men from making investments which would be at the mercy of each hurried and careless legislation.

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