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Elephant Hunters Inspecting Concrete Sidewalks
Engineering Expertise in Toronto's Age of Municipal Reform

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Article abstract

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Elephant Hunters Inspecting Concrete Sidewalks

Engineering Expertise in Toronto's Age of Municipal Reform

by James Hull

Introduction

In March of 1855 the City of Toronto advertised for a "City Engineer and Surveyor," receiving several applications including one from Sandford Fleming, later famous for his work on the transcontinental railway line and the creation of standard time. He lost out, however, by a single vote, as city council instead selected William Kingsford who had learned his craft on-the-job surveying a plank road while serving in the First Dragoon Guards in Lower Canada and later worked as deputy city surveyor in Montreal.[1] His new position carried with it an annual salary of £750 from which he was expected to pay for any assistance. A dispute over the terms of this provision and more generally his accountability to council led by 3 Sept. 1855 to his dismissal being proposed by the City's Board of Works. By 22 October Kingsford's resignation was in the hands of council and he on to a varied career as an engineer, journalist and author of a ten-volume *History of Canada*. This incident thus set an early precedent; civic politicians in Victorian Toronto accepted that the technological challenges of urban infrastructure would require them to seek expert assistance in overseeing the city's growth but they wanted their engineers on tap not on top. A generation later, battle was joined again, this time over a cluster of issues including the engineer's authority, the competence of his staff, aldermanic privilege and development of the city's infrastructure, played out against a political backdrop of municipal reform.[2]

Like other late-nineteenth and early-twentieth century reform movements, urban reform was largely a phenomenon of middle-class, Anglophone, big-city

[1] William Kingsford in the *Dictionary of Canadian Biography*.

[2] The rollicking as well as incisive account in Christopher Armstrong and H.V. Nelles, *The Revenge of the Methodist Bicycle Company* (Toronto: Peter Martin, 1977), is still unchallenged for city politics in this era. But see also Paul Rutherford, "Tomorrow's Metropolis: The Urban Reform Movement in Canada, 1880-1920," CHA *Historical Papers* 1971, 203-26. For a reply to Rutherford see John C. Weaver, "'Tomorrow's Metropolis' Revisited: A Critical Assessment of Urban Reform in Canada, 1890-1920," in Gilbert A. Stedter and Alan F.J. Artibise (eds.), *The Canadian City* (Ottawa: Carleton University Press, 1984), 456-477.

Abstract

Criticisms of the work of the City Engineer's department by members of Toronto Council in 1891-92 led variously to an action for libel, an inquiry, and resignations. While urban reformers in Ontario and elsewhere often couched their criticisms in terms of rational expertise vs. political interference, what this particular case and others like it show instead is that the possession of expert knowledge and the appropriation of a mantle of scientific rationality did not remove politics from decision-making but rather made salient the essentially political nature of expertise. These incidents and the documentation they generated allow us particularly useful windows through which we may view the evolution of municipal governance during a crucial period in the history of North American cities.

Résumé: *En 1891-1892, les Conseillers municipaux de la ville de Toronto émirent de sérieuses critiques sur le fonctionnement du Département des Ingénieurs civils de la ville; ce qui entraîna non seulement l'ouverture d'une enquête, mais aussi une poursuite judiciaire pour libelle, et deux démissions. Généralement, quand il est question de réforme urbaine, on oppose souvent la rationalité de l'expertise aux ingérences politiques; mais le cas que nous étudions, comme d'autres cas similaires, montre en fait la nature fondamentalement politique des expertises. Avec son aura de rationalité scientifique, le savoir des experts devrait permettre d'exclure la politique du processus de décision; mais, c'est souvent le contraire qui se produit. L'étude de ce cas particulier permet aussi de mieux comprendre l'évolution des pratiques de gouvernance au niveau municipal à une période cruciale dans l'histoire des villes d'Amérique du Nord.*

dwellers. The cast of characters included journalists, business people, professionals, social gospellers, planners and some civic politicians. They wanted a more activist city government but not more democracy. "Convinced of the omnipotence of science...reformers did place increasing emphasis on the appointment of well paid, highly trained experts" with "sufficient powers and sufficient autonomy to regulate the life of the city without the meddlesome interference of the mayor and the aldermen."[3] Reformers tried to restrict the power of council while expanding the scope of city governance. New managerial and administrative entities (boards, commissions) "could and did protect their decisions with references to the public good and to the highly technical nature of their task."[4] Progressive reformers in both the United States and Canada often couched their criticisms in terms of rational expertise vs. political interference. What the particular case detailed in this paper and others like it show instead is the inherently political nature of such expertise. The possession of expert knowledge and the appropriation of a mantle of scientific rationality did not remove politics from decision-making but rather made salient the essentially political nature of expertise.

A Growing City

Turn-of-the-century Toronto experienced the sort of outward and upward physical growth, which challenged both the political structures and infrastructures of so many North American urban areas.[5] Not even the devastating

[3] Paul Rutherford, *Saving the Canadian City: the first phase 1880-1920* (Toronto: University of Toronto Press, 1974), xvii-xx.

[4] Weaver, "'Tomorrow's Metropolis"

[5] Toronto lacks a comprehensive scholarly history. Useful works include the popular history by Bruce

Time to rebuild, Northeast corner of Bay and Front after the Great Fire of 1904. City of Toronto Archives Fonds 200 Former City of Toronto fonds. –1834-1997, Series 376 City Engineer's Dept. photographs. – 1891-1911, File 4, Item 57

conflagration that would consume a large part of the downtown in 1904 would seriously interrupt the city's emergence as Canada's second metropolis.[6] Gad and Holdsworth identify the 1880s to the 1920s as the third phase of Toronto's economic development, one in which it grew and functioned "as a manufacturing centre with a parallel role as financial and head-office city for an increasingly larger area" but without yet the national function of Montreal. Toronto both expanded outward by annexation and built upwards with a new generation of commercial buildings in the central business district (CBD), a number with six to ten stories and a handful with ten to twenty. This growth was fuelled by a combination

West, *Toronto* (Toronto: Doubleday, 1979), as well as Victor L. Russell (ed.), *Forging a Consensus* (Toronto: U of T Press, 1984); Rutherford, *Saving*; Frederick H. Armstrong, *A City in the* Making (Toronto: Dundurn, 1988); J. M. S. Careless, *Toronto To 1918. An Illustrated History*. (Toronto: James Lorimer and Company, 1984) and the companion volume, James Lemon, *Toronto Since 1918. An Illustrated History* (Toronto: James Lorimer and Company, 1985). William Dendy and William Kilbourn, *Toronto Observed. Its Architecture, Patrons and History* (Toronto: OUP, 1986) attempts a history of Toronto through its buildings. Richard Harris, "The impact of building controls on residential development in Toronto, 1900 – 1940," *Planning Perspectives* 6 (1991), 269-96 offers the best scholarly account of Toronto's subsequent growth in this period. The title of Lorenzo Spagnoli's *Toronto La costruzione della 'citta che funziona'* (Milano: Etas Libri, 1998) is a clever allusion to Toronto's claim to be the "City that works." Jesse Edger Middleton, *The Municipality of Toronto* (Toronto: Dominion Publishing Company, 1923) is a valuable source of factual information though it is more boosterism than history. Eric Arthur, *Toronto, No Mean City* (Toronto: U of T Press, 1964) 3rd edition revised by Stephen A. Otto (1986) is a history of Toronto architecture. Laurence Solomon, *Toronto Sprawls* (Toronto: University of Toronto Press, 2007), argues that policy favoured geographic extension of city not high density as a means of maintaining order in face of class and ethnic challenges. Alan F.J. Artibise and Paul-André Linteau, *The Evolution of Urban Canada* (Winnipeg: Institute of Urban Studies, 1984), surveyed the literature to date. For the broader literature on North American urban history see Eric Monkkonen, *America Becomes Urban: The Development of U.S. Cities and Towns, 1780-1980* (Berkeley: University of California Press, 1988); Robert Fogelson, *Planning the Capitalist City: The Colonial Era to the 1920s*, (Princeton, Princeton University Press, 1986); M. Christine Boyer, *Dreaming the Rational City: The Myth of American City Planning* (Cambridge: MIT Press, 1983); Sam Bass Warner, *Streetcar Suburbs: The Process of Growth in Boston, 1870-1900)*, (Cambridge: Harvard University Press, 1978).

[6] But c.f. Jim Sentence, "Reconsidering Toronto's Emergence as a Metropolis: Some Evidence from the Census," *Urban History Review* 13:1 (June 1984), 9-18. This was Toronto's second "great fire," after that of 1849. See also Christine M. Rosen, *The Limits of Power: Great Fires and the Process of City Growth in America* (Cambridge: CUP, 1986).

Not Craigellachie but part of a civic dream, streetcar tracks along Bathurst Street. City of Toronto Archives Fonds 200 Former City of Toronto fonds. –1834-1997, Series 376 City Engineer's Dept. photographs. – 1891-1911, File 1, Item 18

of Western settlement, New Ontario's mining boom and the consolidation of manufacturing capacity. Not until quite late did the managerial revolution have a significant impact; only a half dozen companies had a hundred or more office staff in their Toronto establishments.[7]

The street railway and other utilities facilitated the rapid growth in the Toronto area's population.[8] Concrete sidewalks replaced wooden while electricity supplemented and came to overshadow gas as a source of light and heat. While sewerage was being improved, untreated waste continued to be dumped into Lake Ontario.[9] From a variety of motivations, private ownership of some but not all of the city's utilities gave way to public.[10] Along with the physical infrastructure, Toronto also developed a legal and administrative structure of by-laws regulating the use of municipal space for a variety of purposes.[11] Again, in common with other cities, Torontonians struggled to define the roles to be played by their mayor and other elected munici-

[7] Gunter Gad and Deryck Holdsworth, "Building for City, Region and Nation," in Russell *Consensus,* 272-319.

[8] Peter G. Goheen, "Currents of Change in Toronto, 1850-1900," in Stelter and Artibise *The Canadian City,* 74-108. See also Christopher Armstrong and H.V. Nelles, "Suburban Street Railway Strategies in Montreal, Toronto, and Vancouver, 1896-1930," in Stelter and Artibise *Power and Place,* 187-218.

[9] Catherine Brace, "Public Works in the Canadian City: the Provision of Sewers in Toronto 1870-1913," *Urban History Review* 23:2 (March 1995), 33-43. James P. Hull, "Raising Standards: Public Works and Industrial Practice in Interwar Ontario," *Scientia Canadensis* 25 (2001), 7-30.

[10] Christopher Armstrong and H.V. Nelles, *Monopoly's Moment* (Toronto: University of Toronto Press, 1988).

[11] Raphaël Fischler, "Development Controls in Toronto in the Nineteenth Century," *Urban History Review* 36:1 (Fall 2007), 16-31.

pal representatives and city staff.[12] As is well known, Canadian cities are creatures of their Provinces. Local self-governance rested on statute law, such as the pre-Confederation Baldwin Act. Council as a whole found it difficult to control spending as its committees spent and contracted on their own resulting in deficits. Attempts to create an executive committee in 1877 partly drawing inspiration from the 1875 Tilden Commission in New York proved premature. A proposal in the 1880s for a U.S.-style Mayor and Commissioners to reduce "aldermanic interference with officials" was not taken up. A later suggestion for a board consisting of the mayor and heads of standing committees as a sort of city cabinet met a similar fate. Not until 1896 would the Province of Ontario mandate a Board of Control for Toronto, composed of the mayor and three controllers appointed from and by the aldermen.[13]

Engineers and Aldermen

Prosaic matters of street paving and other "improvements" formed the bread-and-butter of the City Engineer's work. The way the system was supposed to work was that property owners would petition for improvements and the Board of Works[14] would decide which to approve based on general interest and budget. In practice there went on any amount of niggling over the technicalities of how improvements were authorized, what liabilities were involved and what property owners could be charged in assessments. As well two larger issues occupied much of both the engineer's and council's time during 1891. One was the takeover of the street railway franchise; the creation of what would become the city-owned Toronto Transit Commission, and the electrification of parts of the system. The other was the development of the eastern part of the city along Ashbridges Bay. In early May, a rather prickly William T. Jennings (1846-1906), the City Engineer, objected before a committee of council that his specifications for work in reclaiming the bay were being altered, apparently in favour of railway promoters. In response, the next month, one alderman said it had been hinted the City Engineer objected to the existing development syndicate so that he might help CPR interests get the marsh. Jennings, who had worked under Fleming's survey of the CPR route through the Rockies, denied such an insinuation as unworthy and without foundation in fact.[15]

In addition to fending off such rather

[12] This discussion follows Patricia Petersen, "The Evolution of the Board of Control" in Russell, *Consensus*, 181-191.

[13] Patricia Petersen, "'Leave the Fads to the Yankees' The Campaigns for Commission and City Manager Government in Toronto 1910-1926," *Urban History Review* 20:3 (February 1992), 72-84.

[14] The Board of Works was City Council's Committee of Works and known variously by both names. Similarly, contemporaries referred to the City Engineer's department, the Work's Department and variations on this nomenclature. Asking for consistency in usage is to ask for a consistency that was not at the time applied.

[15] See the Toronto *Globe* 2 May 1891, p.9 and 6 June 1891 p.16. For Jennings, a future president of the Canadian Society of Civil Engineers, see his biography in the *Dictionary of Canadian Biography*.

Ashbridge's Bay Improvement – qui bono? Fonds 200 Former City of Toronto fonds. –1834-1997, Series 376 City Engineer's Dept. photographs. – 1891-1911, File 1, Item 47

nebulous accusations and political fingers in his technical pie, Jennings also had to deal with a quite direct challenge to his authority. He addressed a stiff note to council objecting to a proposal to reduce the appropriation for salaries in his department. Jennings understood the terms of his appointment as giving him control over his subordinates' salaries, an undoubtedly anomalous situation as council had to budget for such expenses.[16] Exacerbating the situation was the position taken by some on council that among the engineer's staff were men quite unworthy of any increase in salary if indeed they were worthy of employment at all. Specifically Alderman James Gowanlock, Chair of the Property Committee, levelled a series of charges against the operation of the engineer's department calling into question the competency of, particularly, the Deputy City Engineer Granville C. Cuningham. Gowanlock, a real estate dealer with a more than casual interest in those public works connecting the city centre with his west-end ward and 1266 Queen St. W. office, enjoyed the style of "the people's Jim from Parkdale."[17] After personally inspecting street work on-going under Cuningham's supervision, he communicated a series of criticisms to City Engineer Jennings: not enough paving blocks on hand, blocks not right sizes, men idle, cost of sodding excessive, work done in cold weather with resulting damage from frost heave. Cuningham replied to these noting, among other things: yes, paving blocks had not been available in sufficient numbers but that was the fault of a contractor; no, the cost of sodding areas near the Mercer Reformatory was not excessive; and, yes, there had been some damage to works due to frost but he was not responsible for an early frost. This Jennings passed on to Mayor E.F. Clarke with the comment that he found Cuningham's explanations satisfactory and added that the risk of an early frost was taken so as to complete the work as per the wishes of local residents.[18]

[16] City of Toronto *Council Minutes* [Hereafter *CM*] 18 May 1891.

[17] Armstrong and Nelles, *Revenge*, 44.

[18] Granville C[arlyle]. Cuningham to W[illiam]. T. Jennings, 18 June 1891. W.T. Jennings to E.F. Clarke 22 June 1891 City of Toronto Archives, *Investigation of City Engineer Committee*, Series 922 [Hereafter *Investigation*].

There was however more to the issue than met the eye. As historians Maury Klein and Harvey Kantor have pointed out, municipal street paving represented both a financial drain and a source of patronage for city politicians who saw paving contracts as "lucrative plums."[19] This was the view of both Cuningham and Jennings. The former wrote to the latter saying "I presume this constant nagging at this Department in connection with day labour work is to try and force us, in the interests of City contractors, into abandoning it," and the latter to the Mayor saying

Who's in charge? William T. Jennings City Engineer. City of Toronto Archives Fonds 1267. Photographs of Toronto Elected officials and civic employees. Series 1400 Photographs of department heads, City Clerks, City Engineers and commissioners. Item 21

> so long as the aldermen do not support the Department in its endeavour to purchase material for the performance of day labour works, in such a way as is deemed best by the Department, and not necessarily give contracts for the supply of the needed materials to contractors who may be adverse to day labour work, performed by the Department, just so long are such little delays and inconveniences likely to occur.[20]

In the summer, council considered a motion to appoint a committee to look into the street work complained of by Ald. Gowanlock. An indignant Granville Cuningham vented his spleen in a letter to his sympathetic superior.

> The Council and Aldermen complain frequently about the cost and delays to the work, but in nine cases out of ten these are entirely the result of regulations and restrictions primarily passed by the Council, and which render it impossible for us to do our work.[21]

He cited a specific problem with the City Treasurer not coming up with money to pay for labour and materials bought but not under contract. While, to Alderman Gowanlock's frustration, the investigation of engineering incompetence would languish for several months, the issue of the City Engineer's control over his subordinates' salaries came to a head early in the autumn after he had increased the salaries of Cuningham, C.H. Rust and City Surveyor Sankey. Jennings said he would consider a hastily-drafted by-law proposing to take away the his right to increase salaries of his staff a breach of the conditions under which he had accepted his position two years earlier and would resign. Ald. Hewitt termed this a bluff and discussion went ahead in council where Cuningham was singled out for

[19] Maury Klein and Harvey A. Kantor *Prisoners of Progress* (New York: Macmillan, 1976), 164.

[20] Cuningham to Jennings 24 June 1891; Jennings to Clarke 24 June 1891, *Investigation*.

[21] Granville C. Cuningham to W.T. Jennings 18 August 1891, *Investigation*. The motion was 20 July 1891.

criticism of his work on paving Gerrard Street. Ald. Burns, probably coming closest to catching the general mood, said that while he did not think the engineer should have complete control over salaries he opposed the motion.[22]

At its 28 September 1891 meeting, council passed By-law 2925 taking away from the City Engineer the authority he had been given earlier (By-law 2534) to increase the salaries of employees of his department without approval of the Committee on Works and council. The very next item of business was a notice of motion from Ald. Hewitt to establish a special committee to look into charges against the engineer and his subordinates. Debate in council included the specific gripe that Jennings had raised the salary of "an incompetent official" and that Gerrard Street had been wrongly graded. Two issues were being conflated here, the authority of the engineer, especially *vis a vis* council, and the competency of him and his senior staff. The Toronto *Telegram* was probably correct in saying that giving Jennings power to increase his subordinates' salaries without reference to council was not the intent of the by-law appointing him. If Jennings was correct in his interpretation of the by-law, as the City Solicitor C.R.W. Biggar said, then, thought the *Telegram*, council was right to change it. The newspaper however also expressed its hope that Jennings would reconsider and not resign.[23] That was not Jennings' mind. The 30 September 1891 meeting of council received his resigna-

Paving Streets and lining pockets – a work crew pauses for a photo opportunity on Jarvis Street. City of Toronto Archives Fonds 200 Former City of Toronto fonds. –1834-1997, Series 376 City Engineer's Dept. photographs. – 1891-1911, File 1, Item 22

[22] See report in *Globe* 24 September 1891 p.5.

[23] *Telegram* 28 Sept 1891 p.2. *Telegram* 29 Sept 1891 p2-3. *Telegram* 30 Sept 1891 p.2.

tion, and Ald. Gowanlock gladly moved acceptance. However as the now senior member of the engineer's department it was Cuningham who became Acting City Engineer notwithstanding council's receipt of a communication from him regarding "certain statements made in the Council as to his professional standing."

In the wake of this shambles, the Board of Works met to see what should be done next with the resignation, the office and its $5,000 salary. Some thought Jennings was at fault and had been arrogant, his inflated sense of himself encouraged by the mayor in one view. The mayor for his part thought Jennings had been badgered out of office, clearly by some of the aldermen. An attempt by Ald. George McMurrich to reinstate Jennings with the understanding he would not raise the salary of anyone in his department failed. A letter to the editor of the *Globe* by one H.P. Dwight decried the circumstances of Jennings resignation, saying that the City had wasted vast sums of money by not having a good engineer like Jennings much earlier and urged that he be reinstated with the "fullest possible control least possible aldermanic interference."[24] The *Globe* itself, in an editorial comment on the engineering imbroglio, criticized those who drove Jennings out but also Jennings for acting and speaking injudiciously. The newspaper felt compromise was still possible to get Jennings back and saw Cuningham as a stopgap only. The best result, the newspaper felt would be to give the City Engineer operational control but retain appropriate fiscal authority with council, for good measure extending this to the heads of all the City departments.[25] Jennings, Toronto-born and -educated, may have been setting his sights on a different form of revenge, as rumours circulated that he was among those hoping to ride a tide of municipal reform into the chair of the city's chief magistrate.[26] By the end of 1891, however, "the municipal reform movement had become hopelessly fragmented."[27] R.J. Fleming won the mayoralty, in part campaigning against waste and over manning in the Works Department.

Another Year, Another Engineer

The *Globe* noted that among the big issues which council would have to deal with in the new year of 1892 would be the electrification of the street railway system and that advocates of a storage battery system would bitterly contest Cuningham's recommendation of overhead trolley.[28] While involved with the issue, which he was intensely interested in and well qualified to deal with, Cuningham

[24] *Globe* 7 October 1891 p.6.

[25] *Globe* 17 October 1891 p. 8.

[26] For a contemporary report see *Globe* Oct 22 1891 p 4.

[27] Armstrong and Nelles, *Revenge*, 74. Note that elections for the Mayor and Council were held annually.

[28] *Globe* 2 Jan 1892 p.8. There were three competing technical configurations: an overhead trolley, power returned through a rail and storage batteries on each car. For the story of the electrification of the Toronto street railway see R.B. Fleming, *The Railway King of Canada Sir William Mackenzie, 1849-1923* (Vancouver: UBC Press, 1991).

Making the grade -- work on the Queen St. W. subway, looking West. Fonds 200 Former City of Toronto fonds. –1834-1997, Series 376 City Engineer's Dept. photographs. – 1891-1911, File 1, Item 32b

continued to be nagged by Gowanlock's specific charges as well as the broader issue of how municipal works were to be performed. After, essentially, ignoring his charges since the summer, shortly before the end of the year Cuningham had finally sent in detailed information regarding the subway (underpass) work complained of by Gowanlock, including material and labour costs. He pointed out that some information, for instance the cost of sodding, could not be given, as the work simply was not accounted that way. He glossed the figures by pointing to savings by using day labour rather than contract work even though former meant much more work for the engineer's office.[29] In an ill-considered move Cuningham also wrote to council objecting to remarks made there by Ald. Atkinson about whether a contractor should be paid on aldermanic say so in spite of the engineer's views on the matter. Impolitic in its wording the letter seems to have been poorly received by council.[30]

At a meeting of the Board of Works, the chair, Ald. Shaw, said that the board over the past two years had tried to curb abuses in the local improvements system, in particular by ensuring that they were done only on receipt of petitions signed by sufficient numbers of persons. He also hoped that members of the board would sufficiently familiarize themselves with the actual workings of the department to defend it against attacks. There followed considerable debate over whether to appoint Cuningham to the position permanently and if so at what salary. The noted engineer Sir Casamir Gzowski had been among those endorsing him.[31] The Works committee in the end did recommend Cuningham for permanent appointment as he was "thoroughly conversant" with important engineering matters in the city including the street railway, Esplanade and Don improvements. However council referred the recommendation back to committee. For good measure it also,

[29] Grenville C. Cuningham to City Clerk 21 Dec. 1891 *Investigation*. File 2 in this record contains the detailed numbers.

[30] See *Globe* 25 Dec 1891 p.5 which called the letter "strange."

[31] *Globe* 27 Jan 1892 p.5.

on a motion by Gowanlock, established a committee "to enquire into and report upon certain charges...with reference to the management of the Works Department." These included charges of incompetency, excess costs, works done without proper authorization, money "thrown away" on construction of approaches to a property and grading on Queen Street, and that "Cuningham, through bad temper and bad language to his subordinates does not command their respect, which is to the detriment of the City."[32] Added later was a further charge that due to the influence of a federal Member of Parliament an individual, Mr. McCraken, a carpenter, was appointed as a bridge inspector ahead of someone qualified for the job.

Cuningham both sent in his replies to the City Clerk and had them printed for wider distribution.[33] As well, he wrote to the committee chair, Ald. William Carlyle, objecting to the investigation and in particular to the taking of testimony not under oath. In essence Cuningham refused to cooperate with the committee. The committee, Cuningham felt, should either make its decision on the basis of Gowanlock's charges and his answers or send it all to a judicial inquiry. He also pointed out that the sums at issue were picayune, "a few dollars" on a project costed at $64,929. "Mr. Ald. Shaw struck the key note when he stated at the Committee yesterday that the true reason for this attack upon me was in order to put a stop to the doing of day labour work by the department." [34] Gowanlock responded with a sworn statement accusing the City Engineer of "incompetence, carelessness & negligence," detailing this including poor supervision of road paving and poorly executed work adding to costs.[35] Thus provoked, Cuningham went on the counter-attack, initiating an action for libel against Ald. Gowanlock, seeking a

"Granville Carlyle Cunningham, temporary City Engineer" even the official record of his photograph misspells his name, but temporary he was. City of Toronto Archives Fonds 1267 Photographs of Toronto Elected officials and civic employees Series 1400 Photographs of department heads, City Clerks, City Engineers and commissioners Item 11

[32] *CM* 1 February 1892.

[33] J. Gowanlock to Mr. Blevins 10 Feb. 1892, Granville C. Cuningham to City Clerk 12 Feb. 1892 *Investigation*.

[34] Granville C. Cuningham to Ald. Wm. Carlyle 16 February 1892, *Investigation*.

[35] Statement by Alderman James Gowanlock 17 Feb. 1892, *Investigation*.

reported $20,000 in damages.[36]

Cuningham had good reason to defend his good name, reputation being a critical part of a nineteenth-century engineer's marketability. He was in fact already a railway engineer of some note, on his way to one of the most successful careers in urban transportation of the day.[37] Granville Carlyle Cuningham [1847-1927] was born in Edinburgh, his father secretary to the Commissioners of Northern Lighthouses. He studied at Edinburgh and worked as an engineer in Scotland. In 1870, he was part of survey for a never-built railway across Honduras. He then went to Canada and worked on the surveying of the CPR route before becoming, from 1875-79, engineer in charge of government railways and other works in Prince Edward Island. Following this he worked for Canada Southern Railway especially in connection with crossings of the Detroit and Niagara Rivers and was involved in Rocky Mountain construction for the CPR, including designing the famous snow sheds. Following that he worked in Quebec as a railway contractor. In a later interview he stated of his Toronto sojourn that he presented the City with a plan for the electrification of the street railway system and then "[i]n 1892 I resigned my appointment and accepted that of Chief Engineer of the Montreal Street Railway." In 1897 he returned to England and took up a position to manage the conversion to electricity of the Birmingham street railway system. This was not carried out as unspecified "difficulties arose with the Corporation of Birmingham which prevented me from carrying out the project." In 1899 he became General Manager of the Central London Railway, popularly the Tuppenny Tube. None of which of course guaranteed that he knew best how to grade Gerrard Street.

The press closely followed the libel action, when it finally got underway in late April. The specific complaint was that Gowanlock made statements questioning the competency of Cuningham and damaged him by, consequentially, preventing his permanent appointment as City Engineer. The amount was set at $10,000. Cuningham spent most of a day in the witness box being examined by Gowanlock's lawyer. Exhibits included fragments of paving and a bag of sand and the jury was treated to a discussion of the technicalities of laying cement. Cuningham denied having shouted an "abusive epithet" across the street at Ald. Gowanlock. In the end, the jury found for the complainant but awarded him no damages.[38]

Clearly believing himself nonetheless vindicated, Cuningham felt he could continue to ignore the pesky council committee investigating Gowanlock's charges. In a letter to its chair he said that while he had been called to attend a meeting of the committee, he was in-

[36] See *Globe* 29 Feb 1892 p. 8 and Letter of Gowanlock to Mayor 29 Feb. 1892, *Investigation*.

[37] The following is mostly based on G.T. Sekon, "Illustrated Interviews No. 48 Mr. Granville C. Cuningham," *The Railway Magazine* (March 1903), 177-84. While often misspelled "Cunningham" his surname had only one "n."

[38] See *Globe* 27 April 1892 p.8 and *Globe* 30 April 1892 p. 20.

stead going to Chicago "upon electrical street railway business, with Prof. Galbraith and Mr. [J.J.] Wright." He further pointed out that "in my libel suit against Ald. Gowanlock these charges made by him against me were fully gone into, and evidence taken in Court, and the verdict of the Jury fully established that I had not been guilty of any incompetence or negligence as charged."[39] Gowanlock fumed that the jury had not settled the matter, the Engineer's office still being a place where "carpenters were employed to inspect masonry, pump peddlers, ashphalting and elephant hunters, concrete sidewalks."[40] The City Solicitor gave his opinion that while Gowanlock's charges did not claim malfeasance or breach of trust they did relate to "the good government" of the city and thus, under Section 477 of the Municipal Act, as interpreted by the Supreme Court of Canada, they could be referred to a county judge for investigation, i.e. a judicial inquiry could be requested by the City.[41] The next day the committee made its conclusion:

> Although a certain amount of carelessness on the part of some of the employees of the Corporation has been shown to have existed in connection with some of the works referred to in Ald. Gowanlock's charges against Mr. Cuningham, the same is not sufficient to warrant the charges being sent to His Honor, the County judge, for investigation, but at the same time your Committee would suggest that it is advisable in all cases where inspectors are appointed to supervise works, they should only be selected with a knowledge of their fitness for the position.[42]

The City's Executive Committee then debated the Board of Works' recommendation of Cuningham for the permanent position, in the end recommending instead that the position be advertised.[43] For Cuningham this was unacceptable. At a special meeting of council convened to deal with the issue, Cuningham's resignation was received. Ald. Shaw, Chair of the Committee on Works, urged the resignation not be accepted but on a 12-11 split, the mayor voting yes, it was. Further debate followed over what to do next. Charles H. Rust, the assistant City Engineer in charge of sewers, was appointed temporarily as City Engineer and the search for a replacement turned over to the Committee of Works, which would report to council.[44] The city's politicians continued to be deeply divided. Some sympathy for Cuningham lingered especially in the Works committee. A report in the *Globe* discussing the search for a City Engineer noted that it was a difficult job, not just because of the duties, but because of constant badgering by contractors and aldermen. Among

[39] Granville C. Cuningham to Mr. Ald. Wm. Carlyle 2 May 1892, *Investigation*.

[40] *Telegram* 4 May 1892 p. 2.

[41] C.R.W. Biggar to City Clerk 20 April 1892, *Investigation*.

[42] *CM* Report of Special Committee *RE* Ald. Gowanlock's Charges Against the Management of the Works Department (dated 3 May 1892, adopted by Council 9 May). For the debates see *Globe* 4 May 1892 p.5.

[43] *CM* 13 May 1892.

[44] *CM* 18 May 1892 .

candidates mentioned were former City Engineer Jennings; Mr. St. George, the Montreal city engineer; E. H. Keating, City Engineer of Duluth and Halifax; and W.J. Stewart who had been earlier involved in a scheme for bringing water to Toronto from Lake Simcoe and was endorsed by a letter from the MPP for West Algoma. Rust, some felt, was not seriously a candidate and would happily serve under a more eminent engineer.[45]

In what could either be seen as a vigorous exercise in bare-knuckles civic democracy or a procedural shambles, factions of council sought to advance the causes of their candidates. Rust, W. Stewart and H.W.D. Armstrong were early favourites. Ald. Atkinson put Jennings' name in nomination claiming, astonishingly, that Jennings "was willing to concede the point which caused his resignation last year." Jennings was identified by others as the choice of businessmen, and Rust a "weakling" supported by Ald. Shaw, head of the Works Committee. Gowanlock claimed Rust was supported by officials of his department "who are not capable men" and by contractors. He, Gowanlock, wanted a good engineer at low salary and favoured Stewart. The *Telegram* said Rust's appointment would result in "stagnation" and important works would not go forward without the confidence that a big name engineer would give. Charles Rust himself, while honest and a nice guy, was but a pawn of log-rollers interested in works "in which their own money was directly invested."[46] When the debate resumed on 7 July what began as a choice between Rust or Jennings ended up in a victory for Keating when, after sustained procedural wrangling, a clever move forced a final vote on Keating's name, and he won the engineer's post, 13-11[47]

Edward H. Keating (1844-1912) was a Halifax native, educated at Dalhousie. He was Halifax City Engineer and oversaw the building of its city hall in the late 1880s, having earlier worked in surveying the CPR route north of Superior. At the time of his appointment to the Toronto position he was City Engineer of Duluth, Minnesota. In a conciliatory move, the quietly effective Keating appointed Rust as Deputy City Engineer. As one of the last acts of the drama, the Works Committee asked city council to pay a bill of $148.14 from Cuningham for keep of a horse, as said perk was a recognized part of the City Engineer's position.[48] Keating's name is retained today in the Keating Channel, part of the development of the city harbour and Ashbridges Bay. As for James Gowanlock, if the People's Jim thought he would be rewarded for his driving out of the City Engineer he was mistaken. In the 1893 election he lost, coming in sixth with four to be elected in his ward. One issue seems to have been his taking of an ill-concealed bribe of $750 from developer William Macken-

[45] *Globe* 21 May 1892 p5.

[46] CM 4 July 1892 *Telegram* 4 July 1892 p.4, *Telegram* 5 July 1892 p.2, *Telegram* 5 July 1892 p.3, *Telegram* 6 July 1892 p. 2.

[47] *CM* 7 July 1892.

[48] *CM* Report #26 of the Committee on Works 21 Sept 1892.

zie's interests to vote in their favour for the street railway franchise. Out of office he claimed that there had been corruption in obtaining that franchise.[49]

Conclusion

It would not be the last time that a disgruntled member of council would lead the charge against one of the city's technical experts. In 1907 Controller H.C. Hocken unearthed the fact that Edward Shuttleworth, the city's water analyst, was also a director and part owner of Mineral Springs Ltd., a company advertising their "York Springs" brand of bottled water with the warning "City Water Again Unfit to Drink." Even in an era with a less well developed sense of conflict of interest this was felt "inconsistent" and the Medical Health Officer was directed no longer to employ Professor Shuttleworth.[50] Council's dissatisfaction with City Architect Robert McCallum led to his forced retirement and, following a bill of particulars introduced by Ald. John Wanless, a judicial inquiry into the workings of his office in 1914. Debates over the appointment of a new City Architect, with Hocken, now mayor, presiding, pitted reformers calling for an outsider with solid academic credentials against an old guard led by the redoubtable Sam McBride championing the advancement of a practically-trained city employee.[51]

Alderman James Gowanlock, The people's Jim from Parkdale. City of Toronto Archives Fonds 1267 Photographs of Toronto Elected officials and civic employees Series 1398 Photographs of Toronto aldermen Item 45

These incidents and the documentation they generated allow us particularly useful windows through which we may view the evolution of municipal governance during a crucial period in the history of North American cities. In understanding them we can combine two insights into a single argument about expertise, reform and governance. Finegold, looking at reform vs machine politics in three American cities in the Progressive Era, has made the crucial distinction that it was not the installation of experts in municipal government but the incorporation of expertise into politics that was a determining factor in the course of municipal reform.[52] More

[49] Armstrong and Nellis *Revenge*, 44, 145; Fleming, *Railway,* 34.

[50] Toronto *Globe* 25 December 1907, p.5. For Shuttleworth see R.J. Clark, "Professional Aspirations and the Limits of Occupational Autonomy: The Case of Pharmacy in Nineteenth-Century Ontario," *CBMH/BCHM* 8: 1991 #1 p. 43-63 and Jennifer D. Beales and Zubin Austin, "The Pursuit of Legitimacy and Professionalism: The evolution of pharmacy in Ontario," *Pharmaceutical Historian* 36:2 (June 2006), 22-27.

[51] James Hull, "The Expert Professor: C.R. Young and the Toronto Building Code," *Spontaneous Generations* 1 (2007) 86-94.

[52] Kenneth Finegold, *Experts and Politicians* (Princeton: Princeton University Press, 1995). See also Martin J. Schiesl, *The Politics of Efficiency* (Berkeley and Los Angeles: University of California Press, 1977)

recently Stephen Turner has made a rigorous analysis of the claims of non-politicality of expert judgment. Problematizing "the relation between experts and democracy," he notes that "decision makers... must rely on or judge claims which they cannot epistemically fully own, that is to say other people's knowledge which they can only get second hand and can't judge as a peer." [53] Putting these two arguments together what this paper shows is that the reform era project of depoliticizing cities' problems by handing them over to technical experts for supposedly rational solution not only did not happen but it could not have happened and indeed has not happened. Toronto and other North American cities did not get their philosopher kings. Grafting ward healers and doughy tribunes of the people were not shown the door by thin-lipped progressives and grey technocrats. Science in the city did not remove questions of water supply, street grading and building standards from the political realm. Rather scientific and technical expertise was brought into the political arena, becoming part of the theatre of politics and altering the political discourse as morality gave way to rationality as a consensus virtue.

John F. Bauman, "Disinfecting the Industrial City The Philadelphia Housing Commission and Scientific Efficiency, 1909-1916," in Michael H. Ebner and Eugene M. Tobin (eds.) *The Age of Urban Reform* (Port Washington: Kannikat Press, 1977), 117-130. Klein and Kantor, *Prisoners of Progress*.

[53] Stephen Turner, "Political Epistemology, Experts and the Aggregation of Knowledge" *Spontaneous Generations,* 1:1 (2007), 36-47.