

DEVELOPMENT OF MUNICIPAL INSTITUTIONS IN MANITOBA TO

1886

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FOREWORD

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"Had this Province the municipal system from the beginning it would have created more self reliance and more prosperity in localities which are now suffering for the want of local improvements".

Manitoba Free Press, Dec. 5, 1874, p. 4.

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TABLE OF ABBREVIATIONS

OFFICIAL RECORDS

Man. Gaz. - Manitoba Gazette

Man. Jour. Leg. Ass. - Manitoba: Journal of the Legislative Assembly

Manitoba: Off., C. E. C., Abs. O.-in-C. - Manitoba: Office, Clerk of the Executive Council, Abstracts Orders - in-Council

Manitoba: Off., C. E. C., O.-in-C. - Manitoba: Office, Clerk of the Executive Council, Orders-in-Council

P. A. M., C. E. C., O.-in-C. - Public Archives of Manitoba, Clerk of the Executive Council, Orders-in-Council

P. A. M., Letter Book: C. E. C., - Public Archives of Manitoba, Letter Book, Clerk of the Executive Council

P. A. M., Lieut.-Gov. Off. Corr. - Public Archives of Manitoba, Lieutenant - Governors' Official Correspondence

P. A. M., Minutes: R. M. Spring. - Public Archives of Manitoba, Rural Municipality of Springfield

P. A. M., Minutes: R. M. Spring. & Sunny. - Public Archives of Manitoba, Rural Municipality of Springfield and Sunnyside

Summary of Report, E. J. D. - Summary of a Report of the Secretary-Treasurer of the Eastern Judicial District

NEWSPAPERS

B.D.S. - Brandon Daily Sun

B.O. - Birtle Observer

B.W.M. - Brandon Weekly Mail

D.F.P. - Daily Free Press

D.M. - Daily Manitoban

G.A. - Gladstone Age

M.F.P. - Manitoba Free Press

N.-W. - The Nor-Wester

P. la P. W.T.-R - Portage la Prairie Weekly Tribune Review

R.C.S. & N.W.A.

- Rapid City Standard and North West Advocate

The Man. Gaz. & Tr. Rev.

- The Manitoba Gazette and Trade Review

W.D.S.

- Winnipeg Daily Sun

W.D.T.

- Winnipeg Daily Times

CHAPTER I

MUNICIPAL DEVELOPMENTS PRIOR TO UNION

1. The Municipal District of Assiniboia

Municipal growth for Manitoba began with the District of Assiniboia. This was the unit from which the first prairie province emerged in 1870. Although boundaries of both did not exactly correspond, the earlier authority embraced much territory later included within the fifth Canadian province. Accordingly, development of the political institutions of Assiniboia first require attention because of the transformation of the District into the Province of Manitoba.

Political arrangements of a sort were made quite soon in the existence of the District of Assiniboia. Thus it was created in 1836 with the re-transfer of the Lord Selkirk land grant to the Hudson Bay Company. Provision for district government through governor and council had been made the year before.¹ Refinement in administrative areas of this body gave rise shortly to municipal developments within the District itself.

In 1841 limits of the District of Assiniboia were reduced for purposes of municipalization alone. Two years before, establishment of this municipal district within the larger original one was initiated by

¹ E. H. Oliver, The Canadian North West, 1 (Ottawa: Government Printing Bureau, 1914), p. 33.

conciliar action.² Boundaries of this new unit were very hazily drawn; they roughly extended fifty miles in radius from the junction of the Red and Assiniboine Rivers. These evidently were drawn with a view to avoiding international implications.³ Hence they fell short of contact with the border of the United States. Moreover, there was a lateral restriction on settlement of four miles from the banks of the two main rivers.⁴ This smaller unit comprised about an eighth of the area comprising the larger district and was drawn primarily for purposes of localized administration.⁵ Accordingly, it was in the Municipal District of Assiniboia where initial development centred.

Governor and council of the larger district also acted as the municipal authority. Hence, the influence of the Hudson Bay Company in local administration was strong since ultimate responsibility for conciliar appointments rested with its London Committee. Exclusive of the governor there were twelve other members on the local council. These were chosen largely by virtue of "... position, influence, wealth and intelligence."⁶ With its evasive response to a petition in 1867 requesting the appointing to its membership of Dr. J. Schultz, a violent

² H.S.Seaman, Manitoba Landmarks and Red Letter Days, 1680 to 1920 (Winnipeg, 1920), p.60.

³ A.S.Morton, A History of the Canadian West to 1870 - 1 (London: T.Nelson & Sons, n.d.), p.666.

⁴ Ibid., p.666.

⁵ The Nor-Wester, "The Administration of Criminal Law in Assiniboia", Sept. 8, 1861.

⁶ Alexander Begg, History of the North West, 1 (Toronto: Hunter, Rose & Co., 1894), p.234.

critic of company rule, council clearly suggested an arbitrary basis.⁷ Despite this narrow political foundation, consideration of general popular sentiment on conciliar activities, appointments included, suggested some measure of liberality in municipal administration.⁸

Relationships between governor and council represented an anomalous situation. In theory, the governor was omnipotent as president of the council. Moreover, not only was he the titular head of government but also chief officer for the Hudson Bay Company in Assiniboia. Hence, power of initiation and ratification of conciliar enactments theoretically resided with him. In practice, a compromise between governor and council was struck quite early. Following the revision of district laws in 1862 minutes of council contain no record of a governor exercising a veto on any proceedings. True, dependent upon his character, a presiding officer might influence conciliar decisions considerably as in the case of Governor Alexander Christie.⁹ In the main, however, both governor and council blended together in response to popular interest.¹⁰

Specific representation in the council was of a mixed character. Religious and social bases were used rather than territorial or occupational ones. Since church and company included many of the influential inhabitants within the municipal district it was logical that councillors should be drawn from those two groups.¹¹ Indicative

⁷ Oliver, op. cit., pp. 573-74.

⁸ Begg, op. cit., p. 368.

⁹ Morton, op. cit., p. 807.

¹⁰ Ibid., p. 668.

¹¹ Begg, op. cit., p. 234.

of religious representation were seats held by both Roman Catholic and Anglican bishops. Furthermore, observation that sinecurists and servants of the Hudson's Bay Company comprised a large part of conciliar membership reflected also a social character for council.¹² Comment upon the nature of its ordinances suggested that council failed to represent certain groups. Then inference was to be made that since half-breeds and hunters were lightly favoured by enactments they lacked direct representation on the council.¹³ Apparently with respect to social composition the French element did not gain an effective voice in conciliar proceedings until 1855 when its numbers were increased.¹⁴ Despite later attempts at liberalization, the municipal authority because of its unrepresentative character failed to inspire complete public confidence.¹⁵

Endeavours to liberalize local government implied much of future consequence. In the company's favour this trend indicated its growing awareness of the necessity to recognize general public interest. Then, too, popular clamouring for wider representation in district government evinced growing political unrest. With the interaction of these two changes of attitude, a condition prompting radical revision eventually arose. Thus throughout the "sixties" the population revealed that it

¹² D. Gunn & C. R. Tuttle, A History of Manitoba (Ottawa: Maclean, Rogers & Co., 1880), p. 320.

¹³ Alexander Ross, The Red River Settlement (London: Smith, Eldon Co., 1856), p. 278.

¹⁴ Morton, op. cit., p. 667.

¹⁵ G. F. G. Stanley, The Birth of Western Canada (London: Longmans, Green & Co., 1936), p. 15.

had become politically self-conscious.¹⁶

For a number of reasons this situation immediately gave rise to conciliar legislation of a singular municipal character. In the first case these measures applied to a localized unit, the Municipal District of Assiniboia. Then, since there was only the one government, local interests sought and gained direct attention. By reason of there being no intermediate authority, and since authority was delegated, governor and council in that sense comprised a truly municipal administrative body. Conventional systems of dual or triple levels of government as in unitary and federal states respectively did not obtain in Assiniboia.

Various codes embodied primary aspects of government for the municipal district. Of the three codes adopted the first two, 1841 and 1851, were each nullified by the succeeding one. Hence, with the third and final codification of basic law in 1862, fundamental structure reached its climax.¹⁷ Since the latter embraced ultimate revision and was the one under which most municipalization occurred, it suffices for major consideration. Again convention, with code, tended to accentuate the intrinsically municipal aspects of district authority as founded in this last constitution.

Codical articles for 1862 were enlightening. Actually there were no explicit sections providing for the structural establishment of governor and council. Organs of authority were inferred from their statutory powers. Through implication local authority was observed to possess

¹⁶ Merton, op. cit., p. 868.

¹⁷ Oliver, op. cit., pp. 485-502.

legislative, administrative and judicial capacities. Articles I, III and V of the "General Provisions" of district government substantiated the possession of those powers in that order.¹⁸ Specific articles directly intimated that these capacities resided in governor and council. Legislative ability was displayed in the numerous specific subjects for which regulations were drawn by the conciliar body. Among those specified there were a number of outstanding ones: Customs: Mail: Justice: Liquor: Police: Roads: Haying: Fires: Wolf Bounty: Executive Officer.

General responsibility for administration developed upon governor and council. With the provision for the appointment of an administrative officer, who was entrusted with duties not assigned to any other person, practical administration rested with him. In any event, however, this capacity emanated from governor and council.

Judicial exercise was of an unusual character. That ability was enjoyed indirectly to the extent that the local authority, especially the governor, was responsible for judicial appointments. This was most finely illustrated when, following the famous Sayer case, Adam Thom, the Recorder sitting on the Bench, was removed in 1849.¹⁹ On exceedingly rare occasions the governor sat with members of the Quarterly Court and then only as a Court of Appeal.²⁰ In summary, judicial capacities of the municipal body were exercised most infrequently and quite deviously.

Enactments of the district authority could well be classified according to the three current jurisdictional categories: federal:

¹⁸ Ibid., p. 485.

¹⁹ Morton, op. cit., p. 817.

²⁰ Stanley, op. cit., p. 17.

provincial: municipal. Of these, the first two might be dispatched with at once due to their lesser relevance. Measures of a federal nature were those concerning mail and customs. Thus in 1862 a duty was levied on all liquors, excepting sacramental wines, passing through the district.²¹ Reflective of conciliar activity concerning mails was the fixation of the Fort Garry post-master's stipend at £10. To be expected, the Nor-Wester, which was the mouthpiece for Schultz' group, was highly critical of prevailing custom and mail administration.²²

Ordinances illustrative of present provincial power embraced a number of subjects: liquor, public works: wild life: marriage. In 1866 consideration was given to liquor licensing regulations in order that public opinion might be ascertained prior to the granting of any given permit.²³ Endeavour in public works which later was pursued at the provincial level arose in 1867.²⁴ Re-organization of the existing four road sections into ten smaller ones, each in charge of a superintendent, was undertaken. Provision of a wolf bounty represented another similar subject. That bounty fixed by the final general code was again revised by a separate enactment in 1868.²⁵ Marriage rights were affected with the legalization of the Wesleyan ceremony that year also.²⁶ Normally, education was regarded as a religious responsibility and so was outside

²¹ Oliver, op. cit., p. 509.

²² N-W., "The Council of Assiniboia", March 1, 1861, p. 3.

²³ Oliver, op. cit., p. 561.

²⁴ Ibid., pp. 579-80.

²⁵ Ibid., p. 600.

²⁶ Ibid., p. 595.

conciliar interest. Only with great hesitation was a grant of £10 made to assist in the maintenance of a school at Point Coupee in 1866.²⁷ Accordingly, the gesture was understood not to be a precedent for the future.

Conciliar activities of a municipal character can be classified under certain heads: local works: welfare: protection. In the first category a road committee submitted a report on public highways and a local ferry in 1864.²⁸ Certain parties the next year successfully petitioned for a specific road survey in order to remove obstructions.²⁹ During 1868 a projected road in the Sturgeon Creek area was not undertaken since a preliminary survey rendered the work inadvisable.³⁰ Throughout, the Nor-Wester was exceedingly critical of this phase of administration.³¹ Nevertheless, over and above general public works, certain official decisions involved undertakings of a distinct municipal nature.

Welfare interests of the local authority had a comparatively modern tone. In 1865 an impoverished family was assisted on account of the father's death.³² Later an unexpended portion of one grant was used to furnish widows and indigents in Headingly Parish with clothing.³³ At

²⁷ Ibid., p. 562.

²⁸ Ibid., p. 540.

²⁹ Ibid., p. 557.

³⁰ Ibid., p. 587.

³¹ N.-W., "The Public Roads", June 1, 1861, p. 2.

³² Ibid., p. 557.

³³ Ibid., pp. 597-98.

one council session a medical practitioner was granted £20 as compensation for expenses incurred in treating impecunious patients. In this latter connection, the Nor-Wester suggested on one occasion that the people themselves could well contribute to the maintenance of medical services.³⁴ From its proceedings council evidently extended charity both to individuals and groups.

Protective measures were adapted in conformity with local conditions. By the final basic code a police force of ten constables was established. Because of certain disturbances in the embryonic town of Winnipeg the force there was increased by three members in 1866.³⁵ Fire prevention measures reflective of a municipal concern were included in Articles II, III, and IV of the final code. Again did council manifest similar precautions in 1869 regarding setting of fires near roads. To be sure, the local journal charged official laxity on this score.³⁶ District authority, however, was quite cognizant of its duty in public safety judging by related ordinances.

Inaction in certain specific instances denoted the sharp limits of conciliar responsibility. In 1867 a petition for armed assistance with which to repel impending Indian attacks was not countenanced.³⁷ In reply, it was learned that the municipal district could furnish police protection only. Raising of armed forces was deemed beyond its capacity and jurisdiction. Three years earlier, complaints respecting a liquor

³⁴ N-W, "Our Medical Supply", Aug. 18, 1862, p. 2.

³⁵ J. J. Hargrave, Red River (Montreal: John Lavell, 1871), p. 93.

³⁶ N-W, "Magnificent Prairie Fires", Nov. 1, 1861, p. 2.

³⁷ Oliver, op. cit., p. 575.

vendor in St. Andrews Parish were referred to the licencing magistrate for inquiry.³⁸ This decision, if anything, suggested an evasion of direct responsibility. Early in 1865 discussion at one meeting with respect to supplying seed grain indicated that council was relying upon private enterprise.³⁹ Thus there was a sharp distinction made by the municipal body as to what were applicable and non-applicable subjects.

Certain conciliar interests represented subjects now common to all levels of government. Outstanding among these were three: revenue: judiciary: agriculture. Finance was raised mainly from tariff on imports.⁴⁰ Duties after being altered twice were finally set in 1836 at 4 per cent where they remained until 1870.⁴¹ Expenditures were made on various interests of which those of a municipal character were readily noticeable. To illustrate, a road allocation of £15 was made to one particular locality in 1864.⁴² With its system of petty courts, Quarterly Court, and Court of Appeal, somewhat comparable to those in Canada today, the district possessed machinery to administer municipal law in full. Two matters inviting much consideration and involving municipal agriculture were seed grain and haying. In arranging seed supplies the local administration discharged a responsibility falling to current senior governments.⁴³ Next in controlling the highly vital

³⁸ Ibid., p. 544.

³⁹ Ibid., p. 550.

⁴⁰ Hargrave, op. cit., p. 96.

⁴¹ J. P. Pritchett, The Red River Valley, 1811-1849 (New Haven: Yale University Press, 1942), p. 254.

⁴² Oliver, op. cit., p. 547.

⁴³ Ibid., p. 552.

municipal subject of hay season dates council dealt with agricultural restrictions peculiar to modern authorities.⁴⁴

Administration in the Municipal District of Assiniboia was truly municipal. Governor and council by virtue of delegated authority governed the locality directly. There were no other governments interposed between rulers and ruled; the senior bodies were too remote to be of practical consequence. Although that over-riding decision lay with the London Committee and hearing of final appeal with the British Government, steady unanimity in the council precluded likely intervention from those distant quarters. Hence lacking conventional dual and triple levels of authority district institutions were essentially municipal. Governor and council on the spot administered local affairs directly. Moreover, genuine municipal quality of local authority was reflected by conciliar enactments. These were in the nature of by-laws.⁴⁵

In assessment Hargrave again might well be cited:

Municipal institutions, of a very rude character, exist within the limits of this settlement, which is the only place in the Hudson Bay territories wherein such have been established, because it is the only spot where there is a resident population to be governed.⁴⁶

Petitioning of council completed the close liaison between council and people. Consideration of petitions was a quasi-administrative activity. The municipal code contained no formal provision for the presentation and hearing of petitions. They, nevertheless, represented an aspect of real conciliar activity. Certain submissions were illuminating. Typical of an individual petition was that presented

⁴⁴ Ibid., p. 488.

⁴⁵ Hargrave, op. cit., p. 87.

⁴⁶ Ibid., p. 576.

in 1867 seeking compensation for loss of the petitioner's horse.⁴⁷ The animal had been badly injured while crossing a bridge and eventually had to be destroyed. A group petition was exemplified by one received from the Sisters of Charity at St. Boniface in 1866.⁴⁸ Request then was made for closing of a district road. In both instances council acceded to these solicitations. Illustrative of a parish petition was the one from St. Boniface in 1864 urging additional liquor restrictions.⁴⁹ Lastly, and highly consequential, were entreaties from a parish at Portage la Prairie in 1864 and 1867 for inclusion in the municipal district. The expectation of district military aid to repel threatening Indian attacks prompted both petitions which were not entertained. Final limitations and jurisdictional incapacity constituted grounds for conciliar refusal.⁵⁰ This rebuff subsequently led to developments having significant municipal implications. Meanwhile, petitioning in all its aspects reaffirmed the truly municipal character of district government.

2. Municipal Developments at Portage la Prairie

Outside the Municipal District of Assiniboia a minor degree of municipalization occurred meanwhile at Portage la Prairie. There a mission was established by an Anglican clergyman, Archdeacon Cochrane, in 1852.⁵¹ In time a crude civil administration arose composed of rather

⁴⁷ Oliver, op. cit., pp. 572-73.

⁴⁸ Ibid., p. 565.

⁴⁹ Ibid., p. 540.

⁵⁰ Ibid., pp. 539-40.

⁵¹ R. B. Hill, Manitoba: History of Its Early Settlement, Development and Resources (Toronto: William Briggs, 1890), p. 126.

simple parts: council: judiciary: constabulary.⁵² An annually elected council framed and enforced local regulations. Next a general court along with a few justices of the peace composed the judicial system which was a close reproduction of that in the municipal district.⁵³ Five constables were appointed at one stage. The Nor-Wester charged that defects in the judicial system of the municipal unit of Assinboia were responsible for this new authority.⁵⁴ Whatever the cause of the creation, the institutions of Portage la Prairie displayed less strength than those of the legal municipal authority.

The play of internal and external forces suggested that this authority suffered a turbulent existence. Its inherent weaknesses gave rise to much friction between conciliar and judicial groups within the administration.⁵⁵ In 1864 a request for inclusion into the municipal limits of Assiniboia was rejected at Fort Garry. These failings subsequently precipitated an unusual situation in the western settlement.

In 1867 an abortive attempt was begun to separate Portage la Prairie entirely from all of Assiniboia. Behind the move was a factious individual Thomas Spence.⁵⁶ He apparently was stimulated by three major motives: Portage la Prairie was outside the pale of municipal authority for Assiniboia: protective defences against Indian invasion on the western locality were in a weak state: desire for personal prestige might well be satisfied

⁵² Ibid., p. 160.

⁵³ Ibid., p. 161.

⁵⁴ N.-W., "The Administration of Criminal Law in Assinboia", Sept. 8, 1868, p. 2.

⁵⁵ Hargrave, op. cit., p. 329.

⁵⁶ Hill, op. cit., p. 211

by this manoeuvre.

Spence's activities achieved little success. In late 1867 he established a republic with himself as president and Findlay Ray secretary.⁵⁷ Boundaries, excepting the eastern one touching the municipal district of Assiniboia, were left undefined while Caledonia was the name given to the new creation. Attempts to rule in the locality by council and raise revenue for judicial buildings through imposition of import duties failed immediately. As the largest prospective tax-payer, the Hudson Bay Company through its local agent, refused outright to pay any imposts.⁵⁸ Endeavours at long range to have the British Government grant its sanction were unavailing. Any move to set up an independent government, even for municipal purposes, in Assiniboia without reference to the Hudson Bay Company or Crown was illegal.⁵⁹ So went the reply from London in 1868. If willing, however, local residents certainly might submit themselves to their own rules and regulations over and above those of prevailing authority. By reason of this unfavourable reception from internal and external sources the new republic collapsed almost immediately.⁶⁰ From lofty heights of "state-craft" Spence next descended to drearier tasks. Salt making on Lake Manitoba proved a striking anti-climax to his former robust efforts.⁶¹

Failure of the Portage la Prairie experiment had some significance.

⁵⁷ Loc. cit.

⁵⁸ Ibid., p. 212.

⁵⁹ Begg, op. cit., pp. 361-62.

⁶⁰ Hill, op. cit., p.222.

⁶¹ Hargrave, op. cit., p.445.

Crown and Company were to be ultimate determinants in radical political revision within Assiniboia. As a corollary, municipal institutional change, either in organized or unorganized areas in the general district, was dependent upon their consent according to London. Subsequent events were shortly to disclose the weakness of this official attitude.

3. The Period of the Provisional Government

With the next major phase of municipal development in Manitoba, emphasis is placed on the period of the Red River Insurrection and Provincial Government in 1869-70. Past influences took effect upon the tenuous municipal provisions arising from disturbances in Fort Garry at that moment.

A number of developments accounted for perpetuation, to a degree, of earlier institutional forms. A primary motive for uprising with the major aggressive group, the Metis, was fear of Canadian encroachment. Thus a cultural conflict between old and new was represented by this eventful situation.⁶² Being immediately successful, the Metis as defenders of the old order strove to enforce a continuation of former political practices. Foreshadowing the eventual establishment of municipal institutions were two clauses in the first "List of Rights" drawn up by the Metis leader, Louis Riel, late in 1869. With the fourth and eighth point alluding to schools and general municipal expenses a system of local authority was predicated.⁶³ Following the establishment of the Provisional Government early in 1870 a second list alluded specifically to the retention of previous municipal arrangements should the district become

⁶² Stanley, op. cit., p. 61.

⁶³ Morton, op. cit., p. 877.

a province of Canada.⁶⁴ That being one of the conditions of union it was logical that the earlier scheme should prevail during the interim period of the Provisional Government. Meanwhile, establishment of the new order produced significant political changes.

Actual introduction of the Provisional Government was by no means a simple affair. It arose only after a number of incidents and the major change involved took some months to effect. Early in November of 1869 representatives from both French and English parishes met at Fort Garry to deliberate on the future of the district in the light of prevailing circumstances.⁶⁵ With Riel's seizure of that post the next month this collaboration broke off and was not resumed until early in 1870. In the renewal of deliberations not only Riel but also Donald Smith, a Canadian commissioner, played a leading part. Eventual outcome of this French and English co-operation centred upon two vital decisions: basis of union with Canada and establishment of the Provisional Government. The latter of these was of immediate consequence. Pursuant to Riel's coup on Fort Garry earlier, district government was in a confused state. Whether the authority to be recognized was the Council of Assiniboia or Riel's administration was uncertain. The upshot of discussions between all parties at Fort Garry was a resolving of the dilemma: the Provisional Government was established as the recognized authority.⁶⁶

The new ruling body had salient features. It differed radically from the Council of Assiniboia. Basically it was both responsible and

⁶⁴ E. E. Kreutzweiser, The Red River Insurrection (Quebec: Garden City Press, n.d.), p. 120.

⁶⁵ Morton, op. cit., p. 384.

⁶⁶ Ibid., p. 903.

representative in character. Its members were returned by elections held in the many parishes of the district.⁶⁷ Since those chosen to form the administration with Riel, the first president, were now determined by popular vote the new government enjoyed much more confidence than the preceding Council. Like the latter it embraced definite municipal responsibilities. In fact, excepting it being a popular body, because of strong influences from the past operating throughout, the new authority adopted much of former local institutional practices. Thus no discrimination in interests and activities was made; municipal affairs were administered much as before.

Almost unmodified acceptance of previous political structure and law was evinced in initial activity of the Provisional Government. By an enactment on March 27, 1870, President and Legislature replaced the former Governor and Council.⁶⁸ Moreover, pro tem, all laws and enactments of the late government continued in force until amended. Even then amendment was undertaken quite cautiously. A resolution in April effected a change in title of the general code without an alteration of content.⁶⁹ Not until mid-May did any new measures become valid.⁷⁰ Even at dissolution of the session the President remarked how the old could profitably blend with the new.⁷¹ That observation logically would include blending of earlier municipal experience also.

⁶⁷ Ibid., p. 902.

⁶⁸ P.A.M. Assiniboia: Journal of the Legislative Assembly, March 25, 1870.

⁶⁹ Ibid., April 28, 1870.

⁷⁰ Ibid., May 7, 1870.

⁷¹ Ibid., May 7, 1870.

Measures approved at the single legislative session of the Provisional Government reflected much of the past. As before, certain acts again concerned ordinary municipal subjects: local works: fires: animals. Respecting local works the previous system of road districts and grants was reaffirmed.⁷² During debate on constitutional articles certain clauses were adopted pertaining to "Fires" and "Animals".⁷³ Certain other measures, not municipal by later criterion but having profound local implications at the time, were passed. "Haying" and "Liquor" were typical in this connection. Quite early in its proceedings the session re-enacted haying regulations enforced by the authority of the former municipal district.⁷⁴ Later debate indicated that liquor restrictions also were patterned after those prevailing before.⁷⁵ Through its general code, laws, and regulations the Provisional Government displayed every intention of reproducing past municipal arrangements to a great degree.

An appropriate unit upon which a future municipal scheme could well be based was the local parish. By 1870 twenty of these were to be found along mainly the Red and Assiniboine Rivers. They were organized originally for religious and educational purposes and were divided between the two leading sects: Anglicans and Roman Catholics.⁷⁶ At the closing

⁷² Ibid., May 9, 1870.

⁷³ Ibid., May 5, 1870.

⁷⁴ Ibid., Mar. 25, 1870.

⁷⁵ Ibid., May 5, 1870.

⁷⁶ W.L. Morton, "The Red River Parish", Manitoba Essays (Toronto: MacMillan Co., 1937), p. 95.

days of the Council of Assiniboia they were utilized for political ends. During his attempts in 1869 to form a provisional government Riel assembled delegates on a parishesional basis.⁷⁷ Particularly did that form of representation obtain in the formation of the Convention and the ensuing Provincial Government the next year. Both English and French parishes elected twenty members each.⁷⁸ By 1870 each had become a focus of political action to the extent it was utilized for purposes of petitioning, administration of road works and representation in both Convention and Provisional Government. No formal institutionalizing of the parish followed since the establishment of a regular municipal system was not undertaken.

For good reasons a definite scheme of municipalization was not devised during this period. At the climax of insurrection, eventuating in the formation of the Provisional Government, the erection of a stable authority was paramount. Establishment of the general political framework must needs come first. This was the gist of Riel's first remarks at the opening of the provisional legislative session.⁷⁹ Archbishop Tache re-echoed these sentiments a few days later.⁸⁰ A dependable general government was a primary necessity first to ensure law and order for the virgin community.

Provisional Government, once secured, rendered the initiation of moves leading to union with Canada possible. Municipal consequences of

⁷⁷ Kreutzweisor, op. cit., p.55.

⁷⁸ Stanley, op. cit., p.93.

⁷⁹ P.A.M., Assiniboia: Journal of the Legislative Assembly, Mar. 9, 1870.

⁸⁰ Ibid., March 15, 1870.

such a connection were predicated in certain instructions given the one luckless Canadian official, Hon. W. McDougall, in 1869. Therein Ottawa gave an assurance of establishing municipal self-government within Assiniboia.⁸¹ Certainly eventual introduction of local institutions was implied in the final list of rights drawn up by the Provisional Government in 1870 for presentation to Canada. A clause alluding to customs, usages and privileges coming under control of the local legislature was highly pertinent in this connection.⁸² Such developments, however, had to wait the completion of union.

Even during and following negotiations other specific essential prerequisites needed fulfilment. Self-government and provincial status had to become confirmed realities for the new western addition to the Dominion. Once these were obtained, differentiation between federal and provincial authority was effected. Then differentiation between provincial and municipal jurisdiction might also be attempted. As was to be expected, representative municipal government was postulated with provincial status in view of the outcome of insurrection. Free rule was one of its most significant results. Elimination of arbitrary company rule rendered the future introduction of formal municipal institutions on other than a representative basis inconceivable. Meanwhile, however, the development of the federal-provincial relationship was the prime necessity.

Lastly, local conditions during the period of the "Provisional

⁸¹ Kreutzweiser, op. cit., p. 79

⁸² A.S.Morton, op. cit., p. 913.

Government" operated against the introduction of a municipal system. Economic questions gained high priority in attention from the community. Thus was a member moved to comment in the provisional legislature that the "land question" was all-important.⁸³ Again, municipal development was feared especially by the French Metis because of taxation.⁸⁴ Assuredly did the Metis organ, the New Nation, imply opposition to union with Canada for that reason.⁸⁵ Rather was likely association with the United States predicted by this journal.⁸⁶ In contrast, the Canadian element as represented by its journal, the Nor-Wester, was in no way hesitant to paint the benefits of municipalization in most glowing colours even as early as 1861.⁸⁷ This attitude was preserved right to the year of insurrection.⁸⁸

Added to political and economic obstacles there were social and natural forces unfavourable to immediate introduction. By 1870 Assiniboia was on the threshold of social change. Prospects of increased immigration were gradually growing.⁸⁹ With added population some readjustment in larger political institutions was imperative. Local authorities required careful study to render them successfully adaptable to this future changing environment. Furthermore, in that situation

⁸³ P.A.M., Assiniboia: Journal of Legislative Assembly, Mar. 9, 1870.

⁸⁴ N.-W., "Insurrection of the French Half-Breeds", Oct. 26, 1869, p.1.

⁸⁵ New Nation, "Confederation", Jan. 7, 1870, p.1.

⁸⁶ New Nation, "Our Policy", Jan. 7, 1870, p.2.

⁸⁷ N.-W., "Municipal Government", Aug. 1, 15 and 16, 1861.

⁸⁸ N.-W., (Untitled editorial) June 12, 1869, p.2.

⁸⁹ A.S.Morton and C. Martin, History of Prairie Settlement and "Dominion Lands" Policy (Toronto: Macmillan Co., 1938), p.39.

natural forces of climate and terrain could not be ignored.⁹⁰ Upon these influences depended the establishment of an economy necessary for whatever government arose. A municipal scheme only accentuated the profound risks in those forces.

Up to the time of union with Canada a definite pattern of formal municipal institutions had not emerged. Broad political authority was still in the unrefined state. In addition, other existing factors also worked against that development. Admittedly there was a vague realization of what constituted municipal interests for political purposes. At most, major events were so shaping as to render municipalization a future development.

⁹⁰ Ibid., p.29.

CHAPTER II

EARLY MUNICIPAL RESULTS OF PROVINCIAL STATUS: 1870-74

1. The Setting at Union

A major transitional period was inaugurated with the creation of the province of Manitoba in 1870. At that moment both definite and indefinite developments combined to form an anomalous situation. Definitely, responsible government and provincial status were conferred upon the prairie community. As one journal summarized the situation: "Responsible Government is an experiment in this Province."¹ Indefinitely, for a short period political arrangements were in a confused state. Hence, on union with Canada the western territory saw its provisional Government suddenly disintegrate while provincial authority was established only after protracted effort. In fact, for a brief period, a political vacuum in government existed. This condition was described succinctly at the time:

And Governor Archibald arrived in the Province to find it, so to speak, without form and void.²

In this situation the leading issues devolved upon the late Provisional Government and the Insurrection. Numerous meetings in the English parishes petitioned the first lieutenant-governor, Hon. A. G. Archibald, for punishment of the alleged guilty parties.³ Then toward the end of

¹ The Manitoban, "The Election," Dec. 24, 1870, p. 2.

² Ibid., "A Year's History," Sept. 2, 1871, p. 2.

³ The Manitoban, Mass Meetings, Nov. 11, 1871, p. 2.

1870 impending provincial elections attracted considerable attention. Threats of alleged Fenian invasion earlier during October created temporary anxiety for the new government in some quarters. A minority, the Metis in particular, were suspected of supporting the impending attacks in order to restore the Provisional Government.⁴ Religious and racial differences along Protestant-Roman Catholic and English-French lines tended to accentuate political acerbity. For a time government in Manitoba was in a state of extreme tension.

Economic conditions were in an equal state of flux. Land settlement, immigration, and railway construction became the major problems of this aspect of early provincial existence.⁵ For the Metis, interest in land was reflected by the inclusion of Section 31, in the Manitoba Act which guaranteed their property rights. Along with the Metis the "old" settlers, the British element, had such interest in the land problem because of original haying privileges involved.⁶ The question long persisted. In 1873 for example, a St. James clergyman, Rev. W.C. Pinkham, communicated with the lieutenant-governor, Hon. A. Morris, quite keenly on the subject.⁷

Immigration and railways secured less attention than the land issue in the early years. The former began mainly from Ontario and

⁴ F.H. Schofield, The Story of Manitoba, 1 (Winnipeg: S.J. Clarke Publishing Co., 1913), p.312.

⁵ The Manitoban, "The Elections", Dec. 24, 1870, p.2.

⁶ The Manitoban, Half-Breed Claims and Hay Privilege, June 24, 1871, p.2.

⁷ P.A.M., Lieut.-Gov. Off. Corr., Rev. W.C.Pinkham to A. Morris, (unnumbered), Feb. 4, 1873.

signified its future ramifications with trickles from the United States, Great Britain and continental Europe. Predominance of Ontario entries was evident from the local Dominion land agent's observations for 1874. He maintained that nine out of ten immigrants for the two preceding years were from the eastern province. Indicative of other sources of origin was a reply by Archibald to an American inquiry in 1871 on provincial economic opportunities.⁸ Intimation earlier of a projected railway to Winnipeg from the United States foretold the ultimate development of a communication system.⁹ These material developments, however, began most gradually following the creation of Manitoba.

Political and economic events united to form a fluid and dynamic condition. Joseph Royal, a member of the French element, in 1871, outlined how the Metis feared for the future of their rights in view of immigration and ensuing land speculation.¹⁰ Archibald himself in reply to Royal's next letter observed the provincial situation to be much that "... a spark may at any time do great damage".¹¹ Upon this explosive environment attempts to impose regular forms of authority were made.

Establishment of a provincial government was undertaken first. Until the elections late in 1870 Archibald administered affairs with two

⁸ Ibid., A.G. Archibald to N. Mosher, Kansas, U.S.A., (unnumbered), Sept. 12, 1871.

⁹ The Manitoban, "Important Railroad News", Dec. 10, 1870, p.2.

¹⁰ P.A.M., Lieut.-Gov. Off. Corr., J. Royal to A.G. Archibald, (unnumbered), Feb. 15, 1871.

¹¹ Ibid., A.G. Archibald to J. Royal, (unnumbered), March 11, 1871.

ministers, Hon. A. Boyd and Hon. M. Girard.¹² Each represented their respective racial groups, English and French. Following the elections Archibald formed his executive council on January 10, 1871.¹³ In a way, typical of early lieutenant-governors, he exerted much influence in the direction of provincial administration.¹⁴ Elections and cabinet both implied the initiation of practical dominion-provincial differentiation in political authority. Now the province had its own formal government.

This differentiation in senior authorities had significant municipal consequences. By Section 92 sub-section 8 of the British North America Act, responsibility for municipal institutions fell to the provinces. With the attainment of provincial status and the securing of a provincial authority Manitoba was in a position to embark upon municipalization in the future. Municipal institutions might now be established when they were required.

Illustrating the degree of provincial administrative effectiveness was the legislation of the first session. Forty-three statutes were then enacted. Of these, although this distinction was not made in 1871, thirty-six could be considered public acts. Some had implications of a municipal nature but lacked the specific elaboration of future acts.

From both statutes and orders-in-council provincial administration

¹² George Bryce, A History of Manitoba, (Toronto: The Canadian History Co., 1906), pp. 163-64.

¹³ Schofield, op. cit., p.301.

¹⁴ E.H. Oliver, "Institutionalizing of The Prairies", Transactions of The Royal Society of Canada, Series III, Vol. XXIV, Sec. 11, (Ottawa, 1930), p.9.

of matters having local consequence later was evident. Thus by The Supreme Court Act provision was made for a Grand Jury, petty courts, and counties.¹⁵ The Police Act represented one measure exemplifying provincial intervention in a phase of municipal administration: by-law enforcement.¹⁶ In 1871 twenty-four road superintendents, one for each electoral division, were appointed by order-in-council.¹⁷ The cabinet the next year made two grants for \$25.00 and \$15.00 respectively for medical aid.¹⁸ Aid to the extent of \$1680.00 for public works was given in 1874.¹⁹

Definite reasons accounted for the province having to assume numerous municipal responsibilities during this transitional period. First, a general municipal scheme was not instituted. Then since only two units were established practically all of the province remained unorganized at this time.²⁰ Even had a total municipal system been introduced, its success was most doubtful because of the lack of public money. Provincial estimates reached only \$81,425 for 1872.²¹ That for municipalities because of their inferiority certainly would have been less. Not until a productive economy had been founded was the necessary finance forthcoming for municipalization. When the provincial

¹⁵ Manitoba Statutes, 1871, 34 Vic., Chap. 2.

¹⁶ Ibid., 34 Vic., Chap. 11, p. 35.

¹⁷ Manitoba Gazette, July 12, 1871.

¹⁸ Manitoba: Office of Clerks Executive Council, Abstracts Orders-in-Council, No. 86, Nov. 21, 1872, p. 27.

¹⁹ Ibid., No. 166, Aug. 18, 1874, p. 47.

²⁰ Vide infra, p. 40.

²¹ Manitoba Statutes, 1872, 35 Vic., Chap. 24.

population was only 11,963 in 1871, the establishment of municipal institutions was not to be expected.²² The attorney-general, Hon. H. J. Clarke in 1873 summarized well the necessity of provincial action in local affairs under the circumstances:

As we cannot for some time anticipate the organization of the Province into Municipalities, it therefore falls upon the Government to provide for roads, bridges, registry and other offices, safes etc.²³

Excluding finance, of the influences conditioning provincial activity in municipal affairs at this time earlier administration and immigration were outstanding. With the former, the lieutenant-governor and his executive council were comparable to first, the governor and council, and then, the president and ministry in Assiniboia. Again by the last two sections of the Supreme Court Act of 1871 the laws of The District of Assiniboia were valid until repealed.²⁴ Legislative debate also revealed that codification in 1873 included much of the law from Assiniboia.²⁵

Definite executive action now in local matters intimated the influence of preceding conciliar administration. Orders-in-council particularly displayed this past experience at work. Thus late in 1871 a Board of Health was established to deal with a prevailing small-

²² Year Book and Almanac of Canada for 1873, (Ottawa: James Bailey & Co., 1872.), p.194.

²³ The Manitoban, Provincial Parliament Debates, Feb. 16, 1873, p. 2

²⁴ Manitoba Statutes, 1871, 34 Vic., Chap. 2, p. 19.

²⁵ The Manitoban, Provincial Parliament Debates, Feb. 22, 1873, p. 2.

pox epidemic.²⁶ Local works in view of the system of road supervision established clearly revealed a reflection of late conciliar endeavour. The province was divided into road districts each under an overseer as before.²⁷ During the spring of 1871 seed grain assistance to the extent of 500 bushels was granted by cabinet.²⁸ This aid had its parallel in enactments of Assiniboia.

Immigration exerted a marked influence in the provincial manner of administering local affairs. Since most of the newcomers came from Ontario and Quebec the models of those provinces were for the most part introduced into Manitoba. Utilization of the "county" as a unit for first, provincial, particularly judicial purposes and later municipal ones represented outside influences in operation.²⁹ Debate in the Assembly in 1871 on roads indicated that many considered the question from their experience in eastern provinces.³⁰ A land registration system was established on a county basis in 1873.³¹ These undertakings evinced the potent influence of provincial practices elsewhere on local affairs in Manitoba at this time.

²⁶ Manitoba: Off., C.E.C., Abs. O.-in-C., No. 8, Oct. 10, 1870,
p.2.

²⁷ Vide supra, p.27.

²⁸ Manitoba: Off., C.E.C., Abs. O.-in-C., No. 35, June 29, 1872,
p. 11.

²⁹ Manitoba Statutes, 1873, 36 Vic., Chap. 6.

³⁰ The Manitoban, Provincial Parliament Debates, April 15, 1871,
p. 3.

³¹ Manitoba Statutes, 1873, 36 Vic., Chap. 18.

That immediate and remote past experience should now prevail was more or less inevitable. In the former case the senior authority in its handling of local affairs was logically deferring to the majority. Most of the population was familiar with earlier conciliar rule alone; the reproduction therefore of much of that administration was wise. In the latter instance many in provincial office were new to the province. In the first provincial cabinet of five members John Norquay was the sole native born member; the remainder were from Ontario and Quebec.³² Accordingly, that outside influence would eventually prevail in provincial local administration was only natural.

2. The Assessment Acts

In 1871 legislation of an indirect municipal character initiated the development of municipalities in Manitoba. With the County Assessment and Parish assessment acts of that year, municipal arrangements of a sort were thus provided by the first legislative session.

Direct influences throughout were distinctly those from Nova Scotia. Evidence of this was available at a number of points. Archibald himself was a native of that province. Furthermore, six statutes of Nova Scotia from 1858 to 1870 entailed county assessments. A measure of the maritime province corresponded to Manitoba's in certain particulars: grand jury's presentment: collection of levies: penalties

³² Margaret McWilliams, Manitoba Milestones, (Toronto: J. M. Dent & Sons Ltd., 1928), p. 109.

for default.³³ Finally, one copy in the Manitoba Provincial Library is plainly marked with notations in Archibald's own handwriting.

Indirect influences might be traced to Britain originally. Especially was this so with the place of the grand jury in the scheme. That body was to be responsible for determining annually the amount to be levied on the entire county for municipal purposes. According to one writer, its earlier counterpart overseas had a similar responsibility throughout.³⁴ This transmission of course came by way of Nova Scotia despite the apparent directness of some influences, their deeper origins render them worthy of note.

In the County Assessment Act of 1871 crudeness and simplicity of early municipal institutions in Manitoba were evident.³⁵ There was much dependence upon the courts. Within twenty days following the rising of the Court of Sessions, actually a county court, the clerk of the peace summoned the assessors to prepare their rolls. All property valuations, real and personal, were entered therein. Moreover, they were returnable within twenty days following the clerk's initial directive. On the basis of these assessments and the grand jury's presentment for municipal purposes the clerk levied taxes accordingly. On warrant from a justice of the peace the county constables proceeded to collect these levies, which were to be turned over to the

³³ Nova Scotia Statutes, 1862, 25 Vic., Chap. 24, pp. 70-74.

³⁴ S. and B. Webb, English Local Government: The Parish and the County, (London: Longmans, Green and Co., 1906), p. 448.

³⁵ Manitoba Statutes, 1871, 37 Vic., Chap. 34, pp. 85-86.

county treasurer within two months. Negligent administrative officials were liable to a maximum fine of \$50.00. General superintendence of the various particular officials fell to the Supreme Court.

With the Parish Assessment Act a greater localization of the scheme was intended.³⁶ But four clauses comprised this statute so what was lacking in clarity was gained in brevity. According to the first two sections the existing four judicial counties were to be divided into twenty-four parishes corresponding to existing provincial constituencies—the old parishes. Manifestation of restrictiveness came with the third clause. In open assembly the inhabitants of a given parish might petition for a definite levy on their own locality for purely district purposes. Then the clerk was to impose this levy as under the broader statute. Application of similar administrative provisions also obtained according to the final section.

Formal statutory provision for the appointment of certain administrative officials was made in 1872. By an amendment that year to the Supreme Court Act the appointment of assessors, constables, collectors and treasurer was now valid.³⁷ This deficiency apparently had been discovered in previous legislation.

Following the discharge of its judicial duties the grand jury, along with the presiding justice and county justices of the peace, attended to county municipal business. Thus were necessary administrative appointments made for the county. These included several classes

³⁶ Ibid., 34 Vic., Chap. 35, p. 87.

³⁷ Manitoba Statutes, 1872, 35 Vic., Chap. 3, p. 8.

of officials: treasurer: assessors: collectors: poundkeepers: surveyors: constables. From a list of nine names its presiding judge chose three assessors and collectors in each case. As before, the grand jury was again confirmed in its powers to fix annual county assessments and public works.

Evidence of practical operation of this judicial administration of municipal affairs is meagre. Most activity centred upon making administrative appointments. Early in 1873 the grand jury for Selkirk County Court appointed the county treasurer, assessors, road surveyors and constables.³⁸ Soon after a full slate of officials was likewise struck for Marquette County.³⁹ Minor appointments made by the latter court for 1874 included constables and poundkeepers.⁴⁰ There was a singular absence of action to provide funds.

Available evidence suggests that local taxation was not raised by the judicial scheme. On the contrary, most grand juries displayed a reluctance to impose levies. In 1873 the Marquette grand jury "... did not recommend any appropriation of money for public purposes."⁴¹ There, one county justice of the peace, F. Ogletree, requested compensation from the province for expenses incurred with reference to the capture and trial of certain Indians. The grand jury by not striking rates

³⁸ The Manitoban, Court of Sessions, Feb. 15, 1873, p. 2.

³⁹ Manitoba Free Press, Marquette County Court Session, March 8, 1873, p. 8.

⁴⁰ The Manitoban, Marquette County Court, Oct. 17, 1874, p. 2.

⁴¹ M. F. P., op. cit., p. 8.

had made it necessary for Ogletree to bear these expenses himself.⁴² In 1873 even the premier, Hon. H.J. Clarke, intimated that no taxes had been paid locally to that date.⁴³ In 1872 Portage la Prairie, with the preparation of an assessment roll for the "town", apparently intended to levy taxes.⁴⁴ Because of a rate not being set by the grand jury of its county, Marquette, the next year, the western centre had acted to no purpose.

To this point municipalization in Manitoba was simple and crude. Legislation on the subject indicated much dependence on a secondary structure, the judicial system. Municipal bodies for their own sake were not created. In fact, a real scheme was lacking during the first two years of provincial life. To emphasize this deficiency only partial application of relevant acts occurred. Municipal appointments were made but imposition of local taxes was highly doubtful. At most, a quasi-municipal plan with foundations more statutory than practical obtained at this moment.

3. Rural Municipal Developments.

Definite signs foreshadowed the next major municipal developments which occurred in 1873. During the previous autumn the federal prime minister, Sir John A. Macdonald, suggested to the lieutenant-governor, Hon. A. Morris, that the latter use his leisure time in

⁴² P.A.M. Off. Lt.-Gov. Corr., F. Ogletree to A. Morris, (Un-numbered), Aug. 4, 1873.

⁴³ M.F. P., The Legislature, March 1, 1873, p.3.

⁴⁴ Hill, op. cit., pp. 368-71.

framing a general municipal system.⁴⁵ Assuming the validity of the real power of the latter official in provincial affairs at this period, it would be difficult to deny Morris' influence in this respect. Moreover, about this time the Manitoba Free Press was strongly advocating enactment of a purely municipal code.⁴⁶ Lastly, immediately preceding the legislative session the speech from the throne intimated the early introduction of municipal authorities where possible.⁴⁷

Ontario influence was again in evidence at the outset. Macdonald in his dispatch to Morris advised the reproduction of the scheme found in that province. In the speech from the throne there was a vague allusion to the eastern system as a likely model for Manitoba.⁴⁸ At the committee of the whole stage discussion revealed that the ultimate measure "... was based on the Ontario Act."⁴⁹ A member to take prominent part in the proceedings was W. R. Dick of Springfield. Prior to settling in Manitoba he had served as reeve of Fenelon Township and on the Victoria County Council in Ontario.⁵⁰

⁴⁵P. A. M., Macdonald Papers, Vol. 521: Letter Book No. 18, 25 June - 23 Oct., 1872. Macdonald to Chief Justice Alex. Morris, Oct. 8, 1872, pp. 655-56. (Courtesy of F. Milligan).

⁴⁶M. F. P., "Salutatory", Nov. 9, 1872, p. 4.

⁴⁷Manitoba: Journal of Legislative Assembly, Speech from the Throne, Feb. 5, 1873, p. 8.

⁴⁸Loc. cit.

⁴⁹Vida infra, p.36.

⁵⁰Manitoba Provincial Library: Newspaper Clippings, Biography, (M. F. P., March 1, 1904), p. 64.

It was only natural that his views would be conditioned by this past municipal experience. Therefore, Ontario influences were strongest on the statute.

Salient features of the Manitoba legislation in comparison with that of Ontario indicated close correspondence.⁵¹ For the latter province the municipal code at 1870 was of most relevance.⁵² In both provinces five members composed the rural municipal council. Each had like dates for the election of councillors and first meeting of council. These were the second and third Mondays of January respectively. Nearly all the disqualifications for office in Ontario re-appeared in Manitoba. In the western statute at least ten of the twenty-eight subjects upon which municipal councils might adopt by-laws were to be found in the eastern law.

Purposes and objectives of the administration were revealed by newspaper reports of the debates. Premier Clarke in committee of the whole stage made plain the government's intention.⁵³ Municipalization was being attempted to relieve a drain on the provincial treasury for purely local works. By placing this burden upon the taxpayers themselves a greater sense of responsibility and so better local administration was anticipated. Senior authority thus anticipated the operation of one leading municipal maxim: political policy translated

⁵¹ Manitoba Statutes, 1873, 36 Vic., Chap. 24.

⁵² Thomas Wills, A Compilation of the Acts Respecting the Municipal Institutions of Ontario, (Toronto: Hunter, Rose & Co., 1870), pp. 18-94.

⁵³ The Manitoban, Provincial Parliament Debates, Feb. 17, 1873.

into action directly and immediately.⁵⁴ Greater self-dependence for a given community was expected from the scheme; discrimination between progressive and lagging districts could then be made. Through promotion of increased local works and services a municipal system would aid in further stimulating immigration to the province. Finally, training in municipal affairs would be most beneficial to those aspiring for higher office.

The principles of the measure were brought out particularly at second reading and in the committee stage.⁵⁵ There the bill was discussed clause by clause. According to Clarke the act was permissive, and not obligatory. Localities might organize as they decided. A general scheme therefore was not envisaged. Several communities however were expected to incorporate shortly after enactment of the bill. Through the defeat of an amendment by Hon. M. Girard, it was made evident that the township, not the county was to be the territorial basis of each local authority. Some hope was expressed that the necessity of existing judicial administration of municipal affairs might now be eliminated. Finally, no claim to perfection could be made for the statute, but it was a beginning.

Outstanding parts of the bill displayed its simplicity. Organization of a municipality depended upon the particular locality itself. On petition of at least two-thirds of its qualified male

⁵⁴ H. McD. Clokie, Canadian Government and Politics, (Toronto: Longmans, Green & Co., 1945.), p. 230.

⁵⁵ M. F. P., The Legislature, Feb. 22, 1873, p. 7.

population a parish or township having not less than thirty eligible persons might incorporate. Letters patent for the purpose were then granted by the lieutenant - governor in council following approval of this petition. Qualifications and disqualifications were included for both councillors and voters. Property holdings to the extent of \$100.00 freehold or \$200.00 leasehold were required of the former in addition to their eligibility as electors. Resident males, excluding felons, could vote. Municipal councils were empowered to pass by-laws on a number of subjects: local works: statute labour: taxation: fire prevention: health services: pounds: municipal census: weeds: markets: elections. Although certain specific holdings were tax exempt both real and personal property in the main were liable to a maximum rate of 1 per cent. The scheme was by no means complex.

Reaction from the existing upper chamber, Legislative Council, was enlightening. Members there did not display interest similar to that of the Assembly. In view of remarks by certain councillors, Hon. D. Gunn and Hon. Dr. C. Bird, this apparent indifference may have been due to unfamiliarity on the subject.⁵⁶ As to specific sections, both houses conferred upon disqualification of councillors who were liquor vendors. In the resulting compromise retailers were ineligible for elective office.⁵⁷ Peculiarly enough, this disqualification was not to be found in the final printing of the act.

The proposed scheme met with fairly general approval in the

⁵⁶ M. F. P., The Legislature, (Legislative Council), Feb. 15, 1873, p. 3.

⁵⁷ The Manitoban, Provincial Parliament Debates, March 8, 1873. p. 2.

press. The Manitoba Free Press considered the act quite comprehensive under the circumstances.⁵⁸ Le Métis was pleased with the permissive features of the arrangements, and it also predicted early incorporation for many parishes.⁵⁹ The Manitoban somewhat later suggested that, in view of experience elsewhere, the province now would be staggered with municipal debts.⁶⁰

Minor amendments were made to the act at a second session later in 1873,⁶¹ Previously disenfranchised non-resident voters were now entitled to vote. Ordinary rather than official notice granting letters patent henceforth was sufficient. Lastly, statute labour in the future came under control of municipalities where they existed.

Application of the legislation for 1873 was most limited. In March there was discussion of the St. Charles Parish incorporation, but it failed to act accordingly at this time.⁶² Springfield combined with Sunnyside was the first locality to attempt organization successfully and requires separate treatment. On Oct. 17, 1873, Westbourne was incorporated on township basis⁶³ This, however, proved an abortive endeavour. By the following February elections had not been held in the de jure western unit which now sought advice from

⁵⁸ M. F. P., The Legislature, Feb. 8, 1873, p. 5.

⁵⁹ Le Métis, La Session, mars. 8, 1873, p. 2.

⁶⁰ The Manitoban, Municipal Debts, April 26, 1873, p. 1.

⁶¹ Manitoba Statutes, 1873, 37 Vic., Chap. 3, p. 6.

⁶² M. F. P., "Local and Provincial", March 8, 1873, p. 5.

⁶³ Manitoba: Off., C. E. C., Abs. O-in-C, No. 141, Oct. 17, 1873.

above.⁶⁴ On account of depression and grasshoppers, Westbourne Municipality remained still-born throughout this phase.⁶⁵ Likewise High Bluff failed to incorporate despite formal notice of intention to do so in 1874.⁶⁶ At the year's end similar official notice was given by Rockwood which, however, did not organize until later.⁶⁷

Springfield and Sunnyside Townships in association represented the first successful attempt in Manitoba at conventional municipal-ization. Their intention of so organizing was made clear during an official visit of the Hon. A. Morris in mid-March of 1873.⁶⁸ Local jealousy required equal recognition be given each township.⁶⁹ Accordingly the senior authority established a new municipality of both townships that autumn.⁷⁰ Dates, times and place of nomination and elections along with the appointment of a returning officer, Roger Turon, were specified in the letters patent issued by cabinet. Interestingly enough, Turon's home was the appointed place for the elections.

⁶⁴ Manitoba: Office of Clerk of Executive Council, Orders-in-Council, No. 141, Feb. 28, 1874.

⁶⁵ M. Morton Fahrni and W. L. Morton, Third Crossing (Winnipeg: Advocate Printers. 1946), p. 42.

⁶⁶ Manitoba: Off. C. E. C. Abs. O.-in-C., No 149, May 5, 1874, p. 42.

⁶⁷ Manitoba Gazette, Vol. 111, No. 4, Dec. 28, 1874, p. 30.

⁶⁸ M. F. P., Visit to Springfield and Sunnyside, March 22, 1873, p. 5.

⁶⁹ M. F. P., Letters to Editor: "Sunnyside", March 22, 1873, p. 4.

⁷⁰ Man. Gaz., Vol. 11, No. 10, Oct. 1, 1873, pp. 2 - 5.

According to reports the first election proceeded without incident on Oct. 13, 1873. Springfield and Sunnyside Municipality was now inaugurated.

Conciliar activity for the new unit during the first two years reflected considerable merit in the enabling legislation. To emphasize statutory effectiveness actions of municipal councils might be classified under two heads, structural and functional. Structural undertakings were illustrated by appointment of administrative officials, regulation of procedure in council, and provisions for municipal elections. Activity of a functional character was evinced by resolutions, motions and by-laws applying to numerous local subjects: taxation: public works: statute labour: poor relief: agriculture: markets: safety: morals. Structural endeavour primarily embraced the framework of local authority. Functional effort involved the exercise of that machinery. Springfield and Sunnyside clearly displayed both types.

Appointment of officials chiefly involved the structural activity executed by Manitoba's first municipality. Council there at its first session appointed an acting clerk and a permanent assessor.⁷¹ Annual salary of the latter was fixed at \$25.00. Pound-keepers, pathmasters, and fence viewers were appointed by by-law early in 1874.⁷² In the following October a treasurer and collector were appointed.⁷³

⁷¹ Minutes: Rural Municipality of Springfield and Sunnyside, Oct. 27, 1873.

⁷² Ibid., Feb. 16, 1874.

⁷³ Ibid., Oct. 12, 1874.



Normally these were made on a yearly basis as the assessor's appointment indicated.

A diversity of functional undertakings were also affected. Later in 1873 council reduced assessments on improvements and personal property by 25 per cent.⁷⁴ Establishment of a municipal cemetery was decided at the next meeting.⁷⁵ Next council divided the municipality into road divisions for local improvement purposes.⁷⁶ Typifying this activity with respect to the individual was a request made of one rate-payer on the removal of his fence which was obstructing a road.⁷⁷ Then the adoption of a by-law at the same meeting concerning a municipal levy was most indicative of functional effort.

A few relationships with senior authorities and private parties were manifested. Ottawa was contacted with the decision to petition the Minister of Interior concerning a grant of land for a local cemetery.⁷⁸ At its first meeting council decided to contact the provincial administration on two matters: legalization of municipal by-laws; amendment of the Municipal Act with regard to statute labour.⁷⁹ In the latter case subsequent legislative revision carried out the requests of the municipality. Indicative of an association with an

⁷⁴ Ibid., 1874. (first entry for year).

⁷⁵ Ibid., Feb. 16, 1874.

⁷⁶ Loc. cit.

⁷⁷ Ibid., Oct. 12, 1874.

⁷⁸ Ibid., Feb. 16, 1874.

⁷⁹ Ibid., Oct. 27, 1873.

individual ratepayer was the contacting of the above party on fences.

Springfield and Sunnyside were only beginning to reflect the application of inaugural legislation by 1875. To be noticed, in practice this law revealed simplicity along with adaptibility. Regardless of how it operated, the first formal act was significant since it had given birth to at least one municipality: Springfield and Sunnyside. Moreover, several others remained still-born. Subsequent events would indicate the degree to which this legislation contributed to further institutionalizing of local authorities.

4. The Incorporation of Winnipeg.

Winnipeg represented a significant stage in municipal growth during this era. Its incorporation as a city was undertaken in 1873. Prior to this development the centre was known as a "town".⁸⁰ That title was somewhat misleading as previous to its incorporation Winnipeg actually lacked legal recognition as a municipality. In any event, the move was most important; it marked the emergence of the first urban municipal unit in Manitoba.

The economic growth of Winnipeg in this period underlined the need for its incorporation. Lots as sold by the Hudson Bay Co. for \$70.00 in 1871 realized \$200.00 three years later.⁸¹ Assessments stood at over \$2,677,088 in 1874.⁸² During the summer of 1873 over

⁸⁰ Hargrave, op. cit., p. 93.

⁸¹ A. Begg and W. R. Nursey, Ten Years in Winnipeg, (Winnipeg: Times Publishing and Printing House, 1879), p. 99.

⁸² Bryce, op. cit., p. 242.

150 buildings were erected in the prairie centre.⁸³ Lastly, imports in 1873 stood at \$918,336.00 compared to \$1,797,033.00 the next year.⁸⁴ The growth so indicated was the pre-requisite of incorporation.

Municipal affairs in Winnipeg before incorporation were administered as elsewhere in the province. Under the original judicial arrangements the city was provided with an assessor, road surveyor and constables.⁸⁵ Little else, however, appears to have been done by the local grand jury in the light of prevailing criticism.⁸⁶ Most municipal services for the centre were apparently attended to by the province. Hence, in the session of 1872 Clarke maintained that the provincial constabulary was not for Winnipeg's benefit alone.⁸⁷

Preceding incorporation a proposed solution of municipal problems was based on private enterprise. In 1871 it was suggested that local merchants might supply fire-fighting equipment.⁸⁸ One periodical the next year advocated that residents themselves plant trees in order to beautify the future city, and so attract additional immigrants to it.⁸⁹ Debate again revealed that the province in 1873 contemplated leaving expenses for local improvements "... to its mer-

⁸³ M. F. P., "Local and Provincial", Aug. 23, 1873, p. 5.

⁸⁴ Begg and Nursey, op. cit., p. 98.

⁸⁵ Vide supra, p.33.

⁸⁶ Manitoba Gazette and Trade Review, "Local News", Apr. 27, 1872, p. 3.

⁸⁷ The Manitoban, Provincial Parliament, Feb. 5, 1872, p. 2.

⁸⁸ Manitoba News Letter, (No Title), June 3, 1871, p. 1.

⁸⁹ Man. Gaz. and Tr. Review, "Local News", Sept. 7, 1872, p. 2.

chants and other interested parties."⁹⁰

Eventually incorporation became desirable for immediate and ultimate advantages as one of a list of objectives given at the time implied:

We will be able to have our by-laws to regulate matters generally, so as to answer the public good and not the ideas of individual parties.⁹¹

Most journals, excepting The Manitoban, continuously voiced support of the move on this basis.

In 1872 incorporation was attempted without success. A local publisher, Alexander Begg, claimed credit for this first agitation.⁹² Certainly by articles in his Manitoba Gazette and Trade Review Begg proved himself a staunch advocate of the cause. His reasons for this support compared closely to current ones involving immediate need and ultimate benefit.⁹³ Consequently a public meeting was held early in 1872 to discuss the question.⁹⁴ Through petitioning of the legislature those interested had a bill sponsored by Dr. C. J. Bird. First reading was given on March 26 and then died for some unknown reason.⁹⁵ Despite this inauspicious start the movement for Winnipeg's incorporation had commenced.

Agitation was again renewed to overcome this temporary reverse. Once more the local press warmly supported these second endeavours.

⁹⁰ The Manitoban, Provincial Parliament, Feb. 22, 1873, p. 2.

⁹¹ Begg and Nursey, op. cit., p. 53.

⁹² Begg and Nursey, op. cit., p. 52.

⁹³ Man. Gaz. and Tr. Review., "The Incorporation of our Town", March 9, 1872, p. 2.

⁹⁴ Begg and Nursey, op. cit., p. 55.

⁹⁵ Manitoba: Jour. Leg. Ass., 1872, p. 46.

From this source it was alleged that The Manitoban opposed incorporation out of support for leading property interests, especially the Hudson Bay Company, which feared increased taxation.⁹⁶ In its defence the latter paper clearly suggested that it was most apprehensive of tax burdens arising from incorporation.⁹⁷ Most journals, however, were strong advocates of the move as early as possible.

Collective attempts by the residents themselves commenced late in 1872. Opinion at a mass meeting on December 27 unanimously supported incorporation again.⁹⁸ Two prominent parties, F.E. Cornish and W.F. Luxton, suggested that the incorporation bill be left to the local legislature. A citizens' committee, however, was formed by the gathering and entrusted with that responsibility. Moreover, the local legislative member, Donald A. Smith, was designated as the one to sponsor the measure in the assembly. The committee in question was given certain guides: civic limits: ward divisions: voters' qualifications: manner of mayoralty election. Accordingly, the drafting body had something definite from which to proceed at the start.

A report on a draft measure was presented to the citizens early in 1873 by the committee.⁹⁹ G. McMicken, committee chairman, revealed that the draft bill corresponded closely to the Citizens' original directives. This agreement was then furthered by subsequent

⁹⁶ The Man. Gaz. and Tr. Rev., " 'The Manitoban' and The Interests of the Town", May 4, 1872, p.2.

⁹⁷ The Manitoban, "Incorporation", April 8, 1872, p.2.

⁹⁸ M.F.P., A Mass Meeting, Jan. 4, 1873, p.5.

⁹⁹ M.F.P., Incorporation of Winnipeg, Feb. 5, 1873.

revision made to the draft itself. The final copy therefore contained for legislative guidance the fully revised section: a council of a mayor and eight aldermen: a fixed ward system: corporate powers. Because of these preparations the bill naturally was to be presented as a private not a public measure.

Legislative action was taken almost at once. Oddly enough, the premier presented the measure. Smith later maintained that he had had no official contact with the citizens' committee and had seen a draft copy only before the session opened.¹⁰⁰ Moreover, he had been absent from the city during the time of drafting. The interim of nearly three weeks between first and second readings may have been due to the twenty-nine committee sessions in the interim.¹⁰¹ Revisions as proposed by the lower house were most drastic.¹⁰² As these were made in the committee of the whole The Manitoban for that stage reported:

The clauses giving power to the corporation to borrow money was struck out; also all clauses respecting licenses. The maximum rate was reduced from one per cent to one half of one per cent on unimproved property, only real property to be taxed Moved in amendment to the amendment by Mr. McTavish, that the name be the City of Selkirk. (Carried).¹⁰³

Reaction to these revisions was most radical. A mass meeting of the local populace protested the emasculations bitterly.¹⁰⁴ This gathering appointed a committee which subsequently interviewed the Legislative Council and vigorously urged the restoration of the original bill. In

¹⁰⁰ Ibid., Smiths' Letter, March 15, 1873, p. 2.

¹⁰¹ Ibid., Legislative Assembly Debates, Nov. 31, 1873, p. 8.

¹⁰² Begg and Nursey, op. cit., p. 81

¹⁰³ The Manitoban, Provincial Parliament Debates, Mar. 15, 1873, p. 2.

¹⁰⁴ M. F. P., "Incorporation", March 8, 1873, p. 5.

doing so, the upper chamber tampered with a privilege reserved wholly to the lower one.¹⁰⁵ It altered the clauses concerning license fees. Now only 10 percent of these would go to the province instead of all as before. On return of the bill to the lower house, it was declared out of order because of this deficiency. As a climax to heated public feeling, the assembly's speaker, Hon. Dr. C. J. Bird, was brutally tarred that evening.¹⁰⁶ In vain did the administration offer a reward of \$1,000.00 for the apprehension of the perpetrators responsible for this dastardly attack. Winnipeg again had been denied incorporation.

Ensuing attempts to organize under the general municipal statute were unavailing. Notices for application for letters patent were published in due course.¹⁰⁷ There, however, was so long a delay that further obstruction was suspected.¹⁰⁸ According to minutes of cabinet, incorporation apparently was impossible under prevailing legislation which permitted two townships, but not parishes, to organize.¹⁰⁹ The future city was yet to achieve its goal.

Failure so far was due to a variety of causes. The Manitoba Free Press laid major blame upon Donald A. Smith.¹¹⁰ On account of his negligence he was alleged to have thwarted the wishes of his constit-

¹⁰⁵ Ibid., Legislative Assembly Debates, Mar. 15, 1873, p. 6.

¹⁰⁶ Begg and Nursey, op. cit., p. 80.

¹⁰⁷ The Manitoban, (Public Notices), May 10, 1873, p. 4.

¹⁰⁸ M. F. P., "Incorporation", March 29, 1873, p. 4.

¹⁰⁹ Manitoba: Off., C. E. C., O.-in-C., No. 104, March 12, 1873.

¹¹⁰ M. F. P., "The Iron Heel", March 8, 1873, p. 4.

uents. Either through ignorance or design Smith had not presented the bill for the citizens' committee as originally planned. The charge that the member for Winnipeg had compromised political principle for private interest gained point in view of certain prevailing factors: Smith had strong connections with the Hudson Bay Co. Civic taxation might seriously impair the economic position of that firm locally.¹¹¹ Radical alteration of sections pertaining to property rates accentuated suspicion of ulterior motives at work. In Smith's defence the suggestion that incorporation with its added taxation tended to discourage private enterprise had some point. If so, civic government might do more harm than good. Lastly and more important, provincial income, apart from the annual federal subsidy, was ridiculously low. To bolster its revenue the province in this instance decided to share local license fees equally with the future city.¹¹² This then was the issue which immediately precipitated temporary delay again.

Incorporation was finally attained at the second session of the local legislature in 1873. As a preliminary, two public meetings were held late in October. At the former one it was decided to use again the draft bill prepared earlier by the citizens' committee. Efforts by a familiar land speculator, W. Lynch, to hold a third meeting for allegedly similar objects but actually for personal political gain proved fruitless.¹¹³ No further hindrances were now tolerated.

¹¹¹ Ibid., Smith's Letter, March 15, 1873, p.2.

¹¹² Le Métis, "L'Incorporation", 15 mars, 1873, p.2.

¹¹³ M.F.P., "Fizzle of the 'New Movement' ", Nov. 1, 1873, p.4.

From the opening of the session events moved rapidly. Premier Clarke in an interview with the citizens' committee promised to sponsor the Bill as a government measure.¹¹⁴ This immediate official co-operation might have been due in part to fear of future electoral consequences if the question were further delayed.¹¹⁵ Adoption was most rapid with Clarke himself piloting the measure through the Assembly.¹¹⁶ To further expedite enactment printing of the French version was dispensed with temporarily. Subsequent minor amendments by the Legislative Council were accepted without debate. With royal assent granted on Nov. 8, 1873, Winnipeg had finally realized its goal of incorporation.

Throughout, the prevalence of Ontario influences was most discernible. During public meetings and in legislative debates early and late in 1873 the imitation of urban forms from the central province was urged strongly by all parties. Typical of this feature was an editorial in The Manitoban on Nov. 1 which intimated that the legislation was based on the ".... Ontario principle."¹¹⁷ More specific parallelism is evinced through comparison. For Ontario the act of 1870 again is useful.¹¹⁸ The statute to incorporate Winnipeg was quite lengthy as it consisted of 128 sections and occupied over forty pages.¹¹⁹ Since it was sponsored by the administration, immediately noticeable

¹¹⁴ Ibid., "Winnipeg Incorporation", Nov. 1, 1873, p. 1.

¹¹⁵ Ibid., Incorporation, March 29, 1873, p. 4.

¹¹⁶ Ibid., Legislative Assembly Debate, Nov. 15, 1873, p. 8.

¹¹⁷ The Manitoban, "Incorporation", Nov. 1, 1873, p. 2.

¹¹⁸ Wills, op. cit., pp. 21 - 42.

¹¹⁹ Manitoba Statutes, 1873, 37 Vic., Chap. 7, 1873.

was that the ward system prevailed in both cases. Although not equal in extent property qualifications were required of council members and voters by the two schemes. Strikingly enough, dates for nomination, elections, and first meeting of councils were identically similar in each case. Both had the same slate of elective and appointive officials while the mayor held like judicial powers. Winnipeg possessed almost all the by-law making powers of an Ontario city. Lastly, and most conclusively Sec. XCLV, S.S. 7 of the statute for Winnipeg applying to gas and water utilities reproduced Sec. 300 of the Ontario act verbatim.

Winnipeg's statute of incorporation was quite elaborate for the time. It embraced 128 sections altogether. Of these certain clauses had definite institutional significance. Corporate authority was vested in a council composed of a mayor and twelve aldermen, three for each ward. Property qualifications for mayor and aldermen were \$2000.00 free hold or \$200.00 leasehold on a rental of \$300.00 per annum. Disqualification for office were similar to those in existing general legislation enacted earlier in 1873. Council members, mayor included, possessed judicial as well as regular administrative powers. They, however, could not impose penalties involving hard labour as legislative debate had previously revealed.¹²⁰ This limitation exemplified an interesting point in devolution of authority. The province to the extent of its own authority, but not beyond, could empower a municipal body.

¹²⁰ M. F. P., Provincial Parliament, Nov. 15, 1873, p. 8.

Specific powers of council covered a multitude of subjects. By-laws might be adopted concerning nuisances, safety, sanitation, fire, and markets. These were only a few among the numerous ones included in the act. To administer these enactments in full council was empowered to appoint a clerk, chamberlain, assessors, collectors and auditors for routine administration, particularly of a fiscal character. For more specialized duties an engineer, health officer, constables, and pound-keepers were soon engaged.

Civic revenue was to be raised in a number of ways. Taxation might be imposed upon real and personal property excluding that exempted by the act. Various license fees might be imposed with liquor levies being shared equally with the province. Many licenses involved various enterprises: peddling: auction rooms: pool halls: liveries. Moreover, income also was derivable from fines set by the city's own court.

Ratepayers had definite municipal right. Most important was the franchise. Voters' qualifications called for the possession of \$100.00 freehold or \$20.00 leasehold. Customary municipal electoral disqualifications applied in Winnipeg, too. Civic electors had the power of appeal on various subject: assessment: contestation of elections: civic property appropriations. The statute in its entirety covered practically the whole area of civic affairs.

Immediate application of the new legislation arose with the first civic elections. Much interest centred upon the mayoralty which was contested by F. E. Cornish and W. F. Luxton.¹²¹ Bitter partisan

¹²¹ Begg and Nursey, op. cit., p. 94.

charges were hurled back and forth. Illustrative of these was Luxton's hot denial of any contacts with large property interests, like the Hudson Bay Co.¹²² The Manitoban no doubt spoke rightly when it asserted that none of the candidates, aldermanic included, had definite ideas on the implications of incorporation.¹²³ Suggestive of electoral defects within the civic authority was Luxton's contention that Cornish's majority was not 204 but 34 votes.¹²⁴ Certainly popular issues were exploited to the full.

At the start the new council pursued activities mainly of a structural type. Thus aldermen were selected in the first meeting on Jan. 19, 1874, to strike standing committees for the year.¹²⁵ These sub-groups concentrated on specific civic matters: finance: assessments: local works: fire and water: police and licensing.¹²⁶ The Mayor was a member ex officio of each committee. Adoption of much parliamentary procedure was indicated by certain practices like committee of the whole, notice of motion and by-law, three readings for by-laws, and adjournment through lack of a quorum. At a February meeting council decided to appoint an assessor, chief of police, and city engineer.¹²⁷ Confirmation of the appointment of city clerk and

¹²² M. F. P., "The Mayoralty", Jan. 3, 1874, p. 5.

¹²³ The Manitoban, "Incorporation", Dec. 20, 1873, p. 2.

¹²⁴ Begg and Nursey, op. cit., p. 94.

¹²⁵ The Manitoban, The City Council, Jan. 24, 1874, p. 2.

¹²⁶ Ibid., City Council, Feb. 7, 1874, p. 2.

¹²⁷ Ibid., City Council Meeting, Feb. 14, 1874, p. 2.

chamberlain, who were chosen earlier, was also given.

Financial endeavour served to bridge purely structural and functional effort. Conciliar activity regarding procedure, committees, and appointments only became purposeful when it achieved concrete results. To gain these material ends finance was a strong determinant. Extent of civic finance during 1874 can be gauged well by that year's local improvements: sidewalks - \$8246.03: roads - \$3204.02: bridges - \$621.59.¹²⁸ These were all provided from current income. Some conception of property levies was implicit in various assessments. At the court of revision, which was a vital conciliar function, for 1874, the Hudson Bay Company had its assessment reduced from \$300,000.00 to \$273,000.00.¹²⁹ The Manitoba Free Press reported that the first municipal tax amounted to \$4.00 and was paid by one, William Dodd, on Sept. 15, 1874.¹³⁰ Liquor fees comprised the largest part of license revenue, and were also shared with the province. The forwarding of \$500.00 on account by the senior government in 1874 revealed the funds to be expected from these levies. Court fines were low judging by a penalty of 25 cents imposed on one occasion.¹³¹ Throughout, most reliance for civic funds was placed upon property taxation.

In activity of a genuinely functional character local works ranked uppermost. For this reason and by reason of low current income

¹²⁸ Begg and Nursey, op. cit., pp. 110-11

¹²⁹ The Manitoban, City Council, Aug. 15, 1874

¹³⁰ M.F.P., "Local & Provincial", Sept. 19, 1874, p.5

¹³¹ Daily Free Press, City Police Court, Dec. 4, 1874, p.3.

council in 1875 gained popular approval of the first money-by-law. This measure entailed the future spending of \$250,000.00 on civic improvements such as sewers, fire equipment, water-works, civic buildings and road-works.¹³² In addition, routine projects involved streets, sidewalks and bridges. A sidewalk was built in the north ward the first spring.¹³³ Soon after council decided to build a bridge across Colony Creek.¹³⁴ A.W.Burrows failed to gain civic aid for a sidewalk to his property and so assumed the expense himself.¹³⁵ Request for the opening of one thoroughfare, Assiniboine St., was referred to the board of works committee.¹³⁶

Certain vital civic necessities were undertaken quite creditably. In the first money by-law provision was entered for supplying fire and water services. During 1874 boring of artesian wells was begun.¹³⁷ A water company empowered to operate in Winnipeg had been incorporated as early as 1872.¹³⁸ Since council, from proceedings in the legislature, eventually displayed opposition to a privately owned public utility this may have accounted for the project failing to mature.¹³⁹

¹³²Begg and Nursey, op. cit., p. 101.

¹³³M.F.P., City Council, March 31, 1874, p.5.

¹³⁴The Manitoban, City Council, April 25, 1874, p.2.

¹³⁵Ibid., April 11, 1874.

¹³⁶M.F.P., City Council, March 28, 1874, p.5.

¹³⁷Ibid., "Local and Provincial", April 18, 1874, p.5.

¹³⁸Manitoba Statutes, 1872, 35 Vic., Chap. 25

¹³⁹M.F.P., Manitoba Parliament, July 25, 1874, p.3.

Interest in civic health was shown by council's decision in striking a special committee to participate in management of the Winnipeg General Hospital.¹⁴⁰ Somewhat later a sum of \$500.00 was granted that institution.¹⁴¹ Concern for local safety was evinced with the enactment of a by-law respecting the storage of gunpowder.¹⁴² Civic charity was granted on the basis of individual need. One party in 1874 was allowed \$4.00 a week on the relief committee's recommendation.¹⁴³ Earlier the police chief was instructed to investigate complaints regarding a house of ill-fame.¹⁴⁴

Different relationships indicated the flexible and purposeful nature of civic administration. Contacts with senior authorities were of first importance. On one occasion the federal administration was petitioned on the site of the future post office.¹⁴⁵ More significant was a memorial late in 1874 urging Ottawa to construct a railway to Manitoba with Winnipeg as the terminus.¹⁴⁶ Implicit with frequent provincial associations was the sharing of liquor licenses. Moreover, these arrangements occasionally made civic restrictions upon liquor traffic difficult to impose.

¹⁴⁰ The Manitoban, City Council Meeting, Feb. 28, 1874, p. 2.

¹⁴¹ Ibid., Aug. 22, 1874.

¹⁴² M.F.P., City Council, Sept. 26, 1874, p. 6.

¹⁴³ Ibid., City Council, May 23, 1874, p. 5.

¹⁴⁴ The Manitoban, City Council Meeting, March 21, 1874, p. 2.

¹⁴⁵ M.F.P., City Council, May 23, 1874, p. 5.

¹⁴⁶ Ibid., Dec. 21, 1874, p. 5.

As the mayor revealed at one stage, these could be granted by the province without reference to council.¹⁴⁷ Consideration of civic aid to a milling firm represented a significant contact with private enterprise at this moment. Comparable to many municipal authorities, then and since, council at times dealt with irrelevant matters. In this connection discussion at one meeting concerned the Grangers, an alleged anti-British society.¹⁴⁸ These occasions, however, were rare since council most frequently was occupied with regular business.

By 1875 future prospects for Winnipeg as a municipality were encouraging. Despite obstructions to early attempts at incorporation the civic authority was now established. Moreover, significantly enough, Winnipeg was founded as a city from the beginning. Now council rightly had become the recognized institutional core of local government. Elections had been held: officials appointed; by-laws approved and motions adopted: various works performed and projected. Necessities formerly neglected or ill-done were attempted immediately. In addition, some essentials - water services - reserved to private endeavour were slowly started on a small scale. A greater encroachment upon many aspects of future civic existence was foreshadowed accordingly. Throughout there was the exercise of much ingenuity and adaptiveness. Meanwhile, in its own right, Winnipeg had become a civic community worthy of separate consideration in the municipal development of Manitoba.

¹⁴⁷ Ibid., Feb. 7, 1874, p. 5.

¹⁴⁸ Ibid., Dec. 21, 1874, p. 5.

5. The Emergence of School Districts

Educational institutions had a fairly substantial foundation by the time Manitoba became a province. Prior to union education was regarded as a responsibility of the church.¹⁴⁹ Eventually a dual system had arisen embracing the two major faiths: Protestant and Roman Catholic. Very rarely had the Governor and Council of Assiniboia, and certainly not the Provisional Government, intervened in this task. These dual arrangements were reaffirmed in 1870 by Section 22 of the Manitoba Act. That was the section pertaining to preservation of the existing duality. Accordingly, a basic aspect of the provincial educational system reflected "... the traditions of the societal structure prior to 1870".¹⁵⁰

Pertinent clauses of first legislation in 1871 implied the preservation of a sectarian system.¹⁵¹ Central administration involved a Board of Education consisting of Roman Catholic and Protestant sections with an equal number of members for each. To serve as the link between central and local authority a superintendent was appointed by each section accordingly.

Division of the province into local school units had immediate municipal consequences. Twenty-four districts were formed with boundaries corresponding to the existing provincial constituencies - old parishes. Hence, each electoral division became a school district.

¹⁴⁹ Vidi supra, p. 7.

¹⁵⁰ D.S.Woods, Education in Manitoba, Preliminary Report to the Economic Survey Board of Manitoba, Part 1 (Winnipeg, 1938), p. 15.

¹⁵¹ Manitoba Statutes, 1871, 34 Vic., Chap. 12.

These were allotted to the particular section of the Board of Education for purposes of central administration. Moreover, they were allocated by virtue of preponderant religious sentiment in each. By this expeditious arrangement not only was the sectarian principle recognized but the locality itself was now partially entrusted for the first time with the vital task of education.

Provisions were included in the first statute for formation and readjustment of districts. Each sectional board was responsible for altering existing districts in the light of local conditions. Eventually this power of creating a new unit, or altering old ones, had important municipal implications. Central administration came to be strongly influential in the emergence of school authorities. With the early departure from the original pattern of twenty-four districts the Board of Education in its power to alter units became quite real indeed.

Specific clauses applied to school districts alone and so were of primary consequences. Appointment and duties of trustees were outlined most curtly. Ratepayers annually were responsible for the formation of a board of three trustees through nomination or election, if necessary. This board was responsible for all phases of local school administration. Trustees could raise funds for school purposes, erect a school, engage a teacher, and provide necessities. All these activities were subject in some way to review by the central administration. A general check was to be kept on school boards by the appropriate sectional board through its superintendent.

Finance formed a notable aspect of the legislation for 1871. Revenue could be raised locally through the imposition of taxes, subscriptions or fees in the district. Of these a property levy found most favour.

To complement these funds trustees depended greatly upon the provincial government grant. After the payment of administrative expenses each section of the Board of Education shared in the residue equally. This sectional apportionment then was divided by the particular section among its various school districts. No district could receive more than three times what its members contributed, and each had to have a minimum attendance of fifteen pupils. Quite noticeably was the quality of the local institution conditioned by a senior authority. Because of the size of the provincial grant operations of trustees would be affected accordingly.

Application of the first act eventually revealed disturbing municipal fiscal consequences. Throughout, the French factions regarded a sectarian educational system vital to the preservation of its own culture.¹⁵² Moreover, though local past tradition led to a recognition of the dual principle, sectarian arrangements prevailing in Quebec and Ontario greatly influenced the actual scheme to emerge in Manitoba.¹⁵³ As immigration to the provinces increased, English exceeded French in numbers and population eventually became unbalanced.¹⁵⁴ This trend only served to aggravate public opinion upon educational change. More pertinently, provincial aid for individual Protestant districts decreased since more of these districts appeared and yet the total sectional grant remained equal to that divided among fewer Roman Catholic units.

¹⁵² Le Métis, "L'Instruction Publique dans le N. - Brunswick", 13 fév. 1872, p. 2.

¹⁵³ Ibid. "La Session", 8 mars, 1871, p. 2.

¹⁵⁴ McWilliams, op. cit., p. 12.

With increasing agitation by the majority for revision the minority naturally regarded amendment most suspiciously because of implied threats to their culture. For purposes of local administration alone educational revision, however, became an ultimate necessity.

Revision of the first school legislation occurred in 1872.¹⁵⁵ Major amendment with institutional implications concerned the method of apportioning the government grant between both sectional boards. After first deducting central administrative expenses the province distributed its grant on the basis of the aggregate of the average attendance. A new provision permitted the creation of a separate school district despite one already existing in the same locality. Dissenting ratepayers now had an opportunity of founding their own units. This inclusion was likely to be conducive to much future confusion. Of direct interest to local boards were clauses pertaining to corporate capacity, election of trustees, annual taxes and arrears in levies. Boards now were empowered to sue and be sued. Seniority of trustees depended upon the order in which they were elected. The amount of tax was to be decided by the ratepayers themselves, and imposed upon both real and personal property. No annual levy was to exceed the sum of \$1,000.00. Lastly, trustees could now take legal action to enforce the payment of tax arrears. This provision had been included at the request of St. Andrews North S.D. earlier.¹⁵⁶ There apparently was a striving to perfect existing law in the light of past experience.

¹⁵⁵ Manitoba Statutes, 1873, 36 Vict., Chap. 22, pp. 76-78.

¹⁵⁶ M.F.P., Official School Correspondence, Jan., 18, 1873, p.5.

Application of legislation by the central administration soon followed. As a result of action by the respective sectional boards the number of Protestant districts increased to sixteen and the Roman Catholic ones dropped to ten in mid-July of 1871.¹⁵⁷ This action set the future trend. Five new Protestant districts, formed late in 1872, typified the greater growth of that section.¹⁵⁸ More important, the Board of Education clearly was exercising a duty of much local consequences district formation and readjustment. Indicative of similar action was the setting of the date for annual school meetings. Under Section 20 of the act for 1871 this was done at first by proclamation.¹⁵⁹

Operation of legislation locally distinguished Winnipeg from the rest of the province. Trustees there opened the first school during the autumn of 1871.¹⁶⁰ Two years later they applied to their sectional board for power to collect unpaid levies or, if failing, permission to return fees already paid.¹⁶¹ That year school taxation was set at \$2,500.00 in Winnipeg. Because of legislative revisions in 1873 the board decided to have their solicitors collect all arrears.¹⁶² More over, the trustees also asked permission from the province to borrow the sum of \$1,000.00 for school improvements.¹⁶³ Plans were prepared for

¹⁵⁷ Man. Gaz., July 12, 1871, pp. 1-3.

¹⁵⁸ Man. Gaz., Vol. 1, No. 5, Dec. 31, 1872.

¹⁵⁹ Man. Gaz., Proclamation, June 26, 1871, pp. 1-2.

¹⁶⁰ The Manitoban, Our New School, Oct. 28, 1871, p.2.

¹⁶¹ M.F.P., Winnipeg School Meeting, Feb. 8, 1873, p.4.

¹⁶² Ibid., "Local & Provincial", Oct. 4, 1873, p.4.

¹⁶³ Manitoba, Off., C.E.C., Abs.Q.-In-C., No. 119, Oct. 14, 1873, p.36.

another school the next year.¹⁶⁴ Winnipeg through the magnitude of its activities eventually became a distinctly urban entity. For this reason it was comparable to the regular municipal body itself.

Many rural authorities endeavoured to avail themselves fully of educational enactments. High Bluff ratepayers in 1873 were determined to keep their school open despite the lack of funds.¹⁶⁵ On this account much ingenuity was displayed. At Cook's Creek residents contributed one day's statute labour or paid \$1.50 in commutation.¹⁶⁶ Settlers together in Golden Stream assembled materials necessary for a school-house.¹⁶⁷ Rockwood was one of the very few districts not to accept its responsibilities. Permission to borrow \$500.00 for the erection of a school subject to the sanction of the ratepayers was granted early in 1874.¹⁶⁸ By autumn no building had yet been erected.¹⁶⁹ According to reports the sparseness of settlement, because of land speculation, evidently caused this negligence.¹⁷⁰ In any event, however, Rockwood was exceptional.

In Manitoba the school district developed as an independ-

¹⁶⁴ M. F. P., "Local and Provincial", March 7, 1874, p. 5.

¹⁶⁵ M. F. P., High Bluff, Feb. 22, 1873, p. 5.

¹⁶⁶ M. F. P., Cook's Creek Settlement, Feb. 14, 1874, p. 5.

¹⁶⁷ Ibid., Golden Stream Settlement, Feb. 21, 1874, p. 5.

¹⁶⁸ Manitoba: Off., C. E. C., O.-in-C., No. 145, Mar. 31, 1874.

¹⁶⁹ The Manitoban, Schools and Post Office in Rockwood, Oct. 31, 1874, p. 2.

¹⁷⁰ M. F. P., Our New Settlements, March 14, 1874, p. 8.

ent municipal institution. Distinct cleavage between the municipality and the former unit was apparent from the beginning. There were good reasons for this trend. Education originally had been a responsibility of the church. Furthermore, because the educational systems of Ontario and Quebec were copied in 1871, the distinction between both authorities logically was introduced into Manitoba. Too, the school unit enhanced its position by priority; it preceded the municipality. No suggestion, at least during this period, came from existing local authorities or the legislature to have them combined. Lastly, because of its many complexities a dual educational scheme worked against integration and favoured the separation of school board and council. Hence, the body of trustees evolved in isolation, and as an ad hoc authority in contrast to its counterpart, the municipal council, the school board fulfilled a much more particularized purpose. On account of its aloofness throughout, the school district merits individual consideration accordingly.

Development of educational institutions at the municipal level was modest indeed. That growth first reflected the duality present in the entire school system. Then, too, the strong influence of finance was most apparent. Because of this fact there was much dependence on provincial aid. Immediately the school board began to evolve entirely apart from the regular municipal council. Furthermore, quite soon did Winnipeg in educational institutions develop independently from the rest of the province. For these reasons a degree of accommodation prevailed in the existing local school arrangements at this time.

CHAPTER, 111

RETARDATION OF RURAL MUNICIPAL DEVELOPMENT: 1875 - 78

1. Background and Causes of Retardation

Manitoba's third phase of municipal growth marked definite political circumstances at senior levels. Terms of office for both federal and provincial administrations corresponded rather closely to the duration of the period itself. At Ottawa in 1874 the Liberals under Hon. A. Mackenzie succeeded Macdonald's Conservative government for four years. Excepting for most of 1874 when the Clarke and Girard ministries were in power, the Hon. R. A. Davis served as premier of Manitoba throughout this stage. Hence, one government held power in each case, and consistent federal and provincial policies might be expected in municipal affairs accordingly.

Economic conditions were equally well defined also. Commercial depression of unprecedented severity prevailed both internationally and nationally.¹ In Canada the maritime and central provinces particularly felt the brunt of business stagnation.² Locally, trade trends fell into two phases: before and after the winter of 1876 - 77. Up until approximately the spring of 1877 "hard times" were experienced. A year earlier Le Métis commented that one trans-

¹ M. F. P., "The Hard Times", Dec. 11, 1875, p. 4.

² Edgar McInnis, Canada A Political and Social History, (New York: Rinehardt & Co., Inc., 1947), pp. 339-40.

port firm, Kittson Co., had its freight sheds crowded with unclaimed goods.³ Through the scarcity of money these had not been redeemed. During the summer of 1877, however, the economic situation in Manitoba began to improve. Not only was this material improvement witnessed in Winnipeg and St. Boniface but in other nascent communities, like Selkirk.⁴ These sharp economic changes were bound to leave their mark on municipal development accordingly.

Immigration, however, was an aspect of provincial economic development to reflect consistent advance. New-comers still migrated from previous sources while there were arrivals from other places also. Mennonite immigration from continental Europe commencing in 1874 increased to 3,285 the ensuing year.⁵ French-Canadian immigration, especially from the New England area of the United States, 671 persons for 1877.⁶ Of later significance was the Icelandic settlement founded in 1875 on the west side of Lake Winnipeg just outside of the province in Keewatin.⁷

This influx of population soon stimulated radical alteration within the economy of Manitoba. The slow transition from trapping to farming was initiated by immigration at this stage. Signalling the change was the first wheat shipment to Toronto in 1876. Import duties

³ Le Métis, "Nouvelles Locales," Mar. 18, 1876, p. 2.

⁴ M. F. P., "Local and Provincial," Dec. 1, 1877, p. 3.

⁵ Report of the Minister of Agriculture, Vol IX, No. 7, Sessional Papers: Canada, 1876, p. XV.

⁶ Report of the Minister of Agriculture, Vol XI, No. 8, Sessional Papers: Canada, 1878, p. XXVII.

⁷ McWilliams, op. cit., p. 157.

which were imposed mainly on agriculture. In 1874 these had amounted to only \$67,471.97 as compared to \$235,048.38 two years following.⁸ Lastly, the numerous homestead applications of the day suggested that farming was to become the provincial primary industry. Emerson reported 104 entries early in March during 1875.⁹

Social and physical forces could not be ignored in subsequent municipalization. The "old" settlers, the Metis in particular, evinced indifference, if not opposition, to a municipal scheme on account of the taxation involved.¹⁰ On the contrary, the "new" inhabitants, especially from Ontario, might be expected to favour one by virtue of their background. Then, too, heat and moisture in moderation or excess were physical factors having municipal consequences because of their economic effects, Westbourne Township earlier with its floods and grasshoppers was typical in this respect. Poor harvests because of bad weather would certainly not provide funds necessary for the success of a municipal system.

In retrospect, certain factors favoured increased municipal development in Manitoba at this juncture. Politically, Davis' program in part entailed the establishment of a municipal system throughout the province.¹¹ Economically, despite the lack of communications, immigration continued in greater numbers and a much more stable economy

⁸ M.F.P., "Local and Provincial", March 3, 1877, p.5.

⁹ D.F.P., Emerson Colony, March 5, 1875, p.4.

¹⁰ Le Métis, "Nouvelles Locales", Feb. 17, 1976, p.1.

¹¹ Schofield, op. cit., p. 328.

grew up under these circumstances. Socially, a certain segment of the population revealed a familiarity and interest in municipal institutions. Natural elements could work to the advantage of the new economy upon which a municipal scheme greatly relied.

In contrast, there were immediate factors retarding municipalization in Manitoba. These were chiefly economic and political forces operating in association. With the onset of depression the Mackenzie administration at Ottawa and the Davis one in Winnipeg were forced to retrench.¹² For the former this action resulted in federal resistance to increased provincial subsidies. Conversely, Manitoba was in desperate need of this aid and strove to have this federal assistance increased.

Several reasons accounted for Manitoba's dire fiscal straits. Provincial population reached only 65,954 in 1881.¹³ Accordingly, it would be much lower at this period as a gauge of provincial taxation possibilities. Actual provincial estimates totalling \$95,000.00 in 1877 reflected a small income even for the senior government.¹⁴ Moreover, much of that expense was for local services later supplied by municipalities. Of this amount \$8,000.00 was for road services which in some instances were of a definite municipal character. The Department of Public Works was organized in 1876 to systematize this phase of provincial activity more fully.¹⁵ Despite the high annual subsidy

¹² M.A. Maxwell, Federal Subsidies to the Provincial Governments in Canada, Vol. LVI, Harvard Economic Studies (Cambridge: Harvard University Press, 1937), pp. 77-78.

¹³ Census of Canada, 1 (Ottawa: Queen's Printer, 1881), p.93.

¹⁴ Manitoba Statutes, 1876, 39 Vic., Chap. 29, p.130.

¹⁵ Ibid., p.133.

of \$2.67 at union, in comparison to what the older provinces received, that amount still was lower than British Columbia's grant of \$5.90. To offset its larger grant Manitoba lacked control of its own natural resources and adequate public buildings at this moment.¹⁶ Lack of political authority and inadequate revenue combined to produce an almost insolluble problem.

To resolve the dilemma a compromise was struck. Ottawa granted Davis an increase of \$26,750.00 in the federal subsidy after he had demonstrated more economical handling of provincial affairs.¹⁷ It was of marked relevance that these terms eventually "... forced the creation of premature municipalities."¹⁸

Certain conditions within Manitoba tended to arrest municipal-ization, during this period. In the light of dominion-provincial relations public finance was low. Since provincial funds were inadequate surely those available for local authorities in comparison could not be greater. Furthermore, to impose a municipal scheme would be to imply that the population as a whole was unprepared for it. Admittedly, provincial legislation, greater immigration and establishment of a productive economy in time prompted complete municipal development. Immediately, however, retardation was foreshadowed because of the very lack at this stage of resources: people: industry: finance: communication. Municipal developments occurring at this time were to

¹⁶ Morton and Martin, op. cit., pp. 474-75.

¹⁷ Maxwell, op. cit., p. 78.

¹⁸ Morton and Martin, op. cit., p. 475.

reveal if this were so or not.

2. Municipalization on the Township and Parish Basis

Numerous signs predicted early revision of existing rural municipal legislation. In 1875 Springfield and Sunnyside petitioned for particular amendments.¹⁹ As one of his platform planks the preceding year Davis promised:

To secure the introduction of an effective Municipal System and in connection therewith aiding the Municipalities in the maintenance of roads and bridges.²⁰

One prominent assembly member, W. F. Luxton, urged a revision of the prevailing scheme too. Journalistic support for the proposals was not lacking. Typical was the Manitoba Free Press which urged the introduction of Ontario forms.²¹ According to this organ local works would be provided immediately. Furthermore, the ratepayers simultaneously would become self-reliant and economical in furnishing those services themselves. Agitation for incorporation early in 1875 at Kildonan and St. John's parishes clearly foreshadowed impending amendment of existing legislation.²²

Some inkling of the future changes in 1875 was implied in a petition to the legislature from Springfield and Sunnyside. This submission embodied certain significant items: units for incorporation, councillor's remuneration, election of the reeves by ratepayers, empowering of the council to appoint tax collectors, formation of

¹⁹ P. A. M. Minutes: R. M. Spring. & Sunny, April 10, 1875.

²⁰ D. F. P. (Election Advertisement), Dec. 8, 1874, p. 2.

²¹ Ibid., "Municipal Organization", Nov. 30, 1874, p. 2.

²² M. F. P., "Local and Provincial", April 24, 1875, p. 8.

school districts by municipal councils, statute labour enforcement by municipalities and its rate of commutation.

The Springfield member, W. R. Dick, again proved active to the extent of presenting this petition and participating in framing the general bill.²³ Moreover, during debate upon the speech from the throne Dick alluded to his intention to amendments to the measure of 1873.²⁴ Therefore, undoubtedly many of these suggested revisions would be included in the eventual act.

Ontario influences were quite apparent in the legislation of 1875. Two major reasons accounted for that claim. Firstly, Dick presented the measure and so piloted it through the legislature.²⁵ Hence, because of his previous municipal experiences in Ontario the bill would be so conditioned like the one of 1873. Secondly, during the later debate on another important measure, the County Municipality Act, the Hon. J. Royal indicated that Dick's measure was an attempt to perfect the one of 1873.²⁶ Thus, through imputation the act of 1875 was a substantial reproduction of the original. Full consideration of the present measure confirmed this outside determinant.

A remote and indirect influence, moreover, was suggested by the statute labour provisions of the second act. In this respect it compared similarly with the one for 1873. Again were the deeper origins of

²³ M. F. P., Manitoba Parliament, May 15, 1875, p. 8.

²⁴ D. F. P., Manitoba Parliament, April 2, 1875, p. 3.

²⁵ M. F. P., Manitoba Parliament, April 24, 1875, p. 6.

²⁶ Ibid., May 8, 1875, p. 5.

statute labour obligations to be found overseas. The earlier mentioned authority has revealed where this practice existed in 16th century England.²⁷ In time it was transplanted in a circuitous manner to Canada. From contemporary legislation of Ontario this institution as a municipal interest was transmitted from there to Manitoba in 1873.²⁸ Now it was once more confirmed in the western province. Throughout, statute labour represented a municipal subject which had both immediate and distant origins.

The major act of 1875 was patterned closely after the one two years before.²⁹ In addition, an amending statute was passed at the same session.³⁰ According to Hon. J. Royal this latter one was found necessary to rectify errors and omissions in the former, Dick's measure.³¹ As Le Métis reported the greater enactment outlined municipal powers upon a host of subjects: taxes: roads: bridges: fire protection: health: pounds: municipal buildings.³² There, however, were some salient clauses in this legislation.

A number of sections distinguished this more important statute from the one of 1873. Now townships, parishes or electoral divisions, singly or in association, could be incorporated as municipal-

²⁷ S. & B. Webb, English Local Government: The Story of the King's Highway, (London: Longmans, Green & Co., 1920), pp. 14 - 16.

²⁸ Wills, op. cit., p. 108.

²⁹ Manitoba Statutes, 1875, 38 Vic., Chap. 31.

³⁰ Ibid., 38 Vic., Chap. 42.

³¹ M. F. P., Manitoba Parliament, May 15, 1875, p. 8.

³² Le Métis, En Chambre, 8 mai, 1875, p. 3.

ities. Quite significantly, previous limitation of the municipal tax rate to 1 per cent was repealed. Municipalities were now empowered to appoint collectors as Springfield and Sunnyside had petitioned earlier.³³ For that reason, too, the commutation rate for statute labour was changed to \$2.00 per day. With respect to a clause pertaining to schools as suggested by that local authority a compromise was struck. Councils in future could levy and collect school taxes at the request of local trustees before a specified date. Apart from these clauses by-law making powers were widened to cover more subjects: drainage, agricultural abuses, registry office maintenance, tree planting. With the amending act of 1875 previous minor defects were corrected. Two sections were significant. Proceedings of local authorities organized under earlier legislation were now validated, while present and future municipal statute labour by-laws also were legalized. Clearly these clauses were enacted with the experience of Springfield and Sunnyside Municipality in view.³⁴

Subsequent revisions to the end of this period were of a minor character. Amendments of 1876 applied mainly to assessments, tax rates, and statute labour.³⁵ With the last section of this revising act, separation of the collector's and treasurer's offices fulfilled a request of Springfield and Sunnyside to that effect.³⁶ Among the amendments of 1877 provision was made for sharing provincial liquor

³³ Vide supra, p.42.

³⁴ P. A. M., Minutes: R. M. Spring. & Sunny., April 10, 1875.

³⁵ Manitoba Statutes, 1876, 39 Vic., Chap. 16.

³⁶ P. A. M., Minutes, R. M. Spring. & Sunny., Jan. 17, 1876.

licenses equally with municipalities.³⁷ This again had been done pursuant to petitions both from the above council and new unit, Kildonan and St. John's.³⁸ Lastly, revisions of 1878 concerning statute labour and assessment appeals were of slight institutional significances.³⁹

Application of this general municipal legislation was quite limited as before. Kildonan and St. John's Parishes made an unsuccessful attempt to organize as a single unit in 1875.⁴⁰ Not until a year's time did these localities achieve incorporation along those lines.⁴¹ Letters patent organizing Rockwood were issued during 1878.⁴² In addition, there were rumours of impending organization elsewhere but these failed to materialize. Four townships, Hudson, Franklin, Belcher, and Parry, in the Emerson district considered the step in 1875.⁴³ St. Paul's appeared to be on the verge of organizing the following year.⁴⁴ Also, the question was discussed at Headingley in 1877.⁴⁵ Shortly after, the settlement of Morris in Provencher County gave signs of undertaking incorporation at an early date.

³⁸ P. A. M., Minutes: R. M. Spring. & Sunny., Feb. 3, 1877.

³⁹ Manitoba Statutes, 1878, 41 Vic., Chap. 25.

⁴⁰ Man. Gaz., Vol. 1V, No. 4, Feb. 28, 1875, p. 11.

⁴¹ Man. Gaz., Vol. 1, No. 6, March 13, 1876, p. 1.

⁴² Manitoba: Off., C.E.C., Abs. O.-in-C., No. 296, April 17, 1878, p. 77.

⁴³ M. F. P., "Local and Provincial", July 17, 1875, p. 8.

⁴⁴ M. F. P., "Local and Provincial", April 1, 1876, p. 5.

⁴⁵ Ibid., The Municipal Question in Headingley, March 24, 1877, p. 5.

Despite these stirrings only two localities, Kildonan and St. John's, then Rockwood, organized on a township or parish basis during this period. Because of this meagre response to the legislation of 1875 restraint in the creation of municipalities was most evident.

Conciliar proceedings now began to display a definite pattern of annual activity. Within this pattern there was an oscillation from structural to functional forms of endeavour and return. Minutes of Springfield and Sunnyside for 1877 were most illustrative in this respect.⁴⁶ The first phase lasted from January to March approximately and entailed structural effort in the main. Council in that stage was engaged in establishing much basic municipal machinery necessary for the year's work. Thus early in February the auditor's report was adopted and an assessor appointed. Then with the second phase going well into May there was a blending of both structural and functional aspects of operation. Accordingly council in March evinced the structural by sitting as a court of revision while the functional was represented by the passage of a statute labour by-law. By the third phase extending into October actions of almost a purely functional type were undertaken. Hence, in mid-July a number of road improvements were arranged. With the final stage there was a fusion of both sorts with stress at the year's close upon the structural. Hence, in November functionally council was occupied with tax collections and a projected cemetery. Structurally, it made preparations for the impending election. Throughout there was a discernible continuity of underlying structural and functional forms of action in an-

⁴⁶ P. A. M., Minutes: R. M. Springfield and Sunnyside, 1877.

nual municipal business.

Certain activities were common to all three municipalities. Some exception might be noted in the case of Rockwood since it was incorporated so late in this phase. Typical of a general undertaking was the holding of a court of revision. Kildonan and St. John's was indicative of this similarity the first year.⁴⁷ Later, adoption of a statute labour by-law by its council represented another common interest.⁴⁸ Local works were frequently performed by all three as Springfield and Sunnyside in the solicitation of two ditch tenders during 1878.⁴⁹ Normal agricultural interests were indicated in a number of enactments. Kildonan and St. John's at one meeting approved a pound by-law.⁵⁰ Postmasters, fence viewers and poundkeepers were appointed by Springfield and Sunnyside about the same time.⁵¹ In 1878 the latter council passed a by-law aimed at controlling noxious weeds.⁵² Rockwood in setting police fees revealed a protective service upon which the other two municipalities had acted earlier.⁵³ Lastly, Kildonan and St. John's in the adoption of a Sabbath observance ordinance attempted an interest concerning Springfield and Sunnyside

⁴⁷ M. F. P., "Local and Provincial", May 20, 1876, p. 2.

⁴⁸ M. F. P., Municipality of Kildonan and St. John's April 15, 1876, p. 5.

⁴⁹ P. A. H., Minutes: R. M. Spring. & Sunny., June 22, 1878.

⁵⁰ M. F. P., Kildonan and St. John's Municipality, April 22, 1876, p. 6.

⁵¹ P. A. M., Minutes: R. M. Spring. & Sunny., Mar. 25, 1876.

⁵² Ibid., April 15, 1878.

⁵³ M. F. P., Rockwood Council, Nov. 9, 1878, p. 8.

also.⁵⁴ With all these undertakings the three municipalities faced similar problems to which, in the main, they applied the same solution.

A municipal interest with much significance was the court of revision. Each of the particular councils revealed a variety of experience in this connection. At the first session of its court Kildonan and St. John's heard five appeals of which one involved a reduction from \$1,170.00 to \$660.00.⁵⁵ Assessment of personal property, cattle, and equipment - not within the municipality was protested the ensuing year.⁵⁶ At a session of the court in 1878 one ratepayer signified his intention of launching a judicial appeal from the decision given.⁵⁷ Springfield and Sunnyside failed to make complete reports of its various courts.⁵⁸ Original records of Rockwood are lacking to date and whether council acted in that capacity was doubtful.⁵⁹ Lateness of incorporation possibly gave that council no adequate opportunity of holding a court of revision during this time.

Taxation was an extremely vital conciliar concern. Upon that one item, possibly more than any other, municipal existence, at least immediately, depended. Without funds the local authority was

⁵⁴ M. F. P., Kildonan and St. John's, July 28, 1877, p. 1.

⁵⁵ M. F. P., Kildonan and St. John's Municipality, May 27, 1876, p. 8.

⁵⁶ M. F. P., Kildonan and St. John's Municipality, June 2, 1877, p. 5.

⁵⁷ M. F. P., Kildonan and St. John's Municipality, June 15, 1878, p. 1.

⁵⁸ P. A. M., Minutes: R. M. Spring. & Sunny., Apr. 10, 1875, Mar. 25, 1876; Apr. 7, 1877; Apr. 15, 1878.

⁵⁹ Vide infra, p.

almost helpless. Springfield and Sunnyside was rather enlightening with regard to local finance. A levy of three mills was struck upon rateable property within the municipality in 1875.⁶⁰ From the collector's rolls of 1876 and 1878 the extent of taxation can be gauged. For the former year the property tax amounted to \$197.77 and statute labour commutation totalled \$297.00.⁶¹ Two years later these levies reached \$410.72 and \$185.50 respectively.⁶² Cutting of the commutation rate from \$2.00 to \$1.00 no doubt explained the drop in the statute labour tax for the latter year. Individual property levies ranged from 4 cents to \$7.88 in 1878 for that municipality. Discounting the unfairness of comparison with present day rates, municipal taxation at this stage was not high, but as high as could reasonably be expected.

Tax sales slowly emerged as a municipal practice in Springfield and Sunnyside. One of its by-laws for 1874 arranged for the sale of lands in tax arrears.⁶³ Shortly afterward that measure was duly confirmed by order-in-council.⁶⁴ Accordingly, council officially advertised the particular lands for sale on a specified date.⁶⁵ Almost immediately the Daily Free Press challenged the legal propriety of

⁶⁰ P. A. M., Minutes: R. M. Spring. & Sunny., June 6, 1875.

⁶¹ P. A. M., Collector's Roll, Rural Municipality of Springfield and Sunnyside, 1876.

⁶² P. A. M., Collector's Roll, Rural Municipality of Springfield and Sunnyside, 1876.

⁶³ P. A. M., Minutes: R. M. Spring. & Sunny., Oct. 12, 1874.

⁶⁴ Manitoba: Off., C.E.C., Abs. O.-inC., No. 171, Oct. 20, 1874, p. 48.

⁶⁵ Man. Gaz., Vol. 111, No. 8, Dec. 5, 1874, p. 2.

this action.⁶⁶ Early in 1875 council, following the receipt of legal advice confirming that opinion, suspended the sale.⁶⁷ At the next legislative session W. R. Dick not surprisingly presented a petition from the municipality for legalization of the by-law in question.⁶⁸ Eventually validation was provided by the passage of a special act for the purpose.⁶⁹ The deficiency was apparently corrected and the sale held since council in 1876 proceeded to conduct another case.⁷⁰ Temporary retardation in this instance arose not through any failing on the part of the local authority itself but from defects in enabling legislation.

Each of these three small type municipalities had an interest peculiar to itself. For Springfield and Sunnyside local works gained considerable attention. Hence, in 1875 a petition to the local legislature requested the construction of three roads to afford the municipality direct communication with Winnipeg.⁷¹ Ottawa was also approached with reference to preventing an alteration in the method of survey, which council wanted preserved. New and old roads would then conjoin directly. Then in 1877 amounts totalling \$500.00 were voted for a road through each of the two townships comprising the municipality.⁷² With Kildonan and St. John's the ferry was an outstanding

⁶⁶ D. F. P., "City and Provincial", Dec. 14, 1874, p. 3.

⁶⁷ P. A. M., Minutes: R. M. Spring. & Sunny., Jan. 23, 1875.

⁶⁸ M. F. P., Manitoba Parliament, April 17, 1875, p. 4.

⁶⁹ Manitoba Statutes, 1875, 38 Vic., Chap. XLIV.

⁷⁰ Man. Gaz., Vol. V, No. 1, Jan. 12, 1876.

⁷¹ P. A. M., Minutes: R. M. Spring. & Sunny., Apr. 10, 1875.

⁷² Ibid., July 14, 1877.

matter. Because of the Red River flowing through the confines of the latter unit, such a convenience was almost a necessity. Soon after incorporation a special committee was struck to purchase land on both sides of the river for ferry landings and roads.⁷³ Next came the awarding of the ferry contract which involved a minimum monthly guarantee of \$42.00 plus 10 per cent over that amount to the operator.⁷⁴ As a sequel to this endeavour, a contract for the removal of the ferry from the river before freeze-up was made in 1877.⁷⁵ Because of its late incorporation Rockwood's major preoccupation entailed routine initial organization.⁷⁶

Diverse relationships were quite noticeable. Exemplifying a federal association was Springfield and Sunnyside's contacts with Ottawa respecting a grant of land for a cemetery.⁷⁷ Rockwood reflected liason with the province. In the receipt of a communication from the Hon. J. Royal in 1878 regarding prospects of a road grant for the municipality that association was quite evident.⁷⁸ Inter-municipal collaboration was displayed successfully in 1877 between the two units nearest Winnipeg concerning the sharing equally of liquor fees with the province.⁷⁹ Both, however, failed in communication over an inter-

⁷³ M. F. P., Kildonan and St. John's Council, Apr. 6, 1876, p. 5.

⁷⁴ Ibid., July 15, 1876, p. 5.

⁷⁵ M. F. P., Kildonan and St. John's Council, Dec. 29, 1877, p. 5.

⁷⁶ M. F. P., Rockwood Council, June 22, 1878, p. 1.

⁷⁷ Vide supra, p. 42.

⁷⁸ M. F. P., op. cit., p. 1.

⁷⁹ P. A. M. Minutes: R. M. Spring. and Sunny., Feb. 3, 1877.

municipal road the next year.⁸⁰ Connections with the local school district were harmonious if Springfield and Sunnyside was an acceptable criterion. It was the sole instance of a council having dealings with trustees. Accordingly, at the beginning of 1877 the municipal treasurer was ordered to pay the sum of \$329.36 to Springfield S.D. as its share of the preceding year's levies.⁸¹ Tax rolls for 1878 indicated that two school boards within the municipality were paid \$232.79 and \$349.17 respectively.⁸² Associations with individuals were last in importance. Outstanding among these was Springfield and Sunnyside's approach to the Archbishop of St. Boniface in 1876 concerning a right of way through his property for a road.⁸³ In addition to the diversity in associations their varying outcome was noticeable as well. Some proved successful; others were not.

In summary, municipal development on the township and parish basis suggested much. Retardation was displayed chiefly in the application of the legislation involved. Only two additional authorities, Kildonan and St. John's then Rockwood, now appeared along with Springfield and Sunnyside. Within a given municipality restriction was less marked. Most municipal restraint arose over relations with senior governments, especially with the province concerning aid for local works. Here the lack of finances and provincial immaturity were primarily responsible. To a degree and in view of prevailing

⁸⁰ M. F. P., Kildonan and St. John's Municipality, March 16, 1878, p. 1.

⁸¹ P. A. M., Minutes: R. M. Spring. & Sunny., Jan. 15, 1877.

⁸² P. A. M., Collector's Roll: Rural Mun. of Springfield and Sunnyside, 1878.

⁸³ P. A. M., Minutes: R. M. Spring. & Sunny., Jan. 17, 1876.

circumstances council made fair use of its many powers and privileges. Consequently, in the application of Dick's legislation the local institution displayed both a marked adaptive and utilitarian capacity.

3. County Municipality Development

Events quite early in this period foreshadowed another rural municipal development. This was county municipalization. Preliminary to the opening of the session in 1875 the speech from the throne predicted the creation of county municipalities based upon eastern models.⁸⁴ During debate on the address Dr. J. Cowan and F.E. Cornish in particular urged the introduction of a scheme based on these new units.⁸⁵ Meanwhile, before the introduction of a bill for this purpose, proceedings during amendment respecting the Wild Land Tax Act of 1873 were also revealing. C. P. Brown, W. F. Luxton and J. Sutherland especially, advocated the introduction of a scheme based upon this second form.⁸⁶ Again at the enactment of a measure pertaining to county buildings Dr. Cowan expressed his previous ideas on the need for a different municipal system in certain localities.⁸⁷ In view of this pressure decisive action was almost inevitable.

The first statute to permit the establishment of county municipalities in Manitoba was enacted in 1875.⁸⁸ Furthermore, to confirm

⁸⁴ Man. Gaz., Vol. 1V, No. 6, March 31, 1875.

⁸⁵ D. F. P., Manitoba Parliament, April 2, 1875, p. 2.

⁸⁶ M. F. P., Manitoba Parliament, April 17, 1875, p. 8.

⁸⁷ Ibid., May 8, 1875, p. 8.

⁸⁸ Manitoba Statutes, 1875, 38 Vic., Chap. 41.

its intentions the Davis administration successfully submitted a measure respecting aid to public works executed by county municipalities.⁸⁹

Fulfillment of pre-election promises in 1874 was now being attempted.

Application of the county municipal legislation represented the ultimate in retardation at this stage. The act itself remained a dead letter mainly for two reasons:

Firstly, as the Manitoba Free Press maintained:

At a late session an act was passed for the organization of county municipalities. But that has been an absolute failure.⁹⁰

Secondly, as the clause of the next similar act provided:

An Act intituled an "Act respecting county municipalities", passed in the 38th year of Her Majesty's Reign, is hereby repealed.⁹¹

Such a curt dismissal of the statute for 1875, however, was tempered by a consideration of subsequent events.

This first enactment respecting county municipalities was significant, not for itself, but because of its eventual implications. Opinion for another municipal system now began to crystallize into concrete form: ground was broken for the future: a pattern was established for the next attempt at legislation in 1877. In brief, the first statute was important for its indirect and final consequences. Judgment had to be suspended accordingly on the first measure much longer than one local journal advised.⁹²

⁸⁹ Manitoba Statutes, 1875, 38 Vic. Chap. 19.

⁹⁰ M. F. P., "Municipal Law", Dec. 16, 1876, p. 4.

⁹¹ Manitoba Statutes, 1877, 40 Vic., Chap. 6, p. 48.

⁹² The Standard, "The Speech", Apr. 3, 1875, p. 2.

During the interim, advocacy of a county municipal organization continued unabated. To furnish necessary local services the Manitoba Free Press urged the introduction of "... a judicious and simple municipal system..."⁹³ Certain legislative members intimated strong support for a second general scheme. In 1876 C. P. Brown with his unsuccessful county bill again indicated that he still favoured the county as a basis for municipal authority.⁹⁴ Following the abolition of the Legislative Council that year, Brown in 1877 gained the adoption of his county division bill.⁹⁵ Through its enactment, especially according to Section LX, the adoption of county municipal arrangements became imminent.⁹⁶ Lastly, despite omission of any reference to prospective amendment to the act for 1875 in the speech from the throne, certain members, notably W. F. Luston, clamoured increasingly for its revision.⁹⁷

Credit for the County Municipality Act of 1877 must go largely to C. P. Brown.⁹⁸ Hence, the measure was a private not a public one. Accordingly, despite intense extenuating pressures it was purely unofficial. Davis' ministry was not committed to the measure. On account of Brown's keen interest and also indirect administrative support the act of 1877 became an actuality.

Principles and objects of this second statute were best

⁹³ M. F. P., op. cit., p. 4.

⁹⁴ M. F. P., "The Session" , Feb. 12, 1876, p. 4.

⁹⁵ M. F. P., Manitoba Legislative, Feb. 17, 1877, p. 6.

⁹⁶ Manitoba Statutes, 1877, 40 Vic., Chap. 3.

⁹⁷ M. F. P., Manitoba Legislature, Feb. 3, 1877, p. 1.

⁹⁸ Ibid., Feb. 24, 1877, p. 6.

derived from the debate concerning its predecessor in 1875. Definite reasons required this retracing. Immediately, available reports on the debates for the legislation of 1877 were extremely terse.⁹⁹ Next, Brown, as its author, took an active part in the framing of its counterpart two years before.¹⁰⁰ Accordingly his present measure would be greatly conditioned by his participation in the earlier one. Finally, the same administration supported both bills. On these grounds the County Municipality Act of 1877 was substantially a replica of the original.

Principles as so deduced were rather revealing. Because of the necessity of applying those arising from debate on the statute for 1875, the comments of Hon. J. Royal first were to the point.¹⁰¹ These were again recapitulated by Royal at second reading.¹⁰² Existing legislation referred only to townships and parishes. The County Municipal Act by implication embraced a larger unit: the county. Similar to previous general measures the statute was permissive, not compulsory. A county now being the basis of organization might organize if its inhabitants so consented. No obligation was implied in any event. Finally, the statute aimed to combine efficiency and simplicity.

Objects were to be deduced in a similar manner. The first intimation of the primary purpose behind county municipalization came from Dr. Cowan during debate on the speech from the throne. He then

⁹⁹ Ibid., Mar. 3, 1877, p. 6.

¹⁰⁰ Manitoba; Jour. Leg. Ass., 1875, p. 101.

¹⁰¹ M. F. P., Manitoba Legislature, May 8, 1875, p. 5.

¹⁰² Ibid., May 15, 1875, p. 8.

contended that the establishment of county municipalities was an essential pre-requisite to the construction of a western railway.¹⁰³

With the introduction of a municipal scheme based on a large unit, the county, it would then be possible for communities en route to bonus the line from Winnipeg sufficiently. For this reason the prevailing township or parish basis or organization was inadequate. In 1877 Brown, himself, during two rural meetings revealed that railway subsidization was one of the major objectives in a county municipal plan.¹⁰⁴ In addition, he suggested that another aim was the construction of local works much more rapidly and economically than before. Since the western member made these observations the day following the presentation of his bill certainly the particular objects would be embodied in it. In review, the act of 1877 had two ends: a western railway and county works.

Provincial motives were also present. In order to gain an increased federal subsidy in 1886 Davis was compelled to give tangible signs of more economical administration. To do so he evidently decided upon instituting a system of county municipalities in 1875.¹⁰⁵ Since this first scheme had proved unsuccessful it was not unnatural that the premier in 1877 again should support a similar one. Especially in view of much the federal subsidy being indirectly at stake, especially at first, this backing would be reasonable again. Then, too, this move had provincial advantages. As one member, F. E. Cornish, had suggested in the

¹⁰³ D. F. P., Manitoba Parliament, April 3, 1875, p. 3.

¹⁰⁴ M. F. P., Meetings at Woodlands and Meadow Lea, Feb. 24, 1877, p. 5.

¹⁰⁵ Maxwell, op. cit., p. 78.

beginning, county municipalization would greatly facilitate the erection of various county structures: court houses, jails and registry offices.¹⁰⁶ For their expense both the province and county municipality would share in the future. The new arrangements would also ease provincial electoral expenses according to Dr. Cowan. On account of counties coinciding closely with provincial electoral divisions the rolls of the former would be useful for the senior government's voting purposes.¹⁰⁷ Finally, and as Luxton remarked at the time, county municipalities would relieve the province of an appreciable load with respect to public works expenditures.¹⁰⁸ Many of these could now be performed by the large local authority itself. These considerations undoubtedly contributed much to the creation of the second type of rural municipality.

Influences upon the legislation of 1877 were varied. Immediately this second statute was greatly influenced by the act of 1875 since both dealt with the same basic unit: the county municipality. Ontario and Quebec influences also obtained with the first measure.¹⁰⁹ Hence, those same forces now could be expected to prevail indirectly through transmission. These effects, however, were given to some refinement. Brown, before migrating to Manitoba, resided in New Brunswick.¹¹⁰ Consequently, because of his likely acquaintance with municipal forms of the maritime province their application at this moment was possible.

¹⁰⁶ D. F. P., Manitoba Parliament, Apr. 2, 1875, p. 2.

¹⁰⁷ D. F. P., Manitoba Parliament, Apr. 3, 1875, p. 3.

¹⁰⁸ M. F. P., Manitoba Parliament, Feb. 3, 1877, p. 1.

¹⁰⁹ Man. Gaz., Vol IV, No. 6, Mar. 31, 1875.

¹¹⁰ J. P. Robertson, A Political Manual of the Province of Manitoba, (Winnipeg: The Call Printing Co., 1887), p. 80.

A statute of New Brunswick in 1870 specifically alluded to the term: "county municipalities".¹¹¹ County councils were significant in municipal arrangements of these three provinces. Certainly in outward form the imitation of eastern models was apparent. Lastly, considering the coincidence of Dick's second act and the first county municipal measure in 1875 the influence of prevailing local legislation cannot be ignored. More detailed examination of Brown's legislation suggested much correspondence with the latter in substance. It is to be remembered that both schemes operated concurrently for some years after 1877.

Treatment of "An Act Respecting County Municipalities" for 1877 might be made under certain groupings.¹¹² Of these there appear to be ten: conditions of incorporation, rights and privileges, elections, council composition, appointive officials, by-law powers, fiscal powers and railway subsidization rights. Since some of these categories appear to be related closely they might be combined accordingly.

Conditions of incorporation, rights and privileges and by-law powers comprised a natural division. As a preliminary to incorporation the majority of the ratepayers of any judicial county or sub-division of the same might petition for incorporation as a county municipality. Hence, the basic unit was much larger than in the case of Dick's legislation in which the township or parish was primary. This larger unit, however, was not a county as in the three influential provinces to the east. There a county council implied a composite representation of sub-units and was therefore an indirect body as far as the voter was concerned.

¹¹¹ New Brunswick Statutes, 1870, 33 Vic., Chap. 63, p. 122.

¹¹² Manitoba Statutes, 1877, 40 Vic., Chap. 6.

Wardens only of each local unit within the county composed the county council. In Manitoba the county municipal council entailed direct representation of the electorate. Every councillor was a member, and the council represented only one municipality. A county municipality enjoyed rights and privileges of a parish or township corporation. In brief, it could sue and be sued. This larger local authority possessed by-law making powers upon numerous subjects: local works, health, poor relief, municipal census, statute labour, weed control, prairie fire prevention, markets, municipal streams, penalties for breach of by-laws. Intentional omission until later has been made of two subjects: raising and spending of municipal revenue.

Electoral provisions comprised a significant portion of the statute. Details as to date, time, place and returning officer for the first municipal electors were outlined by the initial official proclamation. Subsequent annual elections were slated for the third Tuesday in January. Parliamentary voters were entitled to vote in the first election. In other municipal contests only males of full age possessing real property of at least \$200.00 in value and whose names were on the assessment roll were so privileged. Challenging of voters and contestation of elections was permitted.

A county municipal council had definite features. It was composed of seven members of whom one was to be elected warden by all councillors at their first meeting following the elections. In the event a county municipality was holding its initial meeting, following organization, its letters patent of incorporation designated the presiding officer. Thereafter, the warden acted in that capacity. The adoption of this

title "warden" clearly manifested the influence of outside models according to which it was a familiar term.¹¹³ Similar disqualifications for office prevailed as in existing legislation. Councillors' remuneration could not exceed \$2.00 per day nor more than 10 cents per mile, both ways, for travelling expenses. Provisions were included for filling vacancies because of resignation, death, absence or neglect. A presiding officer pro tem might be appointed during the warden's absence. All councillors could serve as justices of the peace ex officio for their municipality. Settlement of inter-county municipal disputes rested with the respective wardens or, this procedure failing, with the judge of the nearest county court.

Certain officials could be appointed by county municipal councils. Among those of a purely administrative character there were a number: clerk, treasurer, auditors (two), assessor, collector. Duties of some officials involved not only the municipal but provincial authority. Thus the treasurer also made annual returns of local funds to the provincial treasurer. Occasionally the treasurer could act as collector which indicated the combining of some posts. At a lower administrative level there was provision for the appointment of other personnel: constables, poundkeepers, road overseers, fence viewers. Certain appointive and all elective officials were required to take oath before entering office.

Definite provision was made for the raising and expenditure of county municipal revenue. Excepting the customary tax exempt propert-

¹¹³ Wills, op. cit., p. 18.
Quebec Statutes, 1870, 34 Vict., Chap. 68, p. 270.
New Brunswick Statutes, 1873, 36 Vic., Chap. 57, p. 216.

ies, levies might be imposed upon all real and personal property. The annual tax rate was limited two cents on the dollar unless railway subsidization was involved. An additional levy for that purpose was then possible. The sale of properties in arrears of taxes was also permissible. As another source of municipal income fines for breach of municipal by-laws were of some concern. Main reliance, however, for local revenue was on property taxation. Municipal expenditure requiring loans fixed a minimum amount of \$100.00 for each of the denominational instruments issued which were usually bonds. Indirectly this limitation served to act as a partial curb upon conciliar spending. Expenditures through borrowings of this type required planning and so would not be made rashly.

Railway subsidization powers comprised a distinct point of departure from existing municipal legislation in Manitoba. This was the first occasion enabling municipalities to aid railways. Certain preliminary conditions had to be fulfilled before a line might be bonussed. Bonds issued for the purpose were restricted to a period of twenty years and to denominations of not less than \$100.00. Interest was payable annually or semi-annually. Grants to railways through the sale of debentures necessitated the approval of the ratepayers. Hence, a by-law for the purpose had to be submitted to them accordingly. A special tax rate, over and above the regular annual rate, was permitted for annual sinking fund and interest payments connected with the discharge of the debt. Bonds were recoverable in full although they might be negotiated at a quotation less than par and at an interest rate greater than 6 per cent.

Two notable sections remained. Winnipeg was excluded from the operation of the act. Similar prevailing legislation of 1875 was now

nullified. Accordingly, those localities to organize as county municipalities did so under this second statute.

Journalistic comment offered some inkling of public reaction to the measure. The Manitoba Free Press considered its earlier opinion vindicated with the recognition of raising and spending of funds locally for services of a purely municipal character.¹¹⁴ Further, with self-government on a lower plane because of the scheme, the maximum efficiency and economy in the administration of those services was predicted. Finally, considerable county municipalization was anticipated since western localities in particular might take advantage of privileges connected with railroad construction. As issues of The Standard for 1877 are unavailable comment from that organ can be inferred only from its earlier observations. Two years previously it preferred to suspend judgment until the plan was in operation; it undoubtedly retained the same views now.¹¹⁵ Le Métis found the permissive features of the act most acceptable because the French element was claimed to be unfamiliar with municipalization of any sort.¹¹⁶ Public opinion from press reaction generally favoured the new law.

The application of Brown's county municipal legislation, however, encountered difficulties also. Portage la Prairie County unsuccessfully attempted incorporation almost at once. Meetings were held during April in 1877 at Portage la Prairie with Dr. Cowan and K. McKenzie playing a prominent part.¹¹⁷ Proceedings indicated directly

¹¹⁴ M. F. P., "The Session of 1877", May 3, 1877, p. 4.

¹¹⁵ The Standard, "The Speech", Apr. 3, 1875, p. 2.

¹¹⁶ Le Métis, En Chambre, 15 mai, 1875, p. 2.

¹¹⁷ M. F. P., "Municipal Organization", Apr. 21, 1877, p. 5.

that construction of a western railroad was to be the major ultimate object of incorporation. Despite the suspicious start this locality remained unorganized for this period.¹¹⁸

In contrast, Westbourne succeeded immediately. Earlier un-availing attempts in 1873 to organize as township municipality apparently were forgotten.¹¹⁹ Because of another measure sponsored by Brown in 1877, the western settlement became a sub-division of the County of Marquette like Portage la Prairie too.¹²⁰ During the spring of 1877 meetings also were held in the Westbourne district for similar purposes: incorporation and a railway.¹²¹ Brown himself attended these gatherings and the results suggested that much more emphatic decisions were made than at Portage la Prairie. On December 1, 1877 letters patent of incorporation were granted Westbourne which consequently became the first county municipality in Manitoba.¹²² In this connection because of Dick's successful endeavours in 1873 and 1875 with smaller units, townships and parishes, claims of primacy for Brown must be revised accordingly. The latter was the one responsible for an effective county municipal scheme but not the instigator of the "... first real municipal system in the Province"¹²³ Moreover, until the close of this period Dick's scheme had been applied to three localities in

¹¹⁸ Vide infra, p.

¹¹⁹ Vide supra, p. 40.

¹²⁰ Manitoba Statutes, 1877, 40 Vic., Chap. 7.

¹²¹ M. F. P., Our Railway Westward, Apr. 14, 1877, p. 5.

¹²² M. Morton Fahrni and W. L. Morton, op. cit., p. 46.

¹²³ Ibid., p. 43.

comparison to one for Brown's.

Certain statistics for Westbourne prompt a greater appreciation of the county municipality. The area embraced was sixty-six miles in length and twenty-four in breadth. More strikingly, at that moment this new municipal creation comprised one eighth of the provincial area.¹²⁴ Westbourne's population was now given as 795 persons of which there ~~were~~ 448 males and 348 females.¹²⁵ Eight nationalities and four religious groups were represented in the western unit. Potential municipal resources evidently were extremely modest at first.

For the first year, at least, of its existence Westbourne County Municipality pursued the customary formal routine with one addition: railway subsidization. With this exception the far western authority closely approximated a municipality of the township or parish type. Accordingly, the chief considerations were the annual pattern of activity, representative enactments, finance, relationships, and primary interest.

The pattern of annual activity involving structural and functional forms of endeavour was quite distinct. At the beginning of 1878 structural action involved elections and the selection of the warden.¹²⁶ Next, a clerk, treasurer, collector and assessors were appointed.¹²⁷ The performance of both types of effort was illustrated in March and April. In the former month, the combining of the treasurer's and col-

¹²⁴ Ibid., pp. 46 - 47.

¹²⁵ M. F. P., County Municipality of Westbourne, June 29, 1878, p. 8.

¹²⁶ Ibid., Subdivision of the County of Westbourne, Feb., 2, 1878, p. 7.

¹²⁷ Ibid., Westbourne County Council, Feb. 9, 1878, p. 1.

lector's positions represented structural action.¹²⁸ With the adoption of five motions relating to local works soon after a major functional interest was represented.¹²⁹ Council then acted almost entirely in a functional manner until autumn. Typical of this period was the attention given given local improvements at a late June meeting.¹³⁰ Similar enterprises in 1879 intimated that toward the end of the first year elections again were necessary to return another council.¹³¹ If so, proceedings at the close of 1878 were concerned mainly with purely structural matters. Council now had returned from where it began.

Representative enactments of Westbourne County Municipality were numerous and varied the first year. At a February meeting four by-laws were adopted respecting maltreatment of animals, noxious weeds, municipal water pollution and impounding of animals.¹³² Deep interest in local works was displayed in the awarding of five bridge tenders shortly after.¹³³ A November session indicated keen conciliar regard for total enforcement of statute labour by-laws.¹³⁴ Difficulties with appointive officials were represented in the receipt of two resignations during September.¹³⁵

Municipal finance was one of the primary topics for conciliar

¹²⁸ Ibid., Mar. 23, 1878, p. 3.

¹²⁹ Ibid., Apr. 27, 1878, p. 1.

¹³⁰ Ibid., June 29, 1878, p. 8.

¹³¹ M. Morton Fahrni and W. L. Morton, op. cit., p. 49.

¹³² M. F. P., Westbourne County Council, Mar. 16, 1878, p. 7.

¹³³ Ibid., Mar. 23, 1878, p. 3.

¹³⁴ Ibid., Nov. 9, 1878, p. 8.

¹³⁵ Ibid., Sept. 21, 1878, p. 5.

attention. As elsewhere, the main source of income was property taxation. By mid-May a tax rate of five mills on the dollar was struck on all rateable property within the municipality.¹³⁶ The extent of this revenue can be judged from assessments which totalled \$677,440.00 for 1878.¹³⁷ That statute labour embodied a levy of much consequence was indicated by proceedings at a September session.¹³⁸ One path-master was then instructed to have that duty performed immediately or commutation would be imposed along with the ordinary property levies. To tide council over temporarily a loan of \$300.00 was obtained from a Winnipeg bank during May.¹³⁹ Sharing of liquor license fees with the provincial government to the sum of \$125.00 undoubtedly bolstered the municipal exchequer.¹⁴⁰ Of all the causes for retardation of conciliar action low income appeared foremost in view of these interests.

Varied relationships conformed to the normal pattern. Illustrative of contact with Ottawa was the request for a branch land office at Gladstone.¹⁴¹ Provincial association stressed the importance placed on finance. Accordingly the grant of \$300.00 from this superior authority at incorporation represented the future trend of these relations.¹⁴² At one stage a decision involving a petition to both senior authorities

¹³⁶ Ibid., May 25, 1878, p. 3.

¹³⁷ Le Métis, "Nouvelles Locales", 27 juin, 1878, p. 3.

¹³⁸ M. F. P., op. cit., Sept. 21, 1878, p. 5.

¹³⁹ Ibid., May 25, 1878, p. 3.

¹⁴⁰ Ibid., Sept. 21, 1878, p. 5.

¹⁴¹ Ibid., Mar. 23, 1878, p. 3.

¹⁴² Manitoba: C.E.C., Abs. O.-in-C., No. 289, 1878, p. 75.

for a road grant was revealing. It emphasized such communications, fiscal strain, and local improvement interests.¹⁴³ The single contact with the local school authorities permitted the latter to secure any desired portion of the municipal assessment roll on the payment of a fee of \$2.50.¹⁴⁴ Most outstanding of dealings with individuals were those concerning C. P. Brown. The disposition of one request from the latter involving a tax rebate of \$100.00 was worthy of note.¹⁴⁵ As Brown had suffered fire losses and had personally assumed certain bridge expenses earlier, council made the concession. On occasion, the local authority could be fairly considerate of those who had been so helpful.

Railway subsidization was a vital subject throughout. This need constituted one of the major objects of county municipal legislation in general and the incorporation of Westbourne in particular. Early in March, council approved a by-law entailing a railway bonus of \$150,000.00.¹⁴⁶ Subsequently this amount was approved by the ratepayers at the polls.¹⁴⁷ For this reason the Manitoba Free Press was most laudatory in citing Westbourne as an example worthy of imitation by other similar areas.¹⁴⁸ A certain body of public opinion, however, expressed discontent at the slow rate at which negotiations were proposed alterations to the general act of 1877 and the by-law itself was presented

¹⁴³ M. F. P., Westbourne County Council, Mar. 23, 1878, p. 3.

¹⁴⁴ Ibid., Apr. 12, 1878, p. 6.

¹⁴⁵ Ibid., Sept. 21, 1878, p. 5.

¹⁴⁶ Ibid., Mar. 23, 1878, p. 3.

¹⁴⁷ M. Morton Fahrni and W. L. Morton, op. cit., p. 47.

¹⁴⁸ M. R. P., "A Western Railway - First Offer, \$150,000 Bonus", March 23, 1878, p. 4.

to council.¹⁴⁹ As a result, a special committee was struck to confer with those interested in building the projected line. That the decision was not in vain seemed evident by a notice appearing immediately in the official gazette. The announcement of an application at the next legislative session for a charter to build a western railway was then made. Symbolic of the municipal scheme to give it birth a western railroad was closer to becoming a reality.

At the end of 1878 county municipal arrangements were a fair success in the light of Westbourne's experience. Retardation was reflected in the limitation of the act to that locality alone during this phase. Then, too, principally through lack of funds, the local authority was unable to do all that it desired. Like other rural municipal bodies, however, it accomplished much under prevailing circumstances. True, a railway was still lacking but by 1879 Westbourne was closer to realizing this objective. During its first year the county municipality had shown itself as possessing a degree of adaptiveness. For the future the new unit had possibilities.

4. Educational Developments at the Municipal Level

Agitation for educational reform continued unabated during the early part of this period. This unrest primarily entailed central revision. Arguments raged pro and con for change. The Manitoba Free Press as usual advocated the introduction of a secular system most ardently.¹⁵⁰ On the contrary, Le Métis, conceiving the move as a threat to French

¹⁴⁹ M. F. P., Westbourne County Council, Dec. 21, 1878, p. 8.

¹⁵⁰ M. F. P., "The School Bill", May 8, 1875, p. 2.

culture, was in absolute opposition and so it vigorously supported the existing sectarian arrangements.¹⁵¹ On this score of duality the school issue was exploited to the full for its political capital. A by-election in St. Paul's constituency during 1876 revealed that trend only too well.¹⁵² To be expected, the controversy continued on the floor of the legislature.¹⁵³ Those in power, however, realized the need for a working compromise in order to render education as effective as possible. Hence, C. P. Brown upon entering the ministry in 1878 was forced to modify his earlier staunch opinions on the question.¹⁵⁴ Essentially, the dual system was preserved with considerable modifications.

Because of prevailing pressure, amendments in 1875 were made to the central administration.¹⁵⁵ Sectarian representation upon the Board of Education was now altered in numbers. From the previous basis of equality the Roman Catholic quota fell to nine members while the Protestant remained unchanged at twelve. In addition, the Board might temporarily devolve into its separate sections when circumstances necessitated this action. Clearly was attention paid to current social change wrought by immigration. The English continued to surpass French in the changing proportion of the provincial population. Educational revisions at the centre were a recognition of that situation. Despite these, however, the original duality persisted.

¹⁵¹ Le Métis, "La Session", 1 fév., 1877, p. 2.

¹⁵² M. F. P., St. Paul's Nomination, Nov. 18, 1876, p. 1.

¹⁵³ M. F. P., Manitoba Parliament, May 8, 1875, p. 5.

¹⁵⁴ M. Morton Fahrni and W. L. Morton, op. cit., p. 55.

¹⁵⁵ Manitoba Statutes, 1875, 38 Vict., Chap. 27.

For the local school authority the new procedure for distributing the provincial government grant was highly significant. Henceforth, each sectional board shared in this aid according to the proportion which its school population bore to the provincial total. Local responsibility for the returns of each school district fell to the secretary-treasurer of the school district and to the teacher. W. F. Luxton during debate urged retention of the previous system claiming that in some instances pupils of one faith attended schools of the other.¹⁵⁶ In reply, Davis himself defended the plan because of its success in Quebec. Outside influence was again evident.

Specific conditions were attached to the actual individual grant. Each board was to receive a minimum amount of \$80.00. Poor districts therefore were assured a definite sum for annual operations. Furthermore, each district received a share of the surplus according to the part its average attendance was of the total for its section. Apparently this extra amount was designed to stimulate maximum endeavour among trustees. Schools not considered public or separate were ineligible for any grant. Luxton proposed this feature as an amendment to the original bill.¹⁵⁷ Likewise, C. P. Brown was responsible for having the basis of minimum average attendance necessary for entitlement to the grant changed from fifteen to ten pupils.

A number of inclusions pertained directly to local finance. All property holders were required to pay school levies to the district of their denomination. In the case of a private corporation found in dual

¹⁵⁶ M. F. P., Manitoba Parliament, May 8, 1875, p. 8.

¹⁵⁷ Loc. cit.

districts the levy was collectable by the majority board then shared with the minority on the basis of school population. Trustees were empowered to take legal action in enforcing the payment of school districts of utilizing the municipal rolls for tax collections. This feature found much favour with Le Métis because of deficiencies in existing law.¹⁵⁸ Lastly, the school authority might also act as a court of revision to hear appeals concerning their assessments.

1876 marked the enactment of more restrictive legislation. General amendment was undertaken "... to meet the special requirements of incorporated Cities and Towns".¹⁵⁹ This statute was designed mainly for Winnipeg according to contemporary opinion.¹⁶⁰ Treatment of that act along with the educational and municipal developments of that city is consequently reserved for separate consideration.

Amendments for the last two years were of minor institutional import. With the measure of 1877 trustees were now permitted to conduct tax sales which served to enforce payment of levies in arrears.¹⁶¹ If necessary, polls were now possible at school meetings. The disqualifications of office for trustees were outlined more fully by the changes of 1878.¹⁶² Vital revisions evidently were enacted during the first part of this period.

Over and above these alterations there was other unusual

¹⁵⁸ Le Métis, En Chambre, 8 mai, 1875, p.2.

¹⁵⁹ Manitoba Statutes, 1876, 39 Vict., Chap. 1.

¹⁶⁰ Bryce, op. cit., p. 275.

¹⁶¹ Manitoba Statutes, 1877, 40 Vic., Chap. 12.

¹⁶² Manitoba Statutes, 1878, 41 Vic., Chap. 16.

activity. In 1878 an act was adopted by which a special fund was created for educational purposes.¹⁶³ This revenue was to be raised on a tax mainly on non-resident lands. Each school district then was to receive a share of the levies raised in its vicinity unless the municipal council petitioned otherwise. By virtue of this act the federal administration was eventually involved. Ottawa was requested to establish an education subsidy in lieu of provincial resources held by the Dominion.¹⁶⁴ As a result, the province was granted the sum of \$10,000.00 annually for three years against the federal sale of school lands in Manitoba.¹⁶⁵ This action had vital municipal implications. The performance of the local school authority was now partially conditioned by both senior governments acting together.

The central administration was much more active in the formation and re-adjustment of school districts. At one stage the Protestant sectional board approved of the creation of four school districts in 1877.¹⁶⁶ Earlier the Roman Catholic body divided St. Charles S.D.¹⁶⁷ These illustrations might be repeated on end especially for the former administrative body on account of population trends. In most cases the initiative was taken by the people themselves. On one occasion in 1877 the Protestant section received petitions involving the establishment of three school districts. Some localities, like Rockwood during the

¹⁶³ Ibid., Chap. 13.

¹⁶⁴ Schofield, op. cit., p. 338.

¹⁶⁵ P. A. M., Lieut. Gov. Off. Corr., E. Langevin, (Under Sec. State) to J. Cauchon, (unnumbered), Aug. 16, 1879.

¹⁶⁶ Man. Gaz., Vol. VIII, No. 15, Mar. 22, 1877.

¹⁶⁷ Ibid., Vol. VI, No. 2, Jan 25, 1877.

preceding year, even petitioned the government directly. Invariably these requests were turned over to the Board of Education for disposal.¹⁶⁸ Some retardation was evinced at local attempts to be organized or altered. Rejection by the Protestant board in 1878 of requests for the formation of two units and the changing of a third typified this restraint from above.¹⁶⁹ That senior restrictive action was not infrequent seemed clear from similar proceedings later. The same board a month following turned down submissions for the alteration of two districts and the disorganization of another.¹⁷⁰

Fiscal duties of both divisions of the central administration were of much concern to trustees. Specifically, both the entitlement and size of the grant interested the school district greatly. Reflective of sectional board activity in this respect was the minimum individual grant of \$80.00 to four school districts in 1876.¹⁷¹ According to the sectional decision, as these units had been in operation only six months, they failed to qualify for any surplus. Quite naturally did Cook's Creek S.D. protest being given only \$40.00 the same year.¹⁷² To gain its fair and full share of senior aid each Protestant district in 1878 was advised to make complete census returns.¹⁷³ The Board of Education by virtue of this responsibility of distributing the provincial grant influenced

¹⁶⁸ Manitoba: Off., C.E.C., Abs. O.-in-C., No. 236, Apr. 27, 1876, p.62.

¹⁶⁹ M.F.P., Board of Education, Apr. 13, 1878, p.8.

¹⁷⁰ Ibid., May 18, 1878, p.8.

¹⁷¹ Loc. cit.

¹⁷² M.F. P., The School Grant, Nov. 25, 1876, p.5.

¹⁷³ M.F.P., The School Census Returns, Nov. 16, 1878, p.8.

local school operation considerably.

Certain miscellaneous activities at the centre imposed obligations upon trustees. Failing to elect trustees in 1876 Baie St. Paul eventually learned that these officers were appointed from the top.¹⁷⁴ Apparently the district suddenly realized its duty because this order was cancelled almost at once.¹⁷⁵ In some cases definite physical obligations were imposed. Plans for a school house at Rockwood in 1876 were approved after modification.¹⁷⁶ Those for Greenwood were held up later pending compulsory changes to the roof, chimney, and ventilation system.¹⁷⁷ Professional regulations applying to teachers implicated trustees occasionally. On account of poor roads the school master at Golden Stream was unable to reach the centre for an examination in 1877.¹⁸⁷ To avoid closing of the school through this lack, the trustees interceded accordingly. By a ruling of the entire Board of Education in 1878 a general responsibility was imposed.¹⁷⁹ Each local board in future was to provide adequate sanitary facilities for its particular school.

Organization and operation for a given unit formed a pattern common to most. Emerson was a sample case. A petition for its

¹⁷⁴ Manitoba: Off., C.E.C., Abs. O.-in-C., No. 186, Mar. 1, 1875, p.51.

¹⁷⁵ Ibid., No. 192, Mar. 25, 1875, p.52.

¹⁷⁶ M.F.P., Board of Education, Feb. 2, 1876, p.6.

¹⁷⁷ Ibid., Apr. 13, 1878, p.3.

¹⁷⁸ M.F.P., Board of Education, July 28, 1877, p.3.

¹⁷⁹ M.F.P., Board of Education, Nov. 23, 1878, p.3.

organization was presented in mid-June of 1875.¹⁸⁰ Within two months the formation of the district was approved.¹⁸¹ Earlier efforts, falling short of the erection of a building and levying school rates, were completed within a month by a new board of trustees.¹⁸² At the annual meeting in 1876 it was decided to raise \$450.00 by property taxation for school purposes.¹⁸³ Proceedings at the time suggested differences prevailed among the trustees because of the alleged ineligibility of one member.¹⁸⁴ On account of a teacher not being available the school was closed temporarily a year later.¹⁸⁵ Because of increased attendance, the trustees in 1878 decided to raise \$500.00 by taxation and \$2,000.00 through the sale of debentures for the construction of a larger school.¹⁸⁶ As a criterion, Emerson represented a minimum of retardation in the working of the individual school district.

Finance comprised a general problem. Property taxation was the ordinary source of school income. Under existing frontier circumstances annual taxation was influenced accordingly. Meadow Lea in 1877 decided upon a levy of \$200.00 for school purposes that year.¹⁸⁷ Moreover, the tax rate was struck at one mill to yield that amount. Roseau set its amount of taxation at \$100.00 at that time.¹⁸⁸ To enforce

180 M.F.P., Emerson, Jun. 26, 1875, p. 3.

181 Man. Gaz., Vol. IV, No. 11, Aug. 11, 1875.

182 M.F.P., Emerson, Sept. 18, 1875, p. 5.

183 M.F.P., Emerson, Feb. 12, 1876, p. 8.

184 Ibid., Feb. 26, 1876, p. 2.

185 M.F.P., Emerson, Jan. 6, 1877, p. 5.

186 M.F.P., Emerson, July 6, 1878, p. 5.

187 M.F.P., Meadow Lee S.D. Apr. 7, 1877, p. 5.

188 Ibid., "Local and Provincial", Apr. 7, 1877, p. 2.

payment, sale of lands for tax arrears gradually became the practice with many boards. Early in 1878 five units officially advertised sale of lands with these disabilities.¹⁸⁹ The former custom of voluntary and commuted labour was followed in some districts. Events in Clandeboye during 1876 suggested that the ratepayers coöperated in cutting timber for the school house.¹⁹⁰ At Golden Stream the next year residents assisting with the building were allowed \$1.00 per day toward their school taxes.¹⁹¹ In extreme cases, especially with new districts, the senior government was approached to authorize a school loan. Caledonia in 1877 exemplified this action with a request to borrow a sum of \$250.00 for school purposes.¹⁹²

Relationships for the school district were somewhat revealing. To be recalled, those with the province and the Board of Education mainly concerned the authorization of grants, loans, fixation or re-adjustment of limits, and approval of plans. One contact worthy of note was a request from Livingstone in 1878 for an allowance of \$20.00 because of pupils attending from another district.¹⁹³ Association with the municipal council commenced only at this stage. An outstanding example involved the collection of school levies by Springfield and

¹⁸⁹ Man. Gaz., Vol. VII, No. 3, Feb. 2, 1878.

¹⁹⁰ M.F.P., Clandeboye, June 17, 1876, p. 5.

¹⁹¹ M.F.P., Golden Stream School Meeting, Feb. 24, 1877, p. 7.

¹⁹² Manitoba: Off., C.E.C., Abs. O.-in-C., No. 268, Apr. 4, 1877, p. 70.

¹⁹³ M.F.P., Board of Education, Feb. 2, 1878, p. 6.

Sunnyside council in 1877.¹⁹⁴ Relations with individuals were few. Livingstone indicated that it had some ratepayers with a spirit of social service.¹⁹⁵ There in 1876 the assessor and collector gave their labour gratis. Rockwood illustrated that connection with local religious groups was common. That board in 1878 gave the Methodist Episcopal faith free use of the school for worship but decided to charge political groups.¹⁹⁶

During this phase the development of rural school units was impressive. Finance represented the source of much retardation for many trustees. A degree of restriction was experienced in relations with the central administrative agency, the Board of Education. The chief source of restraint for which the province itself was responsible was the government school grant. In view of the pioneer situation general retardation among rural school authorities was surprisingly low.

The school district revealed substantial differences in comparison to the municipality. Trustees concentrated more intensely on their single responsibility of education. Consequently, finance, although vital, did not perplex them as it did municipal councillors. Further, in a critical situation there was always the province upon which to rely for partial funds. Then again, school districts became more numerous than municipalities. Because of these reasons - a single purpose, reduced fiscal anxiety, more units - the school district evinced less retardment. By 1879 this local institution

194 P.A.M., Minutes: R.M. Spring. & Sunny., Jul. 14, 1877.

195 M.F.P., Livingstone S.D. Annual Meeting, Feb. 19, 1876, p. 3.

196 M.F.P., Tecumseh School, Feb. 16, 1878, p. 1.

had made an adjustment to assure its survival in contrast with the more elaborate municipal system.

CHAPTER 1V

CONTINUED RETARDATION: 1875 - 78

1. Adaptation and Friction in the Corporation of Winnipeg

The events in this era revealed evidence of the retardation in efforts at general urban municipalization. To exemplify the many attempts St. Boniface made at incorporation as a town, a notice was published to that effect in 1875.¹ This intimation was given again late the ensuing year.² From all accounts, current fears of excessive municipal taxation hindered the consummation of these designs.³ Portage la Prairie, Emerson, and Selkirk were other growing centres.⁴ To the end of 1878, however, they too remained unorganized.

An endeavour shortly was made to facilitate the incorporation of these localities. At the beginning of 1877 Le Métis referred to the need for a general urban statute.⁵ Winnipeg had a specific act while rural units were favoured with a general statute. Because of their lack in this respect rising "towns" needed and de-

¹ Man. Gaz., Vol. 1V, No. 4, Feb. 24, 1875, p. 11.

² Man. Gaz., Vol. V, No. 26, Nov. 25, 1876.

³ Le Métis, "Nouvelles Locales," 11 mai, 1876, p. 2.

⁴ McWilliams, op. cit., pp. 149 - 52.

⁵ Le Métis, "L'Incorporation des Villes", 25 Jan. 1877. p. 2.

served a uniform municipal code as well. The demand corresponded to a real need. Legislative action followed soon after. Reference was made in the speech from the throne opening the session of 1877 to prospective urban legislation.⁶ In February the Hon. J. Royal introduced "The Town Corporation General Clauses Bill" which was given first reading.⁷ The measure was designed to serve towns in the same manner as Winnipeg and rural units were at this juncture. For unknown reasons these official intentions failed to materialize. In line with the report of a select committee Royal advised deferral until the following session.⁸ Hence, maximum retardation now prevailed with regard to a common urban act. None was adopted in this period.

Quite consistent with the prevailing trend, Winnipeg also experienced restriction. Admittedly the city slowly forged ahead but only in an uneven and turbulent way. This urban centre was distinguished from related localities by its incorporation. Winnipeg already enjoyed legal recognition; the others remained unorganized.

Economic conditions in the provincial capital coincided with the larger pattern. Until the winter of 1876-77 the city was in the throes of recession and then it began to recover most slowly. Indicative of depression at first was the reduction in bread and milk prices in 1876.⁹ Moreover, frequent comment alluded to the preval-

⁶ M. F. P., Manitoba Legislature, Feb. 3, 1877, p. 1.

⁷ Ibid., Feb. 10, 1877, p. 3.

⁸ Ibid., Feb. 24, 1877, p. 6.

⁹ M. F. P., "Local and Provincial", May 6, 1876, p. 4.

ence of "... dull times".¹⁰ Numerous statistics confirmed the improvement in trade during the latter stages. In 1877 mail clearings were claimed to have exceeded 300,000 letters.¹¹ Constructional activity represented the ensuing upswing with a report of the erection of eighty buildings totalling approximately \$250,000.00.¹² Business returns marked the general trade resurgence of 1878. Early in that year one firm gave notice of having filled one order amounting to \$20,000.00.¹³ Variations in the economic status of the city could not but influence its government.

Revisions of the statute of incorporation were made every year during this period. Those for 1875 applied for fiscal powers, liquor licenses, tax collections and land appropriations.¹⁴ With the inclusions pertaining to finance the city was restricted in its long term borrowings to bond issuance. This modification had evidently been made at the behest of Ottawa for fear of encroachment upon federal powers.¹⁵ By the liquor alterations the city was granted full powers in the issuance of liquor licenses for shops and saloons. To enforce tax collections the civic authority was permitted to utilize the courts. Property appropriation

10 D.F.P., "City and Province", Mar. 16, 1875, p. 3.

11 Begg and Nursey, op. cit., p. 156.

12 Ibid., p. 173.

13 M.F.P., "Local and Provincial", Jan. 19, 1878, p. 5.

14 Manitoba Statutes, 1875, 38 Vic., Chap. 50.

15 P.A.M., Lieut-Gov. Off. Corr., E.J.Langevin, Under-Sec. of State to A. Morris, (unnumbered), Jan. 16, 1875.

henceforth admitted of resort to legal action, if necessary. Lastly, by a separate statute of that year, the first money by-law approved in 1874 was ratified.¹⁶

Each of the above items had some significance. With the new fiscal limitation, because of federal pressure, the province itself was compelled to keep the city within the ambit of its jurisdiction.¹⁷ In the liquor amendments council now enjoyed powers possessed by the province in other municipalities. The additions to powers of tax collection suggested that Winnipeg apparently had suffered disabilities similar to those of Springfield and Sunnyside. Provisions concerning property appropriations were of most importance. Debate in that connection revealed that the city had not observed the formalities in petitioning for this and other changes to its incorporating act.¹⁸ Opposition next arising in the legislative Council was initiated because of property interests, especially the Hudson Bay Co., which that body represented.¹⁹ According to a lengthy letter in the Manitoba Free Press later, these groups pressed for final appeal to the courts, rather than to the corporation, in resisting the appropriation of property for civic purposes.²⁰ Moreover, the initial provisions were based upon relevant clauses in the city charter of

¹⁶ Manitoba Statutes, 1875, 38 Vic., Chap. 45, p.408.

¹⁷ R.M.Dawson, The Government of Canada (Toronto: The University of Toronto Press, 1947), p.83.

¹⁸ M.F.P. , Manitoba Legislature, May 15, 1875, p.2.

¹⁹ Ibid., p.5.

²⁰ Ibid., Winnipeg Incorporation Bill, June 12, 1875, p.3.

Montreal. Outside influences prevailed even after incorporation.

Amendments were not made again for two years. During 1876 Mayor W.R.Kennedy indicated to council the impossibility of preparing a bill respecting the appointment of sinking fund trustees.²¹ Accordingly, no bill was prepared or presented. The revisions for 1877 concerned three major items: nomination day, the mayor's veto powers, and the appointment of a civic police magistrate.²² Council now more systematically undertook these alterations by appointing a special committee for preparing the draft with the city solicitor's aid.²³ The mayor's veto could now be over-ruled by a simple majority of council on measures involving the expenditure of money. Difficulties in this respect during the awarding earlier of certain contracts for local works had prompted this change.²⁴ Provision was made for the appointment of a civic police magistrate by the province. The increased judicial labours of mayor and aldermen were now becoming too onerous for them.²⁵ Because of the nomination date for the civic election of 1876 falling on Christmas Day in the preceding year another addition prevented the recurrence of this situation.²⁶ Other alterations concerning the

²¹ M.F.P., City Council, Jan. 22, 1876, p. 7.

²² Manitoba Statutes, 1877, 40 Vic., Chap. 43.

²³ M.F.P., City Council, Feb. 3,

²⁴ Vide infra, p.

²⁵ Vide infra, p.

²⁶ M.F.P., Manitoba Legislature, Feb. 17, 1877, p. 6.

assessor, pound-keeper and street improvements were of less institutional importance.²⁷

The major revisions for 1878 related to holding the nominations for mayor and aldermen on the same day and voters' disqualifications.²⁸ Others of minor importance concerned procedure at civic elections, quorum of council, and ex officio judicial powers of the mayor. Despite its failure to observe the time limit necessary for notice of its bill the city was favoured by the legislature.²⁹ With a suspension of the rules the bill was introduced by W.F. Luxton.³⁰ Even after three amending acts council had lapsed into procrastination again.

In review, some amendments - mayor's veto and appointments - concerned the structural aspect of corporate action. Others with regard to property appropriation, street improvements, and liquor licensing, involved the functional area. Certain changes were fully in accord with conciliar sentiments. Conversely, there were those like property appropriation procedure which did not meet with civic approval. In such cases, total restraint in institutional operation was to be observed at once.

With the election of 1875 the general character of civic politics was determined.³¹ Disturbances broke out at one poll

²⁷ Ibid., p. 1.

²⁸ Manitoba Statutes, 1878, 41 Vic., Chap. 35.

²⁹ M.F.P., Manitoba Legislature, Feb. 2, 1878, p. 2.

³⁰ Ibid., p. 3.

³¹ Begg and Nursey, op. cit., p. 134.

five minutes before closing and therefore voting was postponed until the next day. That evening four zealous individuals, F.E.Cornish, W.B.Thibaudeau, J.R.Cameron, and so it was charged, G.B.Elliot, broke into the home of one returning officer, R.T.Huggard. Despite support from his worthy spouse, the unfortunate official in the ensuing attack was relieved of his book. Subsequently Cornish and Thibaudeau were arrested and convicted; the two remaining assailants fled the country. As a sequel to these events an act was passed in 1876 to prevent the repetition of these disorders at municipal elections.³²

With respect to the tone of the councils' work there was evidence of strain and hindrance. In 1875 with the support of the citizens, Mayor W.R.Kennedy refused to sign a sewer contract despite most aldermen favouring it.³³ The episode also revealed that the ratepayers and the majority of council were at odds over the question.³⁴ Through lack of a quorum arising from the mayor's connivance council finally met with a total rebuff.³⁵ Individual aldermanic behavior at times was deplorable. Because of his fractious nature Alderman Cornish was almost unseated in 1876.³⁶

³² Manitoba Statutes, 1876, 39 Vict., Chap. 7,

³³ M.F.P., City Council, Aug.14, 1875, p. 8.

³⁴ Begg and Nursey, op. cit., p. 120.

³⁵ M.F.P., City Council, Aug. 21, 1875, p. 8.

³⁶ M.F.P., City Council, Sept. 9, 1876, p. 2.

Earlier, some aldermen were accused of malfeasance in selling the city a team of decrepit horses at an excessive price.³⁷ Committee organization revealed stress, too. Arising from the creation of ward committees in 1878 the original board of works unsuccessfully advised its own dissolution because of the resulting conflict.³⁸ At one stage the fire and water committee's duties were assumed by council when the former failed to act.³⁹ Occasionally council was far from being in accord with its servants. In 1876 the clerk requested that charges of insubordination against himself be dropped or that he be dismissed.⁴⁰ The employment of a pound-keeper earlier suggested differences existed between his predecessor and council.⁴¹ A discordant note was clearly sounded in much civic endeavour - the turbulence of a frontier town.

To be fair, on occasion council could display amity. During negotiations for rail linkage with the outside the citizens displayed a determined effort to assist the corporation to the full.⁴² If an editorial of the Manitoba Free Press was any criterion the council of 1877 was both capable and efficient by virtue of many new members "... having been previously connected

³⁷ The Standard, "Our Five Hundred and Fifty Dollar Team", June 12, 1875, p. 2.

³⁸ M.F.P., City Council, July 13, 1878, p. 8.

³⁹ M.F.P., City Council, Oct. 28, 1876, p. 2.

⁴⁰ Ibid., Sept. 2, 1876, p. 5.

⁴¹ Ibid., Feb. 5, 1876, p. 3.

⁴² Begg and Nursey, op. cit., pp. 154-55.

with municipal institutions".⁴³ Even during the absence of the mayor that spring Alderman Logan acted in that capacity pro tem.⁴⁴ With regard to individual aldermen elected at times reaction was highly surprising. Thus the voters returned an highly refractory nominee like Cornish by acclamation in 1876 for the unexpired term of one alderman.⁴⁵ Committee arrangements were altered satisfactorily the next year when another member accepted a chairmanship following the resignation of its original holder.⁴⁶ With reference to its employees, council that year manifested a spirit of fairness when a police constable, discharged by his chief, was permitted to be heard.⁴⁷ For reasons of efficiency and economy the office of police chief and health inspector were combined along with those of fire and license inspector in 1876.⁴⁸ Council quite soon indicated its regard for the amenities by expressing its sympathy to the family of one alderman, T. Lusted, during a bereavement.⁴⁹ When the moment required corporate effort might be considerate and uneventful.

Fiscal activities suggested friction at some points. The

⁴³ M.F.P., "The Council of '77", Jan. 6, 1877, p. 5.

⁴⁴ Ibid., Mar. 24, 1877, p. 2.

⁴⁵ M.F.P., "Local and Provincial", Apr. 15, 1876, p. 2.

⁴⁶ M.F.P., City Council, Aug. 5, 1877, p. 2.

⁴⁷ Ibid., May 19, 1877, p. 2.

⁴⁸ M.F.P., City Council, Jan. 29, 1876, p. 5.

⁴⁹ M.F.P., City Council, June 26, 1875, p. 4.

extent of civic revenue was to be judge from receipts amounting to \$63,813.53 in 1877.⁵⁰ Funds were derived from taxation, borrowing, fines and fees. Property assessments totaling \$3,031,685 in 1876 gave some conception of this source for income.⁵¹ Among the large land owners were A. Logan, A. McDermott, A.G.Bannatyne, and the Hudson Bay Company. Indicative of its interest in assessment, the latter company successfully appealed to the ordinary courts in 1878 and gained a reduction of \$46,000.00 in its valuations.⁵²

Taxation and borrowing produced anxious moments for council. To further accentuate tax administration a rate of $\frac{3}{4}$ cents on the \$1.00 was struck in 1876.⁵³ In the ensuing year a levy of $1\frac{1}{4}$ cents was struck.⁵⁴ Periodic collections might be inferred with the collection fo \$6,000.00 during one month in 1877.⁵⁵ Most notable of all borrowings was the sale of the \$250,000.00 bond issue in 1875 through a local firm, Merchants Bank at 80.50. The Manitoba Free Press protested that better terms were possible, especially since it was city's first loan.⁵⁶ Shortly before, D. Macarthur, the

⁵⁰ Begg and Nursey, op. cit., p. 175.

⁵¹ Manitoba Directory for 1877-78, (Winnipeg: Manitoba Directory Publishing Co., n.d.), p. 34.

⁵² M.F.P., "Local and Provincial", Feb. 2, 1878, p. 4.

⁵³ M.F.P., City Council, Oct. 28, 1876, p. 2.

⁵⁴ M.F.P., City Council, Nov. 3, 1877, p. 5.

⁵⁵ Ibid., "Local and Provincial", Jan. 20, 1877, p. 2.

⁵⁶ D.F.P., "The City Finances", Aug. 14, 1875, p. 4.

the banker involved, defended the transaction claiming that the city's credit had not yet been established.⁵⁷ Undoubtedly these terms were influential in causing the voters to reject a money by-law for \$25,000.00 in 1877.⁵⁸

The remaining sources of income were less important. Respecting court fines those for 1876 amounted to \$202.00.⁵⁹ Licenses the next year accounted for \$8,505.10.⁶⁰ Of these hotels and grocery liquor fees yielded the larger part with sums of \$4,800.00 and \$1,800.00 respectively. Civic revenue was far from being readily raised.

Numerous varied law suits involved the corporation from the start. Early in 1875 the Hudson Bay Company unsuccessfully attempted to gain an injunction against council.⁶¹ This was to restrain the city from making certain street improvements. Later, one employee gained \$103.34 in back wages because of improper dismissal.⁶² Through wrongful distraint of one party's effects for tax arrears the corporation in 1877 was compelled to pay \$125.00 as compensation.⁶³ Most costly of all litigation was

⁵⁷ Ibid., The City Finances, July 31, 1875, p. 5.

⁵⁸ Le Métis, "Nouvelles Locales", 18 oct., 1877, p. 2.

⁵⁹ Manitoba Directory for 1877-78, op. cit., p. 35.

⁶⁰ Begg and Nursey, op. cit., p. 207.

⁶¹ M.F.P., "Local and Provincial", Sept. 4, 1875, p. 5.

⁶² M.F.P., "Local and Provincial", July 1, 1876, p. 5.

⁶³ M.F.P., "Local and Provincial", May 5, 1877, p. 3.

that costing the civic authority \$2,461.05 the same year.⁶⁴ Because of flood damage to one ratepayer's, L. Reynolds, property through the blocking of a natural outlet a decision was given against council accordingly. These adverse verdicts proved that judicial suits were a source of much expense to the urban unit.

During the execution of specific civic projects considerable friction was experienced. Of these the city hall as an integrated structure comprising administrative offices, police court with cells, and market, gave much difficulty at first. The chief trouble spot was finance. Originally estimated at \$20,000.00 the building was claimed to have cost \$50,000.00 in the end.⁶⁵ Even on completion, differences with the contractor, W.H. Burckholder, led to arbitration which resulted in an award of slightly over \$12,000.00 in his favour.⁶⁶ For these reasons along with alleged constructional faults the edifice was surely "... a monument of municipal folly".⁶⁷

For the construction of market facilities the diversion of \$15,000.00 from an appropriation initially for waterworks produced much criticism.⁶⁸ When forcible entry was made to take

⁶⁴ Ibid., City Council, Dec. 8, 1877, p. 5.

⁶⁵ M.F.P., "Local and Provincial", Sept. 9, 1876, p. 6.

⁶⁶ Le Métis, "Nouvelles Locales", 31 oct., 1876, p. 2.

⁶⁷ M.F.P., "Local and Provincial", Aug. 19, 1876, p. 4.

⁶⁸ M.F.P., "Local and Provincial", Nov. 13, 1875, p. 5.

the building over from Burckholder civic patience had passed the breaking point.⁶⁹ As a sequel, because of the limited stall space for butchers a market immediately separate from the city hall itself was necessary.⁷⁰ An attempt to construct a south-end mart in 1878 failed, because the existing arrangements were deemed sufficient.⁷¹

Winnipeg's first sanitary undertaking also met with upsets. On account of contractual irregularities sewer construction in 1875 was held up for a year by Mayor Kennedy.⁷² When the actual work began in the ensuing spring efforts by the city engineer to have a special sewer inspector appointed failed; his nominee was considered unacceptable to the ratepayers at large.⁷³ During construction troubles were numerous. A strike halted work at one stage.⁷⁴ Then the employment of Icelanders resulted in criticism over federal responsibilities for immigrants.⁷⁵ Later, a lumber shortage delayed work momentarily.⁷⁶ Complementary to construction of the main sewage system was the placing of branch lines. These extensions prompted sharp differences for the

69 M.F.P., City Council, Feb. 26, 1876, p. 3.

70 M.F.P., City Council, Feb. 10, 1877, p. 2.

71 M.F.P., Oct. 19, 1878, p. 3.

72 Vide supra, p.

73 M.F.P., City Council, May 13, 1876, p. 2.

74 Ibid., "Local and Provincial", July 22, 1876, p. 2.

75 Ibid., City Council, Aug. 5, 1876, p. 2.

76 Ibid., "Local and Provincial", Aug. 5, 1876, p.2.

reason that one part of the city was being favoured over another.⁷⁷

Winnipeg's early projects in no way proved easy or simple to complete.

Routine local improvements produced least tension. Indicative of this activity were the sums of \$4,532.40 and \$2,238.77 expended on street grading and new sidewalks respectively in 1876.⁷⁸ In line with its road plans council the same year paid one ratepayer the sum of \$1,000.00 for a right of way across his property.⁷⁹ During 1878 the construction of a flume for drainage purposes cost \$8,000.00.⁸⁰ About that time the first city surveyor was appointed because of the increase in civic works.⁸¹ There were certain novel enterprises in addition to routine undertakings. A jetty was constructed in 1877 at the banks of the Assiniboine River for the convenience of watermen.⁸² That summer, after being blown down during a gale, the chimneys on the city hall were reconstructed.⁸³ Alterations to that building were often criticized in view of comment upon inadequate stage facilities.⁸⁴ Some projects were conducted specifically to stimulate individual co-operation for civic betterment. In 1878

⁷⁷ Ibid., City Council, Dec. 9, 1876, p. 2.

⁷⁸ Begg and Nursey, op. cit., p. 152.

⁷⁹ M.F.P., Aug. 19, 1876, p. 2.

⁸⁰ Ibid., June 1, 1878, p. 2.

⁸¹ H.C.Goldenberg et. al., Report of The Royal Commission on the Municipal Finance and Administration of the City of Winnipeg (Winnipeg, 1939), p. 39.

⁸² Le Métis, "Nouvelles Locales", 31 mai, 1877 p. 2.

⁸³ M.F.P., City Council, July 14, 1877, p. 1.

⁸⁴ Ibid., "Local and Provincial", Apr. 27, 1878, p. 6.

to encourage arboriculture, a by-law was adopted granting citizens one dollar for every tree planted on their property.⁸⁵ Despite the range and number of these activities in comparison to large scale works they were much more successful.

Protective services were well administered with due regard to existing conditions. In the judicial sphere by-laws were fairly enforced in the city police court. Typical of many penalties was the fine of \$2.00 levied against a farmer, despite his plea of ignorance, for driving on a sidewalk.⁸⁶ Certain innovations were made in the city police department. In 1877 a detective was appointed as a new addition to the force.⁸⁷ A few months later council purchased uniforms for the first time as previously the constables had bought these at their own expense.⁸⁸ They were supplied with fire arms in 1878, because of the arrival of many questionable characters.⁸⁹ Fire fighting facilities comprised another essential service. In 1877 the entire department was reorganized on a voluntary basis into separate hose and engine companies.⁹⁰ All members served gratis excepting the chief and his assistant who

⁸⁵ Ibid., City Council, June 22, 1878, p. 1.

⁸⁶ D.F.P., Police Court, Feb. 20, 1875, p. 3.

⁸⁷ M.F.P., "Local and Provincial", June 23, 1877, p. 2.

⁸⁸ Ibid., Aug. 11, 1877, p. 1.

⁸⁹ M.F.P., City Country, Oct. 5, 1878, p. 5.

⁹⁰ Goldenberg, op. cit., p. 41.

were paid \$100.00 and \$50.00 per annum respectively.⁹¹ By reports the fire inspector was most diligent in the performance of his duties.⁹² Following the destruction of the first fire hall from a disastrous blaze in 1875, council two years later had another constructed at a cost of \$7,000.00.⁹³ The safety of the citizen evidently was a paramount interest.

Health and welfare responsibilities were of a high order considering the corporations recency. During 1876 an elaborate health by-law was recommended to the citizens for close study.⁹⁴ A scavenger was appointed the next year while the sanitary inspector was instructed to investigate cellars, backyards, and lanes.⁹⁵ A grant of \$250.00 to the Winnipeg General Hospital in 1875 represented civic collaboration with a medical institution operated by the citizens at large.⁹⁶ Welfare in the city itself continued to be administered on the basis of individual need. In 1875 one, Mrs. Mooney, because of her poverty was given aid.⁹⁷ Two years hence a girl, Alice Dubberly, was given funds enabling her to return to the United States because of maltreatment from

91 M.F.P., "Local and Provincial", Apr. 7, 1877, p. 2.

92 M.F.P., "Local and Provincial", Nov. 25, 1876, p. 12.

93 Begg and Nursey, op. cit., p. 176.

94 M.F.P., "Local and Provincial", April 15, 1876, p. 5.

95 M.F.P., City Council, July 7, 1877, p. 3.

96 M.F.P., "Local and Provincial", Nov. 27, 1875, p. 5.

97 M.F.P., City Council, Dec. 11, 1875, p. 2.

her father.⁹⁸ Later an indigent incurable was granted relief at the request of Rev.G.Bryce.⁹⁹ A civic contribution went far in raising the sum of \$400.00, to which the citizens in general also subscribed, for the benefit of fire victims at St.John's, N.B., in 1877.¹⁰⁰ By virtue of this collection outside aid apparently was often given on a basis of group need. Though lacking a regular social service department the city performed these duties admirably for the times.

Local safety, morals, and nuisances embodied a group of related subjects. They were of much consequence to the well-being of the citizen and the community. A by-law of 1876 pertaining to the storage of explosives and inflammable materials came within the first category.¹⁰¹ On account of its terms one merchant in 1878 was refused permission to store a large quantity of kerosene within the city.¹⁰² For similar reasons the siting of the ranges of a noted rifle club were investigated the same year.¹⁰³ In the field of public morals the liquor traffic and prostitution received close scrutiny. Besides controlling the liquor trade

⁹⁸ M.F.P., City Council, Sept. 15, 1877, p. 6.

⁹⁹ M.F.P., City Council, May 7, 1878, p. 2.

¹⁰⁰ Begg and Nursey, op. cit., p. 162.

¹⁰¹ M.F.P., City Council, July 15, 1876, p. 3.

¹⁰² M.F.P., City Council, May 25, 1878, p. 2.

¹⁰³ Ibid., June 8, 1878, p. 1.

through its certification of licenses council also imposed indirect curbs. A by-law of 1875 imposing hours of closing and extinguishing of lights was typical.¹⁰⁴ Prostitution became prevalent that autumn because of the arrival of many dissolute characters. Accordingly, council was frequently petitioned to suppress this vice.¹⁰⁵ The convictions of an offender who operated brazenly near the heart of the city suggested that the council evidently paid some heed to these requests.¹⁰⁶

The most common of all nuisances concerned sidewalk and street obstructions. During the winter of 1876 a by-law requiring householders to keep the sidewalks fronting their property clear of snow was adopted.¹⁰⁷ Complaints regarding merchants blocking the streets with goods contrary to a civic ordinance were investigated the following summer.¹⁰⁸ Finally, the unsuccessful attempt to frame an ordinance applying to dog-licensing revealed the latter to be "... a transcript of the Toronto by-law".¹⁰⁹ Eastern influences in Manitoba had even a nuisance value!

An interest new to this period was the establishment of civic cemeteries. Initially there was much reliance upon private

104 D.F.P., City Council, Feb. 9, 1875, p. 3.

105 M.F.P., City Council, Aug. 28, 1878, p. 8.

106 Ibid., Police Court, Sept. 25, 1875, p. 5.

107 M.F.P., "Local and Provincial", Dec. 2, 1876, p. 5.

108 M.F.P., "Local and Provincial", July 7, 1877, p. 2.

109 M.F.P., City Council, May 4, 1878, p. 2.

endeavour, especially by the churches, for this necessity.¹¹⁰ In fact, a by-law enacted in 1875 prohibited burials within the city limits for sanitary reasons.¹¹¹ At the instigation of one prominent citizen, A. W. Burrows, council was urged to provide these facilities. Not until 1877 was land procured in St. James Parish from the Hon. T. Howard for this purpose.¹¹² A revision to the act of incorporation in 1878 removed legal doubts in this connection.¹¹³ Proceedings that year indicated that the city already was in possession of two graveyards: Elmwood and Brookside.¹¹⁴ As in life, the corporation was also concerned over its residents in death.

Foreshadowing a future trend civic regulation of economic endeavour represented a novelty at this stage. That area of municipal action primarily involved regulation and subsidization. In the former case controls first entailed the furnishing of a central mart.¹¹⁵ The adoption of a market code then followed to ensure the success of this centre.¹¹⁶ As revealed by a breach of this by-law, its major aim was to confine the distribution of farm produce, in particular, to one site.¹¹⁷ Even prior to the by-law the butchers

¹¹⁰ D. F. P., City and Provincial News, Mar. 23, 1875, p. 2.

¹¹¹ M. F. P., City Council, May 13, 1876, p. 2.

¹¹² Begg and Nursey, op. cit., p. 160.

¹¹³ Manitoba Statutes, 1878, 41 Vic., Chap 35, p. 140.

¹¹⁴ M. F. P., City Council, Sept. 21, 1878, p. 3.

¹¹⁵ Vide supra, p.

¹¹⁶ Manitoba Directory, op. cit., pp. 35 - 40.

¹¹⁷ M. F. P., The Beauties of Our Market By-law, Nov. 10, 1877, p. 6.

agitated at first for proper stall space in the new building.¹¹⁸
 The construction of a market annex in 1877 corrected the situation.
 That summer flat-boat-men, by leasing stores in the city because of
 licensing, showed the effectiveness of these restrictions.¹¹⁹ More-
 over, to preserve the centralization of these arrangements a south
 ward market was not permitted in 1878. The regulation of days and
 hours of business gained some attention. At one session council
 considered a petition regarding the closing of barber shops on Sun-
 day.¹²⁰ The butchers, however, showed that success, at least in
 "early closing", was most certain with self-imposed rules.¹²¹ Pre-
 vailing laissez faire economic concepts possibly accounted for the
 limited application of civic trade checks.

Subsidization of a given enterprise, whatever its nature,
 was sedulously avoided. With reference to a municipal water
 service in 1876 council heard one, Woolsey, describe his system.¹²²
 No action resulted as existing rates set by private operators
 evidently were deemed satisfactory.¹²³ Bonussing of purely individ-
 ual commercial firms met with complete rejection. An Ontario manu-
 facturer of agricultural implements was refused a subsidy at the
 beginning of 1876.¹²⁴ Within that same year a grant for a grist

118 M.F.P., City Council, Apr. 1, 1876, p. 3.

119 Begg and Nursey, op. cit., p. 167.

120 M.F.P., City Council, May 5, 1877, p. 3.

121 M.F.P., "Local and Provincial", June 10, 1876, p. 2.

122 Ibid., City Council, 1876, p. 2.

123 Le Métis, "Nouvelles Locales", 16 nov., 1876, p. a.

124 M.F.P., City Council, Jan. 1, 1876, p. 5.

mill was later refused a Toronto miller, E. Brokovski.¹²⁵ Two years later an eastern implement dealer was declined aid in establishing a hardware store in the city.¹²⁶ Modifying its attitude, council earlier gave a donation to a local agricultural society.¹²⁷ This enterprise, however, had public not private objects. Throughout, the corporation was extremely wary of assisting private endeavours on a profit basis.

Attempts to gain rail connection during this period threw civic retardment into greater relief. Obvious economic reasons involving immigration and trade mainly stimulated this interest. Official attention was given as early as 1874 with a motion calling for an approach to the federal administration on the question.¹²⁸ Excluding 1876, council broached the subject every year and in some instances more than once annually. On each occasion the issue was unsuccessful.

Initial events of 1875 set the pattern for the period. First, during that spring a delegation went to Ottawa to press for connection with the United States.¹²⁹ As the upshot, an offer, by which the city agreed to assume half the expense of a

¹²⁵ M.F.P., City Council, Mar. 25, 1876, p. 2.

¹²⁶ M.F.P., City Council, June 8, 1878, p. 1.

¹²⁷ M.F.P., City Council, Sept. 30, 1876, p. 2.

¹²⁸ Vide supra, p.

¹²⁹ D.F.P., City Council, Feb. 9, 1875, p. 3.

railway bridge across the Red River to St. Boniface, was rejected.¹³⁰
 That autumn a federal minister, Hon. L.Letellier, was interviewed in the city while en route home. Mayor W.R.Kennedy two months later went eastward on the subject, but only in vain.

Railway activity in 1877 took a somewhat different turn. Now council diverted its attention upon a railway to the western settlements within the province.¹³¹ Unofficially the city promised to aid construction with a bonus of \$200,000.00 and urged the erection of a municipal system adequate for this purpose.¹³² Many responsible citizens, among whom some were aldermen, spoke for the civic authority and so these pledges lacked formal corporate sanction. Strikingly enough, Winnipeg and interested rural localities like Westbourne, fully co-operated on these issues at this moment.¹³³ While in the city another federal minister, Hon.D.Mills, that autumn was again interviewed on this projected line.¹³⁴ At this juncture council as a whole composed the delegation. From these attempts C.P.Brown's county municipal legislation constituted a partial achievement for 1877 although the railroad remained unbuilt.

1878 was the culmination of preceding failures. Early that spring some aldermen again gave semi-official support to the citi-

130 Begg and Nursey, op. cit., pp. 114 - 15.

131 M.F.P., Report of Mayor Kennedy, Nov. 13, 1875, p. 5.

132 Begg and Nursey, op. cit., pp. 154 - 55.

133 M.F.P., "Winnipeg and The West", Feb. 10, 1877, p. 1.

134 Ibid., City Council, Sept. 8, 1877, p. 6.

zens in their representations to Ottawa for a western road.¹³⁵
 Moreover, this line was unacceptable without the transcontinental one crossing the Red River at Winnipeg. Pursuant to a later public meeting, which usually prefixed most of these endeavours, council that fall adopted the resolutions in question. This action entailed civic aid, as previously, for a railway bridge and a western railway through a bonus amounting to \$300,000.00.¹³⁶
 Since the city solicitor's advice cast doubts on the legality of this subsidy the particular by-law did not get beyond first reading.¹³⁷ Finally, it was decided to seek revision of the incorporating act in order to have the disability removed.¹³⁸ At no time was the railway problem fully decided upon civic terms. With the construction of a railroad to St. Boniface from the United States at the close of 1878 the first breach was made in this curtain of restraint.

Relations were of the customary types. Excluding those pertaining to railways, communication with the federal authority varied. In 1876 the senior government was asked to change the name of the local post office from "Fort Garry" to "Winnipeg".¹³⁹ In the ensuing year council's offer of temporary accommodation in the city hall for immigrants was declined by the local federal

135 Begg and Nursey, op. cit., p. 183.

136 Ibid., p. 199

137 M.F.P., City Council, Nov. 30, 1878, p. 3.

138 Loc. cit.

139 M.F.P., "Local and Provincial", Mar. 18, 1876, p. 3.

immigration agent, W.Hespeler.¹⁴⁰ Within the same year the city petitioned for a conveyance of a land tract from Point Douglas common.¹⁴¹ Illustrative of unsuccessful protracted negotiations between both administrations was the rebate of federal duties on civic fire equipment.¹⁴² The Dominion, however, was not alone in its spasmodic refusals.

Association with the province was equally illuminating. In 1875 both authorities collaborated on measures for coping with grasshopper infestation.¹⁴³ Of much concern to the mayor and aldermen was the disposition of their judicial powers resulting from the Police Magistrates Act of 1876.¹⁴⁴ Clarification of their alleged indefinite juridical status was requested from the provincial secretary, Hon. J. Royal. The subsequent reply intimated that members of council had powers only to impose penalties under municipal by-laws.¹⁴⁵ That summer arrangements for the reception of the visiting governor-general, Lord Dufferin, created sharp differences between both governments. In contrast, mutual arrangements were completed earlier concerning a registry office in the city hall.¹⁴⁶ With reference to navigational im-

¹⁴⁰ P.A.M., Lieut-Gov. Off. Corr., A.W.Brown (City Clerk) to A.Morris, (unnumbered), June 28, 1877.

¹⁴¹ M.F.P., City Council, Sept. 8, 1877, p. 6.

¹⁴² D.F.P., City Council, Feb. 2, 1875, p. 2.

¹⁴³ The Standard, "City and Provincial", June 26, 1875, p. 3.

¹⁴⁴ Manitoba Statutes, 1876, 39 Vic., Chap. 4, p. 46.

¹⁴⁵ Le Métis, "Une Pretendue Difficulte", 16 mars, 1876, p. 2.

¹⁴⁶ M.F.P., City Council, Feb. 3, 1877, p. 2.

provements along the Red River to Lake Winnipeg all three administrations collaborated in 1875.¹⁴⁷ The outcome of negotiations with either senior body depended largely on the nature of the particular issue.

Collaboration with the local school districts was not to be ignored. The activities of the trustees particularly revealed the nature of these relations with greater clarity. Further, at that stage, the very interaction of two different municipal authorities was more fully appreciated. This liason accordingly was best deferred until later.

The corporation of Winnipeg displayed singular traits during this third phase. Its development was more extensive and intensive than before. Council now attempted certain undertakings for the first time. Some of these succeeded: others were delayed: a number failed entirely. On balance, a fairly satisfactory working adjustment was achieved in the main. Not the ends but the means rendered this period distinctive. Because of institutional immaturity official action was frequently marked by friction and restraint. On this account civic retardment was most noticeable throughout this period.

2. Educational Development in Winnipeg.

Local school administration in Winnipeg was in a deplorable condition at first. Current observations on both Protestant and Roman Catholic districts for 1875 revealed a backward state of

¹⁴⁷ D.F.P., City Council, Jan. 26, 1875, p. 3.

affairs.¹⁴⁸ A noted educationist, Rev.G.Bryce, was highly critical of its schools in 1876.¹⁴⁹ On one occasion suspicions over Roman Catholic census returns for the preceding year suggested disturbing conditions.¹⁵⁰ The major causes of these undesirable arrangements were chiefly four: state of the law, difficulty of collecting taxes, opposition of a number of leading citizens, inexperience of some of the trustees.¹⁵¹ For these reasons impending change soon became obvious.

Steps eventually were taken to frame legislation with Winnipeg especially in view. To prepare the way for the act a select committee of the Board of Education late in 1875 reported on the question.¹⁵² As to purposes and influences underlying the scheme Bryce wrote:

The premier, with the co-operation of the Protestant section of the board of education, followed the Ontario plan of giving a special educational Act for "cities and towns". To this there could be no objection, so peace was for the time restored by this concession to the city of Winnipeg.¹⁵³

Moreover, the existing duality was again recognized. By these preliminaries more specialized legislation than in the past might be anticipated.

The actual statute was conclusive evidence of these ends.¹⁵⁴

148 D.F.P., "The Winnipeg Public Schools", Jan. 13, 1875, p. 2.

149 Bryce, op. cit., p. 274

150 M.F.P., Board of Education, Dec. 11, 1875, p. 5.

151 M.F.P., Education, Nov. 13, 1875, p. 8.

152 M.F.P., The Board of Education, Oct. 13, 1875, p. 5.

153 Bryce, op. cit., p. 275.

154 Manitoba Statutes, 1876, 39 Vic., Chap. 1.

On proclamation the measure was to become effective in Winnipeg. Boundaries for the Protestant district were drawn coincidentally with those of the city itself. This majority board of trustees was organized on a ward basis similar to the city council. Each ward was to be represented by three trustees. By a proviso, the minority board, the Roman Catholic one, was empowered to extend its limits in order to include children of its adherents residing immediately outside the city proper. In addition, this latter board was to be composed of a board of three trustees. Also these might be elected on a ward or universal basis as its ratepayers decided. Present trustees were to finish their entire term of office. In Winnipeg, the Protestant district operated on the new ward basis while its Roman Catholic counterpart retained the old scheme of representation at large.

Specific terms pertained directly to the trustees. They were to be elected at ward meetings called at first by the sectional superintendent and subsequently by the district itself. To the chairman fell the responsibility of calling annual meetings, excepting the first, and acting as returning officer. Further provisions also dealt with trustees' qualifications and disqualifications of office.

Fiscal powers for either board permitted taxation and borrowing. Revenue might be derived from levies upon all rateable property, real and personal, within the district. For this purpose the municipal council was required to impose school taxes if the trustees so decided. Otherwise, the school board was still em-

powered to strike and collect their own rates. In addition, advances to the school district from this council were allowed. Should a property holder profess adherence to neither faith the taxes accrued to the majority board first, and were then divided with the minority one. This arrangement had much relevance particularly in the case of commercial enterprises. If necessary, fees upon both resident and nonresident pupils were possible. Annual taxation for the majority board was not to exceed \$10,000.00 and \$5,000.00 for the minority body.

Borrowing provisions were quite distinctive. Loans might be raised through the sale of debentures by either school district. In any event the maximum term and interest rate were set at twenty one years and 8 per cent respectively. Further, the majority board was restricted to a loan of \$20,000.00 and the minority to one of \$10,000.00. Finally, specific provision was made for the arbitration of fiscal disputes between council and trustees and also between majority and minority boards. Altogether, income for urban school authorities was now placed on a more dependable basis.

Powers of both elective and appointive officials were fully outlined. The responsibilities of the trustees with respect to their employees, school property, and furnishings were quite extensive. Of the elected officers the secretary-treasurer found his position quite definitely stated. He primarily served as the linch-pin of administration between the board and ratepayers, other local authorities, and appointed personnel. Upon him devolved much of the actual dispatch of district business. Each

school unit was entitled to a full slate of secondary officials. Among these the assessor, collector, inspector, and teacher had their duties defined rather broadly. To date, these arrangements were most systematic and comprehensive.

Sordid conditions persisting in Winnipeg schools signified that the legislation did not take effect at once. In this application the Protestant board, the majority unit, was to be preferred because it was more illuminating than the Roman Catholic one, the separate or minority body. Early in 1876 the Protestant district was re-organized.¹⁵⁵ That year Rev.G.Bryce as superintendent of the Protestant district reported much overcrowding in the schools, the lack of qualified teachers, and a shortage of necessary supplies.¹⁵⁶ Specifically, three teachers had charge of 254 pupils during the spring of 1876. The situation became so pressing that a monitor teacher was engaged during the next term.¹⁵⁷

Finance again proved a major interest. School funds were derived from taxation, provincial grants, and borrowing, Civic property assessments of \$2,746,300.00 with a school rate of two and one fifth mills for 1876 served as a gauge for local educational levies.¹⁵⁸ Assistance from the province was meagre

155 Man. Gaz., Vol. V, No. 2, Jan. 18, 1876.

156 M.F.P., School Board, Nov. 17, 1877, p. 1.

157 M.F.P., School Inspection Report, Nov. 11, 1876, p. 3.

158 Ibid., "Local and Provincial", Sept. 30, 1876, p. 2.

judging by one grant of \$210.60.¹⁵⁹ Borrowings consisted of both short and long term loans. By the former type a temporary advance of \$8000.00 at 8 per cent from the city council in 1876 was typical.¹⁶⁰ Clearly illustrative of the long term extensions was a bond issue of \$20,000.00 the same year for school construction.¹⁶¹ The quality of the local authority was greatly affected by its fiscal resources as its other activities showed.

Similar to the city council the school board exhibited action of a structural nature. This type of activity was best displayed at the annual meeting. Then elections were held, key positions filled, and committees struck. With the election of 1878 all candidates were returned by acclamation.¹⁶² It required over a month in the preceding year to settle the chairmanship.¹⁶³ Committees were determined rather expeditiously following one election.¹⁶⁴ Other structural procedures signified much adaptive capacity for this authority. Failing to lease an abandoned church, as expected, the board in 1876 convened specially to make other plans.¹⁶⁵ Expediency apparently dictated this action. In the matter of a monitor's appointment the chairman later ruled that

¹⁵⁹ Ibid., Winnipeg Public Schools, Feb. 19, 1876, p. 2.

¹⁶⁰ Ibid., City Council, Apr. 1, 1876, p. 3.

¹⁶¹ Ibid., Board of Trustees, Nov. 18, 1876, p. 5.

¹⁶² M.F.P., Election of School Trustees, Feb. 9, 1878 p. 1.

¹⁶³ M.F.P., The School Board, May 12, 1877, p. 1.

¹⁶⁴ M.F.P., The Newly Elected School Board, Mar. 4, 1876, p. 2.

¹⁶⁵ Ibid., Board of School Trustees, May 27, 1876, p. 3.

the reference to a special committee was out of order; the inspector was to decide the issue.¹⁶⁶ A complementary aspect to this class of effort prevailed simultaneously.

Endeavour of a functional character was easily discernible. In this connection fiscal actions were paramount. The raising of \$8,000.00 through sale of debentures in 1878 was fairly indicative of monetary undertakings.¹⁶⁷ These loans were generally made for the purpose of building new schools. Hence, following the ratepayers' approval of a by-law involving the borrowing of \$20,000.00 during 1876, two new schools were next constructed.¹⁶⁸ Another aspect of functional effort concerned appointive officials. Bryce's resignation in 1877 necessitated serious consideration of his successor as inspector.¹⁶⁹ The board's failure to re-engage the principal at the year's close met with strong public disapproval.¹⁷⁰ Certain miscellaneous acts came in the same category. At one stage a grant of \$100.00 was made for supplies.¹⁷¹ More materially minded the trustees purchased twenty cords of wood on another occasion.¹⁷² To stress its versatility and yet recognize the need for economy the board in 1877 decided upon a school museum

166 Ibid., Winnipeg Sectarian Schools, Dec. 9, 1876, p. 5.

167 M.F.P., City Council, Sept. 21, 1878, p. 3.

168 Begg and Nursey, op. cit., p. 153.

169 M.F.P., "Local and Provincial", June 16, 1877, p. 1.

170 Ibid., Dec. 22, 1877, p. 1.

171 M.F.P., Board of School Trustees, Apr. 15, 1876, p. 8.

172 Ibid., The School Board, Dec. 2, 1876, p. 2.

provided there was no extra expense.¹⁷³

Relations for the Protestant authority concerned the usual groups. Contacts with the province involved fiscal powers accord- to one meeting in 1877. It was then decided to urge the legislature in revising statutory limitations on the issuance of debentures.¹⁷⁴ Earlier the trustees approached the Board of Education on the grant- ing of temporary permits for teachers.¹⁷⁵ Monetary matters caused the board to collaborate frequently with the city council. In addition to advances on school levies and short term loans the board occasionally used civic tax machinery in other ways. Thus the con- sent of council was given in 1878 to have the civic assessor take a school census.¹⁷⁶ Less notable was an earlier request made to the corporation for the extension of a sidewalk to one school.¹⁷⁷ The chief subject of negotiation with the separate school authority, embodied the sharing of non-adherents' taxes. Failure of the major- ity body to do so in 1876 brought on a law suit between both bodies.¹⁷⁸ As the verdict favoured the separate district subsequent payments were not withheld from it.¹⁷⁹ To exemplify association with private groups or individuals the trustees in 1876 rented the premises of the

173 M.F.P., The School Board, Mar. 17, 1877, p. 5.

174 M.F.P., The School Board, June 16, 1877, p. 1.

175 M.F.P., The School Board, Dec. 2, 1876, p. 5.

176 M.F.P., City Council, Feb. 23, 1878, p. 3.

177 M.F.P., City Council, July 3, 1876, p. 2.

178 M.F.P., The Winnipeg School Suit, Jan. 29, 1876, p.2.

179 M.F.P., Board of School Trustees, July 13, 1878, p.5.

Wesleyan Institute for school purposes.¹⁸⁰ Property dealings that autumn with the Hon. D. A. Smith were quite lengthy and complex.¹⁸¹ All these relationships suggested a wider and deeper scope of operations for the Protestant district.

Much less prominent in Winnipeg was the Roman Catholic board, commonly known as the separate or minority school district. Within this period it was reorganized soon after its Protestant counterpart in 1876.¹⁸² Of its many concerns finance was also a leading interest for the separate body. In 1875 its income from local levies, fees, non-denominational taxation, and the provincial grant amounted to \$800.00, \$500.00, \$600.00 and \$150.00 respectively.¹⁸³ By 1878 district taxation had jumped to \$800.00.¹⁸⁴

Possibly because of the shortage of Roman Catholic teachers and yet to have one of their faith the minority trustees in 1876 engaged as their instructor a soldier of the local garrison.¹⁸⁵ Relations for them involved chiefly the sharing of levies with the Protestant unit.¹⁸⁶ Occasionally there was delay, especially when the city council failed to make funds available to the majority body.

180 M.F.P., Board of School Trustees, Nov. 18, 1876, p. 5.

181 Ibid., The School Meeting, 1876, p. 6.

182 Man. Gaz., Vol. V, No. 3, Feb. 5, 1876.

183 M.F.P., A School Question, Feb. 4, 1875.

184 M.F.P., The Catholic School Meeting, Feb. 9, 1878, p. 2.

185 Le Métis, "Nouvelles Locales", 21 sept., 1876, p. 2.

186 M.F.P., The School Board, May 18, 1878, p. 8.

School authorities in Winnipeg during this period manifested distinct trends. By the legislation of 1876 the Protestant unit, especially, became much more particularized. In contrast to the city council the majority school board had only the single interest: civic education. On account of this one concern the prospects of retardment were considerably less for the school body in comparison to the city council. Despite the distinct difference in the range of their activity the district and corporation collaborated most closely on school revenue. For the trustees much reliance was placed on existing municipal taxation machinery in the raising of funds. By virtue of intense specialization in aim and operation the larger Protestant body soon overshadowed its counterpart, the Roman Catholic board. Because of this development the minority group eventually paled into insignificance. At the close of 1878, however, both school districts were firmly implanted as real municipal entities in Winnipeg.

3. Legislation with Municipal Implications.

The emergence of legislation with municipal consequences now occurred for the first time. Some of these measures concerned all municipalities; others referred to certain classes of local authorities and in some cases to definite units. Hence, general and specific application was made with the statutes in question.

Specific acts only were passed in 1875. The measure designed to aid county municipalities with their public buildings exemplified a particularized statute.¹⁸⁷ It was to involve the large scale rural

¹⁸⁷ Manitoba Statutes, 1875, 38 Vic., Chap. 19.

Municipalities alone. Its terms, by comment in Le Métis, apparently proved most acceptable.¹⁸⁸ A grant of \$300.00 to Westbourne early in 1878 seemed to have been the first attempt at utilizing this statute.¹⁸⁹ Another narrowly drawn enactment that year regulated the storage of explosives within incorporated cities and towns.¹⁹⁰ Evidently the act was prepared with Winnipeg especially in view since a related civic ordinance was found to conflict with it in 1876.¹⁹¹ Most specific was the establishment of a steam ferry between Winnipeg and St. Boniface by a definite act.¹⁹² According to later reports the projected improvement was far from being satisfactory.

Both types of legislation were enacted in 1876.¹⁹³ Most indirect of the general acts was the one creating a provincial Department of Public Works.¹⁹⁴ Accordingly, senior and junior governments in future might collaborate on physical projects to their material benefit. For the same reason the statute providing for the opening of roads was important.¹⁹⁵ By virtue of being organized, municipalities, in this connection, had a much greater advantage over unorganized localities. Moreover, debate showed that rural units particularly

188 Le Métis, En Chambre, 8 mai, 1875, p. 2.

189 Manitoba: Off. C.E.C., O.- in -C., No. 289, Feb. 11, 1878,
p. 75.

190 Manitoba Statutes, 1875, 38 Vic., Chap. 20.

191 M.F.P., City Council, July 15, 1876, p. 3.

192 Manitoba Statutes, 1875, 38 Vic., Chap. 34.

193 The Standard, "The Steam Ferry", July 17, 1875, p. 3.

194 Manitoba Statutes, 1876, 39 Vic., Chap. 9.

195 Manitoba Statutes, 1876, 39 Vic., Chap. 10.

might now press for the opening of roads by the province.¹⁹⁶ Seemingly in acceding to a road petition from Springfield and Sunnyside in 1878 the senior administration first applied the act.¹⁹⁷ A general measure of direct relevance to all local authorities concerned the prevention of disorders at municipal elections.¹⁹⁸ Because of the disturbances in Winnipeg late in 1875 during civic voting, the administration presented legislation at the next session accordingly.¹⁹⁹ An enactment of 1876 having specific application resulted in the appointment of a provincial fire commissioner; his duties entailed the investigation of fires occurring within incorporated cities and towns in the province.²⁰⁰ This measure had been prompted through the lack of formal machinery for making an immediate inquiry into the burning of Winnipeg's fire hall late in 1875.²⁰¹ Although having primarily provincial objects the Police Magistrates Act in part was highly particularized.²⁰² In the limitation of judicial powers enjoyed by the council members of Winnipeg it was quite specific.

1877 marked the passage of one general statute which had only indirect consequences. By the measure to divide the province further into judicial counties the establishment of county municipalities was

196 M.F.P., Manitoba Legislature, Jan. 29, 1876, p. 6.

197 Man. Gaz., Vol. VII, No. 12, June 18, 1878, p. 62.

198 Manitoba Statutes, 1876, 39 Vic, Chap. 7.

199 M.F.P., Manitoba Legislature, Jan. 29, 1876, p. 6.

200 Manitoba Statutes, 1876, 39 Vic., Chap. 5.

201 M.F.P., Manitoba Legislature, Jan. 29, 1876, p. 6.

202 Manitoba Statutes, 1876, 39 Vic., Chap. 4, p. 46.

encouraged.²⁰³ In addition to increasing by one the number of existing judicial counties the act defined each of these in turn as to its sub-sections. It was upon these sub-units that eventual county municipalities were organized. Hence, Westbourne was formed into a county municipality on the basis of being a sub-division of the County of Marquette West, the additional judicial county.²⁰⁴

Three measures of 1878 had general application. Among these the Licensing Act, by its reference to the entire province, definitely regulated certain trades in all municipalities.²⁰⁵ Those enterprises so controlled involved the sale of liquor, billiard parlors, bowling alleys, auctioneers, and pedlars. By the second act, respecting prairie fire control, municipalities for that purpose were empowered to draft ratepayers liable for statute labor.²⁰⁶ Seemingly on account of serious blazes on the plains during the preceding fall the legislation was considered necessary.²⁰⁷ With the third statute regarding highways undertaken by the province no explicit reference to municipalities was made.²⁰⁸ The statute, however, implicated local authorities as it dealt with one of their vital interests: roads. Despite the failure to specify municipal units directly some measures in operation could not but affect them.

²⁰³ Manitoba Statutes, 1877, 40 Vic., Chap. 3.

²⁰⁴ Vide supra, p.

²⁰⁵ Manitoba Statutes, 1878, 41 Vic., Chap. 7.

²⁰⁶ Ibid., 41 Vic., Chap. 28.

²⁰⁷ M.F.P., "Local and Provincial", Nov. 10, 1877, p. 3.

²⁰⁸ Manitoba Statutes, 1878, 41 Vic., Chap. 24.

CHAPTER V

GENERAL TRENDS: 1879 - 81

1. The "Boom" Years

Most prominent among influences on municipal development within this fourth phase were economic forces. This was the period of the Manitoba "boom".¹ Its rapid decline rather than its peak denoted its sharp limits; the spring of 1882 marked rock bottom.²

Certain items lucidly showed the intense effects of the boom. Illustrative of the flow of immigrants a party of 450 immigrants arrived in Winnipeg during one week early in 1880.³ In most cases these strangers continued to come from previous sources. By the close of 1882 Manitoba had three railways operating within its borders.⁴ Duties on imports amounting to \$216,133.00 in September of 1879 reached \$466,044.00 for the same month the next year.⁵ Most revealing was the tremendous land speculation.

¹ M. Q. Innis, An Economic History of Canada (Toronto: Ryerson Press, 1935), p. 223.

² McWilliams, op. cit., p. 127.

³ Le Metis, "Nouvelles Locales", 10 juin, 1880, p. 3.

⁴ N. Thompson and J. H. Edgar, Canadian Railway Development from the Earliest Times, (Toronto: MacMillan Co., 1933), pp. 387-88.

⁵ M. F. P., "Local and Provincial", Oct. 9, 1880, p. 6.

Farm property outside of Winnipeg was reported as selling at \$22.00 per acre at one stage.⁶ Through real estate deals Lieut-Gov. J. Cauchon was reputed to have cleared the sum of \$100,000.00.⁷ Secondary industry displayed the same trend. In 1879 a Winnipeg firm ordered 3,000,000 feet of lumber from Ontario.⁸ A local kiln within one season was claimed to have produced 4,000,000 bricks.⁹ It was evident that this interim of rapid economic resurgence appeared favourable for greater municipal growth.

Politically, the period was punctuated by changes of administration both federally and provincially. The Conservatives under MacDonalld were returned to Ottawa in a decisive manner.¹⁰ In the province Davis' administration underwent a change of leaders. With the slow crystallization of party lines in Manitoba the Conservatives, under Hon.J. Norquay, also scored a local success late in 1878.¹¹ Then the following year Norquay appealed successfully to the voters once more.¹² The implications of ministries with the like political stripe augured well for future municipalization in Manitoba.

During both contests Norquay gave assurances of shortly

⁶ Winnipeg Daily Times, (untitled), Nov. 26, 1881, p. 4.

⁷ W.D.T., "What is Going On 'Round Town'", Apr. 28, 1881, p. 4.

⁸ W.D.T., "Affairs About Home", July 25, 1879, p. 4.

⁹ W.D.T., (untitled), Sept. 22, 1881, p. 4.

¹⁰ D.G.Creighton, Dominion Of The North (Cambridge: The Riverside Press, 1944), p. 345.

¹¹ Schofield, op. cit., p. 328.

¹² Ibid., p. 330.

establishing a practical municipal scheme. In the first campaign he expressed support indirectly for a general system in order to render local railway subsidization effective.¹³ A statement of his policy the next summer envisaged the establishment of a municipality at Portage La Prairie; the construction of an assize court both senior and junior governments might then be undertaken.¹⁴ Lastly and most conclusively, the premier during the second general election advocated outright the introduction of a more effective municipal system.¹⁵ The administration now was directly committed to a municipal plan.

External political events also foreshadowed developments in which local authority would participate ultimately. Current dominion-provincial relations represented the continuance of fiscal need for Manitoba. Thus, in 1880 Ottawa allowed Norquay to withdraw \$100,000.00 on capital account for drainage purposes.¹⁶ In addition, the federal subsidy was raised from \$90,000.00 to \$105,650.00.¹⁷ All these concessions served to relieve the provincial treasury greatly. Accordingly, the subsequent increased development of municipalities for the same object was not unexpected.

Less tangible were the social trends of the time. Mainly because of immigration, provincial population had swelled to slightly

¹³ M.F.P., "The Government Policy", Dec. 7, 1878, p. 4.

¹⁴ W.D.T., The Norquay Platform, June 6, 1879, p. 2.

¹⁵ M.F.P., "The Local Government Policy", Dec. 6, 1879, p. 4.

¹⁶ Schofield, op. cit., p. 339.

¹⁷ Maxwell, op. cit., p. 77.

over sixty-five thousand by 1881.¹⁸ Of future municipal significance new settlements were to be noticed in the west, particularly in the vicinity of Brandon and the Souris Plain.¹⁹ Immediately, these virgin communities were engaged in striking their roots; they had little, if any time for government, certainly local authority. Individual adaptation, a problem verging on survival or failure, had to be solved first.

Then, too, natural elements persisted to tantalize and torment the new comers. Wheat yields in 1879 were good judging from yields of thirty to thirty-five bushels per acre in the Wilsonville district.²⁰ On the red side of nature's ledger prairie fires raged over the plains that autumn.²¹ Quite early was a natural cycle manifested. Heavy rains in the late seventies gave way to good growing weather in the early eighties.²² Stressing dependence upon the elements the Manitoba Free Press in 1881 began issuing crop reports.²³

The total effect of these forces was to defer municipalization until the need was recognized. Specific localities exemplified this trend well. Early in 1879 Selkirk was rumoured to be organizing as a county municipality for public improvement purposes.²⁴

18 Vide supra, p.

19 Martin and Morton, op. cit., p. 58 -59.

20 W.D.T., "Affairs About Home", Sept. 17, 1879, p. 4.

21 M.F.P., Furious Flames, Oct. 11, 1879, p. 5.

22 Martin and Morton, op. cit., p. 68.

23 M.F.P., Our Harvest Home, Sept. 23, 1881, p. 2.

24 W.D.T., Public Improvements, Aug. 20, 1879, p. 2.

Portage la Prairie contemplated a similar step quite soon in order to secure rail linkage with Winnipeg.²⁵ Even with the areas annexed to the province following the extension of the boundaries in 1881 local authority meant specific advantages: law and order, public works, schools, railways, weed and animal controls.²⁶ Throughout the period the utilitarian purpose was most perceptible.²⁷ Hence, as the practical need became evident, then, and not till then, was there an urge for municipal government.

2. Rural Trends During 1879

The most notable rural development for this particular year was the incorporation of Portage la Prairie as a county municipality. Previous attempts in 1877 to that end had proved unavailing.²⁸ Similar endeavours now entailed the earlier objects of realizing a western railway and the construction of local works. Initial steps for the renewal of previous goals were taken early in 1879 with the holding of a public meeting in the nascent town of Portage la Prairie.²⁹ County opinion again was focussed on the municipal question.

Events by the mid-summer of 1879 swiftly led to incorporation. Norquay in early June intimated that development by his plans to organize the area as a judicial district.³⁰ Consequently, an act for

²⁵ M. F. P., Important Meeting at the Portage, Jan. 11, 1879, p. 5.

²⁶ M. F. P., Birtle, N. W. T., July 3, 1880, p. 6.

²⁷ M. F. P., "The Session", Feb. 21, 1880, p. 4.

²⁸ Vide Supra, p. 92.

²⁹ M. F. P., Important Meeting at The Portage, Jan. 11, 1879, p. 5.

³⁰ Vide supra, p.

that purpose was adopted almost immediately by the legislature then in session.³¹ Debate revealed that in the establishing of the locality as a judicial district and municipality the erection of necessary county court buildings was the prime provincial aim.³² Accordingly, the senior authority promised a maximum grant of \$5,000.00 for this construction which was to be completed in 1880. The second county municipality along with the first, Westbourne, now comprised the new judicial district. Of direct municipal concern the statute was proclaimed within one month after enactment pursuant to its terms.³³ Provincial initiative in this measure was most evident.

In accordance with the provisions of the proclamation establishing the municipality initial organization followed the conventional form. The County Municipality of Portage la Prairie was to correspond approximately with the judicial county of the same name. Electoral arrangements were left to the specified returning officer as only the voting date was fixed. By reports, feeling ran high during the first contest, possibly on account of the novelty of the event.³⁴

Early meetings of the new unit were largely occupied with the initiation of local authority. Range and pressure of business

³¹ Manitoba Statutes, 1879, 42 Vic., Chap. 21, pp. 317 - 19.

³² M.F.P., Manitoba Legislature, June 21, 1879, p. 3.

³³ Man. Gaz., Vol. VIII, No.12, July 2, 1879.

³⁴ M.F.P., Portage la Prairie, Aug. 2, 1879, p. 2.

necessitated the council sitting for two successive days at first.³⁵ By-laws were approved appointing and fixing the salaries of a clerk and treasurer along with four assessors and collectors. Provisions was also made for the future appointment of other officials: pound-keepers, pathmasters, and fence viewers.³⁶ A county seal was decided upon also. Highly reflective of the influence of past experience was the adoption of the rules of procedure as used by the County of York in Ontario.³⁷

Miscellaneous activities were undertaken too. In order to facilitate local assessments the municipality was divided into four wards. Illustrative of fiscal interest a temporary loan was made on one occasion.³⁸ In 1880 the provincial decision to assume half the county building costs undoubtedly was encouraging.³⁹ Assessments apparently were made because these amounted to \$2,574,906.00 the first year.⁴⁰ To indicate the extent of taxation a by-law was adopted by which \$3,000.00 was raised for local works.⁴¹ Evidently, these improvements were attempted systematically since a map was

³⁵ Ibid., Sept. 6, 1879 p. 3.

³⁶ M.F.P., Portage la Prairie, County Council, Apr. 3, 1880, p. 2.

³⁷ Ibid., Mar. 27, 1880, p. 3.

³⁸ Ibid., Apr. 3, 1880, p. 2.

³⁹ Manitoba Statutes, 1880, 43 Vic., Chap. 8, p. 51.

⁴⁰ M.F.P., "Local and Provincial", Dec. 13, 1879, p. 5.

⁴¹ M.F.P., Portage la Prairie, County Council, Mar. 27, 1880 p. 3.

prepared especially for that purpose.⁴² Some relationships arose. Negotiation with the province respecting the sharing of license fees stressed both that association and the need of funds.⁴³ A group relation was displayed with a grant of \$500.00 to a local agricultural society following the presentation of the latter's petition.⁴⁴ At a purely individual plane council authorized, for road purposes, the purchase of a lot for \$100.00 from one ratepayer.⁴⁵ Conventional forms of structural and functional endeavour were indeed apparent.

As the primary interest the construction of the county court building reflected the quality of institutional operation. Arrangements were made at the first council meeting to solicit tenders for the work. To emphasize its utility and to exemplify provincial - municipal collaboration a composite structure was erected. Court house, goal, registry and municipal offices were all integrated under the one roof. E. McCroskie, a Winnipeg architect, was chosen to prepare the plans.⁴⁶ Awarding of the tenders presented some difficulty.⁴⁷ The parties withdrew their sureties for the success-

⁴² Loc. cit.

⁴³ Ibid., Jan. 17, 1880, p. 6.

⁴⁴ Ibid., Mar. 27, p. 3.

⁴⁵ Ibid., Apr. 3, 1880, p. 2.

⁴⁶ M.F.P., Portage la Prairie County Council, Nov. 25, 1879, p. 6.

⁴⁷ M.F.P., op. cit., Jan. 17, 1880, p. 6.

ful tender since they considered his bid of \$8,917.00 too low. Hence, the contract was awarded to the second lowest tender, Messrs. Lynnes and Green, for \$9,600.00. This was \$400.00 under the maximum figure set by council. Despite this uncertain start the building was completed before the close of 1880 as the province required.⁴⁸ Portage la Prairie had gone far in realizing its original objectives.

Westbourne County Municipality meanwhile was by no means inactive. Railway interest still prevailed in the western unit. Its suggested amendments to the railway subsidization clauses of existing county municipal legislation were enacted with Brown's co-operation in 1879.⁴⁹ County municipalities were now empowered to fix the annual extra levy for railway subsidization.⁵⁰ Accordingly, as they were deriving some advantage, future ratepayers, along with present ones, would bear their fair share of railroad constructional expense. Until the end of 1879, however, Westbourne still lacked a railway.

There were other minor but novel developments at Westbourne during 1879. The first tax sale for a county municipality was held there early that year.⁵¹ In August a by-law involving the expenditure of \$25,000.00 for local works was submitted to the electorate.⁵²

⁴⁸ Ibid., Portage Items, June 26, 1880, p. 8.

⁴⁹ M.F.P., Manitoba Legislature, May 31, 1879, p. 8.

⁵⁰ Manitoba Statutes, 1879, 42 Vic., Chap. 14, pp. 302 - 303

⁵¹ Man., Gaz., Vol. VIII, No. 4, Feb. 15, 1879.

⁵² M.F.P., Westbourne County Council, Aug. 2, 1879, p. 3.

At the same time, and most uncommon, aid to the extent of \$30.00 was given an indigent widow toward the building of a home. To date county municipalization might be considered a success in the light of the endeavours at Westbourne and Portage la Prairie.

Rural municipal units on a township and parish basis displayed similar adaptability and versatility during 1879. To emphasize its continued interest in local works Springfield and Sunnyside voted \$800.00 for drainage at a June meeting.⁵³ In September council soon took steps to fill a vacancy on its board; an election was arranged for the next month.⁵⁴ Kildonan and St. John's in February attempted to cope with a dog nuisance by imposing licenses.⁵⁵ At two later meetings collaboration with the province and then Springfield and Sunnyside was indicated on certain road matters.⁵⁶ For actually its first year Rockwood was surprising. Over and above the ordinary municipal pre-occupations it displayed much alertness. Immediate proceedings suggested that protection of timber on local roads was of some concern.⁵⁷ By June council there had gained a grant of \$200.00 from the province for local works.⁵⁸ In October dissatisfaction was expressed with the attitude of the Winnipeg city council on the C.P.R. route plus Ottawa's diversion of a junction from the

⁵³ P.A.M., Minutes: R.M. Spring. & Sunny., June 28, 1879.

⁵⁴ Ibid., Sept. 20, 1879.

⁵⁵ M.F.P., Kildonan Council, Feb. 15, 1879, p. 8.

⁵⁶ Ibid., June 28, 1879, p. 8.

⁵⁷ Ibid., Feb. 1, 1879, p. 8.

⁵⁸ Ibid., June 14, 1879, p. 2.

settlement.⁵⁹ In November prairie fire control received attention.⁶⁰ Throughout the stress was more an effort of the functional type. By the beginning of 1880 rural municipalization in Manitoba had definitely proven itself wherever it prevailed and whatever its basis. Before another lunge forward was attempted another striking development meanwhile was occurring.

3. Urban Developments

An important step now in Manitoba municipal growth was the adoption of a general statute for urban localities by the enactment of the Town Corporations General Clauses Act in 1879.⁶¹ A similar measure had been attempted unsuccessfully two years before.⁶²

The present act had definite objectives. These were revealed in a newspaper report of the Hon. J. Royal's remarks at second reading:

The object of the measure he explained to be to allow any town to get incorporated without going through the formidable proceeding of securing a special charter. There was now in the Province several centres, such as St. Boniface, Selkirk, the Portage, Morris and Emerson; and if, as at present each one of these localities desiring a charter had to apply for it singly, the expense would be great. By the bill before the House these and similar centres could be incorporated under a general act.⁶³

In order to facilitate the incorporation of growing urban

⁵⁹ Ibid., Oct. 4, 1879, p. 3.

⁶⁰ Ibid., Nov. 15, 1879, p. 8.

⁶¹ Manitoba Statutes, 1879, 42 Vic., Chap. 3,

⁶² Vide supra, p. 110.

⁶³ M. F. P., Manitoba Legislature, May 31, 1879, p. 8.

communities into towns the Norquay administration was prompted to act decisively.

The three major sections of this general act embraced organization of the corporation, functions of the council and special proceedings. Of these the first two had much institutional relevance. In turn, further breakdown revealed that provision was made for the customary essentials: conditions of incorporation: elections: qualifications of councillors and voters: appointive officials: urban finance: by-law powers: contestation of elections: court of revision proceedings: tax sales: appropriation of land: suit against the corporation.

Conciliar composition was one of the significant and relevant aspects of this act. Letters patent incorporating the centre itself determined the size of the council; in every instance the mayor was the titular head. Then, too, ward division and representation were included in the provisions of incorporation also. Following incorporation the council might draw or alter ward limits specifically and determine ward representation. Property qualifications for council members were required to the extent of \$1,000.00 for the mayor and \$500.00 for a councillor. Disqualifications and exemptions prevailed as in earlier legislation.

Provisions applicable to voters resembled those in preceding municipal measures also. Males of full age and entitled to vote in parliamentary elections were enfranchised. Thereafter a voter required to be possessed of freehold to the value of \$100.00 or leasehold of \$20.00 annually. Voting exemptions in existing municipal legislation also applied to town elections. Similar previous challeng-

ing procedures at elections were included in the act.

Powers and duties of both electors and appointive officials were laid down in great detail. Collectively town councils possessed the usual corporate capacity to sue and be sued. Procedure relating to the establishment of a quorum, majority vote, protracted absenteeism, resignation by councillors, and committee arrangements were fully outlined. Members' remuneration and disposition of refractory members were also provided. Seemingly members of council lacked judicial powers in comparison to their counterparts in Winnipeg. Many sections embodied duties and responsibilities of specific appointive officers: secretary-treasurer, auditor, and assessor. No definite practice applied in the appointment of these officials and hence it was inferred that they might be engaged on a contractual basis through the solicitation of tenders as elsewhere.

Town finance was an important aspect of the act. Revenue was to be mainly derived from taxation on both real and personal property. A tax rate limit of one cent on the dollar was fixed while tax exemptions were permissible for certain commercial enterprises up to twenty years. No provision was made for setting a special rate by which a public utility might be bonussed directly. To give teeth to the taxation clauses distraint and sale of property to satisfy arrears were permissible. Other but less significant sources of revenue involved business licenses, levies for certain services such as snow removal and judicial fines for breach of town by-laws.

Specific sections applied to subsidization of utilities respecting water on electric telegraph services. Most strikingly no

mention was made of railway bonussing. Certain limits obtained as to the assistance granted by a town in providing these services. Only the legal rate of interest was permissible on any loan made. Then, again where the sinking fund and interest payments absorbed more than half of the annual revenue the ratepayers' consent through the submission of the necessary by-laws was required.

Under the section respecting powers to enact by-laws the normal subjects were included. Town councils were empowered to frame ordinances concerning statute labour, local improvements, markets, nuisances, sewers, roads, lighting, health, safety, relief, and liquor. Quite noticeably was the prevalence of many of these items in related existing legislation. In view of the scope and depth of its provision this urban statute was most complete for the time.

As a whole, certain influences were readily discernible. There was a close correspondence to the nearest related Ontario measure, an act of 1873.⁶⁴ By comparison the ward arrangements were present in both provinces. More definitely was there a striking similarity in the election of the mayor by the ratepayers, and not the council, in each situation. The central province had reverted to this procedure in 1873.⁶⁵ Many of the items, especially those respecting utilities, under which a town might draft by-

⁶⁴ Ontario Statutes, 1873, 36 Vic., Chap. 48.

⁶⁵ K.W. McKay, Municipal History, Province of Ontario, Canada and Its Provinces, Part II, Vol. XVIII (Toronto: Glasgow, Brook and Co., 1914), p. 459.

laws were also noticeable in the Ontario statute. For this reason there was the influence of past municipal experience within Manitoba as well. Many subjects with regard to the framing of by-laws were present in earlier local municipal acts.

Application of the general urban act was made during this period at two centres: Emerson and Portage la Prairie. Of these Emerson was highly revealing. Agitation for incorporation began there in late August of 1879, almost two months following the enactment of statute.⁶⁶ A committee was struck to draft a petition embodying the conditions of incorporation.⁶⁷ Plans for the future government of the town envisaged three wards, each represented by two councillors, and so constituting, with the inclusion of the mayor, a council of seven members. Since 120 out of 140 ratepayers signed the petition of incorporation more than the two-thirds required majority had been secured.

Subsequent steps led to the early establishment of an urban authority. A second public gathering unanimously approved the committee's report. As a result it was decided to memorialize the Lieutenant - Governor for incorporation as a town. Lack of adequate facilities to permit a fire inquiry, after an earlier blaze, evidently precipitated final action.⁶⁸ Formal application for incorporation

⁶⁶ W.D.T., (untitled), Oct. 4, 1879, p. 4.

⁶⁷ W.D.T., Incorporation Meeting at Emerson, Oct. 13, 1879, p. 4.

⁶⁸ W.D.T., "Home Affairs", Nov. 17, 1879, p. 4.

was almost simultaneous to the adoption of the committee's report.⁶⁹
 Official approval by order-in-council was given late in December.⁷⁰
 Interestingly enough, the incorporating proclamation for Emerson took
 effect retroactively on Nov. 25, 1879.⁷¹ The Town of Portage la
 Prairie underwent similar stages. Application for letters patent was
 made late in September of 1880.⁷² These were granted slightly over
 two months later.⁷³ Earlier attempts at securing a town charter for
 this centre apparently were not successful until this time.⁷⁴

Initial endeavour in both towns involved elections. On
 account of the late date for its incorporation and to obviate the
 holding of a second election early in 1881 again, Portage la Prairie
 delayed its appeal to the voters for over a month.⁷⁵ As Emerson's
 first mayor, T. Carney, was the popular choice.⁷⁶ T. Collins was
 similarly honoured in 1880 at Portage la Prairie.⁷⁷ By accounts,
 especially from the latter town, election fever ran high at first,
 doubtlessly because of initial enthusiasm.

⁶⁹ Man. Gaz., Vol. VIII, No. 18, Oct. 9, 1879.

⁷⁰ Manitoba: Off. C.E.C., Abs. O.-in-C., No. 81, Dec. 30,
 1879, p. 96.

⁷¹ Man. Gaz., Vol. IX, No. 1, Jan. 2, 1880.

⁷² Ibid., No. 14, Sept. 22, 1880.

⁷³ Ibid., No. 17, Nov. 27, 1880.

⁷⁴ Hill, op. cit., p. 423.

⁷⁵ W.D.T., "Local Intelligence", Nov. 29, 1880, p. 4.

⁷⁶ M.F.P., The Emerson Election, Aug. 28, 1880, p. 5.

⁷⁷ W.D.T., "Local Intelligence", Jan. 18, 1881, p. 4.

Proceedings during Emerson's early years clearly displayed the familiar pattern of activity. There were several examples of structural forms of endeavour. At the first meeting a secretary-treasurer was appointed pro tem.⁷⁸ Next, four standing committees were struck to deal with finance and assessment, license and police, board of works and fire, water and markets.⁷⁹ Later in 1880 a special committee was struck to revise the voter's lists.⁸⁰ Certain primary appointive officials were then engaged. Thus an assessor and solicitor were appointed. In April council engaged the sole applicant to tender for the assessorship.⁸¹ The employment of a police constable was a noticeable secondary appointment. Beside his law-enforcement duties this official served as engineer, health officer, road overseer, hotel and shop inspector.⁸² At one stage a by-law was adopted which embodied the "rules and orders" of proceedings.⁸³ To block further discussion two councillors withdrew at a June meeting which accordingly adjourned because of the lack of a quorum.⁸⁴ Evidently a special meeting was called within two days to cope with the issues at hand.⁸⁵ A year later the resignation of one councillor was regretfully accepted and provision made to have his

⁷⁸ Minutes: Town of Emerson, Jan. 26, 1880, p. 2.

⁷⁹ Ibid., Oct. 27, 1880, p. 78.

⁸⁰ Ibid., Jan. 26, 1880, p. 4.

⁸¹ Ibid., April 14, 1880, p. 30.

⁸² Ibid., May 12, 1880, p. 35.

⁸³ Ibid., April 14, 1880, p. 30.

⁸⁴ Ibid., June 24, 1880, p. 49.

⁸⁵ Ibid., June 26, 1880, p. 50.

successor elected.⁸⁶ For more effective judicial administration of the town by-laws the secretary-treasurer was sent to study the form and procedure of the Winnipeg police court in 1881.⁸⁷ The Town of Emerson took these new responsibilities seriously. Structural interest penetrated deeply at Emerson.

Finance was a noticeable bridge between both main classes of conciliar action. In 1880 the legal maximum property levy of one cent on the dollar was struck.⁸⁸ Tax collections that year amounted to \$4,157.20 while those unpaid reached \$3,951.75.⁸⁹ In this regard the failure of any appellants to appear in 1880 at the court of revision revealed that council had assembled unnecessarily for that purpose.⁹⁰ Funds were also derived from the sharing of liquor fees with the provincial government and from licenses upon certain local trades. In the former category revenue totalling \$397.83 was received. Locally, the latter imposts produced \$1,327.00. Over and above these transactions certain borrowings were made. A bond issue amounting to \$43,000.00 was disposed of early in October of 1880.⁹¹ Illustrative of a short term loan was one of \$3,000.00 proposed by a motion the next June.⁹²

⁸⁶ Ibid., June 15, 1881, p. 141.

⁸⁷ Ibid., March 9, 1881, p. 114.

⁸⁸ Ibid., Sept. 1, 1880, p. 63.

⁸⁹ Ibid., Jan. 12, 1881, p. 100.

⁹⁰ Ibid., July 28, 1880, p. 57.

⁹¹ Ibid., Oct. 30, 1880, pp. 72 - 73.

⁹² Ibid., June 15, 1881, p. 141.

Functional enterprise reflected the potentialities of town incorporation rather completely. Outstanding among the first year's work the sums of \$35,000.00 and \$8,000.00 were allotted for the construction of a bridge across the Red River and for the purchase of a fire engine.⁹³ During the ensuing summer a railway bonus of \$100,000.00 for a line westward from the town was approved.⁹⁴ Proceedings at that time showed that the council had decided to build a town hall.⁹⁵ Indicative of routine local works performed by the corporation, tenders were solicited for the construction of five bridges soon after incorporation.⁹⁶ There were limits, however, to what was done in this respect. At one session certain ratepayers were informed of their obligation to construct a sidewalk at their own expense according to an earlier by-law.⁹⁷

These major functional concerns might be complemented with many miscellaneous ones. At its third meeting council regulated watermen and carters' charges.⁹⁸ A by-law respecting the prevention of street obstructions was next adopted.⁹⁹ Pending a town ordinance with regard to disposal of garbage one ratepayer was inform-

⁹³ Ibid., Aug. 18, 1880, p. 62.

⁹⁴ Ibid., Aug. 5, 1881, p. 150

⁹⁵ Ibid., Aug. 17, 1881, p. 154

⁹⁶ Ibid., March 24, 1880, p. 22.

⁹⁷ Ibid., April 24, 1880, p. 32.

⁹⁸ Ibid., Feb. 4, 1880, p. 8.

⁹⁹ Ibid., May 19, 1880, p. 39

ed that he would have to prosecute under provincial law.¹⁰⁰ In the fall of 1880 furious driving was prohibited.¹⁰¹ Early the next year by-laws applying to snow removal and the suppression of brothels were passed.¹⁰² A public health measure was next adopted in the spring.¹⁰³ That autumn council approved an enactment designed to control vagrancy and drunkenness in the town.¹⁰⁴

Relationships climaxed the intense degree of corporate resourcefulness and ingenuity. Besides those relating to local bridge construction, correspondence was entered into with the Dominion Government on communication. Late in 1881 council gave signs of protesting to Ottawa against the federal disallowance of a provincial railway charter.¹⁰⁵ The line in question would have provided the town with another outlet in addition to the Pembina branch of the C.P.R. An important provincial relation embodied the legalization by the legislature of certain by-laws.¹⁰⁶ Indicative of communication with the province on local conveniences an unsuccessful endeavour was made at first to have the senior authority operate a free ferry across the Red River.¹⁰⁷ Collaboration with the local school district was manifested on one occasion with the payment of \$1,000.00 to the latter authority on its

¹⁰⁰ Ibid., April 14, 1880, p. 27.

¹⁰¹ Ibid., Oct. 6, 1880, p. 75.

¹⁰² Ibid., Feb. 16, 1881, p. 109.

¹⁰³ Ibid., May 25, 1881, p. 136.

¹⁰⁴ Ibid., Sept. 21, 1881, p. 161

¹⁰⁵ Ibid., Nov. 23, 1881, pp. 175,- 76.

¹⁰⁶ Ibid., Nov. 17, 1880, p. 85.

¹⁰⁷ Ibid., Feb. 4, 1880, p. 6.

share of the town taxes.¹⁰⁸ In 1881 a school rate of seven mills was struck.¹⁰⁹ Somewhat discouraging was the single liason with another local body late in 1880 the Municipality of Morris refused to join with the town on the construction of a bridge.¹¹⁰

Finally, to supplement these associations there were those with private parties. During the second year the Board of Trade petitioned for the raising of \$20,000.00 to be applied to local improvements.¹¹¹ No bonus was granted to a proposed iron foundry in the town in reply to a petition early in 1880 from those interested.¹¹² Council, however, reversed itself on this matter later. In 1881 a local harvesting works on being established in the town was granted a full tax exemption for ten years.¹¹³ The same firm and a saw mill company proprietor were next approached on the matter of helping to defray projected water facilities later.¹¹⁴ One prominent merchant, J. Robinson, in his frequent communication with council represented dealings with a single individual. At one stage he was permitted to move a building on the street while constructing a store.¹¹⁵ With several others he petitioned for the clearing of a

- 108 Ibid., March 2, 1881, p. 112.
 109 Ibid., Nov. 9, 1881, p. 170.
 110 Ibid., Dec. 8, 1880, p. 90.
 111 Ibid., May 11, 1881, p. 130.
 112 Ibid., Feb. 25, 1880, p. 14.
 113 Ibid., April 6, 1881, p. 121.
 114 Ibid., Aug. 10, 1881, pp. 151 - 52.
 115 Ibid., Feb. 18, 1880, p. 12.

road in order to open a northern highway.¹¹⁶ To such persons the corporation was useful at once for profitable ends.

Besides having interests similar to those of Emerson, Portage la Prairie, meanwhile, had for some time a primary interest. This was the construction of the western railroad. Delegates from the western town met with representatives from the provincial government, the company, and Westbourne during the spring of 1881 in Winnipeg.¹¹⁷ At the suggestion of the Hon. C.P. Brown both local authorities agreed to sponsor a definite bonus for the line. This grant by the town was to be \$75,000.00. The approval of the ratepayers was granted slightly a month later.¹¹⁸ Some technical difficulties were encountered first in the transfer of the bonds to the purchasing firm but these were speedily overcome.¹¹⁹ In addition, on legalizing the actions of the company as finally established, the legislature validated the by-laws of both municipalities.¹²⁰ Despite these temporary obstacles, however, each remained true to its agreement and the railway, Westbourne and North-Western Railway, was in operation by 1881.

Urban municipal development in view of its brevity at this stage proved a marked success. Although limited to Emerson and Portage la Prairie the outcome was a flexible, simple, and efficient scheme. Both towns discovered that incorporation greatly fulfilled

¹¹⁶ Ibid., June 23, 1880, pp. 47-48.

¹¹⁷ M.F.P., Westbourne and North-Western Railway, March 11, 1881, p. 7.

¹¹⁸ M.F.P., "Local and Provincial", April 15, 1881, p. 2.

¹¹⁹ W.D.T., The Portage Debentures, Nov. 5, 1881, p. 4.

¹²⁰ Manitoba Statutes, 1879, 42 Vict. Chap. 14.

public and private needs. In addition, on organizing as a town, each centre found that its primary interests were greatly promoted. For Emerson this was a railroad bridge; for Portage la Prairie it was a western railroad. Favorable circumstances, especially economically, combining with practical legislation had produced in Manitoba another municipal institution. The future was to disclose whether the next major advance would result in a plan of equal merit.

4. A General Rural Municipal System

A general municipal system for rural Manitoba was the next major development. Two acts particularly denoted this important trend. First came "An Act Respecting Municipalities in 1881".¹²¹ This measure was succeeded the next year by another closely related one in order to eliminate earlier defects.¹²² Because of their close proximity and extreme correspondence in application both acts might be regarded as one.

The necessity of a common rural municipal scheme was to be inferred from Norquay's assessment of the provincial situation in 1881:

The increase of population and expending energies of the people created new wants that had to be met. The institutions of the country required to be built up; law and order had necessarily to be established and maintained; peace had to be secured within our borders; there must needs be security for life and property - these, and all the elements essential to progress had to be provided for, and I need hardly remind this

¹²¹ Manitoba Statutes, 1880, 43 Vic., Chap. 1.

¹²² Manitoba Statutes, 1881, 44 Vic., Chap. 3.

House, that essential as these elements are to the well being of a people they could, in our case, only be the result of the assumption by the people themselves of those responsibilities hitherto undertaken by the Provincial authorities.¹²³

In the opinion of the administration the province seemingly was now ripe for complete municipalization.

Customary influences prevailed upon the new legislation.

Ontario was again predominant as an outside force for which there were good reasons. The Winnipeg Daily Times late in 1879 intimated that Norquay's impending municipal bill was to be based on models prevailing in the central province.¹²⁴ Again, one opposition member, T. Greenway by virtue of his earlier experience; in Ontario found his criticisms acceptable in some instances.¹²⁵ Prior to coming to Manitoba he had served as reeve of the township of Stephen in Ontario for ten years.¹²⁶ So, like W.R.Dick, his advice would be helpful and seriously considered. The Ontario act of 1873 was again reproduced in specific particulars: election procedure, ward representation, ratepayers' qualifications, and by-law ratification.¹²⁷

There were local determinants as well. Most of the subjects upon which a rural municipality might make by-laws were found in the township and county statutes of 1875 and 1877 respectively. A council composed of seven members corresponded exactly with county municipal requirements of 1877. The provisions for railway subsid-

¹²³ M.F.P., Manitoba Legislature, May 27, 1881, p. 3.

¹²⁴ W.D.T., "Mr. Norquay's Policy", Nov. 3, 1879, p. 2.

¹²⁵ M.F.P., Manitoba Legislature, May 13, 1881, p. 3.

¹²⁶ Robertson, op. cit., p. 70.

¹²⁷ Ontario Statutes, 1873, 36 Vic., Chap. 48.

ization were also an imitation, in part, of the latter act. Reproduction of earlier municipal measures was again evident in certain technical procedures: contestation of elections, court of revision procedure, tax sale proceedings. In the sections applying to ward re-distribution there was somewhat of a resemblance to the urban act of 1879. Both internal and external influences undeniably persisted at the drafting of the legislation.

The principles and objects common to both statute were unmistakably clear from the debates. From the remarks of the Hon. W. Walker, in moving second reading a general municipal system was proposed for a definite reason:

Experience had taught that works of a general character could not be carried out as cheaply, as well, or as satisfactorily, directly by the Government, as by the people themselves.¹²⁸

Moreover, in that such arrangements were so successful elsewhere:

It is only natural, then, to conclude that the same must result to our benefit. The Government has felt that it was necessary to make machinery as simple and as expensive as possible.¹²⁹

Hon. M. Girard in seconding the Walker motion indicated how the administration was to assist local authorities:

Extraordinary works, such as construction of bridges, would, receive assistance from the Government; but in ordinary cases the people would carry out their own improvements. If all the powers given in the Bill were fully understood and put into operation, but little would be left, for the Government to do.¹³⁰

Clearly a plain prudent ordering of local authorities which would be to the material advantage of all was now proposed. Politically, the

¹²⁸ M.F.P., Manitoba Legislature, Feb. 7, 1880, p. 5.

¹²⁹ Loc. cit.

¹³⁰ Loc. cit.

innovation implied self-government at the "grass roots" level. Economically, it represented the promotion of utilitarianism and laissez faire for the benefit of the individual and the community as the ultimate end of local authority.

Adaptiveness as a constant prevailed in both measures. This was evident with the revision of the second act. Prior to amending it in full, Norquay invited the various municipal wardens to meet with members of the administration in Winnipeg.¹³¹ Quite clearly, attempts at perfecting the second measure were only taken in light of the first year's experience.

Throughout a basic duality was present in the legislation. Structural and functional aspects of the arrangements were most noticeable. Thus a description at the time of the innovation affirmed this distinction.¹³² The province was divided into municipalities each administered by an elective council. This was the structural side. In functioning municipalities might undertake action on a variety of subjects: local works, health, nuisances, railway bonussing and taxation.

The territorial arrangements were quite definite. The province was divided into twenty-six municipalities in 1880. With the extension of the boundaries and the redivision of certain municipalities the next year this number was increased to forty-five. Quite noticeably some old parishes became the basis for certain units. Of these St. Andrews, St. Paul's, St. Francis Xavier,

¹³¹ M.F.P., Meeting of the Wardens, April, 1, 1881, p. 4.

¹³² G. Bryce, Manitoba: Its Infancy, Growth and Present Condition (London: Simpson, Low, Marston, Searle and Rivington, 1882), p. 355.

and St. Boniface were noticeable.¹³³ Too, existing rural municipalities were absorbed into the system without difficulty. Springfield and Sunnyside made specific provision for the transfer of its assets to the larger municipality of Springfield late in 1880.¹³⁴ Rockwood similarly disposed of its meagre funds to the greater unit of the same name.¹³⁵ Kildonan and St. John's, Portage la Prairie and Westbourne appear to have carried on without any formal change. The first named was now known only as Kildonan Municipality.

The composition of the councils was simple. Each council, excepting that of Portage la Prairie, was composed of seven members. One councillor was chosen as warden at the first meeting following the elections. The warden quite logically was the titular head of the municipality. Portage la Prairie was permitted to elect eight or twelve members because of local conditions. The existing four-ward division there was best adapted to the council proposed.

Electoral provisions showed little change from before. Nominations were held on the third Tuesday in December and the municipal clerk fixed the election date, if necessary. Council then held its first meeting on the third Tuesday in January following the elections. Qualification of conciliar membership limited these, however, to male residents of at least twelve months residence prior to the elections and possessing real estate to the extent of \$400.00. Similarly only males having attained their majority could

¹³³ W.L.Morton, "The Red River Parish", Manitoba Essays (Toronto: McMillan Co., 1937), p. 95-92.

¹³⁴ P.A.M., Minutes: R.M. Spring & Sunny., Dec. 1, 1880.

¹³⁵ M.F.P., Municipal Councils, Rockwood Township, Nov. 13, 1880, p. 8.

vote provided they held real estate to the annual value of \$20.00. Customary disqualifications for voters and councillors continued as previously.

Normal sources of revenues were available to the local authority. Municipalities were permitted to raise levies upon both personal and real property. In no case was the rate to exceed more than one cent upon the dollar as in preceding urban legislation. Funds might also be raised through imposition of fines for breach of municipal by-laws. No direct reference was made to the licensing of specific trades. In the event of default in tax payments distraint and sale of the property in arrears was possible.

By-law powers embodied a multitude of subjects. There were significant items: taxation, local works, weed control, health, nuisances, municipal census, Sabbath day observance, fire prevention, relief, school district establishment, collection of school taxes, proceedings of councils, municipal buildings, administrative officials. With the last of these interests the usual complement of primary and secondary classes of appointive officers was embodied. Hence, in the former group a clerk, treasurer, assessor and auditors might be engaged. With the latter category the employment of road overseers, fence viewers, constable and poundkeeper was possible.

Various sections outlined the duties and responsibilities of both elective and appointive officials. For the elective group provision was made for proceedings in council, dereliction in office, resignation and absenteeism. The outlining of duties for

the administrative officials was much more specific. Then followed the routine technical practices: assessments, courts of revision, tax collections and sales of lands in arrears, legal executions, and municipal audits. Finally, definite exclusive sections contained singular innovations. Statute labour was treated comprehensively under a separate heading. Procedure for the bonussing of railways was also detailed. Proceedings in the event of municipal division concerning general provisions, a miscellany of items involved both the municipality and the local resident. The act as a whole was most comprehensive.

Public reaction to this momentous undertaking might be judged from press comment. The Manitoba Free Press, long an advocate of a compulsory scheme, was replete with paens of praise.¹³⁶ Local self-government, improved public works, and general economy in government were inferred from its comment on the result. The Winnipeg Times decided to suspend opinion which was expected in view of it being a bitter Norquay critic.¹³⁷ A tremendous load of municipal debt however, was shortly predicted by that journal. Immediately Le Métis opposed the introduction of a compulsory plan.¹³⁸ Later, however, it counselled alertness should divisive forces arise

¹³⁶ M.F.P., "The Session", Feb. 21, 1880, p. 4.

¹³⁷ W.D.T., "The Municipalities Act", Feb. 23, 1880, p. 4.

¹³⁸ Le Métis, "La Loi Municipale", 21 fév., 1880, p. 2.

from the event to threaten French cultural unity.¹³⁹ Then prior to the municipal elections the same journal intimated fears of high taxation in its advice to the new councils on that score.¹⁴⁰ Lastly, an early editorial, although preceding the legislation, of the Winnipeg Tribune indicated support similar to that of the Manitoba Free Press.¹⁴¹ Certainly as Norquay intimated the administration had made a strong attempt "... to make the municipal act as complete as possible".¹⁴²

Informed criticism came from one observer later in 1880. In a series of three letters to the Manitoba Free Press he outlined certain weaknesses in the legislation. In his first letter clarification of the dates and times for nominations and elections was advised; qualifications of warden needed elaboration; councillors and electors required further elucidation; finer distinctions between a by-law and motion were suggested.¹⁴³ The second letter dealt with secondary municipal interests; appointive officials, assessments, court of revision procedure, tax sales and audits.¹⁴⁴ With the final letter, besides dealing with assessments, this penetrating correspondent elaborated highly utilitarian provisions.

¹³⁹ Ibid., "Les Municipalites", 13 mars., 1880, p. 2.

¹⁴⁰ Ibid., "Les Prochaines Elections Municipales", 2 dec., 1880, p. 2.

¹⁴¹ Winnipeg Daily Tribune, "Municipal Organization", Jan. 19, 1880, p. 2.

¹⁴² M.F.P., Manitoba Legislature, May 13, 1881, p. 3.

¹⁴³ M.F.P., The Municipalities Act, Dec. 11, 1880, p. 6.

¹⁴⁴ Ibid., Dec. 18, 1880, p. 8.

Defects in the sections applying to roads, drainage, and statute labour were outlined carefully.¹⁴⁵ At least for one party, there was much room for future improvement.

Application of the legislation gave rise to some difficulties at once. In the Mennonite municipality of Rineland no elections were held the first year. It was alleged that Kaiser Miller, a prominent local grain buyer, in endeavouring to promote his own interests was to blame for this failing.¹⁴⁶ A council, however, was appointed by the provincial government in due course.¹⁴⁷ Lorne had organizational troubles too. One councillor-elect refused to serve while the warden resigned. Accordingly the disappointed member was appointed to the wardenship, which he originally desired, another was chosen to fill the resulting vacancy and the resignation of the warden-elect was accepted.¹⁴⁸ At Cartier English and French racial differences prompted charges of the latter group re-distributing the wards to their own advantage.¹⁴⁹ Because of a mixed population a language difficulty at Youville led to misunderstanding between one councillor and his associates over the expenses of a bridge. During the resulting legal suit to assess responsibility of payment affairs in the municipality were found to be in a deplorable state.

Events during the elections were illuminating. By proclama-

145 Ibid., Dec. 25, 1880, p. 5.

146 M.F.P., "Municipal Organization", May 1, 1880, p. 4.

147 Man. Gaz., Vol. 1X, No. 10, July 5, 1880.

148 Manitoba: Off., C.E.C., O.-in-C., No. 234, June 21, 1880.

149 W.D.T., "The Municipalities Act", Jan. 5, 1881, p. 4.

tion the first nomination and voting dates were set for April 19th and 26th respectively in 1880. Thereafter they were held according to law. While most voting took place without incident there were some exceptions. At Springfield, not to be confused with the township municipality of Springfield and Sunnyside, the electoral campaign was most heated.¹⁵⁰ A keen contest was forestalled at Mountain where W. Greenway retired in favour of W. Robertson; one ward, moreover, lacked representation. Because of the decision of two English candidates to run at Morris the French nominee, M. Tetu, was elected reeve.¹⁵¹ Irregularities were suspected at North Dufferin where the son of one candidate acted as poll clerk and a returning officer served as an active supporter.¹⁵² Interest diminished considerably during the second year. At St. Paul's all vacancies, but one, were filled by acclamation.¹⁵³

Essential preliminaries at the organization of council were handled expeditiously. As proceedings at Lorne indicated the returning officer swore in all councillors at the first meeting.¹⁵⁴ In St. Boniface it was necessary to appoint a warden pro tem at the start because of the unavoidable absence of the one elected.¹⁵⁵

150 W.D.T., Springfield, March 26, 1880, p. 4.

151 Ibid., Municipal Elections, May 8, 1880, p. 3.

152 M.F.P., Newhaven, Pembina Mountain, May 15, 1880, p. 3.

153 M.F.P., St. Paul's, Jan. 7, 1881, p. 1.

154 Manitoba: Off., C.E.C., O.-in-C., No. 210, May 18, 1880.

155 Le Métis, Council Municipal, 13 mai, 1880, p. 2.

Then the appointment of a secretary-treasurer, or clerk, followed. At Louise the warden acted temporarily in this capacity.¹⁵⁶ Certain appointive officials like the clerk were required to take oath of office also.

The appointment of various municipal officials was an early step in setting up the structure. These were usually engaged on a contractual basis by the annual solicitation of tenders. St. Andrews in 1880 advertised for two assessors for each of its three wards.¹⁵⁷ The annual salary was low. Lorne at first paid its assessor \$60.00.¹⁵⁸ Other positions were let by tender also. Woodlands engaged a clerk, treasurer, and collector in this manner.¹⁵⁹ Salaries were meagre judging by the stipend of \$100.00 Tache paid in 1881 to the party acting as clerk, treasurer, and collector.¹⁶⁰ Springfield required a bond of \$5,000.00 from its treasurer which indirectly represented a safeguard against misuse of municipal funds.¹⁶¹ Possibly for this reason Woodlands ordered a scrutiny of its secretary-treasurer's books before accepting his resignation.¹⁶²

Secondary appointive officers were next engaged. Immediately Emerson Municipality hired seven poundkeepers.¹⁶³ In 1881 Lorne em-

¹⁵⁶ M.F.P., Municipal Councils, Louise, May 29, 1880, p. 8.

¹⁵⁷ M.F.P., St. Andrews(advertisement), May 1, 1880, p. 3.

¹⁵⁸ Minutes: R.M. Lorne, March 14, 1881, p. 9.

¹⁵⁹ M.F.P., Meadow Lea, May 15, 1880, p. 8.

¹⁶⁰ M.F.P., Municipal Councils, Tache, Feb. 18, 1881, p. 6.

¹⁶¹ P.A.M., Minutes: Rural Municipality of Springfield, June 12, 1880.

¹⁶² M.F.P., Woodlands, March 25, 1881, p. 7.

¹⁶³ M.F.P., Municipal Councils, Emerson, May 22, 1880, p. 8.

ployed nineteen pathmasters and fixed the limits of their districts.¹⁶⁴

St. Boniface centralized road supervision under a single inspector and appointed a health officer.¹⁶⁵ Two constables served at Lorne late the

first year.¹⁶⁶ Possibly in order to conduct its public works systematically Assiniboia decided upon a surveyor about that time.¹⁶⁷

The duties attached to some positions were occasionally discharged in other than the routine manner. At Woodlands councillors acted as road commissioners besides performing their customary duties.¹⁶⁸

The members of the fire brigade in St. Boniface served on a purely voluntary basis.¹⁶⁹ Compensation for councillors might have been explained because of their extra labour. At Louise the allowance was \$2.00 per day and 10 cents per mile.¹⁷⁰

Proceedings of council were in most cases regulated systematically. Illustrating the influence of Ontario in this respect, many councils were guided by the rules of procedure as prevailing in that province. Rockwood for this purpose secured a municipal manual as used in Ontario.¹⁷¹ Earlier the same municipality adopted a by-law

164 Minutes: R.M. Lorne, March 14, 1881, pp. 39 - 40.

165 Le Métis, Conseil Municipal, 13 mai, 1880, p. 2.

166 Minutes: R.M. Lorne, Nov. 10, 1880, p. 18.

167 M.F.P., Municipal Councils, Assiniboia, Jan. 1, 1881,
p. 7.

168 Ibid., Woodlands, March 25, 1881, p. 7.

169 Le Métis, "Nouvelles Locales", 5 mai, 1881, p. 3.

170 M.F.P., Municipal Councils, Louise, Sept. 11, 1880, p. 5.

171 Ibid., Rockwood, July 3, 1880, p. 5.

to regulate its proceedings, as was the custom with many units.¹⁷²
 Belcourt at one stage drafted explicit rules of debate.¹⁷³ Again
 standing committees, were struck by Cartier.¹⁷⁴ Woodlands to con-
 firm officially its instruments purchased a seal soon after organ-
 izing.¹⁷⁵ In order to act in accordance with provincial statute
 copies of the same were often obtained. South Dufferin for this
 reason ordered copies of the Herd Act in 1880.¹⁷⁶ With some local
 authorities there was a keen sense of orderliness, but that was
 not usual.

Occasional deviation from normal proceedings arose for the
 sake of expediency. St. Andrews, to permit the third reading of a
 by-law, suspended the rules at one meeting.¹⁷⁷ Regular procedure
 at Rockwood was suspended on another occasion to enable council to
 proceed to the eleventh order of business.¹⁷⁸ Woodlands accepted
 a verbal report upon the bonussing of a grist mill at one of its
 sittings.¹⁷⁹ On another occasion the council at Emerson Municipi-
 pality adjourned in order to attend a local agricultural meeting.¹⁸⁰

¹⁷² Ibid., May 22, 1880, p. 8.

¹⁷³ M.F.P., Municipal Councils, Belcourt, Feb. 25, 1881, p. 8.

¹⁷⁴ Ibid., Cartier, March 11, 1881, p. 8.

¹⁷⁵ M.F.P., Municipal Councils, Woodlands, Aug. 28, 1880, p. 8.

¹⁷⁶ W.D.T., South Dufferin, July 14, 1880, p. 3.

¹⁷⁷ M.F.P., Municipal Councils, St. Andrews, April 1, 1881, p. 8.

¹⁷⁸ Ibid., Rockwood, Feb. 18, 1881, p. 6.

¹⁷⁹ M.F.P., Municipal Councils, Woodlands, July 31, 1880, p. 8.

¹⁸⁰ M.F.P., Municipal Councils, Emerson, March 4, 1881, p. 8.

Lorne shortly after allowed a notice of a motion respecting a road commissioner's by-law to be withdrawn.¹⁸¹ Despite these infrequent departures procedure usually was quite regular. Reports from Morris the first season represented for most councils a systematic approach to official business.¹⁸² Up to this stage structural endeavour was attempted; the emphasis now changed to other forms of activity.

Finance was a primary interest. Property taxation formed the main source of municipal income. Morris, as an example, had assessments totalling \$1,218,931.00 in 1881.¹⁸³ Lorne revealed that farm land was assessed at approximately \$3.00 per acre first, while its tax rate of 5 mills was about the average.¹⁸⁴ In Emerson Municipality fairly high rates of 6 mills and $1\frac{1}{2}$ mills for general and school purposes respectively were struck in 1880.¹⁸⁵ To increase its revenue further St. Andrews levied a tax on dogs.¹⁸⁶ As a criterion to the extent of municipal funds North Dufferin estimated tax receipts at \$4,450.00 in 1880.¹⁸⁷ Few units were like Woodlands, which deposited a surplus of \$800.00 in the bank early

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- 181 Ibid., Lorne, March 25, 1881, p. 8.
- 182 M.F.P., Municipal Councils, Morris, June 19, 1880, p. 8.
- 183 M.F.P., West Lynne Notes, Sept. 2, 1881, p. 5.
- 184 Minutes: R.M.Lorne, Aug. 2, 1880, pp. 11 - 12.
- 185 M.F.P., Municipal Councils, Emerson, Nov.13, 1880, p. 8.
- 186 Ibid., St. Andrews, May 29, 1880, p. 8.
- 187 Ibid., Nelsonville Notes, Oct. 9, 1880, p. 6.

the next year.¹⁸⁸ Complementary to finance the revision of assessments was important. Springfield in 1880 considered fifteen appeals of which ten were reduced.¹⁸⁹ Because of the great dependence upon provincial aid most local authorities showed concern over receiving the initial grant of \$400.00 from the senior government.¹⁹⁰ This support helped to tide many over until taxes were received and while other business was being conducted.

Local works comprised an operational area to which much revenue was diverted. The preliminary grant of \$400.00 was made to twenty-six municipalities in 1880 to assist in the execution of municipal improvements.¹⁹¹ Of all units established in 1880, Assiniboia was named by Norquay as the only one to neglect its responsibilities in this connection.¹⁹² Highly impressive in the field of local works was Springfield. A by-law involving the debenture issue of \$50,000.00 for this purpose was adopted by its council in 1880 and subsequently approved by the ratepayers.¹⁹³ To emphasis this interest again South Dufferin awarded tenders for the construction of five bridges that year too.¹⁹⁴ Rockwood was interested in drainage in the light

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- 188 M.F.P., Municipal Councils, Woodlands, Feb. 11, 1881, p. 6.
- 189 P.A.M., Minutes: R.M. Springfield, July 24, 1880.
- 190 M.F.P., Municipal Councils, South Dufferin, May 22, 1880, p.8.
- 191 Manitoba: Jour.Leg. Ass., 1881, Appendix, p. ccxxiii.
- 192 M.F.P., Manitoba Legislature, May 6, 1881, p. 3.
- 193 P.A.M., Minutes: R.M. Spring. Sept. 1, 1880.
- 194 W.D.T., South Dufferin, July 14, 1880, p. 3.

of request for a provincial survey.¹⁹⁵ St. Francis Xavier because of its situation was concerned with ferries.¹⁹⁶ Linked closely with these efforts were the many statute labour by-laws similar to those adopted in St. Paul in 1880.¹⁹⁷

Throughout there were miscellaneous subjects which gave rise to diverse functional endeavour. St. Andrews in its first summer emphatically ordered the cutting of Canada Thistle.¹⁹⁸ South Dufferin shortly afterward passed a measure for the prevention of cruelty to animals.¹⁹⁹ Because of its concentrated population, St. Boniface was vitally concerned with public safety. Its constable seemingly justified his appointment by attempting to repress vandalism the first autumn.²⁰⁰ The next year a fire inspector was appointed in the French unit.²⁰¹ Springfield displayed a variety of interests. Steps were taken at one stage to cope with the spread of anthrax among cattle.²⁰² Plans were next made for the establishment of a municipal cemetery.²⁰³ An indigent rate-

195 M.F.P., Municipal Councils, Rockwood, Sept. 11, 1880, p. 5.

196 Le Métis, Municipalité de St. Francis Xavier, 30 mai, 1881,
p. 2.

197 M.F.P., Municipal Councils, St. Paul, June 26, 1880, p. 8.

198 M.F.P., St. Andrews, July 17, 1880, p. 8.

199 Ibid., South Dufferin, Aug. 28, 1880, p. 8.

200 Le Metis, "Nouvelles Locales", 16 sept., 1880, p. 3.

201 Ibid., 29 sept., 1881, p. 3.

202 P.A.M., Minutes: R.M. Springfield, May 29, 1880

203 Ibid., June 12, 1880.

payer later had his taxes remitted and was also given a grant of \$50.00.²⁰⁴ As a classic example of versatility North Dufferin at one session took subsequent action upon poor relief measures, tree planting and regulations involving weights, counts, and measures.²⁰⁵ In order to ensure full observance of its by-laws, Lorne had 200 copies of them printed and distributed in 1881.²⁰⁶

St. Anne's exhibited operational activity of a peculiar character. Three arbitrators were appointed the first summer to determine the location of a parish road.²⁰⁷ That fall roads on the open prairie were marked with stakes.²⁰⁸ According to one by-law fishing in the Red River within the municipal limits with other than lines or nets was prohibited; dams for this purpose could no longer be used.²⁰⁹ During the spring of 1881 a ratepayer had his fence repaired by council. He had given land for the public road on condition that he was so compensated every eight years.²¹⁰ At another session the municipality also offered to act as a purchasing agent for those in need of seed grain.²¹¹ There were few units

204 Ibid., Dec. 4, 1880.

205 M.F.P., Municipal Councils, North Dufferin, June 12, 1880, p. 8.

206 Minutes: R.M. Lorne, March 14, 1881, p. 37.

207 M.F.P., Municipal Councils, Ste. Anne, Jan. 1, 1881, p. 7.

208 Loc. cit.

209 Loc. cit.

210 Ibid., May 6, 1881, p. 8.

211 Loc. cit.

with as many unusual interests.

Rural municipal aid for railroad construction was evident from the beginning. That railway subsidization should be important was only natural in view of past events and prevailing conditions. Communication with the outside was an urgent necessity. Lorne quite soon proposed to offer a railroad bonus of \$65,000.00.²¹² For that purpose electors in North Dufferin approved of a municipal subsidy amounting to \$100,000.00 for the Manitoba South Western Colonization Railway Company.²¹³ Westbourne, in conjunction with the Town of Portage la Prairie, again reaffirmed its support of a western railway.²¹⁴ Following a meeting with representatives of that town and the province in Winnipeg, the voters of the western rural unit approved a subsidy of \$100,000.00 during the spring of 1881.²¹⁵ Finally, to accentuate this trend again, St. Andrews gave assistance to the extent of \$70,000.00 in order to secure a branch line of the C.P.R. from Winnipeg to Selkirk.²¹⁶

Support was also given private enterprise of a more localized character. St. Andrews agreed to exempt a steam grist mill from taxation for five years; one condition required continuous operation on the original site.²¹⁷ Springfield consented to bonussing a similar undertaking provided satisfactory plans were submitt-

²¹² Minutes: R.M. Lorne, Nov. 1, 1880, p. 16.

²¹³ W.D.T., "Local Intelligence", Nov. 16, 1880, p. 4.

²¹⁴ Vide supra, p. 97.

²¹⁵ M.F.P., "Local and Provincial", April 15, 1881, p. 2.

²¹⁶ W.D.T., (untitled), Nov. 5, 1881, p. 4.

²¹⁷ M.F.P., Municipal Councils, St. Andrews, Dec. 4, 1880, p. 8.

ed.²¹⁸ Woodlands, however, was advised that it lacked legal power to effect a similar purpose.²¹⁹ St. Boniface late in 1881 considered then the proposition that a local gas works might undertake street-lighting.²²⁰

Customary relationships were manifested throughout this period. Louise petitioned the federal administration on an improved mail service in 1881.²²¹ North Dufferin next reflected a remote association in asking the local Dominion land agent to furnish a list of land owners within the municipality.²²² A subject for association with the province was exemplified by a grant of \$200.00 made in 1881 to Tache for local works.²²³ Earlier, Belcourt sought damages of \$20,000.00 from the senior government through lack of drainage within its boundaries. There was some inter-municipal collaboration of an indifferent character. Morris again displayed its lack of co-operation by declining to act with North Dufferin on a connecting road.²²⁴ Quite unusual was a three-way relationship prevailing in Springfield during the spring of 1880. A pro-

²¹⁸ P.A.M., Minutes: R.M. Spring. Jan. 25, 1881.

²¹⁹ M.F.P., Municipal Councils, Woodlands, March 18, 1881, p. 6.

²²⁰ Le Metis, "Nouvelles Locales," 28 juillet, 1881, p. 3.

²²¹ M.F.P., Municipal Councils, Louise, May 21, 1880, p. 8.

²²² Ibid., North Dufferin, July 12, 1880, p. 8.

²²³ Manitoba: Off., C.E.C., O.-in-C., No. 425, May 6, 1881.

²²⁴ M.F.P., Municipal Councils, Morris, July 10, 1880, p. 8.

jected highway brought the province, Kildonan Municipality, and the Bishop of St. Boniface into association.²²⁵ Collaboration with the local school district invariably concerned the latter's taxes. Springfield in 1880 decided at one stage to pay their trustees half of the annual school levy.²²⁶ Lastly to illustrate negotiations with a private party St. Paul communicated with the Bishop of Ruperts Land in 1880 on a transfer of land for a right of way.²²⁷

Manitoba's municipal growth made a decisive advance with the establishment of a common rural system. Municipalization in future was to be a real force in provincial life. Ineffectual arrangements of the past were discarded. This step arose as a necessity in the adaptive process. So that a more satisfactory group and individual adjustment might be made to prevailing yet changing frontier conditions the need of a general municipal scheme was most evident. Again, as dominion-provincial lines were drawn in 1870, provincial-municipal differentiation definitely began to emerge now. A degree of political authority had seeped down to the local level on a universal basis. Not a few but all localities now enjoyed self-government at the lowest plane. By virtue of the short time in which the plan had been in effect during this period its success was highly encouraging. Norquay accordingly summed up the situation well in 1881:

²²⁵ P.A.M., Minutes: R.M.Spring., May 1, 1880.

²²⁶ Ibid., Dec. 24, 1880.

²²⁷ M.F.P., Municipal Councils, St. Paul, May 15, 1880, p. 8.

In fact it is only justice to say that this municipal experiment has fully realized the most sanguine expectations.²²⁸

5. Advances in Winnipeg

Winnipeg in common with the rest of the province reflected intense expansion during this phase. Certain returns indicated that the "boom" was felt at once in the city. Property valuations for 1879 amounted to \$4,006,160.00 in comparison to \$2,763,714.00 for 1874.²²⁹ During the peak year, 1881, building construction, excluding large scale works, reached \$2,055,100.00.²³⁰ Individual transactions were striking. A parcel of property costing \$250.00 in 1874 realized \$14,500.00 and then \$45,000.00.²³¹ Suggestive of future rural-urban movements, J. Robinson, the aggressive merchant at Emerson, transferred his business to Winnipeg in 1881.²³² Tradesmen were currently commanding wages from \$2.50 to \$4.00 per day.²³⁴ Under these inflated circumstances institutional changes might be anticipated.

Amendments to civic incorporating legislation were made on two occasions. The revisions for 1879 mainly applied to the elective side of the corporation.²³⁵ Previously disqualified officials,

²²⁸ M. F. P., Manitoba Legislature, May 27, 1881, p. 3.

²²⁹ W. D. T., Nov. 25, 1881, p. 4.

²³⁰ M. F. P., "The Boom of '81", Oct. 14, 1881, p. 3.

²³¹ Le Metis, "Nouvelles Locales", 16 dec., 1880, p. 3.

²³² W. D. T., "Local Intelligence", June 14, 1881, p. 4.

²³³ Le Metis, "Nouvelles Locales", 19 aout, 1881, p. 3.

²³⁴ W. D. T., "Local Intelligence", Oct. 19, 1881, p. 4.

²³⁵ Manitoba Statutes, 1879, 42 Vic., Chap. 4.

excepting those in the liquor branches of senior governments, could now be elected to council.²³⁶ Provision was also made for replacing absentee members on courts of revision. This change arose because of one alderman steadily refusing to attend as a member of the court.²³⁷ Members of council might now be appointed assessors or collectors. Exceedingly significant was the last amendment permitting the city to receive a charter from the federal government; the charter in question was to enable the corporation to construct and maintain a bridge across the Red River within its limits. As a result the Louise Bridge was duly opened the next summer.²³⁸ Revisions were effected again in 1881.²³⁹ They concerned more technical matters such as tax exemptions, local improvements, licensing, and railway land grants. Their institutional importance was more of a secondary rather than primary nature.

Major happenings displayed less friction than before in civic operation. The nomination of all members of council on the same day was a distinct advance.²⁴⁰ Committee reports were often referred back as when the finance committee was required to reclassify its accounts at one stage.²⁴¹ In 1879 protests proved unavailing over two aldermen sitting on the directorate of a railway

²³⁶ M.F.P., City Council, Feb. 8, 1879, p. 7.

²³⁷ Ibid., April 12, 1879, p. 6.

²³⁸ Ibid., At the Bridge, Aug. 14, 1880, p. 3.

²³⁹ Manitoba Statutes, 1881, 44 Vic., Chap. 30.

²⁴⁰ M.F.P., The Civic Nomination, Jan. 4, 1879, p. 5.

²⁴¹ M.F.P., City Council, March 8, 1879, p. 7.

company with which the city then had dealings. These few maladjustments, however, only threw the general evenness of conciliar action into sharper relief.

Greater association with appointive officials represented more intense administrative activity. In the spring of 1881 the clerk completed the consolidation of the civic by-laws.²⁴² Because of his failure to give the finance committee a certificate of motion a strained atmosphere prevailed for a time.²⁴³ Later allegations charged him with disposing a part of the corporation's wood supply to the province.²⁴⁴ Faulty assessments in 1881 brought bitter criticism down upon one negligent assessor.²⁴⁵ Unwarranted insinuations by a citizen against the health inspector caused the mayor to intercede on behalf of the aggrieved official.²⁴⁶ At the beginning of 1881 the province appointed a police magistrate at the request of the council.²⁴⁷

There were two major operational interests: a bridge and a railway. The former undertaking involved a crossing over the Red River as the amendment of 1879 indicated. Because of legal doubts over the first bonussing by-law, despite electoral approval, a second one was successfully submitted to the ratepayers early in

²⁴² W.D.T., "Local Intelligence", March 21, 1881, p. 4.

²⁴³ M.F.P., City Council, Oct. 4, 1879, p. 6.

²⁴⁴ M.F.P., The New Council, Jan. 21, 1881, p. 6.

²⁴⁵ W.D.T., The City Assessment, Dec. 6, 1881, p. 2.

²⁴⁶ M.F.P., The City Council, Oct. 28, 1881, p.

²⁴⁷ Ibid., Jan. 28, 1881, p. 8.

1880.²⁴⁸ During construction, negotiations proved most difficult with the interested company, Manitoba South-Western Colonization Railway Co.²⁴⁹ Further, the federal authority at one stage proved obstructive as a result of an adverse report on the site of the bridge from its engineer, Sandford Fleming.²⁵⁰ Despite these temporary delays the bridge was eventually built and opened to traffic in the summer of 1880.

In contrast, endeavours relative to the securing of a railway were much more successful. This interest involved dealings with the C.P.R. on the diversion of its transcontinental line to the city. During the summer of 1881 the electors by a vote of 130 to 1 approved of a civic subsidy for the undertaking.²⁵¹ The ratification of the agreement soon after entailed a bonus of \$200,000.00. Significantly enough, one of the concessions gave the railway company a civic tax exemption in perpetuity.²⁵² Somewhat analogous was the aid given to a flour milling firm Ogilvie Brothers, in a twenty-year tax exemption late in 1881.²⁵³

Interest in privately owned public utilities was now manifested in full. During the legislative session of 1880 one act provided

²⁴⁸ M.F.P., The Bridge By-Law, Jan. 24, 1880, p. 5.

²⁴⁹ M.F.P., "The Bridge Question", Dec. 13, 1879, p. 4.

²⁵⁰ M.F.P., "The Bridge", Feb. 28, 1880, p. 3.

²⁵¹ Ibid., The C.P.R. Bonus By-law, July 8, 1881, p. 5.

²⁵² Ibid., City Council, Sept. 9, 1881, p. 2.

²⁵³ Ibid., Dec. 16, 1881, p. 2.

For the incorporation of a civic waterworks company.²⁵⁴ Debate at second reading revealed that the city had endorsed the enterprise.²⁵⁵ Proceedings in council during 1881 indicated then an agreement was pending with a tramway company.²⁵⁶ Later, construction undertaken by a local gas works revealed that satisfactory arrangements had been reached with the corporation. Finally, the favourable reception given proposals for civic electrification suggest that the city fathers were not unaware of future advantages from such an undertaking.²⁵⁷

Winnipeg during this stage revealed a more extensive and intensive institutional growth. By the range and depth of its interest this development was apparent. Administration at the secondary level, where appointive officials mainly participated, increased greatly. The corporation began to collaborate with private enterprise for the performance of services new to the city. As a result, public utilities which were privately owned operated with civic support. This varied secondary activity gave evidence that a firm corporate foundation had now been established.

6. Closer Association of School District and Municipality

Revision of educational legislation during this period had certain vital consequences. 1879 marked the general consolidation

²⁵⁴ Manitoba Statutes, 1880, 44 Vic., Chap. 7.

²⁵⁵ M. F. P., Manitoba Legislature, Jan. 1, 1881, p. 2.

²⁵⁶ Ibid., City Council, Aug. 26, 1881, p. 3.

²⁵⁷ Ibid., Nov. 18, 1881, p. 2.

of statutes up to that date.²⁵⁸ The major drafting had been done by a special committee of the Board of Education; local school authorities, oddly enough, did not participate or were not consulted in any way.²⁵⁹ By the changes to school legislation in 1880 rural trustees were given borrowing powers which only urban districts had enjoyed previously.²⁶⁰

The amendments of 1881 prompted closer collaboration between the school and the municipal council.²⁶¹ Firstly, municipalities were empowered to establish or re-adjust school district within their confines subject to final sanction by the Lieutenant-Governor in council. Should they fail or refuse to do so, on petition of a specified number of ratepayers the particular section of the Board of Education might act accordingly. Secondly, municipalities were now required to levy and collect school taxes as determined by the local trustees and ratepayers at the annual meeting. Further, the payment of school levies might be enforced similar to regular municipal taxation. Finally, rural trustees, without direct reference to the ratepayers in public meeting, were empowered to set the amount to be levied. No attempt was made during debate to give the municipal council any power in altering the school levy.²⁶² Hence, the school

²⁵⁸ Manitoba Statutes, 1879, 42 Vic., Chap. 2.

²⁵⁹ M.F.P., The School Law, Sept. 6, 1879, p. 5.

²⁶⁰ Manitoba Statutes, 1880, 43 Vic., Chap. 28.

²⁶¹ Manitoba Statutes, 1881, 44 Vic., Chap. 4.

²⁶² M.F.P., Manitoba Legislature, May 20, 1881, p. 3.

district retained fiscal freedom equal to that of the municipality.

Central administrative activity had similar local implications as before. On the basis of the census returns of each sectional board of the Board of Education the provincial grant, amounting to \$20,000.00 in 1881, was annually divided between both sections.²⁶³ The creation and re-adjustment of school districts continued without interruption. At the instance of the Protestant section the establishment of twelve new school districts and the alteration of nineteen others were effected in 1881.²⁶⁴ Senior approval to local borrowings increased with the emergence of more local units. At one stage in 1881 loans totalling \$3,200.00 and involving five school districts were sanctioned.²⁶⁵ Rarely had a full slate of trustees to be appointed as in Riviere Salle S.D. during 1879.²⁶⁶ Senior action with local consequences normally was initiated from below.

Despite legislative amendments, municipal and school district collaboration in the establishment and re-adjustment of school units was at a minimum. Available evidence indicated but one case to illustrate that trend during this period. Moreover, in that particular instance, Springfield, only the re-adjustment and not the creation of a school district by the municipality was involved.²⁶⁷ Official sanction to the alteration was given

²⁶³ Manitoba: Off., C.E.C., Abs. C.-in-C., No. 442,
June 2, 1881, p. 139

²⁶⁴ Manitoba: Off., C.E.C., C.-in-C., No.'s 373 - 374,
Feb. 1, 1881.

²⁶⁵ Ibid., No. 409, April 8, 1881, p. 135.

²⁶⁶ Man. Gaz., Vol. VIII, No. 1, Jan. 7, 1879.

²⁶⁷ P.A.M., Minutes: R.M.Spring., Aug. 13, 1881.

formally in due course.²⁶⁸ As the particular legislative changes were not made until 1881 and since many municipalities were busy with their own organization greater association between both local authorities seemed impossible.

The school district generally operated with greater intensity than previously. At the average rural level Belmont authorized taxation of \$250.00 and loan of \$200.00 for the same purpose in 1879.²⁶⁹ Morris the next year decided to raise \$600.00 by taxation and \$2,500.00 by borrowing in order to erect a school.²⁷⁰ In contrast to these efforts, St. James was compelled to provide more adequate accommodation.²⁷¹ Not until 1881 were the required improvements made, possibly on account of the expense.²⁷² Reflective of the limited extent of tax sales by school districts at this moment Park's Creek in 1879 advertised only one holding.²⁷³

School developments in Winnipeg followed prevailing trends closely. This was especially noticeable with the Protestant district. In 1879 that unit negotiated with the Hudson Bay Company regarding an exchange of property.²⁷⁴ Early the next year a delegation interviewed the Board of Education on introducing the

- ²⁶⁸ Man. Gaz., Vol. X, No.15, Sept. 15, 1881.
- ²⁶⁹ M.F.P., School Meeting at Belmont, Feb. 8, 1879, p. 8.
- ²⁷⁰ M.F.P., Morris, Feb. 14, 1880, p. 7.
- ²⁷¹ M.F.P., Board of Education, June 19, 1880, p. 2.
- ²⁷² M.F.P., St. James, Feb. 11, 1881, p. 3.
- ²⁷³ Man. Gaz., Vol. VIII, No.1, Jan. 7, 1879.
- ²⁷⁴ M.F.P., Protestant School Board, Nov. 29, 1879, p. 8.

teaching of classics into the city school curriculum.²⁷⁵ Suggestions were next made to facilitate fiscal relations between the board and the city council.²⁷⁶ During the summer of 1881 steps were taken to float a debenture amounting to \$50,000.00 for school construction.²⁷⁷ Because of the paucity of evidence it may be assumed that the Roman Catholic body pursued its previous inconspicuous course. Similar to the civic authority the school district in Winnipeg now undertook more intense secondary operations.

7. Provincial Statutes With Municipal Reference

Among the measures having significant municipal consequences the Drainage Act of 1880 was notable.²⁷⁸ Local authorities by the statute were now given an opportunity to collaborate with the province on drainage works. Failing action by the local authority the province proposed to assume the responsibility alone.²⁷⁹ Hence, the Minister of Public Works, Hon. C.P. Brown, reported that seven general areas throughout the province had been drained in 1880.²⁸⁰ Specifically, six contracts were let for that purpose earlier that summer.²⁸¹ Westbourne was one of the few municipalities to take advantage of the legislation immediately. No doubt others failed to collaborate with

²⁷⁵ M.F.P., Board of Education, Jan. 17, 1880, p. 3.

²⁷⁶ Ibid., Nov. 6, 1880, p. 2.

²⁷⁷ M.F.P., School Board, July 8, 1881, p. 8.

²⁷⁸ Manitoba Statutes, 1880, 43 Vic., Chap. 2.

²⁷⁹ M.F.P., Manitoba Legislature, Feb. 7, 1880, p. 2.

²⁸⁰ Manitoba: Jour. Leg. Ass., 1881, Appendix, pp. cxxxii - cxxxiii.

²⁸¹ W.D.T., The Drainage Scheme, June 3, 1880, p. 4.

the province because of their immaturity and low finances.

The Herd Act was another important measure of 1880.²⁸² This measure applied to the restraining of animals in six specified municipalities, mainly in the south-western part of the province. The act was permissive to the extent that any municipal by-law on the subject would supercede it.²⁸³ Morris, soon after, was a municipality to make an abridgment.²⁸⁴ Among those units concerned opinion was divided upon the legislation. South Dufferin adopted herd restrictions unan- imously; North Dufferin passed its by-law only on the casting vote of the warden.²⁸⁵

Less consequential was the statute respecting fences.²⁸⁶ Muni- cipal regulations pertaining to fences and fence viewers were to apply along with present provincial regulations. Accordingly, the measure was an illustration of integrative action on the part of both govern- ments. Undoubtedly the relevant section would apply with regard to the St. Andrew's fence by-law of 1880.

The transfer of public roads to municipalities embodied an- other important enactment of 1880.²⁸⁷ Local authorities in future were responsible for roads.²⁸⁸ This development now implied a heavy

²⁸² Manitoba Statutes, 1880, 43 Vic., Chap. 16.

²⁸³ M.F.P., Manitoba Legislature, Feb. 21, 1880, p. 2.

²⁸⁴ Ibid., Nelsonville, May 22, 1880, p. 5.

²⁸⁵ Manitoba Statutes, 1880, 43 Vic., Chap. 15.

²⁸⁶ M.F.P., Municipal Councils, St. Andrews, June 12, 1880, p. 8.

²⁸⁷ Manitoba Statutes, 1870, 44 Vic., Chap. 5.

²⁸⁸ M.F.P., Manitoba Legislature, Jan. 1, 1881, p. 2.

municipal burden financially because of responsibility for road construction and maintenance. For that reason the senior administration made a road grant of \$400.00 to each qualifying unit in 1880 when implementing the general municipal scheme.²⁸⁹ Occasionally some councils might gain extra aid. Hence, St. Paul in 1881 secured an individual grant of \$148.75 for its roads.²⁹⁰

1881 marked the adoption of the last act having vital municipal effects. Its purpose was to promote maximum industrial development locally throughout the province.²⁹¹ Municipalities henceforth were now permitted to grant commercial firms tax exemptions for a period not exceeding twenty years. Debate intimated that both real and personal property might be excluded by the interested municipality.²⁹² By reason of the measure Winnipeg was able to attract a milling concern in 1881.²⁹³ This statute, moreover, testified to the slowly growing collaboration between local authority and private enterprise. Symbollic of deeper and broader institutional interests, such legislation further emphasized the comprehensive character of the prevailing municipal system.

²⁸⁹ Vide supra, p.

²⁹⁰ Manitoba: Off. C.E.C., Abs. O.-in-C., No. 354, Jan. 5, 1881, p. 129.

²⁹¹ Manitoba Statutes, 1881, 44 Vic., Chap. 21.

²⁹² M.F.P., Manitoba Legislature, May 25, 1881, p. 3.

²⁹³ Vide supra, p.

CHAPTER VI

ATTEMPTED CONSOLIDATION AND FINAL READJUSTMENT: 1882 - 86

1. Influential Basic Trends

Within this last period of study prevailing forces were again economic. Despite the distinct "slump" in property values early in 1882 substantial prosperity continued until the following year. Specific items affirmed that trend. Duties on imports for 1882 showed an increase of 132 per cent over the previous year.¹ In Louise Municipality during 1882 some farm prices reached \$12.00 to \$15.00 per acre. In 1883 general recession, however, began in earnest.² Reflecting the decline rurally, the Gladstone district that summer reported a scarcity of money.³ Later the Ogilvie Milling Company closed its plant in Winnipeg.⁴ Withdrawals on a Winnipeg bank for April of 1885 exceeded deposits.⁵

Partial recovery then set in slowly during 1886. Thus in

¹ M.F.P., "Local and Provincial", Aug. 11, 1882, p. 2.

² A.R.M. Lower, Colony to Nation (Toronto: Longmans, Green and Co., 1946), p. 409.

³ M.F.P., Gladstone, June 22, 1883, p. 10.

⁴ M.F.P., Jan. 31, 1884, p. 5.

⁵ M.F.P., May 7, 1885, p. 5.

mid-April of 1886 a Winnipeg realty firm was claimed to have sold a lot at \$200.00 per foot frontage.⁶ Traffic earnings of the C.P.R. in November stood at \$269,000.00 compared to \$205,000.00 for the same month the year before.⁷ Clearly there was a gradual trade resurgence. Under these varying economic conditions and in view of similar past events municipal development would hardly remain unaffected.

Political events were not to be ignored in any event. Norquay's ministry remained in power throughout this stage. It was of some consequence that municipalization was no longer a leading issue in provincial elections as those contests usually hinged upon dominion-provincial relations. Hence, in the campaign of 1883 "provincial rights" and "better terms" ranked uppermost.⁸ By the next general appeal to the voters late in 1886 "federal railway disallowance" was added to this list of issues.⁹ Directly, therefore, municipal matters were relegated to the background; they would be affected only by becoming implicated in larger policies. The general outcome of association with the federal administration on an increased grant for the province resulted in a limited success.¹⁰ As a result, local authorities might be expected to undergo some modification.

Social and natural trends as distinct from economic ones persisted as appreciable influences. Immigration continued to play a

⁶ M.F.P., Aug. 26, 1886, p. 8.

⁷ D.F.P., "City and Provincial", No. 24, 1886, p. 4.

⁸ Schofield, op. cit., p. 340.

⁹ Ibid., p. 360.

¹⁰ Maxwell, op. cit., pp. 79-80.

vital role in the social development prompting institutional changes, especially at the municipal level. The arrival of fifty new-comers at one stage in 1886 suggested a slow increase in provincial population at this moment.¹¹ By virtue of such societal conditioning municipal growth was bound to be affected. Immediately, such influxes would gradually stimulate the need, and possibly the demand, for increased local services. Less directly but equally important, groups within the province organized to promote objects among which municipalities were prominent. Hence, in 1883 the Manitoba and North West Farmers' Union was an association to urge both general municipal and school revision.¹² Moreover, this same organization advocated the municipal ownership and operation of grain elevators in particular. These urgings had arisen from the uniting of grain farmers into a corporate group whose objectives were improved agricultural conditions.

The influence of natural factors could not be ignored. Hence, with the early frost of 1883, which reduced yields and the quality of the crop, farm income was down.¹³ That municipal funds would be affected accordingly through reduced tax collections was only natural.

This final phase displayed the presence of basic trends. To

¹¹ M.F.P., "Local and Provincial", May 20, 1886, p. 5.

¹² M.F.P., The Farmers' Convention, Dec. 20, 1883, p. 4.

¹³ Schofield, p. 357.

influence municipalization profoundly there arose a complex of the four predominant forces: political, economic, social and natural. Because of their interaction now radical changes took place again in the municipal system of Manitoba.

2. County Councils

As a preliminary to the attempted general consolidation of municipalities during this period an act of 1882 was important.¹⁴ This measure permitted the organization of county councils for definite objects: inter-municipal works. In order to achieve those ends the composite authority, county council, was to consist of the wardens from the municipalities within a given judicial county. When so assembled these local heads might undertake projects common to all, certainly to at least two of them. These undertakings particularly involved roads, drainage, bridges and ferries. Each interested municipality logically was required to bear its share of the expense for any enterprise in which it was concerned. Hon. C. P. Brown clearly summarized this aspect of the bill with reference to roads at second reading in these words:

It (bill) provides for a sort of County Council of all the Wardens in the County with the Mayors of incorporated cities and towns who shall be a body empowered to decide the three main features of the question: - 1st, As to the necessity for such roads; 2nd, To open up said road, as provided in the Act; 3rd, To apportion to each municipality in the County their proportion of the expense. The decision arrived at by this body is subject to the approval of the Lieut-Governor in Council, and when that has been obtained the decision is to be final.

As to inter-municipal ferries it was also learned:

¹⁴ Manitoba Statutes, 1883, 45 Vic., Chap. 3.

Now, the difficulty may be got over by this County Council which has been called into existence, who are empowered to deal with this question of the establishment of ferries.¹⁵

The plan closely implied the consolidation of municipalities.

Only a limited application of this legislation was made. By virtue of a petition from Springfield a county council was established in the County of Selkirk later in 1882.¹⁶ Early in August that year wardens of the municipalities assembled in Winnipeg, and again soon after, because of legal doubts over the first meeting.¹⁷ Six municipalities, including Winnipeg, were represented at this second gathering. Heading the agenda was a decision to construct a road through St. Boniface as a link between Springfield and Winnipeg. For this purpose the three municipal authorities were taxed equally. By the next meeting local reaction to county council organization had taken place, judging from proceedings. Plans for the project were deferred on account of the cost.¹⁸ Moreover, Winnipeg declined to pay its share of the expense for the Springfield outlet.¹⁹

Official notice was then given of a meeting early in 1883 involving two county councils: Provencher and Selkirk.²⁰ These bodies were to convene for the consideration of inter-county communications. By all accounts, however, the gathering failed to materialize.

¹⁵ M.F.P., Manitoba Legislature, May 19, 1882, p.2.

¹⁶ Man. Gaz., Vol. XI, No. 29, Aug. 5, 1882, . . .

¹⁷ M.F.P., County Council of Selkirk, Aug. 25, 1882, p.6.

¹⁸ Ibid., Selkirk County, Sept., 15, 1882, p.6.

¹⁹ Ibid., City Council, Sept. 22, 1882, p.3.

²⁰ Man. Gaz., Vol. XI, No. 38, Oct. 7, 1882.

Until now the future of a consolidated municipal system, in the light of these events, was far from bright.

In 1883 the introduction of a general county council system of municipal government was attempted by Norquay's administration.²¹ Oddly enough, no specific intimation of the legislation embodying this development was given in the speech from the throne.²² During actual debate, T. Greenway quite pertinently called the attention of the house to this failing. As the rural member showed, this lack and the late sessional date for the presentation of the bill were difficult to explain in view of its great implications.

The first and third portions of legislation had direct reference inasmuch as county council organization was concerned. Hon. C. P. Brown outlined both sections at second reading. The former evidently was aimed at setting up a territorial unit suitable for both provincial and municipal purposes. Hence, they would serve judicial, registration, electoral and local ends. As Brown stated this was to be the county:

The first re-arrangement, obviously, was the dividing off of the Province into portions convenient in size and having a community of interest. It is proposed that these divisions be called counties.²³

On alluding to the latter section the Minister of Public Works described the county council scheme elaborately:

The third division of the bill before the House had regard to the arrangements for an organization of county councils in

²¹ Manitoba Statutes, 1883, 46 and 47 Vic., Chap. 1.

²² Manitoba: Jour. Leg. Ass., 1883 - 84, pp. 10 - 12.

²³ M. F. P., Manitoba Legislature, June 28, 1883, p. 9.

the most simple and workable form. These county councils are for single counties or united counties and are to be composed of a presiding officer, and the reeves of each of the local municipalities, and mayor of any incorporated town in the county. The counties are generally divided into from five to seven and sometimes eight municipalities, so that in general there will be that number of representatives in the council. There will not be less than five and in no case, probably more than seven. This would give an efficient body to legislate on inter-municipal questions - such as bridges, drainage, roads, & etc. Further these councils had the power of making provision for the procuring of a convenient place in the county as a site for the erection of the county court house, jail, registry office and other necessary buildings.²⁴

Norquay himself in reply to subsequent criticisms stated:

Wherever it was possible for the Government to carry out a uniform system based on general principles, he thought they should not hesitate to do so, and that had been their aim in this bill.²⁵

Further, the Premier contended:

He always held, from the experience of older communities, that such a system would take a long time to perfect.²⁶

A rather comprehensive form of consolidation evidently was attempted at this moment.

The influence of Ontario influence was easily discernible. An early writer has commented upon the faithful reproduction in Manitoba at this juncture of the county councils arrangements prevailing in the central province.²⁷ More important, during actual debate particularly Brown and Greenway referred to the copying of eastern forms. At second reading the Minister of Public Works in part stated:

²⁴ Loc. cit.

²⁵ Loc. cit.

²⁶ Loc. cit.,

²⁷ A. C. Ewart, Municipal History of Manitoba, (University of Toronto Studies in History and Economics," Vol. 11, No, 3 Toronto, 1904), p. 6.

One thing the Government sought to avoid was what they considered to be the objectionable features in the municipal system of Ontario.

The member for Mountain during the same debate asked:

What, for instance, do we want this old Ontario system of county councils with all its complexities?²⁸

Finally and most conclusively, the composition of the county council in Manitoba corresponded very closely with that of Ontario. In each province the composite body included the elective heads, wardens and mayors, of the municipalities within the county.²⁹ Of any outside influence this consolidated body was the most obvious.

Specific details of the scheme confirmed the adoption of a composite authority, the county council. Immediately the province was divided into twenty-six counties. For judicial and registration purposes some of these were combined thus making a net total of twenty-two districts on that score. For certain municipal purposes each county had a council; the wardens and mayors of all municipalities constituting the county were members of this superimposed body. By a proviso this county council was to have not less than five members. Should the number of municipalities in the given county be insufficient to produce a council of that size then municipal representation might exceed one member per unit. A chairman was to preside at every council meeting. By and large, provisions as to proceedings, oaths, and appointments, were similar to those prevailing in ordinary municipalities.

Major powers and responsibilities of county councils dis-

²⁸ M. F. P., op. cit., p. 9.

²⁹ Wills, op. cit., p. 19.

Manitoba Statutes, 1883, 46 & 47 Vic., Chap. 1.

played their potential importance. As both the act and debate indicated, county municipalization treated with three important municipal interests: inter-municipal works, judicial buildings, and county indebtedness. With the first of these fields of endeavour the principle of the legislation for 1882 was re-emphasized. Municipalities within the county now were responsible in association for inter-municipal improvements. The county council was the integrative agency by which those undertakings were to be administered. To provide county courts and jails along with registry offices, although these would serve provincial as well as municipal needs, entailed another duty of the greater body. Lastly, and more restrictively, especially in the County of Selkirk, the county council was expected to be useful for the settlement of existing inter-municipal debts.

Finance held a prominent place in county council arrangements. Each municipality within the county was liable to taxation by the consolidated body. The local authority was assessed pro rata the amount that its assessment bore of the total for the entire county. This fiscal concern gave rise to the appointment of a secretary-treasurer, auditors, and assessors for each county council. Of these the assessor was important to the individual municipality on account of his responsibility in equalizing its assessment against that of the county. Conditional to receiving enough funds a county council might act with much effect upon its constituent parts.

This general county council system was more impressive on paper than in practice. Its operation was exceedingly brief. The legislation did not take effect until late in 1883, and by amend-

ment the following year county councils were abolished. Certain essential preliminaries, meanwhile, were performed with a degree of tardiness. Formal notice of place, time, and date of meeting was not given until 1884.³⁰ Available accounts indicated that, of the few counties to respond, the most active for sustained interest were Selkirk,³¹ Portage la Prairie,³² and Brandon.³³ This added concern might have arisen from the greater pressure for judicial buildings and registry offices in those counties; they each embraced urban centres relatively larger than those found elsewhere. Subsequent county events tended to emphasize these differences.

A meeting in Brandon early in 1884 illustrated the nature of county council activity.³⁴ Certificates of qualification were read and approved. The re-election of a chairman from among those present then followed. A secretary-treasurer, auditor and health officer were next appointed. The engaging of an engineer and solicitor was deferred until later. A finance and assessment committee was struck along with one on public works; each committee, moreover, was composed of three members. By the former, education, printing, railways, and contingencies were executed while the latter was responsible for county property, police, markets, and indigent persons. Because of the character of interest which its committees considered this county

³⁰ Man. Gaz., Vol. XLIII, No. 2, Jan. 12, 1884.

³¹ M. F. P., County of Selkirk, Jan. 24, 1884, p. 5.

³² Ibid., Portage la Prairie, Feb. 14, 1884, p. 2.

³³ Brandon Weekly Mail, County Council, Jan. 24, 1884, p. 8.

³⁴ Loc. cit.

council, at least, anticipated operating in both a structural and functional manner.

Certain other county councils undertook endeavours of a peculiarly functional nature. Inter-municipal communication ranked high among these operational efforts. Portage la Prairie at its first meeting instructed the chairman to let a contract for a western road.³⁵ Lisgar ordered a survey of a large marsh with drainage as the ultimate object.³⁶ Souris River decided to urge the province for aid toward the maintenance of a ferry.³⁷ Stressing this aspect of functional activity and yet verging on structural forms some county council appointments were revealing. Westbourne appointed a county health inspector at an annual salary of \$50.00.³⁸ Birtle, in addition to this official, engaged an engineer, constable and solicitor.³⁹

Finance comprised a subject on which the county council acted least successfully. Norfolk was one of the very few counties to impose a levy upon its comprising municipalities.⁴⁰ Each sub-unit there was to pay a proportionate share of the constructional expenses for a registry office. In order to erect its buildings Portage la Prairie decided upon an issue of debentures totalling \$70,000.00.⁴¹ This

³⁵ M. F. P., Portage la Prairie, Jan. 31, 1884, p. 2.

³⁶ Ibid., "Local and Provincial", May 22, 1884, p. 5.

³⁷ B. W. M., Souris River County, March 6, 1884, p. 2.

³⁸ Gladstone Age, Westbourne County Council, Jan. 26, 1884, p. 4.

³⁹ M. F. P., Birtle, Jan. 31, 1884, p. 6.

⁴⁰ Ibid., Norfolk County Council, Feb. 7, 1884, p. 9.

⁴¹ M. F. P., Portage la Prairie - New County Buildings, Feb. 14, 1884, p. 2.

loan was duly approved by the senior government.⁴² In Selkirk County Winnipeg continued to act intransigently in the settlement of its share of the Springfield road costs.⁴³ Highly significant in fiscal administration was the extreme reluctance, if not negligence, displayed by the majority of these bodies.

Diverse problems and situations challenged a number of county councils. Details of preliminary organization bedevilled a few at first. Selkirk immediately was unable to decide whether it was established anew or if it were the continuation of the former county council for 1882.⁴⁴ A tie vote for the wardenship of Minnedosa placed that body into a quandary for some time despite advice from the attorney-general.⁴⁵ At Birtle the eligibility of one warden was questioned as he held the office of registrar in his municipality.⁴⁶ On one occasion Selkirk adopted a resolution respecting a projected railway to Hudson Bay.⁴⁷ Later the same body outlined its opposition to the anti-immigration policy in the "Farmers' Union" program.⁴⁸ Because of the attempted by-passing of Emerson as the county seat some ill-feeling existed in Manchester.⁴⁹

⁴² Man. Gaz., Vol. XLIII, No. 10, March 8, 1884.

⁴³ Winnipeg Daily Sun, The Selkirk County Council, Jan. 24, 1884, p. 8.

⁴⁴ M. F. P., County of Selkirk, Jan. 24, 1884, p. 5.

⁴⁵ Rapid City Standard and North West Advocate, County of Minnedosa, Jan. 26, 1884, p. 3.

⁴⁶ W. D. R., Birtle Budget, Jan. 28, 1884, p. 6.

⁴⁷ M. F. P., Selkirk County, Feb. 7, 1884, p. 10.

⁴⁸ W.D.S., Selkirk County Council, March 12, 1884, p. 5.

⁴⁹ Emerson International, The County Council, Jan. 24, 1884, p. 3.

Reaction at large was unfavourable to county council organization in the light of press comments. Rural journals generally denounced the innovation and definitely urged abolition. The Brandon Sun charged that the composite body was a source of needless expense.⁵⁰ The Gladstone Age regarded the development as an unnecessary duplication of officials when existing municipal arrangements were considered.⁵¹ Further, in its opinion the immature material condition of the province did not warrant consolidation at this stage. The Minnedosa Tribune, although adversely critical, suggested a means of relieving the situation.⁵² That organ advocated the immediate transfer of county council business to the existing judicial boards for the sake of minimum inconvenience to all concerned. Among the urban newspapers the Manitoba Free Press strongly opposed the new accretion. Besides the above reasons, the irresponsibility of the county council, since it represented the ratepayers only indirectly, constituted one of its serious defects.⁵³ A lucid summary of the reasons favouring abandonment was given soon after by the latter newspaper in the following words:

It is expensive; the country is not sufficiently settled to enable the determination of the centre at which it is most desirable to establish the county seats; but above all, it is unnecessary, useless, as the experience of Ontario has proven.⁵⁴

⁵⁰ Brandon Daily Sun, "County Councils", April 5, 1884, p. 2.

⁵¹ G. A., "Too Much of a Good Thing", Jan. 26, 1884, p. 1.

⁵² Minnedosa Tribune, "The County Council", Feb. 22, 1884, p. 2.

⁵³ M. F. P., "County Municipalities", Jan. 24, 1884, p. 4.

⁵⁴ M. F. P., "County Municipalities", Feb. 14, 1884, p. 4.

Furthermore, an underlying motive for abolition was also offered:

Immediate action should be taken as, if the county council is to be abolished, it should be done at once, before it gets so interwoven into our municipal fabric as to render it all but impossible to eliminate it, as is the case in Ontario to-day.⁵⁵

Public opinion, so clearly expressed, in no way encouraged retention of the consolidated authority.

Municipal response manifested almost complete opposition to the system. Early in 1884 the rural council of Portage la Prairie indirectly expressed disapproval on petitioning the legislature for a restoration of its ward representation.⁵⁶ Glendale in its objection to the assessment provisions of the act for 1883 intimated disfavour.⁵⁷ Outright condemnation was exemplified in St. Andrews' support of a North Dufferin petition urging abolition.⁵⁸ Even urban units did not fail to express their aversion as illustrated at proceedings in Emerson during the spring of 1884.⁵⁹ Finally, and most conclusively, twenty-nine municipal petitions were received at the opening of the legislature in 1884.⁶⁰ In view of this extreme pressure radical change appeared imminent.

Mature consideration, approaching support of the composite arrangements, was counselled only in a few instances. One writer to the press opined that the transfer of county council duties to existing

⁵⁵ Loc. cit.

⁵⁶ M. F. P., Portage la Prairie, Jan. 17, 1884, p. 2.

⁵⁷ M. F. P., Glendale, Jan. 24, 1884, p. 10.

⁵⁸ P. A. M., Minutes: R. M. St. Andrews, March 1, 1884, p. 22 - 23.

⁵⁹ Minutes: City of Emerson, March 3, 1884, p. 110.

⁶⁰ B. D.S., "Away with County Councils", April 24, 1884, p. 4.

judicial boards would place a tremendous burden upon the latter.⁶¹ Moreover, by giving the plan a fair trial eventual success was predicted. As a distinct minority voice Le Manitoba opposed administration by judicial boards on account of the dangers of centralization and high taxation. Local income would not be as closely watched as under the prevailing scheme where the wardens had intimate knowledge of municipal funds. In recapitulation the French journal claimed:

Le système que nous possédons actuellement, s'il n'est pas parfait, peut être modifié, mais au moins le principe qu'il contient, de laisser à chaque comté le soin de régler ses propres affaires est certainement le plus juste et le plus populaire.⁶²

Significant throughout was the consistent French apprehension of increased local levies and administrative concentration in certain municipal matters. Circumstances, however, worked against these views.

The forces producing consolidation in the form of county councils again caused its failure. Natural conditions involving long distances and impossible roads restricted county councils to infrequent meetings.⁶³ Furthermore, the unsettled state of the province constituted a social condition to operate against the composite scheme.⁶⁴ A satisfactory general application to the general legislation of 1881 and 1882 had not yet been made. Politically, the county council was regarded as an encroachment upon the local democracy.⁶⁵ A practical cleavage in the responsibilities falling to each authority was difficult to make

⁶¹ W. D. T., "County Councils", March 14, 1884, p. 8.

⁶² Le Manitoba, "Conseils de Comte", 9 avril, 1884, p. 1.

⁶³ Ewart, op. cit., p. 7.

⁶⁴ A. B. Clark, Manitoba: Municipal Institution, Canada and its Provinces, Part II, Vol. XX (Toronto: Glasgow, Brook and Co., 1914), p. 396.

⁶⁵ M. F. P., "County Municipalities", Jan. 24, 1884, p. 4.

because of unsettled conditions. Lastly and most realistically, the economic grounds for failure were distinct. The county council was considered as the "fifth wheel" by some;⁶⁶ others described it as the "upper chamber".⁶⁷ Clearly these definitions connoted a needless expensive institution. Depressed conditions, being most intense in 1883, also discouraged the greater taxation inherent in consolidation.⁶⁸ Then, too, consolidation, as debate revealed, involved an attempt by the province to shift certain duties upon the municipalities. Because of these conditions the county council faced a most uncertain future.

At this juncture it might be noticed that misapplication of the term "county council" has occurred. A report from Birtle before the enactment of the legislation for 1882 referred to a meeting under that heading.⁶⁹ Portage la Prairie following abolition utilized it also.⁷⁰ Some recent writers have also been inclined to use it indiscriminately.⁷¹

These descriptions actually referred to a municipal council like Westbourne and Portage la Prairie earlier embracing an entire county. In short, they implied a county municipality council. Technically, the county council was the composite authority composed of the titular heads of municipalities within a given county. Too, with the

⁶⁶ Ibid., County councils, Feb. 21, 1884, p. 3.

⁶⁷ Ibid., Gladstone, Jan. 17, 1884, p. 3.

⁶⁸ Ibid., "County Councils", Feb. 14, 1884, p. 5.

⁶⁹ M. F. P., North West News, Birtle, June 28, 1883, p. 6.

⁷⁰ Portage la Prairie Weekly Tribune--Review, County Council, March 6, 1885, p. 8.

⁷¹ Martin Kavanagh, The Assiniboine Basin (Winnipeg: Public Press Ltd., 1946), p. 136.

exception of the County of Selkirk in 1882, it was the consolidated body in existence following the legislation of 1883 until abolished the next year. Other than in this sense, the term was confusing and misapplied.

3. Judicial District Boards

As the successor to the county council the judicial district board was not new. In 1881 Manitoba for purpose of judicial administration at the provincial level was divided in three districts: eastern, central, and western.⁷² To provide court room and jail facilities, especially for the assizes, a "court house board" was established in each district.⁷³ These boards consisted of the mayors and wardens of the municipal corporations within the district. By the legislation of 1883, with exception of a reshuffling of municipalities on account of the introduction of a county system, each judicial body continued as before.⁷⁴ The court house boards, however, were now known as "assize district boards".⁷⁵ The size of each ranged from seven to twelve members. There was a noticeable distinction between the assize board and the county council as to responsibility. The former, as its name implied, attended to the maintenance of assize court facilities; the latter was in charge of those for the county court. Both court house and assize district boards were empowered to impose a municipal levy for the construction and maintenance of judicial buildings. Again,

⁷² Manitoba Statutes, 1881, 44 Vic., Chap. 28.

⁷³ Ibid., pp. 210-11.

⁷⁴ Manitoba Statutes, 1883, 46 & 47 Vic., Chap. 1.

⁷⁵ M. F. P., Manitoba Legislature, June 28, 1883, p. 9.

a consolidated authority was already in existence when county councils appeared.

Early judicial boards were confronted with various questions. The court house board of the Central Judicial District early in 1883 was occupied with engaging a secretary-treasurer and solicitor.⁷⁶ At the same time in the Western Judicial District its counterpart was busy preparing plans for a court house and jail.⁷⁷ Following the legislation of 1883 reports indicated that the assize board in the latter district faced technical difficulties in the assessment of its municipalities.⁷⁸ In the Central Judicial District nearby its associate at the beginning of 1884 inherited a load of debt from its predecessor.⁷⁹ By that year the judicial board had gained a relatively substantial footing in comparison to the county council.

Current dissatisfaction, meanwhile, with county council administration prompted radical changes which implicated the judicial board. Notice of impending legislative revision was given in the speech from the throne; the allusion, however, was couched only in general terms.⁸⁰ Later, following the withdrawal of a motion concerning the abolition of judicial boards, T. Greenway presented one which provided for the elimination of these bodies and county councils also.⁸¹ Norquay

⁷⁶ M. F. P., Court House Boards, Feb. 6, 1883, p. 6.

⁷⁷ Loc. cit.

⁷⁸ M. F. P., Western District, June 15, 1883, p. 6.

⁷⁹ M. F. P., The Central Judicial District Board, Jan. 21, 1884,
p. 1.

⁸⁰ Ibid., Legislative Assembly, March 20, 1884, p. 10.

⁸¹ Ibid., April 10, 1884, p. 9.

successfully moved in amendment the striking of a special committee to study the entire question. Finally, on winding up debate the premier's remarks foreshadowed the future system:

He promised to incorporate in the Act Mr. Greenway's scheme, if he would devise one and thus make as good a measure as possible.⁸²

Subsequent debate was not explicit as to the nature of the future scheme. The general municipal bill itself was referred to the special committee arising from Norquay's amendment.⁸³ On reference at second reading members were given to understand that they might make their objections later. Otherwise, at this stage the bill passed without customary comment. On being reported to the House the measure again elucidated no explanation; it was rapidly reviewed and passed in two sittings.⁸⁴ This dispatch seemingly was necessary in view of the lengthy enactment and the lateness of the session.

The general municipal legislation of 1884 afforded the sole description of the resulting changes.⁸⁵ Judicial district boards now replaced the former county councils. This radical development was again confirmed by another statute applying to judicial district boards in particular.⁸⁶ A compromise had been struck between the Greenway and Norquay proposals. Where the former urged immediate abolition of both bodies while the latter counselled suspended judgment upon the status quo, neither policy was entirely pursued. Quite definitely,

⁸² Ibid., p. 10.

⁸³ Loc. cit.

⁸⁴ Ibid., May 1, 1884, p. 8.

⁸⁵ Manitoba Statutes, 1884, 47 Vic., Chap. 11.

⁸⁶ Ibid., Chap. 12.

however, were the judicial boards to take over from where the county councils left off.

Pursuant to adoption the Manitoba Free Press published a lengthy summary of the legislation as prepared by L. W. Coutlée, Deputy Attorney-General. That section of relevance to judicial district board organization stated:

The inter-municipal duties hitherto performed by county councils have been assigned to the judicial district boards, and those duties which were more local in their nature are now vested in the municipalities.⁸⁷

As before, inter-municipal business was to remain with the consolidated body while purely local matters were attended to by the municipality.

Board membership was exceedingly simple in contrast to the composition of the preceding county councils. As the above summary outlined:

Instead of consisting of a number of wardens and mayors as heretofore, it will consist simply of a chairman and four members representing as many sections into which the several judicial boards have been divided.⁸⁸

In practice, the three original boards were retained; no new ones were created. Appointment of the chairman fell to the province, and the remaining members were elected from the wardens and mayors of the municipal units within the judicial district. Existing boards continued in office until replaced by their successors. For voting purposes the chairman had two votes in contrast to one each for the other members. Provision for a normal state of appointive officials included a secretary-treasurer, auditor, assessor, engineer, and health officer.

⁸⁷ M. F. P., The Municipal Act, May, 1884, p. 7.

⁸⁸ Loc. cit.

The duties of the judicial board with municipal reference were important. Liquidation of county indebtedness and municipal auditing were fiscal activities of note. To the judicial board fell the responsibility of establishing and maintaining provincial buildings: court houses and jails along with registry offices. This board function implied a municipal levy in the same manner as before. For the execution of monetary business the need of a secretary-treasurer, auditor, and assessor was evident. Inter-municipal works came within its scope and so the appointment of an engineer was necessary.

Influences and purposes running through this legislation reflected an inheritance from past provincial experience alone. Outside forms for once had been ignored. The development to judicial boards from county councils carried centralization forward another step. Then, too, this transfer in itself testified to the direct effect of previous practice in local municipal consolidation. By the inferences drawn from debate and through the extreme concentrated nature of the plan for consolidation the legislation displayed customary objects; simplicity, economy, flexibility, and attempted perfection seemed to constitute the major ends of the second composite system. Whether these would be achieved remained with the future to disclose.

For municipal concern fiscal activities of judicial district boards were extremely vital. The local authority along with the province contributed funds by which the superimposed bodies might operate. Collections from its municipal corporations by the

Eastern Judicial District in 1884 amounted to \$10,525.31.⁸⁹

Among rural units Hespeler paid the lowest levy of \$80.72; Louise was the highest with a sum of \$1,788.86.⁹⁰ Somewhat indicative of the extent of this authority's resources was the equalized assessment of its component municipal units amounting to \$22,343,100.00 in 1884.⁹¹ Reflective of one method by which funds were raised the Central Judicial District struck a straight level of one mill on the dollar in 1885.⁹² Collections were slow if unpaid levies reaching \$2,320.00 at one stage in the Western Judicial District were any criterion.⁹³ To supplement this income, occasionally both long and short term loans were made. In 1884 the last named board was authorized to issue debentures amounting to \$27,000.00.⁹⁴ Later, its eastern counterpart negotiated a bank advance of \$1,000.00.⁹⁵ Lastly, to insure payment of its municipal levy each board was authorized to conduct tax sales for local authorities accordingly. During 1885 the Central Judicial District through this power enforced the payment of \$72,168.09 on non-resident properties while redemption that year amounted to

⁸⁹ Summary of a Report of the Secretary-Treasurer of The Eastern Judicial District (Winnipeg: Manitoba Free Press, 1885), p. 6 .

⁹⁰ Loc. cit.

⁹¹ P.A.M., Equalized Assessment: Eastern Judicial District,
1884.

⁹² P. la P. W.T.-R., Central Judicial Board, July 17, 1885, p. 4.

⁹³ B.W.M., Judicial Board, Feb. 7, 1884, p. 1.

⁹⁴ Manitoba: Off., C.E.C., O.-in-C., No. 1455, March 14, 1884.

⁹⁵ M.F.P., Judicial District Board, May 15, 1884, p. 10.

\$4,446.13.⁹⁶ Fiscal activities at least represented the judicial board as an alert authority.

The construction of various county buildings entailed an interest which implicated municipalities. The latter along with the province had to share in the costs of construction and maintenance of these structures. The Central Judicial District in 1884 was engaged in providing buildings for judicial and registry purposes at Neepawa and Carberry.⁹⁷ The same year its eastern counterpart expended on court house, goal, and county maintenance the sums of \$4,276.00, \$10,509.40 and \$10,657.40 respectively.⁹⁸ At times the judicial authority was strongly criticized for alleged laxity and extravagance in this phase of its administration.⁹⁹ With reference to particular structures the Eastern Judicial District late in 1884 ordered an account paid for the erection of a registry office at Selkirk.¹⁰⁰ Two years after the same body was occupied with the allotment of expenses for county buildings at Nelson.¹⁰¹ In connection with county buildings the cost, siting, and construction frequently perplexed the composite authority.

Inter-municipal communications gained some attention from judicial boards, In 1884 the Eastern District spent the sum of

⁹⁶ Summary of Report, E.J.D., 1886, op. cit., p. 12.

⁹⁷ Manitoba Liberal, Judicial Boards, May 29, 1884, p. 4.

⁹⁸ Summary of Report, E.J.D., 1886, op. cit., p. 12.

⁹⁹ Birtle Observer, "Judicial Observations", Jan. 23, 1885,

p. 1.

¹⁰⁰ M.F.P., The Judicial Boards, Dec. 11, 1884, p. 7.

¹⁰¹ M.F.P., The Judicial Boards, Feb. 18, 1886, p. 8.

\$120.00 on one connecting road.¹⁰² The same board during that year received a joint request from the united counties of Lisgar, Flessis, and Gimli for a ferry and a highway.¹⁰³ In 1885 the maintenance of the Selkirk Ferry cost the board \$665.95.¹⁰⁴ That spring the same district decided to contact Morris Municipality subsequent to receiving a petition for a road from Youville Municipality.¹⁰⁵ Its western associate soon after referred a petition for a bridge at Oaklands Municipality to the council of the latter unit.¹⁰⁶ In 1884 the latter authority engaged an engineer for district works.¹⁰⁷ District improvements seemingly were less important than other board interest with local significance.

Settlement of unsatisfied municipal levies involving the late county councils was of much concern to the judicial authority. Early in 1884 the Central District dealt with fiscal items affecting Westbourne and Norfolk Municipalities along with the County of Portage.¹⁰⁸ The next year the Western board undertook to wind up the finances of the Municipality of Brandon following

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- 102 Summary of Report, E.J.D., 1885, op. cit., p. 7.
 103 M.F.P., The Judicial Board, June 5, 1884, p. 8.
 104 Summary of Report, E.J.D., 1886, op. cit., p. 11.
 105 M.F.P., Judicial Board, Apr. 2, 1885, p. 8.
 106 B.W.M., Western Judicial District, June 15, 1885, p. 4.
 107 M.F.P., Brandon-Judicial Board, June 26, 1884, p. 1.
 108 P.laP. W.T.-R., Judicial Board, May 30, 1884, p. 1.

its subdivision.¹⁰⁹ An apportioning of a debenture issue raised by Springfield Municipality was arranged in 1886 by the Eastern District.¹¹⁰ To both creditor and debtor municipalities these inter-municipal arrangements were vital because of their fiscal nature.

Miscellaneous items occupied a fair portion of each board's agenda. For the services of a health officer the Central District paid \$291.60 in 1884.¹¹¹ The latter body decided to send its secretary-treasurer to the Counties of York and Wentworth in Ontario so that a practical system of district bookkeeping might be devised.¹¹² Woodlands Municipality in 1886 was informed that the district auditor would make the requested audit on completing his circuit.¹¹³ Earlier a motion of the Eastern board was opposed to the contemplated abolition of statute labour.¹¹⁴ On one occasion the same district objected to an account for public services from Winnipeg.¹¹⁵ During this time the judicial body clearly reflected a diversity of municipal interests.

Much criticism arose over the administration and personnel

¹⁰⁹ B. W. M., Western Judicial Board, March 19, 1885, p. 2.

¹¹⁰ The Daily Manitoban, The Judicial Board, Feb. 4, 1886, p. 4.

¹¹¹ Summary of Report, E. J. D., 1885, op. cit., p. 3.

¹¹² Loc. Cit.

¹¹³ M. F. P., The Judicial Board, Feb. 11, 1886, p. 7.

¹¹⁴ W. D. S., The Judicial Board, Feb. 6, 1885, p. 4.

¹¹⁵ M. F. P., The Judicial Board, Dec. 4, 1884, p. 8,

of the second consolidated body. At one stage Manitou urged the creation of a southern district.¹¹⁶ A Birtle correspondent strongly suggested the appointment of district officials at lower salaries.¹¹⁷ During an election for the Western District certain irregularities arose which were blamed upon faulty legislation.¹¹⁸ The chairman of the Central unit was charged with corruption and graft on one occasion.¹¹⁹ In contrast, the appointment in 1885 of another, Major C.E. Boulton, was warmly received because of his commendable qualities.¹²⁰ Finally, a board might be charged for costly administration which was attributed, not to the members themselves, but to defects in prevailing legislation.¹²¹

During their existence the judicial boards met with strong opposition which emanated from many sources. The Manitoba Free Press as a representative urban journal again urged a more simple composite system especially for taxation purposes.¹²² Indicative

116 Manitou Mercury, "A Southern Judicial District", March 5, 1886, p. 2.

117 B.O., "Judicial Changes", March 5, 1886, p. 2.

118 B.D.S., "The Late Judicial Board Election", Aug. 6, 1885, p. 4.

119 M.L., "The Chairman of the Central Judicial Board", Sept. 10, 1886, p. 4.

120 B.O., "The New Chairman of the Judicial Board", Feb. 6, 1845, p. 1.

121 B.D.S., "The Judicial Board", Feb. 18, 1886, p. 4.

122 M.F.P., "Judicial Boards", March 4, 1886, p. 4.

of rural sentiment a Portage la Prairie organ, for reasons of economy proposed, that administration be divided between a provincial department and the municipalities.¹²³ Brandon opinion appeared to favour the creation of more municipalities in place of the judicial districts.¹²⁴ Illustrative of adverse reaction from a representative farming community, Gladstone objected to the scheme on grounds of complexity and cost.¹²⁵ Some attacks were essentially political because of the partisan character of the journal in question. Hence, the Brandon Sun, as a Norquay critic, informed the ratepayers that reform lay with themselves.¹²⁶

Adverse criticism was also voiced from other equally influential quarters. Numerous letters to the press, especially during 1885, showed that the public at large objected to the consolidate authority.¹²⁷ Indicative of particular groups urging revision the Winnipeg Reform Association then adopted a policy to that effect.¹²⁸ In his presidential address to the Provincial

¹²³ P.laP. W.T.-R., "Judicial Boards", March 4, 1886, p. 4.

¹²⁴ B.W.M., "Judicial Boards",

¹²⁵ G.A., (untitled editorial) July 17, 1885, p. 1.

¹²⁶ B.D.S., "The Judicial Board", Sept. 24, 1885, p. 4.

¹²⁷ M.F.P., "Municipal Taxation", Feb. 12, 1885, p. 7.

¹²⁸ M.F.P., Platform of The Winnipeg Reform Association (adv.), Feb. 26, 1885, p. 8.

Board of Agriculture, C. P. Bridges outlined the need for early municipal alteration.¹²⁹ Later, the grand juries of the three districts strongly recommended immediate repeal.¹³⁰ At the local level sentiment eventually pressed for complete abandonment. St. Andrews Municipality advocated this course and then canvassed other local authorities on the matter.¹³¹ Exemplifying complete municipal discontent, fifty-five petitions were presented to the legislature in 1885 for the immediate abolition of all judicial district boards.¹³²

The causes for this opposition were similar to those expressed over county councils. Many considered the province unprepared for the new scheme. Others regarded the system as too complex and expensive. Dangers of ultimate centralization and subsequent loss of municipal independence were present with many observers. Lastly, like its predecessor the consolidated authority was deemed to be too remote for effective local administration. One rural journal came close to the roots of popular discontent:

The people have now come to the conclusion that they must "commence to live at the beginning" in Manitoba as well as elsewhere, and to aid them the legislation of the county must go back to some more primitive and less expensive form.¹³³

Apparently the province was still unprepared for a graduated system of local government.

¹²⁹ Ibid., Annual Meeting of the Board of Agriculture, Feb. 26, 1885, p. 9.

¹³⁰ M. F. P., The Grand Juries, March 19, 1885, p. 10.

¹³¹ P. A. M., Minutes: R. M. St. Andrews, Feb. 7, 1885, p. 126.

¹³² M. F. P., House of Assembly, April 15, 1886, p. 1.

¹³³ B. W. M., "Judicial Boards", Jan. 15, 1885, p. 4.

4. The Municipal Commissioner.

In attempting municipal re-adjustment Norquay was faced with two major courses. Firstly, alteration might be made from below with the municipality. Thus the re-organization of the County of Minnedosa was suggested in 1885 so that the Municipality of Minnedosa might receive fair treatment with respect to local works.¹³⁴ Further, should the enlargement of municipalities be undertaken, economy in administration, electively and appointively, undeniably would result. In view of the vast provincial area with its sparse population there was considerable merit in this suggestion. Conversely, with larger local units there was the danger of some centralization.¹³⁵ Thinly settled parts might be neglected to the advantage of those with greater numbers. Specifically, municipal redistribution might result in certain localities not gaining their fair share of local improvements.

Judicial boards, secondly, might be abolished and their functions transferred to a single provincial department or official. Concentration of administration would then be carried forward another step. Early in 1885 one journal proposed this solution in rather characteristic terms:

We think another deputy, with a couple of clerks in the attorney-general's department could manage the judicial affairs of the province better and with much less expense than is now incurred.¹³⁶

¹³⁴ R. C. S. & N. W. A., June 18, 1885, p. 2.

¹³⁵ D. M., "Municipal Laws", Aug, 1885, p. 2.

¹³⁶ P. I. P., W. T.-R., "Judicial Boards", Feb. 20, 1885, p. 4.

With the dangers of centralization implicit in this approach, however, many considered that the resulting disadvantages would greatly outweigh any likely merits.¹³⁷ Certainly before radical revision again was made the entire municipal question deserved close study.

For the culminating revision of prevailing municipal consolidation a planned approach was next made. In 1884 Le Manitoba had urged unavailingly the striking of a special committee to investigate the judicial district plan before its adoption.¹³⁸ The suggestion, eventually, was not to go unheeded. At the session of 1886 proceedings indicated that a special commission had been appointed the preceding year for a related purpose.¹³⁹ This body was charged with inquiring into and reporting, with recommendations, upon all phases of municipalization. To prepare municipal officials for any subsequent radical changes the commission was ordered to submit its findings before December 1, 1885.¹⁴⁰

This report had significant consequences for the prevailing judicial boards. By a summary of the report as published in the Manitoba Free Press the following relevant recommendations were made:

2. The abolition of the judicial district boards.
4. The appointment of a member or officer of the Government to control the expense connected with the maintenance of court houses, jails and administration of justice and to perform other duties now discharged by the judicial boards.
5. The expenses of this office to be defrayed by the province, and the expenses in connection with the maintenance of court houses, jails and sheriffs expenses to be paid by the municipalities.

¹³⁷ M. F. P., "Judicial Boards and Taxes", April 1, 1886, p. 4.

¹³⁸ Le Manitoba, "Loi Municipale", 12 juin, 1884, p. 2.

¹³⁹ M. F. P., The Legislature, April 15, 1886, p. 6.

¹⁴⁰ Loc. cit.

6. The liabilities of the present judicial boards to be assumed by such offices and collected from the municipalities within each judicial district.
7. The union of contiguous local municipalities so as to save the expense of so many municipal councils and officers.¹⁴¹

Should these suggestions be implemented judicial boards would be replaced by a central senior officer. In addition, local administration in certain aspects would be consolidated more than ever. These findings quite plainly represented greater centralization in municipal administration.

The revised legislation of 1886 was largely based upon the commission's report. This fact was intimated by the Hon. C. E. Hamilton at second reading. At that stage the attorney-general stated in part:

They (commission) found it impossible, even down to the time of the opening of the session to complete this very extensive work, and the bill passed from them direct to the printer during the opening days of the session, that it might be before the House if they thought fit to proceed upon it during the present session. The bill was not introduced by the Government, therefore, in any sense.¹⁴²

Consequently, as Greenway pertinently indicated in reply, the administration introduced a measure to which it was not entirely committed. Despite this unusual aspect, however, the bill eventually was passed.¹⁴³

In debate the administration manifested only a rather vague conception of the legislation. With reference to the abolition of judicial boards and the establishment of a single administrative officer at the centre Hamilton was extremely brief. Only of the former was he able to suggest:

¹⁴¹ M. F. P., Municipal Law, Dec. 3, 1885, p. 10.

¹⁴² M. F. P., The Legislature, April 15, 1886, p. 6.

¹⁴³ Ibid., June 3, 1886, p. 10.

The changes in reference to judicial boards was a matter that required very careful deliberation.¹⁴⁴

Singularly enough, any description of its successor, a sole administrative official, was lacking.

The actual legislation best offered a preview of the revised general system.¹⁴⁵ Consolidation was the predominant theme. Prevailing municipal legislation of all types was now systematized into a single measure.¹⁴⁶ More important at this juncture, judicial district boards gave way to a municipal commissioner.¹⁴⁷ Composite local authorities were abandoned for all purposes and would now only be revived when the initiative came from the municipalities. In short, they had the option to unite. Conversely, municipal corporations were entrusted with the administration of purely local affairs.

An antithesis was marked by the dual trends within the amended scheme. Centralization was denoted in the creation of the office of the municipal commissioner. At the centre this official and his department, although not yet a separate one, assumed previous responsibilities of the judicial boards. Hence, he would administer provincial court houses, jails and registry office with municipal fiscal support. Too, municipal redistribution with its fiscal settlement would fall to his lot. Oddly enough, no reference was made to inter-municipal works so the disposition of these was debatable.

¹⁴⁴ M. F. P., op. cit., p. 6.

¹⁴⁵ Manitoba Statutes, 1886, 49 Vic., Chap.

¹⁴⁶ Vide infra, p.

¹⁴⁷ Ewart, op. cit., p. 7.

Decentralization was emphasized by the customary subjects retained by the municipalities. They still preserved substantial powers in the control of numerous local matters. In one aspect of municipal administration, chiefly provincial-municipal and inter-municipal affairs, there was concentration at the top. Contrarily so, there was diffusion at the bottom because of local interests being entrusted to the municipalities.

Finance served to integrate both province and municipality under the revised arrangements. As before, the local authority continued to be levied for works not of a purely local character. Now the municipal commissioner set municipal levies for the establishment and maintenance of structures which both authorities used. Conversely, on occasion provincial grants for municipal works might be anticipated in view of similar past assistance. Admittedly, this assistance was not formally provided in the act, but was nonetheless real. Lastly, both authorities, either alone or in collaboration, would undoubtedly make expenditures on projects to their mutual advantage.

The influence upon the amended act was primarily domestic. Manitoba had now turned its back on Ontario; it no longer imitated the municipal forms of the central province. Particularly, the municipal commissioner's office was purely a local innovation.¹⁴⁸ Only to the extent that they reproduced past practices might other aspects of the legislation be attributed to outside forms. In that event, external influences were indirect.

Response to these alterations were quite varied. The Manitoba

¹⁴⁸ Ewart, op. cit., p. 7.

Free Press feared greater irresponsibility in the administration of municipal affairs because of the increased centralization.¹⁴⁹ Further, this journal was critical over local authorities not having been consulted over the proposed changes. In contrast, one of Norquay's journalistic supporters, The Manitoban, favoured the trend of concentration because of the reduction which it would effect in administrative expenses.¹⁵⁰ A Portage la Prairie periodical complained that the ratepayers were still saddled with a load of taxation for extra-municipal purposes.¹⁵¹ Conversely another rural contemporary, the Gladstone Age, deemed that consolidation in systematizing municipal law would assist local officials, especially appointive ones.¹⁵² French comment as represented by Le Manitoba was restricted wholly to technical operation, particularly elections, of the legislation.¹⁵³

The application of the scheme within this period was exceedingly limited. During actual debate the suggestion of deferring the legislation for another year was made; this delay would then permit more mature consideration of the proposed alterations.¹⁵⁴ On enactment, nevertheless, provision was made for bringing the legislation into force by proclamation. This step was not taken until October 18, 1886.¹⁵⁵

¹⁴⁹ M. F. P., "The Judicial Tax", May 6, 1886, p. 4.

¹⁵⁰ D. M., "Municipal Law", April 7, 1886, p. 3.

¹⁵¹ M. L., "Municipal and Election Bills", April 2, 1886, p. 4.

¹⁵² G. A., (untitled editorial), April 21, 1886, p. 2.

¹⁵³ Le Manitoba, "Elections Municipales", 4 nov., 1886, p. 2.

¹⁵⁴ P. la P., W. T.-R., "The New Municipal Bill", April 9, 1886 p. 2.

¹⁵⁵ Manitoba: Off., C. E. C., Abs. O.-inC., No. 2080, 1886, p. 330.

Evidently this late date was chosen so that the judicial boards might wind up their affairs, especially tax sales.¹⁵⁶ Meanwhile, it was predicted that one of Norquay's stalwarts would be the future municipal commissioner.¹⁵⁷ No doubt many were surprised over the appointment of the deputy attorney-general, L. W. Coutlée, to the post, pro tem, in mid-November.¹⁵⁸ Only to this extent was the revised scheme applied at the end of 1886.

By the close of this period attempts at consolidation had manifested striking trends. As composite bodies the county council and judicial district board were failures. The long range cause lay with the municipality not yet having made a satisfactory local adaptation. Immediately, the inability to collaborate with the province through these consolidated bodies seemed reasonable. To afford the local authority an opportunity to make both adjustments a third arrangement was essayed. In that scheme a much more distinct cleavage between provincial and local authority emerged. Subsequent municipal development has testified to the success of that endeavour.

¹⁵⁶ D. M., "The Municipal Act", Sept. 28, 1886, p. 2.

¹⁵⁷ B. D. S., "The Municipal Commissioner, Apr. 22, 1886, p. 4.

¹⁵⁸ Manitoba: Off., C. E. C., Abs. O.-in-C., No. 2115, Nov. 13, 1886, p. 334.

CHAPTER VII

Final Primary Developments: 1882 - 86

1. Rural Municipal Trends

A prominent aspect of rural municipal development during this last period was amending legislation. In 1882 only revisory action was taken.¹ The major amendments for 1882 pertained to special meetings, tax sales, and property exemptions for taxation purposes. Wardens now were obliged to summon special meetings on written request of a majority of the remaining councillors. Tax sales might be held of properties two years in arrears. The power to grant railways tax exemption was one of much importance to rural councils. These changes mainly applied to the operational sides of municipal endeavour.

The amendments for 1883 broadly entailed consolidation of existing law, municipal boundaries, and debentures.² As the Hon. C.P. Brown in part mentioned:

The second part has reference to the sub-division of these counties into municipalities. An important feature of the measure had regard to making the municipalities co-terminous with the boundaries of the counties. Next came the municipal provisions embracing almost entirely the present municipal law of the Province. And here he had to notice some changes, among them one respecting debentures issued by municipalities.³

¹ Manitoba Statutes, 1882, 45 Vic., Chap. 16, 1882 pp. 39 - 41.

² Manitoba Statutes, 1883, 45 & 47 Vic., Chap. 1, 1883, pp. 48- 50.

³ M.F.P., Legislative Assembly, June 26, 1883, p. 9.

Of prime importance was the fact that the provisions for debentures now involved the courts. Henceforth, rural units were compelled to have their bond issues certified by the county court judge. In explanation Brown was again enlightening:

The arrangements under this bill were such as would be a simple, effectual and satisfactory manner, to furnish capitalists with all the necessary evidence as to the requirements of the statute for the issue of debentures having been complied with.⁴

To illustrate further the fiscal trend of municipal legislation for 1883 one statute applied to the consolidation of municipal debts in particular.⁵

The alterations for 1884 were somewhat related. They pertained largely to tax arrears and municipal loans.⁶ As debate was only cursory, excluding the act itself, informal reports best revealed the essential revisions. The Winnipeg Daily Times, especially, was critical that the short period of one year for non-payment would prove expensive to municipalities. Conversely, extension of the time of redemption to two years favoured the non-resident owner, the speculator.⁷ In addition, provision was made for enabling judicial district boards to sell lands in arrears of local levies. With respect to loans, a rural council was empowered to borrow on unpaid levies for a six-month period from its judicial board. Omitting debenture issues

⁴ Loc. cit.

⁵ Manitoba Statutes, 1883, 46 & 47 Vic., Chap. 3, p. 193

⁶ Manitoba Statutes, 1884, 47 Vic., Chap. 2, pp. 29 - 31.

⁷ W.D.T., "Municipal Legislation", April 15, 1884, p. 4.

it also might make short-term loans without ratepayers approval.

Fiscal modification was again strong.

In 1885 amendments were of a miscellaneous character.⁸ Tax sales could be held every two years at the discretion of any given municipality. Rebates and penalties were specifically included, and official notice of tax sales and debenture issues was required. Of institutional importance membership of council might be reduced to four; non-residents, although not obliged to serve, might be elected as wardens.⁹ Clearly these changes affected the framework of local authority and also its operation.

With the major general amendment of 1886 form and content were both involved.¹⁰ Of the former as the Hon. C.E. Hamilton in part indicated:

The main aim of the bill was to place the municipal law of the province in one act; and if such an end could be carried into effect after due deliberation, no stronger advocate of the measure would be found than himself. It would be found, on examination, that the bill was largely a consolidation of the laws. Another feature was that of classification or arranging the different subjects under proper heads.¹¹

Clearly this implied an integration of all existing municipal law within the one statute.

⁸ Manitoba Statutes, 1885, 48 Vic., Chap. 23.
Ibid., Chap. 24.

⁹ G.A., "Amended Municipal Law", June 5, 1885, p. 2.

¹⁰ Manitoba Statutes, 1886, 49 Vic., Chap. 52.

¹¹ M.F.P., The Legislature, April 15, 1886, p. 6.

Actual subjects which the legislation treated were quite varied. Some of these were foreshadowed from the report of the special commission of 1885. Relevant findings stated:

8. The collection of all arrears of taxes and the holding of tax sales by the municipalities themselves.
9. Abolition of assessment of personal property in local municipalities.
10. Assessment every third year in local municipalities instead of annually as at present.
11. Revision of the assessment annually as at present so as to provide for changes in the voters' lists in the intermediate year.
13. Provisions compelling councils to divide local municipalities into statute labour districts and abolishing the statute labour tax in districts where there are no resident settlers.¹²

Some of these suggestions were included in the amended act in view of ensuing debate.¹³ Statute labour was so altered to give each part of a municipality its fair share.¹⁴ Past tax sales were validated which raised criticism over speculators being favoured for political gain.¹⁵ Lastly, railway subsidization was abolished but bonussing of local industries was still permissible. Quite significantly the province in 1892 assumed the debt which municipalities had incurred in bonussing railways.¹⁶ Throughout the amendments structural and functional endeavour of municipalities seemed most evident.

In the application of the legislation for this period municipal

¹² M.F.P., Municipal Law, Dec. 3, 1885, p. 10.

¹³ Vide supra, p.

¹⁴ D.M., "The Municipal Laws", March 29, 1886, p. 2.

¹⁵ B.D.S., "A Warning To Municipalities", Oct. 28, 1886, p. 4.

¹⁶ Manitoba Statutes, 1892, 55 Vic., Chap. 32.

action with respect to consolidated bodies was new. Springfield immediately after the formation of the Selkirk County Council in 1882 approached that body over inter-municipal roads.¹⁷ Despite the introduction of a general consolidated scheme the next year it was not until 1884 that municipal activity in this connection was common. St. Andrews then became involved in settling old accounts of its predecessor under the direction of the above county council.¹⁸ Lorne earlier decided to have a plan of an inter-municipal bridge prepared by the county engineer.¹⁹ Montcalm in urging abolition of the consolidated authority expressed a view typical of many rural units.²⁰

Rural municipal business with judicial boards was more detailed. In 1884, St. Andrews had estimates of \$1,097.18 and \$586.40 for county and judicial purposes respectively. Later, its council filed claims for finances remaining after the liquidation of the earlier municipality.²² Relations deteriorated gravely between Lorne and the Eastern Judicial District Board. In 1886 the later was demanded to pay all levies which it was allegedly withholding.²³ Montcalm at one stage made immediate returns of non-resident properties to the judicial body.²⁴ In 1885 to settle earlier accounts Birtle at its

¹⁷ P.A.M., Minutes: R.M. Spring, Aug. 12, 1882.

¹⁸ P.A.M., Minutes: R.M. St. Andrews, April 5, 1884, p. 27.

¹⁹ Minutes: R.M. Lorne, March 10, 1884, p. 164.

²⁰ Minutes: R.M. Montcalm, Feb. 2, 1884, p. 152.

²¹ P.A.M., Minutes: R.M. St. Andrews, Sept. 20, 1884, p. 81.

²² Ibid., Nov., 1884, p. 95.

²³ Minutes: R.M. Lorne, Feb. 28, 1886, p. 261.

²⁴ Minutes: R.M. Montcalm, Aug. 12, 1884, p. 182.

board's suggestion met with the first municipal clerk.²⁵ Springfield quite early requested a re-examination of the equalized assessment in one part of the municipality.²⁶ During 1885 the same council requested the advertising of defaulted properties for tax sale. Despite the inter-municipal role of the judicial board many local authorities collaborated directly. To undertake certain local works Birtle communicated directly with the other interested municipality.²⁷ Like Lorne, most rural units favoured the abolition of judicial district boards.²⁸

Education became a distinct municipal interest during this final period. That endeavour embodied chiefly formation and finance because of the school legislation of 1881.²⁹ Lorne reflected general effort in this field by re-adjusting two school districts the next year.³⁰ At the close of 1884 Riverside S.D. was newly formed by the same council.³¹ Because of difficulties in establishing Cassandra S.D. in 1885 Lorne turned the matter over to the Board of Education.³² Lorne also illustrated municipal concern for school funds. Early in 1885 three school districts were given advances of \$50.00 each.³³

²⁵ Minutes: R.M. Birtle, Jan. 13, 1885, p. 39.

²⁶ P.A.M., Minutes: R.M. Spring., Nov. 22, 1884, p. 48.

²⁷ Minutes: R.M. Birtle, Dec. 15, 1885, p. 77.

²⁸ Minutes: R.M. Lorne, Dec. 9, 1884, p. 206.

²⁹ Vide supra, p.

³⁰ Minutes: R.M. Lorne, Feb. 20, 1882, p. 81

³¹ Ibid., Dec. 9, 1885, p. 202.

³² Ibid., Sept. 14, 1885, p. 245.

³³ Ibid., Jan. 13, 1885, pp. 211 - 12.

Eventually this municipality became more rigorous and systematic in its educational duties. On one occasion its council resolved that the school district be entirely responsible for its own funds.³⁴ Finally, a separate school fund was established from which advances were to be made only after urgent debts were paid.³⁵ In view of these undertakings at Lorne School interests undoubtedly gained considerable attention from rural municipalities.

There was much evidence of municipal communication with the province during this phase. As no election had been held in Boulton in 1883 provision was made to that end.³⁶ To exemplify ward re-distribution Elm River two years later was permitted to eliminate its wards.³⁷ Daly in 1884 was requested to forward the five obligatory copies of its voters' list.³⁸ Carlton two years later was obliged to make a complete classification of non-designated names on its lists.³⁹ Tax collections gave some units much anxiety. Louise in 1883 asked the senior government how it might compel payment.⁴⁰ Arrangements for the sale of property in tax arrears were frequently made from above as St. Francis Xavier showed two years later.⁴¹

³⁴ Ibid., Sept. 14, 1885, pp. 248 - 49.

³⁵ Ibid., Jan. 12, 1886, p. 257.

³⁶ Minutes: Off., C.E.C., O.-in-C., No. 1404, Dec. 31, 1883.

³⁷ Ibid., No. 1751, May 21, 1885.

³⁸ P.A.M., Letter Book: Clerk Executive Council, C.A. Sadlier Secretary-Treasurer, Rural Municipality of Daly, Dec. 26, 1884, p. 392.

³⁹ Ibid., C.A. Sadlier to Sec-Treas., R.M. Carlton, April 24, 1886, p. 524.

⁴⁰ T.G. McKittrick, Corner Stones of Empire (Crystal City: Courier Publishing Co., n.d.), p. 38.

⁴¹ Manitoba: Off., C.E.C., Abs. O.-in-C., No. 694, Jan. 8, 1885, p. 283.

Indicative of provincial intervention in the execution of local works Belcourt in 1884 gained approval of a by-law applying to road alterations.⁴² Many senior grants were now made on a conditional basis. Thus in 1885 Clanwilliam was to be given an amount not exceeding \$500.00 for local works provided its council contributed 50 cents to every \$1.00 by the province. In furnishing a provincial department, Agriculture, with certain returns Russell was typical.⁴³ Lastly, to represent association for three levels of authority, Westbourne in 1886 petitioned the province to contact Ottawa with respect to a right of way in lieu of the one taken for the western railroad.⁴⁴ Municipal subsidization not only continued but also took new forms. Quite soon in its existence Birtle proposed to bonus a railway with at least the sum of \$40,000.00.⁴⁵ Assistance from Shell River through tax exemptions for five years to a proposed saw mill was intimated in 1885.⁴⁶ Carberry that year exemplified most municipal aid to grist mills by granting one relief from taxation for ten years.⁴⁷ In the case of municipalities not strictly rural Kildonan displayed a willingness to bonus a private tramway operating from Winnipeg.⁴⁸

⁴² Ibid., No. 1560, Aug. 13, p. 267.

⁴³ M.F.P., Municipal Councils - Russell, Jan. 26, 1883, p. 3.

⁴⁴ Manitoba: Off., C.E.C., O.-in-C., No. 2105, Nov. 11, 1886.

⁴⁵ Minutes: R.M. Birtle, Jan. 8, 1884, p. 5.

⁴⁶ Man. Gaz., Vol. XLV, No. 5, Jan. 17, 1885.

⁴⁷ Ibid., Vol. XL4, No. 5, Jan. 31, 1885.

⁴⁸ M.F.P., City Council, May 4, 1883, p. 3.

Rural municipalities, when considered on a territorial basis, revealed the degree of institutional maturity at this time. Moreover, the interest, flexibility, and adaptability of the prevailing municipal system were more greatly clarified. Then, too, for the local authority in particular the extent to which ingenuity was exercised by each in meeting its current problems became quite evident. Selection has been made from the period of six representative municipalities: Springfield, St. Andrews, Montcalm, Lorne, Birtle, and Turtle Mountain.

Springfield represented a unit with the earliest of origins. It was the first of all rural municipalities in Manitoba.⁴⁹ By reason of its lengthier existence Springfield now manifested a complex of endeavour. Minutes of a meeting in mid-June of 1882 indicated a variety of interests: defense of legal suit, poundkeeper's appointment, payment of six contractors on local works, an advance of \$275.00 to a school district, an increase in the clerk's salary, re-appropriating of a ward grant, a petition to the province for the assembling of the county council, a statue labour by-law, and receipt of fees of the cemetery plots.⁵⁰ Reflective of functional effort concerning local works a debenture issue of \$15,000.00 was made in 1884.⁵¹ To further accentuate consistent attention to municipalities in this regard; the province was then approached respecting certain drainage projects.⁵²

49 Vide supra, p.

50 P.A.M., Minutes: R.M. Spring, June 17, 1882.

51 Ibid., March 22, 1884.

52 Ibid., April 3, 1886, p. 101.

St. Andrews illustrated a municipality evolving from one of the old Red River parishes. Records from the municipality formed from the re-adjustment of the unit which was founded on 1880 implied a great deal. Early in 1884 a submission was made to the provincial legislature requesting tax exemption of lands belonging to half breed minors.⁵³ This action in itself represented the continuous influence of local past traditions. Next, council adopted a motion respecting the proposed Hudson's Bay Railway and the extension of provincial boundaries.⁵⁴ This was also one unit to indicate a systematic dispatch of its business. A session of 1885 pursued the following agenda: adoption of minutes of the last meeting, communications, accounts, committee reports, motions, by-laws, and court of revision proceedings.⁵⁵ Concise statements of annual estimates suggested not only a striving for orderliness but an extreme watchfulness over municipal funds.⁵⁶

Montcalm was a municipality with a predominant French Canadian racial strain. Rather interestingly, local necessities and services gained much attention from its council. As an action with a structural bent the publication of the municipal by-laws in French and English represented consideration for both major racial groups.⁵⁷ Most endeavours to promote local convenience were, however, of a functional

53 P.A.M., Minutes: R.M. St. Andrews, Feb. 2, 1884, p. 5.

54 Ibid., March 1, 1884, p. 24.

55 Ibid., May 16, 1885, pp. 151 - 61.

56 Ibid., Aug. 7, 1886, pp. 270 - 72.

57 Minutes: R.M. Montcalm, 16 jan. 1883, p. 15.

quality. In 1882 a by-law to control noxious weeds was passed.⁵⁸ During the ensuing year a ferry was purchased with the co-operation of Emerson and Youville.⁵⁹ Early in 1884 two constables were appointed to preserve the peace.⁶⁰ Local health was attended to directly and indirectly the next year. In the first instance council urged the province to appoint a county health officer. On the latter score expenses for the treatment of one ratepayer were later paid to the Winnipeg General Hospital.⁶¹

Lorne was a rural municipality in the central farming district of Manitoba. Fiscal matters embodied the primary interest for this unit. Emphasizing its early monetary activity the council passed a by-law in 1882 permitting a loan of \$1,000.00 for ordinary municipal expenses.⁶² With the onset of "hard times" the next year the sum of \$2,000.00 was borrowed; the ratepayers, furthermore, were given thirty days in which to pay their taxes.⁶³ In 1884 attempted borrowings from Winnipeg proved unsuccessful and the notice of a by-law providing for a loan of \$4,000.00 was withdrawn.⁶⁴ A motion the next spring to permit a loan of \$2,000.00 for current expenses was defeated on amendment.⁶⁵ Because of the alleged refusal by its

58 Ibid., 27 mars, 1882, p. 15

59 Ibid., 13 juillet, 1883, p. 79.

60 Ibid., 22 jan., 1884, p. 148.

61 Ibid., 2 Fev., 1885, p. 230

62 Minutes: R.M. Lorne, March 13, 1882, p. 77

63 Ibid., Jan. 16, 1883, pp. 114 - 15.

64 Ibid., July 5, 1884, pp. 182 - 83.

65 Ibid., May 11, 1885, p. 229.

judicial board to pay levies due the municipality Lorne in 1886 struck no rate for that body.⁶⁶ By all indications this was one local authority to feel the pangs of recession sharply.

Birtle was a north-western unit within a farming community also. Following the extension of provincial boundaries in 1881 this municipality was established simultaneously. Major undertakings at Birtle intimated a serious endeavour at adjustment to sudden material expansion. During its first summer the council urged a central location for the registry office so that no unnecessary inconvenience might be suffered by ratepayers.⁶⁷ The council voiced opposition to an anti-immigration resolution proposed earlier by the Manitoba and North-West Farmers' Union.⁶⁸ Shortly after an agreement was signed involving a bonus of \$40,000.00 to the Manitoba and North Western Railway.⁶⁹ In 1885 the warden proceeded to Ottawa in order to present certain resolutions pertaining to a western railroad.⁷⁰ As a whole, the far western authority by its actions seemingly tried to prepare for changing times.

Turtle Mountain was indicative of a local authority in the remote south-western part of Manitoba. The creation of certain types of districts within its confines was most unusual. In 1882

⁶⁶ Ibid., Oct. 13, 1886, p. 288.

⁶⁷ Minutes: R.M. Birtle, July 16, 1884, p. 19.

⁶⁸ Ibid., April 1, 1884, p. 10.

⁶⁹ Ibid., Oct. 18, 1884, p. 27.

⁷⁰ Ibid., April 4, 1885, pp. 48 & 49.

this municipality was organized into sub-divisions for a variety of purposes: assessments:⁷¹ school districts:⁷² road beats:⁷³ tax collections.⁷⁴ To climax these divisive trends two new two new units Deloraine and Riverside, were carved out late in 1882 from Turtle Mountain.⁷⁵ That event next gave rise to a series of inter-municipal problems which lapsed well into 1883.⁷⁶ The permanent existence of the south-western municipality indicated that the separatism of this period was not entirely disruptive.

In climaxing the comprehensive nature of municipal effort at this period certain by-laws of North Dufferin and Shoal Lake were revealing. The latter in 1884 imposed a penalty of \$5.00 on those refusing to accept office or take the prescribed oath.⁷⁷ Shoal Lake late in 1886 engaged an assessor for three years rather than for only one as usual.⁷⁸ These ordinances were definitely of a structural type. Functional ones were more frequently adopted. North Dufferin in 1884 passed by-laws concerning poor relief and Sabbath observance.⁷⁹ At the height of recession the

⁷¹ M.F.P., Turtle Mountain Council, March 3, 1882, p. 5.

⁷² Ibid., June 16, 1882, p. 8.

⁷³ Loc. cit.

⁷⁴ Ibid., Sept. 8, 1882, p. 8.

⁷⁵ Manitoba Statutes, 1882, 45 Vic., Chap. 23.

⁷⁶ M.F.P., Municipal Councils - Deloraine, March 16, 1883, p. 8.

⁷⁷ By-Laws: R.M. Dufferin, 1884, p. 23.

⁷⁸ By-Laws: R.M. Shoal Lake, Dec. 15, 1886, p. 218.

⁷⁹ By-Laws: R.M. Dufferin, 1884, pp. 15 - 16.

north western council cancelled various assessments because of their impropriety.⁸⁰ Dufferin earlier supplemented its funds with liquor licenses fixed at \$100.00 and \$200.00 for hotels and shops respectively.⁸¹ In 1886 the latter municipality granted compensation to owners whose animals were destroyed on account of infectious diseases.⁸² At that time also, Shoal Lake reflected both structural and functional endeavour, negatively, in repealing a by-law which originally provided a bonus of \$3,000.00 for a grist mill.⁸³

Rural municipalization at the close of 1886 was of a marked character. A general system had been established throughout the province. Each unit displayed much resourcefulness in coping with its problems, particularly those of a fiscal nature. The attempt to superimpose consolidated authorities upon the basic one ended in failure. Collaboration, however, with the local school district was greater than ever. The municipality in its own field continued to operate in a highly diversified manner. In doing so it strove to achieve a satisfactory adjustment to the change from a frontier to a settled community. Because of that striving rural municipal effort was becoming more intensive and complex.

2. Urban Events

The revision of the urban act of 1879 during this period re-

⁸⁰ By-Laws: R.M. Shoal Lake, July 17, 1885, p. 103.

⁸¹ By-Laws: R.M. Dufferin, Dec. 20, 1884, p. 27.

⁸² Ibid., Aug. 14, 1886, pp. 51 - 52.

⁸³ By-Laws: R.M. Shoal Lake, Aug. 27, 1886, pp. 176 - 82.

presented a degree of institutional change. With the amendments of 1882 towns now gained increased powers.⁸⁴ In particular, they were now permitted to grant tax exemption and right of ways to railroads.⁸⁵ Changes the next year arranged for the holding of nominations and elections at the same dates as fixed for rural municipalities.⁸⁶ Moreover, certain provisions applied to debenture issues for local works and utilities.

1885 marked the general consolidation of all urban statutes to date.⁸⁷ Basically the system remained the same although there were numerous alterations in particulars. Oddly enough, the measure was a private one as it was sponsored by J. Martin and T. Greenway. Unfortunately, the customary explanation at second reading appeared to be lacking.⁸⁸ A definite attempt was now being made to systematize completely the body of municipal law affecting towns.

With the consolidation of all municipal acts under the one statute in 1886 urban legislation was included. The nature of the change was intimated from the special commission's report of the preceeding year.

1. The consolidation of the present city charters and the Town Corporation Act with the general municipal laws.

⁸⁴ Manitoba Statutes, 1882, 45 Vic., Chap. 17.

⁸⁵ Vide supra, p.

⁸⁶ Manitoba Statutes, 1883, 46 & 47 Vic., Chap. 2.

⁸⁷ Manitoba Statutes, 1885, 48 Vic., Chap. 26.

⁸⁸ M.F.P., The Legislature, April 30, 1885, p. 10.

2. More stringent provisions relating to the incorporation of new towns and cities, and provisions enabling the Lieutenant-Governor in Council on petition to dissolve present towns or to detach from them farming lands at present included within their limits.⁸⁹

In view of the consolidating nature of the act their aims were largely realized.

Besides these general measures statutes were enacted applying to specific towns. In 1885 an act was passed extending the limits and boundaries of the Town of Emerson.⁹⁰ Morris' charter of incorporation was amended and confirmed the next year.⁹¹ Legalization by the legislature of a Selkirk by-law represented a common urban enactment.⁹² In 1884 Nelson individually was permitted certain powers to render the construction of a railway possible. During the following year a specific act defined certain arrangements between the Municipality and Town of St. Boniface.⁹³ By both general and specific measures this course of future urban growth was foreshadowed accordingly.

With the attempts at consolidation of municipal authorities towns were logically affected. Hence with the county council scheme in 1883 mayors of towns served on the composite council. Hence, the Town of Gladstone was represented on the council for the County of

⁸⁹ M.F.P., Municipal Law, Dec. 3, 1885, p. 10.

⁹⁰ Manitoba Statutes, 1882, 45 Vic., Chap. 36.

⁹¹ Manitoba Statutes, 1883, 46 & 47 Vic., Chap. 60.

⁹² Ibid., Chap. 68.

⁹³ Manitoba Statutes, 1884, 47 Vic., Chap. 72.

Westbourne by that officer.⁹⁴ When judicial district boards were established the chances of a town being represented were much less remote. Four of the five members were elective officers. Accordingly this number did not give each municipality, towns included, representation on the board. In 1885 the mayor of Gladstone sat on the Central Judicial Board.⁹⁵ Being the only urban officer on that body he would undoubtedly support the interest of all towns within his district.

Relations for towns with composite authorities closely paralleled those involving rural municipalities. As one of the few urban units having communication with the county council Portage la Prairie in 1883 paid its share of the registry office expenses.⁹⁶ Association with judicial district boards became much greater. Rapid City was concerned with the basis of its judicial assessment in 1884.⁹⁷ Later, difficulty over the payment of the judicial rate was witnessed in Gladstone.⁹⁸ A shortage of funds at Morris prompted the province to suggest that the Eastern Judicial District Board might help that corporation raise its levy. Of the instances of inter-municipal works affecting a town the latter board in 1884 approved a by-law respecting the opening of a road at Selkirk.⁹⁹ Seemingly, urban dealings

⁹⁴ M.F.P., Portage la Prairie, Jan. 17, 1884, p. 3.

⁹⁵ M.F.P., Central Judicial Board, Feb. 12, 1885, p. 9.

⁹⁶ M.F.P., Portage la Prairie, April 20, 1883, p. 1.

⁹⁷ R.C.S. & N.W.A., Town Council Proceedings, Feb. 15, 1884, p. 3.

⁹⁸ G.A., Gladstone Town Council, March 8, 1884, p. 1.

⁹⁹ Manitoba: Off. C.E.C., O.-in-C., No. 1620, Oct. 31, 1884.

with the consolidate bodies were at a minimum.

Towns, like the rural units, manifested an extreme diversity of interest. Gladstone at one council meeting gave its attention to four major items: agricultural society grant of \$50.00, appropriation from the county council, fixation of sidewalk lengths, and calling of tenders for local works.¹⁰⁰ Rapid City later considered school levies, assessor's salary, and a dog tax at one meeting.¹⁰¹ These were mainly endeavours of an operational character. Portage la Prairie exhibited action of a structural type in striking standing committees and appointing administrative officers immediately in 1884.¹⁰² Simultaneously indicating the perpetual fiscal problem that town also sought to dispose of properties in tax arrears. Gladstone ruthlessly lowered salaries the next year.¹⁰³ To exemplify associations with the province Neepawa in 1884 was requested to submit the required five copies of its voters' list.¹⁰⁴ Two years after Birtle was compelled to classify the names of its ratepayers properly.¹⁰⁵ Arrangements for holding a tax sale at Portage la Prairie were made much earlier.¹⁰⁶ When Nelson failed to hold an election in 1884 the senior government fixed the dates for that purpose.¹⁰⁷ Selkirk on two occasions typified customary urban

¹⁰⁰ M.F.P., Gladstone, Sept. 1, 1882, p. 5.

¹⁰¹ R.C.S. & N.W.A., Nov. 23, 1883, p. 3.

¹⁰² M.F.P., Portage la Prairie, Jan. 10, 1884, p. 6.

¹⁰³ M.F.P., Gladstone, Jan. 22, 1885, p. 7.

¹⁰⁴ P.A.M., Letter Book: C.E.C., C.A.Sadlier to Sec. Treas., Town of Neepawa, Dec. 26, 1884, p. 391.

¹⁰⁵ Ibid., C.A.Sadlier to Sec. Treas., Town of Birtle, April 22, 1886, p. 544.

¹⁰⁶ Manitoba: Off., C.E.C., Abs. O.-in-C., No. 1606, Oct. 2, 1884, p. 275.

¹⁰⁷ Manitoba: Off., C.E.C., Abs. O.-in-C., No. 1407, Jan. 3, 1884, p. 248.

aid to private enterprise. In 1883 the northern town subsidized a local lumber company.¹⁰⁸ A bonus of \$60,000.00 was granted the next year to the C.P.R. in order to gain a branch railway from Winnipeg.¹⁰⁹ The range and scope of urban endeavour indicated that the town council had now become a definite local body.

Excluding Winnipeg in the operation of civic authorities Brandon and Emerson comprised a striking contrast. The former was incorporated as a city in 1882 by a special statute.¹¹⁰ At no time was Brandon insolvent. At the beginning its ratepayers approved a by-law of \$150,000.00 for permanent improvements.¹¹¹ In 1886 they approved expenditure for a bridge involving the sum of \$12,000.00.¹¹² These amounts intimated that the city kept adequate fiscal reserves despite the prevailing "slump".

Brandon pursued the usual course of civic interests. Certain activities the first year implied the appointment of key officials: clerks, police, and firemen.¹¹³ At one meeting they dealt with appointive officers and their salaries, an account with the adjacent rural municipality, the city charter, and the revision of an assessment.¹¹⁴

108 Man. Gaz., Vol XII, No. 18, May 5, 1883.

109 Man. Gaz., Vol. XIII, No. 22, May 31, 1884.

110 Manitoba Statutes, 1882, 45 Vic., Chap. 35.

111 M.F.P., Brandon, Dec. 22, 1882, p. 4.

112 M.F.P., Brandon, June 24, 1886, p. 1.

113 M.F.P., Brandon, Dec. 8, 1882, p. 2.

114 B.D.S., The City Council, Jan. 22, 1884, p. 1.

Controversy over the selection of a site for the court house suggested association with the province.¹¹⁵ Later a petition was dispatched to the senior administration seeking a grant for a local agricultural society.¹¹⁶ Similar to many other municipal corporations Brandon was required to make complete returns of all ratepayers.¹¹⁷ As elsewhere, levies from a consolidated authority, judicial board, were opposed relentlessly.¹¹⁸ Commercial private ventures were subsidized as indicated by the assistance granted an elevator along with a grist and oatmeal mill in 1883.¹¹⁹ The "wheat" city gave every sign of being a success as an urban body.

Emerson proved a striking comparison. Incorporation of the two towns, Emerson and West Lynne, as the City of Emerson occurred in 1883.¹²⁰ In the performance of its duties the civic authority achieved an indifferent degree of success. Minutes of a meeting in 1884 intimated that consideration was given a variety of subjects: local improvements, police and fire departments, appointment of an auditor, committee reports, and a ward election.¹²¹ Outstanding items suggested that the city had diversified interests like Brandon too. The abolition of county councils was advocated during their

¹¹⁵ Manitoba: Off, C.E.C., Abs., O.-in-C., No. 1232,
July 25, 1883, p. 219.

¹¹⁶ P.A.M., Off. Lt.-Gov. Corr., Prov. Sec., to J.C.Aikins,
No. 257, May 6, 1886.

¹¹⁷ P.A.M., Letter Book: C.E.C., C.A.Sadlier to Clerk, City
of Brandon, April 22, 1886, p. 545.

¹¹⁸ M.F.P., Brandon, Aug. 20, 1885, p. 2.

¹¹⁹ M.F.P., Brandon, April 20, 1883, p. 16

¹²⁰ Manitoba Statutes, 1883, 46 & 47 Vic., Chap. 80.

¹²¹ Minutes: City of Emerson, June 9, 1884, pp. 139 - 41.

existence.¹²² Opposition to current anti-immigration sentiment in some quarters was next expressed.¹²³ Early in 1885 the consolidation of civic by-laws was begun.¹²⁴ An unsuccessful endeavour was made to prevent the C.P.R. from abandoning a loop line somewhat later.¹²⁵ Readily discernible in these diverse interests were the dual aspects, structural and functional, of civic activity.

From the start the "gateway" city was plagued with fiscal troubles. Quite soon in 1884 one group of ratepayers proposed a joint committee of councillors and citizens for the handling of the corporation's funds.¹²⁶ As a result, the offer was regarded as unwarranted interference with conciliar independence. Then the devious means which were utilized to raise a loan signified a decrease in resources. By the appointment earlier of a commission to inquire into Emerson's affairs an unstable position was most evident.¹²⁷ To aggravate the situation the mayor and majority of council were at odds for the greater part of 1885.¹²⁸ Because of the city's uncertain position, financially, the local school district later sought permission to collect its own levies.¹²⁹ Communications from the Eastern Judicial

122 Ibid., March 3, 1884, p. 110.

123 Ibid., March 17, 1884, p. 145

124 Ibid., Feb. 9, 1885, p. 189.

125 Ibid., March 22, 1886, p. 359.

126 Ibid., May 15, 1884, p. 133.

127 Manitoba: Off. C.E.C., O.-in-C., No. 1534, July 7, 1884.

128 Minutes: City of Emerson, Feb. 24, 1885, p. 196.

129 Ibid., April 7, 1885, p. 202.

District and Montcalm Municipality further drained the depleted civic treasury.¹³⁰ The prosecution of the assessor and collector for alleged fraud implied some laxity in administration.¹³¹ As matters grew worse senior authorities were asked to help in sharing the costs of certain essential services. In 1886 both Ottawa and Winnipeg were solicited for aid in the payment of expenses arising from a small-pox epidemic.¹³² Despite the enactment of legislation soon after to relieve the strain on civic funds the situation still prevailed.¹³³ As the anti-climax to its auspicious start, the ill-fated city in 1887 reverted to its former components: Towns of Emerson and West Lynne.¹³⁴

Brandon and Emerson formed a study in contrast. Like the former, a civic authority with efficient management, adequate funds and substantial community resources was assured success. On the contrary, as with the latter, where weak administration combined with a deficient sense of civic responsibility failure was bound to arise. Not without cause, therefore, was the example of Emerson ever before many another aspiring "city".¹³⁵ In any event, municipal development at the civic level was limited to these two centres during

130 Ibid., Sept. 7, 1885, p. 284.

131 Ibid., Dec. 16, 1885, p. 284.

132 Ibid., Jan. 11, 1886, p. 333.

133 Manitoba Statutes, 1886, 49 Vic., Chap. 24.

134 Manitoba Statutes, 1887, 50 Vic., Chap. 36.
Ibid., Chap. 49.

135 P.laP., W.T.R., "Civic Affairs", Sept. 5, 1884, p. 4.

this period.

3. Winnipeg

As the climax to urban municipalization Winnipeg displayed extremes in its statutory changes. In 1882 existing legislation pertaining to the government of the city was consolidated into a single act.¹³⁶ In addition, of significance for the future this act according to its title was known as a "charter". On that score, despite civic authority remaining basically the same as before, greater future autonomy was implied. The main revisions for 1883 entailed ward division and population.¹³⁷ Debate revealed differences as to satisfactory basis for representation in each ward.¹³⁸ By the resulting compromise the wards remained the same in number while prevailing representation was re-adjusted in view of shifts in population.¹³⁹ Simultaneous attempts to exclude the city from the county council scheme proved unavailing.

In 1884 the full impact of the earlier legislative changes was noticeable. Winnipeg now for the first time was granted an actual charter.¹⁴¹ Although complete civic autonomy was lacking

¹³⁶ Manitoba Statutes, 1882, 45 Vic., Chap. 36.

¹³⁷ Manitoba Statutes, 1883, 46 & 47 Vic., Chap. 64.

¹³⁸ M. F. P., Legislative Assembly, July 12, 1883, p. 9.

¹³⁹ Ibid., p. 10.

¹⁴⁰ Ibid., p. 9.

¹⁴¹ Manitoba Statutes, 1884, 47 Vic., Chap. 28.

the corporation now enjoyed maximum independence for this period. In spite of its separation from the County of Selkirk the city was still liable for all of its past debts to that county.¹⁴² Further, provincial charters granted private corporations were in no way affected.¹⁴³ All phases of civic action to date came within the purview of the act. Among the revisions of 1885 there were some of institutional importance. Those worthy of notice included the abolition of the board of police commissioners, appointment of a police magistrate, and simplification of taxation machinery.¹⁴⁴ Those amendments respecting an indemnity for the mayor and law enforcement machinery were generally welcomed.¹⁴⁵

1886 marked an unusual stage in legislation for Winnipeg. The special commission's report of 1885 foreshadowed the inclusion of Winnipeg's charter within the proposed general municipal act.¹⁴⁶ Accordingly, prevailing legislation pertaining to the city alone was now completely embodied in the consolidating statute, of that year.¹⁴⁷ In protest against that decision one Winnipeg member, E.G. Conklin, prompted the administration to divulge its attitude in this interchange:

142 Ibid., p. 104

143 W.D.S., "The City Charter", April 23, 1884, p. 4.

144 M.F.P., House of Assembly, April 16, 1885, p. 8.

145 W.D.S., "The City Charter", March 21, 1885, p. 2.

146 Vide supra, p.

147 Manitoba Statutes, 1886, 49 Vic., Chap. 52.

Hon. Mr. Hamilton - "The charter is here",
(in the bill).

Mr. Conklin - "The powers are curtailed".

Hon. Mr. Hamilton - "They are the same with very
few exceptions, which can be
corrected in committee".¹⁴⁸

This restrictive trend was evident again at the close of the session. Strong efforts were unsuccessfully made to restore past provisions respecting markets and police commissions.¹⁴⁹ Winnipeg's rights and privileges, however, were recognized to the extent that separate clauses were provided which applied to the city alone. Some of these involved ward representation, local works privileges, and debenture obligations. Despite these concessions the very loss of the charter now implied a degree of retrogression.¹⁵⁰ To emphasize the result Winnipeg did not regain its independent charter until 1902.¹⁵¹

The operations of consolidate bodies affected Winnipeg to some extent. In 1882 as its share of certain inter-municipal expenses the council refused to make certain payments to the county council of Selkirk.¹⁵² The major disagreement over this levy arose from one project, Springfield Road, being outside the civic limits. After the introduction late in 1883 of county councils generally the city prepared for levies from the consolidated body.¹⁵³ Following

148 M.F.P., The Legislature, April 15, 1886, p. 7.

149 Ibid., June 3, 1886, p. 10

150 The Evening News, "The Municipal Law", April 8, 1886, p. 2.

151 City of Winnipeg Municipal Manual, (Winnipeg: Henderson Directories Ltd., 1947), p. 11.

152 M.F.P., City Council, Sept. 11, 1882, p. 3.

153 M.F.P., City Council, Feb. 7, 1884, p. 6.

its exclusion from the county of Selkirk the next year Winnipeg was required to settle outstanding accounts with the composite authority.¹⁵⁴ When judicial boards were established the council considered a request from its board with respect to deferment pro tem of local taxation.¹⁵⁵ In 1884 the levy of the Eastern Judicial Board amounting to \$24,980.36 gave some indication as to the consequences superimposed bodies had for the city.¹⁵⁶

Some conciliar endeavour during this stage had marked structural qualities. During 1882 negotiations were undertaken to include the Municipality of Fort Rouge within the city.¹⁵⁷ Revisions that year to the charter in omitting provision for a voters' list created temporary confusion; the legality of the impending civic elections was hotly debated as a result.¹⁵⁸ As a sequel, some delay was experienced in 1883 over the eligibility of the mayor-elect, E.G. Conklin, since no returns had been made by Fort Rouge.¹⁵⁹ Doubtlessly swept away by "the boom" council gained the ratepayer's approval of a by-law for a \$1,000,000.00 debenture issue late in 1882.¹⁶⁰ Because of alleged irregularities in the handling of civic funds inquiries became the order of the day. The civic magistrate in 1883 investigated the

154 Vide supra, p.

155 M.F.P., City Council, June 10, 1884, p. 8.

156 Summary of Report, E.J.D., 1886, op. cit., p. 6.

157 M.F.P., Municipality of Fort Rouge, May 26, 1882, p. 2.

158 Ibid., City Council, Nov. 24, 1882, p. 3.

159 M.F.P., A Civic Muddle, Jan. 5, 1883, p. 2.

160 M.F.P., A Million Dollars, Dec. 29, 1882, p. 4.

awarding of certain civic contracts.¹⁶¹ At the close of the year another one only involving supplies, especially gravel and stone for street purposes, was next made.¹⁶² While the first inquiry had been undertaken by the city this latter one was conducted by the province. So loosely were civic affairs administered that a royal commission was appointed in 1884 to examine the city's fiscal position in full.¹⁶³ In spite of its lengthy existence in comparison to other municipal corporations in Manitoba, local authority in Winnipeg was still defective in parts.

Civic undertakings of a functional nature emphasized the striving for adjustment to changing times. Stress was now placed upon establishing certain public utilities and further encouraging commercial enterprises. In 1882 negotiations were begun for a tram service to be operated by a private firm.¹⁶⁴ Later proceedings revealed that an electric utility had been established in the city by 1883.¹⁶⁵ The appointment of a city engineer soon after whose main duties concerned sanitary services implied further interest in civic health.¹⁶⁶ Civic assistance to private enterprise took the form of tax exemption bonuses. In 1883 the C.P.R. was given \$200,000.00 for due performance of

¹⁶¹ M.F.P., City Council, March 30, 1883, p. 3.

¹⁶² Ibid., Dec. 6, 1883, p. 5.

¹⁶³ M.F.P., Civic Affairs, Jan. 1, 1885, p. 6.

¹⁶⁴ M.F.P., City Council, June 2, 1882, p. 3.

¹⁶⁵ M.F.P., City Council, Jan. 26, 1883, (supplement), p. 3.

¹⁶⁶ Ibid., April 27, 1883, p. 6.

its contract.¹⁶⁷ Three years following, the Hudson Bay Company was allowed tax exemptions on a grist mill and elevator.¹⁶⁸ To aid a non-profit making project a grant of \$2,000.00 was made in 1884 to the provincial exhibition which was duly held in the city.¹⁶⁹

Association with other authorities revealed a greater complex of civic interests. At one stage Ottawa was petitioned respecting a grant of land for a driving park.¹⁷⁰ Later a federal minister was interviewed in the city over the projected locks at St. Andrews in order to help navigation to Lake Winnipeg.¹⁷¹ With future insight the council in 1883 memorialized the dominion on a survey of Hudson Bay for shipping prospects.¹⁷² Relations with the province showed an increase in obligatory actions. In 1884 notice was received over the illegal appointment of the health officer as statutory requirements had not been met.¹⁷³ Like several other local authorities the city was required to make complete returns of its voters' lists in 1885.¹⁷⁴ Throughout these communications the growing diversity in civic activity was quite obvious.

¹⁶⁷ Ibid., March 30, 1883, p. 6.

¹⁶⁸ M.F.P., City Council, Sept. 21, 1883, p. 6.

¹⁶⁹ M.F.P., City Council, Jan. 17, 1884, p. 8.

¹⁷⁰ M.F.P., City Council, Jan. 27, 1882, p. 2.

¹⁷¹ Ibid., Oct. 20, 1882, p. 3.

¹⁷² M.F.P., City Council, March 30, 1883, p. 3.

¹⁷³ M.F.P., City Council, Jan. 10, 1884, p. 8.

¹⁷⁴ P.A.M., Letter Book: C.E.C., C.A.Sadlier to City Clerk, Winnipeg, Nov. 12, 1885, p. 484

Winnipeg by now had preserved its unequalled identity as a municipality. Despite the consolidation of its earlier charter within the general legislation in 1886 the city for all practical purposes was still a municipal entity unto itself. By virtue of being in that state during this period the capital had displayed a greater scope and depth in all its interests. Too, through those new interests it had managed to cope fairly well with altering circumstances.

4. Lag in School District Development

Legislative revisions showed that school districts now altered less than municipalities. With the major amendment of 1882 limitation of trustees' borrowing powers to a sum of \$20,000.00 no longer prevailed.¹⁷⁵ Those changes of institutional importance in 1883 pertained to a number of subjects: school district establishment, ward representation for cities and towns, annual district estimates, and loans.¹⁷⁶ With the first two of these items the particular section of the Board of Education now entered into the creation of school units more than ever. Ward representation was necessary because of the increased number of towns. By reason of close association with municipal councils school trustees were now required to draw up more orderly estimates by the third aspect of the act. Lastly, increased borrowings by many districts necessitated added restrictions on loans.

¹⁷⁵ Manitoba Statutes, 1882, 45 Vic., Chap 11.

¹⁷⁶ Manitoba Statutes, 1883, 46 & 47 Vic., Chap. 46, pp. 355 - 62.

Two measures embodied the amendments for 1884. Relevant aspects of the former concerned the formation and re-adjustment of school districts, estimates, and loans.¹⁷⁷ In every instance greater curbs were placed on trustees. With the latter enactment duration of office for trustees and their election were the main features.¹⁷⁸ Amendments for 1885 chiefly entailed provincial grants, minimum municipal school levy, district estimates, representation in cities and towns lacking wards, and annual meetings in cities and towns.¹⁷⁹ Municipalities were now required to levy taxes to the extent of providing a minimum of \$20.00 for each month its schools were open. Most clauses were largely confined to school boards in urban districts. Excepting for an act legalizing a by-law of Birtle Union S.D., no other school measures were adopted in 1886.

Activity by central authorities continued much as before. Frequent orders-in-council were approved respecting customary relevant subjects: division of the provisional grant, ratification of district formations as re-adjustments, authorization of school loans. Among these the approving of school loans was outstanding. Winnipeg Protestant S.D., in 1882 sought and gained approval of a loan amounting to \$100,000.00.¹⁸⁰ Indicative of many rural school units six

¹⁷⁷ Manitoba Statutes, 1884, 47 Vic., Chap. 37.

¹⁷⁸ Ibid., Chap. 54

¹⁷⁹ Manitoba Statutes, 1885, 48 Vic., Chap. 27.

¹⁸⁰ Manitoba: Off. C.E.C., Abs. O.-in-Co., No. 907, Oct. 18, 1882, p. 194.

bodies later gained permission to make loans of \$600.00 each.¹⁸¹

On its previous dual basis the Board of Education operated in its customary manner. If anything, there was greater intervention by each sectional board in the formation and re-adjustment of its particular districts which municipal councils had neglected, if not ignored. Hence certain ratepayers appealed to the particular sectional board in 1882 against the refusal of Rockwood Municipality to erect a school district.¹⁸² As a result the sectional superintendent was instructed to investigate. The action of Macdonald Municipality the next year regarding the drawing of the limits for one district was confirmed.¹⁸³ Because of opposition from Springfield Municipality the formation of a district there in 1886 was deferred pending further inquiry.¹⁸⁴ Within the preceding year a request from Portage la Prairie to assist in the establishment of a collegiate department reflected added fiscal demands upon one sectional board.¹⁸⁵ In review, central administration action continued to affect the school district substantially.

Developments at the actual local level among rural school districts were quite similar to those in the past. Brandon Municipality at one stage in 1882 formed three school districts.¹⁸⁶ Reflective of activity in the locality of Pilot Mound action was

¹⁸¹ Ibid., No. 1697, March 6, 1885, p. 283

¹⁸² M.F.P., Board of Education, Feb. 24, 1882, p. 5.

¹⁸³ M.F.P., Board of Education, June 28, 1883, p. 11.

¹⁸⁴ M.F.P., Board of Education, April 8, 1886, p. 5.

¹⁸⁵ M.F.P., Board of Education, April 23, 1885, p. 10.

¹⁸⁶ Man. Gaz., Vol. XI, No. 20, June 3, 1882.

taken to form Flora S.D. in 1885.¹⁸⁷ The trustees at Nelson S.D. utilized the municipality in raising its levy of \$1,500.00 for 1882.¹⁸⁸ To exemplify the numerous applications for authorization to borrow money Armour S.D. in 1885 sought permission to make a loan of \$800.00¹⁸⁹ Because of alleged irregularities in local administration the ratepayers of Turtle Mountain in 1883 requested the municipality to investigate the situation.¹⁹⁰ Brandon later canvassed other school boards on the inclusion of collegiate studies in the curriculum.

As an urban school authority Winnipeg again represented the apex of development. There, however, were some uneven spots within that unit. Because of the prevailing confusion over the city charter the Protestant trustees decided not to hold annual elections in 1884.¹⁹¹ This action was duly validated by the subsequent statute.¹⁹² In 1882 reports indicated that no contact had been made by late April with the Roman Catholic authority relative to the allocation of certain levies.¹⁹³ The secretary-treasurer was next reprimanded because of his

¹⁸⁷ William Reid, Memories of Pioneer Days at Pilot Mound (Pilot Mound: Pilot Mound Sentinel Print 1930), p. 22.

¹⁸⁸ M. F. P., Provincial Gleanings - Nelson, Nov. 2, 1882, p. 6.

¹⁸⁹ Man. Gaz., Vol. XIV, No. 2, Jan. 10, 1885.

¹⁹⁰ M. F. P., Turtle Mountain, Nov. 29, 1883, p. 2.

¹⁹¹ M. F. P., School Board, Jan. 26, 1883, p. 3.

¹⁹² Manitoba Statutes, 1883, 46 & 47 Vic., Chap. 46, p. 361.

¹⁹³ M. F. P., School Board, April 28, 1882, p. 5.

discourteous treatment of teachers.¹⁹⁴ Despite these incidents Winnipeg was an urban unit to enjoy steady progress as its autumn report of 1886 revealed.¹⁹⁵

Local school authorities in no way underwent change like their municipal counterparts. Because of its wide range of interest and its more immediate utilitarian purpose the municipality gained greater prominence. For that reason increased attention was given it both by the ratepayer and government alike. In short, the council was more useful for broader adaptive ends than the school board. Finally, because of its longer existence and smooth operation the school district required less modification under current circumstances.

5. Legislation of Municipal Concern

Local works were promoted by the adoption now of two general statutes. With the first in 1882 municipal councils were empowered to undertake surveys of drainage projects and execute these projects through the issuance of debentures.¹⁹⁶ Majority ratepayers approval, however, was required if such a loan were necessary. Undoubtedly because of this act units like South Dufferin were prepared to undertake drainage works.¹⁹⁷ With the second measure in 1885 the province was prepared to assist municipalities with local works and

194 M.F.P., School Board, Nov. 27, 1884, p. 10.

195 M.F.P., School Board, Nov. 10, 1886, p. 4.

196 Manitoba Statutes, 1882, 45 Vic., Chap. 25.

197 M.F.P., South Dufferin Council, Jan. 27, 1882, p. 3.

county buildings.¹⁹⁸ An application appears to have been made in the case of a Springfield project when a grant of \$1,500.00 was made that year; the municipality was required to share part of the expense.¹⁹⁹

Definite encouragement was given to municipalities striving to gain rail communication. By an act of 1882 railroads of at least twenty miles in length were exempted from both provincial and municipal taxation.²⁰⁰ Municipalities like Westbourne and St. Andrews would exemplify those benefitting from the legislation on account of railroads being projected through their limits at this time.²⁰¹ Provincial bonussing of the Manitoba and South Western Railway Company in 1885 illustrated an application of the measure.²⁰² In each case, municipalities gained communication in lieu of being deprived of their power to tax railways.

Municipalities were affected by general legislation which was aimed at providing specific services: agriculture, health, and vital statistics. An enactment of 1883 providing for the inclusion of these services in a single provincial department was not illustrative.²⁰³ Subsequent activity by this bureau, Department of Agriculture, required municipalities, especially rural ones, to file certain returns. Fore-shadowing of this measure occurred with a statute of 1882 applying to

¹⁹⁸ Manitoba Statutes, 1885, 48 Vic., Chap. 6.

¹⁹⁹ Manitoba: Off., C. E. C., Abs., O.in-C., No. 1819, Aug. 31, 1885, p. 298.

²⁰⁰ Manitoba Statutes, 1882, 45 Vic., Chap. 30, p. 60.

²⁰¹ Manitoba Statutes, 1885, 48 Vic., Chap. 42, p. 357.

²⁰² Thompson and Edgar, op. Cit., pp. 387 - 88.

²⁰³ Manitoba Statutes, 1883, 46 Vic., Chap. 29.

noxious weeds.²⁰⁴ With this latter act municipalities were required to enforce definite weed restrictions. In 1885 similar demands were again made of rural councils particularly in connection with infectious and contagious diseases among animals.²⁰⁵ By the first act St. Paul was requested to make certain agricultural returns in 1883.²⁰⁶ Turtle Mountain during the preceding year in passing a weed by-law evidently, applied the second measure.²⁰⁷ Montcalm in compensating an owner for the loss of his animals in 1885 appeared to act under the last statute.²⁰⁸

Certain welfare measures also implied added responsibilities for municipalities. By one of 1883 respecting provincial aid to charitable institutions municipalities were also empowered to make similar grants.²⁰⁹ Accordingly, Woodlands in 1883 was willing to make a grant of \$50.00 to the Winnipeg General Hospital subsequent to an earlier one.²¹⁰ With a later measure applying to the confinement of insane persons to the provincial asylum municipalities were rendered liable for expenses in the case of indigents.²¹¹ Occasionally this obligation might be expected to work much hardship.

²⁰⁴ Manitoba Statutes, 1882, 45 Vic., Chap. 12.

²⁰⁵ Manitoba Statutes, 1885, 48 Vic., Chap. 11.

²⁰⁶ M.F.P., Municipal Councils, St. Paul, March 9, 1883, p. 8.

²⁰⁷ M.F.P., Municipality of Turtle Mountain, June 16, 1882, p. 8.

²⁰⁸ Minutes: R.M. Montcalm, Dec. 16, 1885, p. 296.

²⁰⁹ Manitoba Statutes, 1883, 46 & 47 Vic., Chap. 16 p. 234.

²¹⁰ M.F.P., Municipal Councils - Woodlands, April 13, 1883, p. 5.

²¹¹ Manitoba Statutes, 1886, 49 Vic., Chap. 6, p. 16.

Liquor control enactments clearly recognized municipal powers in the fixation of licenses supplementary to provincial ones. By an act of 1883 no limit restricted a municipal council in this respect.²¹² Three years later local schedules could not exceed provincial scales.²¹³ North Dufferin represented a municipality which was limited in this phase of its operation.²¹⁴

Election statutes affected municipalities to a certain extent. By one such act for 1886 municipal voters' lists were permitted to be used for provincial elections.²¹⁵ Hence, the numerous instances when local authorities supplied copies of their lists for the latter purpose were readily understandable. Moreover, these returns were required by municipal legislation of 1885 as a provincial request that year to Brenda Municipality revealed.²¹⁶

Lastly, but by no means of least importance an act of 1883 permitted municipalities to consolidate their debt.²¹⁷ The leading provisions of this measure limited terms of local debenture for this object to a period of fifty years and an interest rate of six per cent annually. Franklin Municipality evidently applied the measure

²¹² Manitoba Statutes, 1883, 46 & 47 Vic., Chap. 14.

²¹³ Manitoba Statutes, 1886, 49 Vic., Chap. 21.

²¹⁴ Vide supra, p.

²¹⁵ Manitoba Statutes, 1886, 49 Vic., Chap. 29.

²¹⁶ P.A.M., Letter Book: C.E.C., C.A.Sadlier, to Sec. Treas., R.M.Brenda, July 11, 1885, p. 438.

²¹⁷ Manitoba Statutes, 1883, 46 & 47 Vic., Chap. 3.

in 1884 on approving a by-law permitting a loan of \$20,000.00 for the payment of current liabilities.²¹⁸ If anything, this statute tended to curb excessive borrowing terms which a local authority might be tempted to accept. Hence, indirectly, inadvisable municipal loans were discouraged.

Legislation with municipal implications had a degree of significance. Although not affecting local authority like general municipal measures such acts helped to supplement the specific enactments. For this reason the indirect statutes aided in permitting the municipality to achieve its primary ends. In addition, these secondary acts in rounding out the general municipal scheme permitted a greater harmony in the operation of provincial and municipal authority. Therefore, the general welfare was promoted as a whole.

Development at the municipal level now emphasized two distinct trends. As the focus of administration at the top the municipal commissioner was in charge. His office handled all matters of a provincial-municipal or inter-municipal aspect. In contrast, the municipality was solely responsible for purely local matters. At the plane it was truly an authority unto itself. No consolidated or intermediate body was retained to permit a pyramidal institutional structure. Consequently, in attending to local affairs the municipal commissioner was complemented by the municipality.

²¹⁸ Man., Gaz., Vol. 13, No. 41, Oct.11, 1884.

CHAPTER VIII

1. CONCLUSION

In retrospect, it may be seen that the municipal development of Manitoba proceeded by certain stages. Prior to union, with the administration of local affairs under the Council of Assinboia first and the Provisional Government next, conventional municipal authority did not exist. These two governments acted upon all matters, later regarded as provincial or municipal, without making any distinction. Then, too, because of the arbitrary basis for Hudson Bay Company rule, government by the Council of Assinboia was not truly representative in the sense that Riel's administration was. The latter eventually was formed as a result of popular choice.

During the decade from 1870 to 1880 two major trends were noticeable. First, at union the sharp differentiation between dominion and provincial jurisdiction was effected. No such division, however, was made between the province and the municipality for the very good reason that the latter government had no general existence. Immediately judicial administration of local affairs as provided by the assessment acts soon revealed its inadequacy. Shortly after, local authority was conventionally organized on an optional basis. Of the two units to arise in the beginning only Springfield and Sunnyside emerged as typical of a rural body; Winnipeg as the second one typified an urban

creation. Moreover, the former was organized on a township basis while the latter remained a singular municipal entity to the close of 1886. Secondly, retardment next characterized municipal developments after 1875. Only four rural municipalities were formed at this time. Kildonan along with St. John's, and then Rockwood, organized on a parish and township basis respectively while Westbourne and Portage were formed as larger county municipalities. Foreshadowing future general urban trends, Emerson was organized as a town in 1879. Not only was there retardation in the establishment of further units but those formed manifested a constant degree of curtailment in their operation.

Within the last six years of this inquiry three developments were quite prominent. First, in 1880 a general compulsory municipal system was imposed upon the entire province. This step was again re-emphasized by the application of the scheme to the areas added to the province in 1881. Along with rural authorities some urban units, towns in particular, were incorporated but only on an optional basis. Next, the consolidation of municipalities into county councils and judicial boards was then attempted, but without success. Finally, to effect practical arrangements for the future re-shifting occurred again. A municipal commissioner was appointed to handle inter-municipal affairs falling to the consolidate authorities previously; municipalities were entrusted with the administration of purely local affairs.

Municipalization served to achieve three broad purposes. Throughout, and most tenuous, was the promotion of political habits

which were implicit in a system of local authority. Predominance of the Ontario influence in municipal development represented one attempt of settlers from that province to perpetuate their way of life in Manitoba. Complementary to that striving an adequate adjustment to the frontier situation was necessary for the newcomers.¹ Municipal institutions therefore were desired by many as a means for promoting the more satisfactory adaptation to a new situation. Finally, and more immediately, because of that very eastern influence municipal government had a particular utilitarian purpose. The municipal council was regarded as the agency for administering local services which private enterprise failed or refused to accept. Other than on these grounds, it was difficult to explain the constant urgings for a conventional municipal system despite the availability of judicial machinery under the early assessment acts.

To stimulate the growth of local authority in Manitoba there were four substantial forces: political: economic: social: natural. Provincial - municipal relations clearly manifested the operation of the first two influences. In particular, the Norquay administration through its municipal policies and economic retrenchment went far to bringing about the emergence of a general scheme. With the creation of a compulsory system in 1880 duties previously undertaken by the province were laden upon the inferior governments in order to relieve the senior treasury. Less definite was the social pressure for a general plan. Because of its greater group acquaintance with British political institutions, the Ontario element pressed for customary municipal forms.

¹ Lower, op. cit., p. 403.

In contrast, the French population at first was averse to municipal-ization because of taxation. Other non-Angle-Saxon groups soon became accustomed to local institutions. Despite their early opposition, the Mennonites revealed an acceptance of the innovation according to reports of proceedings at Douglas Municipality in 1884.² Natural factors were not to be ignored, particularly in an agricultural province like Manitoba. Municipal funds were greatly determined by harvests which were so dependent upon climate. As an example, leniency in tax collections because of early frosts was not uncommon as Louise Municipality revealed in 1884.³

The growth of municipal institutions in Manitoba had marked features. Unlike the sharp differentiation in dominion-provincial jurisdiction in 1870 municipal authority evolved much more slowly; not until 1880 was the province organized into a general system of municipalities. What few units operated meanwhile, were formed optionally. They were incorporated at the instance of the particular locality. After the introduction of a compulsory plan these differences between provincial and local jurisdiction in certain interests remained vague for some time. The disagreement over specific county and inter-municipal duties of the consolidated bodies was quite typical. Because of the late date at which the municipal commissioner's office was established the effect of that arrangement is beyond assessment.

² H. H. Hamm, "Sixty Years of Progress", -The Rural Municipality of Rhineland (Altona: D. W. Friesen and Son, 1944), p. 12.

³ T. G. McKittrick, op. cit., pp. 51 - 52.

Specific traits might be attributed to the municipality.

The rural unit finally emerged as a blending of the township and county.⁴ City and town corporations were replicas of those elsewhere. Under prevailing circumstances all types of local authority possessed much flexibility. They speedily became accustomed to assuming new obligations. Railway subsidization, tax exemptions and utilities embodied interests which clearly reflected adaptiveness to changing events. Complementary to this pliancy was the remarkable simplicity of the municipal body. The rural council especially represented a minimum of organization. It was small, compact, and unitary; directly responsible to the ratepayers; and relatively free from immediate provincial dominance. Another noticeable aspect was economy in administration. By virtue of the pioneer community and fluctuations in trade the council acted accordingly. Then, too, indiscreet spending would surely be remembered at the polls. Over and above these qualities, both the province and the municipality strove for maximum effectiveness in local rule. This urge for some councils verged close to the hope of realizing perfection. At least, an attempt to perfect conciliar operation was frequently made.

Municipal activity was early resolved into certain forms. That endeavour considered to fall into two categories: structural and functional. Structural action was usually taken early and involved the framework of authority. Functional effort was more predominant and applied to the actual working of the local body. What a council did for its own ends stressed the former. Rules of proceedings,

⁴ A. Brady, Democracy in the Dominions, (Toronto: University of Toronto Press, 1947), p. 58 - 59.

committees, and standing orders emphasized structural proceedings. What was done for the ratepayer illustrated functional aspects of municipal administration. By this latter type of undertaking much was done in providing physical, protective, and welfare services. Finally, as the integrating factor, finance was significant. Structural endeavour had meaning only when it promoted functional effort; money was vital to full conciliar operation. Because of its ambiguous nature, finance defied classification. Certainly all three types of undertaking embodied the usual proceedings.

Definite forms of municipal authority were evident by 1886 in Manitoba. Among the municipalities rural, urban and civic councils were in existence. The most common of these was the first on account of the many rural municipalities. Urban bodies came next as a number of towns had now been incorporated. Of the cities Winnipeg was unusual. Because of its early incorporation, 1873, and rapid expansion the capital speedily fell into a class by itself. The school district quite soon developed as a local authority completely apart from the municipality. In its independent emergence the board of trustees had but the one interest; education. Further, supervision from above not only was undertaken by the senior government directly but mainly through its central agency, the Board of Education. Despite the duality present in the school system and the division of school districts into urban and rural groups the school board retained its freedom and identity in local school administration.

Relations for local authorities tended to define their position more acutely. Association with senior governments showed that the municipality was frequently at a disadvantage mainly because of its

inferior constitutional status. Connections with consolidated bodies proved a source of discontent for municipalities in general. Particular was this so with the county council in contrast to the judicial board. With the latter its more concentrated form and rigidly defined limits largely accounted for its success. Inter-municipal communication rarely ended in success; rivalry and jealousy between units was largely to blame. Compromise was often unacceptable to either council and so many such negotiations failed. Between municipal and school authorities finance was the major interest. In a few instances the trustees were at the mercy of the council for the school levy or an advance on it. Collaboration, however, on this score was comparatively harmonious on most occasions. Communication with private groups or individuals on routine matters found the municipality at an advantage. Where these negotiations involved essential projects, like railways, elevators and grist mills, the reverse situation prevailed.

By the end of 1886 there was a marked duality in municipal administration. At the top the municipal commissioner was responsible for provincial relations with municipalities and inter-municipal business. Along the bottom the municipality attended to matters of purely local concern. Retrenchment had largely accounted for this eventual division between the centre and the outlying unit. Intermediate bodies of a consolidated nature were lacking. They had now proven most unsatisfactory. Hence, institutional machinery for the conduct of municipal affairs revealed a sharp contrast in both major components. Forming the apex of administration the municipal commissioner's office was quite noticeable. Conversely, as the supporting base the system of municipalities was most substantial.

The survival of this arrangement, even to the present, testified to its merits.

The success of municipal institutions during the period reviewed might be assessed in two ways. First, did the local authority succeed immediately? In view of current circumstances and what was done the answer would seem to be in the affirmative. Both municipal council and school board acted under trying conditions and accomplished many of the ends for which they were originally established. Second, was success achieved in the long run? To this question one authority has offered a suitable reply:

Success will be measured by the capacity of an institution to adjust itself to its surroundings and to demonstrate its fitness to survive.⁵

Certainly the municipal authority was adaptive to change and it has persisted to the present. For these reasons it enjoyed permanent success.

⁵ E. M. Sait, Political Institutions, A Preface, (New York: D. Appleton-Century Co., Inc., 1938), p. 52.

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