

WARDEN'S ADDRESS.

TO THE RATE-PAYERS OF THE MUNICIPALITY
OF THE

Town of Dartmouth.

LADIES AND GENTLEMEN,—

It is my privilege to report to you the "state and condition of the Town" at the close of this the fourteenth year since civic government, under the Act of Incorporation, began.

Before reporting on the different services under the management of the Council, permit me to congratulate you upon the success attained in the long-contested suit of the Queen *vs.* Dartmouth, a suit that probably has given the members of your Council in the past more care and trouble than all the rest of the civic services together.

As you are no doubt aware, this suit was instituted to compel the Council to assess certain school rates for the years 1874 to '78 and pay the same into the County funds, and after a number of adverse judgments in the Courts of this Province the suit was heard, on appeal, in the Supreme Court of Canada, and that Court has given a decision in favour of the Town. This decision, inasmuch as it is upon the merits and not upon any technicality, is most satisfactory, and as the judgments have not yet been reported, I shall take the liberty of quoting several extracts therefrom, that will shew you what has really been decided.

The Hon. Mr. Justice Gwynne, who delivered the judgment of the Court, says: "And in my opinion, for the reasons

above given, the provisions of the Act incorporating the Town are abundantly sufficient to exempt, and do exempt, the ratepayers of the Town from all liability to contribute to the support of any schools outside the limits of the Town, and they are not therefore liable to be rated for the sum now demanded or any part thereof."

On behalf of the Town it was contended, in addition to the claim of absolute exemption, that the Act of 1877 prevented an assessment of more than \$15,000 in any one year, and that the ratepayers of the Town being now quite different persons from those who were ratepayers of the years 1874-8, and upon whom the burthen, if any, was imposed of providing a fund to pay for the education of the children of the ratepayers of those years, were not liable, and upon these points Mr. Justice Gwynne says: "This Court, in my opinion, has no jurisdiction to compel, by the prerogative writ of mandamus, the levying of an amount in one year in excess of what the law permits;" and as to the levying the rates for the years 1874-8 on the present ratepayers, he says: "Lord Abinger says: "The general inconvenience of retrospective rates has been long known and recognized in the courts of law on the ground that succeeding inhabitants cannot legitimately be made to pay for services of which their predecessors had the whole benefit." "I can conceive no case to which this language is more applicable than to an attempt to levy on the ratepayers of 1886 sums of money which were only required in 1874-8 to support the schools where the children of the ratepayers of those years were educated, and which sums were wanted for no other purpose."

In conclusion the learned Judge says: "I am of opinion, therefore, that the defendants are entitled to judgment upon both grounds * * * * and as it is important to all the parties interested that the question of the liability of the ratepayers to contribute at all to the County School Fund should be finally determined as a guide for the action of the Town in future years, and as it is competent for us to decide it upon the present proceeding, I think we ought to do so; and being

of the opinion, for the reasons already given, that the rate-payers were not in the above years and are not liable to contribute to the Common School Fund for the support of the schools of the County, and that therefore the County has no right to recover the amount demanded, or any part thereof, by action or otherwise, I think we ought to rest our judgment upon this ground and allow the appeal, and order judgment to be entered for defendants."

There was another suit to enforce collection of the rates for the years 1879-83, and judgment was given in favour of the Town also upon the same grounds.

The amount the County authorities asked to have assessed for the years 1874-8 was \$15,976, and for the years 1879-83, \$19,359.

LEGISLATION.

Some two or three years ago the Act of Incorporation and bye-laws were revised and consolidated, and last year an Act embodying the revision and consolidation was sent to the Legislature, but owing to the opposition of the County authorities the Legislature struck out that portion of the Act relating to assessment and certain other sections, and, as it was feared that it would not be safe to repeal the original Act of Incorporation, the latter was left as originally passed; and now that the school question has been decided, it is expected that the omitted portions of the amended Act can be passed, unless there should appear to be some reasons rendering such a course inexpedient.

Several changes are made by the Act of 1886, the most important being—

1st. Granting to the female ratepayers of the Town the right to vote at municipal elections.

2nd. Changing the time for holding the election for Warden and Councillors to the 1st Tuesday of February, and making the civic year end on 31st December.

3rd. Instead of the voter being required to produce his tax receipt, the Presiding Officer is furnished with a list of ratepayers.

4th. The original bye-law regulating the Annual Meeting of the Ratepayers was repealed, and your Council passed another, which has been duly advertized.

By Chapter 53 of the Acts of the Local Legislature, 1866, it is enacted that "In any case in which a person interdicted as a habitual drunkard has been elected a member of a Municipal or Town Council, the Council *shall* by resolution declare such election null and void and SHALL declare the office vacant, and shall appoint a time and place, not less than fifteen days after, for holding an election to supply the vacancy."

The attention of the Council having been called to the fact that Mr. Donald Fraser, who had been elected a Councillor for Ward Three, was an interdicted person, and evidence of this having been produced, and this fact being admitted by Mr. Fraser, the Council, acting under its legal adviser, who instructed them that the provisions of the Act were compulsory, by resolution on the 24th day of August last declared Mr. Fraser's election null and void, and the office of Councillor, held by him, vacant, and appointed a time for holding an election to fill the vacancy thus created; but there was no nomination and consequently no election, and as there was some question as to whether an election could be held after the expiring of the fifteen days, the office was allowed to remain vacant.

On the 16th December last Mr. Fraser obtained an order removing the interdiction and claimed his seat as Councillor, but your Council was advised that such removal did not restore him to that office, and consequently refused to recognize his claim.

Chapter 66 authorizes the Commissioner of Works to charge against this Town the expenses of all pauper lunatics who have obtained a legal settlement in the Town, and that the Town shall not be chargeable with the expense of any other pauper

lunatics; and that hereafter the County shall not charge the Town with any portion of the expenses of paupers confined in the Asylum; and that the apportionment of County rates shall be amended accordingly.

STREETS.

The amount assessed for street purposes was \$2,500, and the amount expended was \$2,375.75, including the cost of the improvement in Ochterlony Street. The streets of Dartmouth, from their number and length, and the number of hills, are particularly hard to keep in repair, and the amount assessed for this service is barely sufficient to effect the necessary repairs, and wholly inadequate to provide for many permanent improvements.

Last winter a considerable supply of broken stone was procured, which was all put upon the streets, and it is expected that a further supply will be obtained this year for that purpose.

The most important improvement was the straightening of Ochterlony Street at the Canal Bridge.

Tenders were asked for this service but the Street Committee under the authority of the Council had the work performed under the supervision of the Committee, and thereby effected a very considerable saving in the cost of the work, the same being done for less than the amount tendered for.

For some years the title to the extension of Maple and Myrtle streets through Mr. Fraser's property has been in dispute, and Mr. Fraser in consideration of the Town's relinquishing its claim to these streets, gave the greater portion of the land necessary to effect the above improvement. Mr. Duncan Waddell with commendable public spirit presented a portion of the land required for this purpose.

The amount at the disposal of the Street Committee has been economically expended and the streets as efficiently repaired as the amount at the disposal of the Committee permitted.

LAMPS.

At the beginning of the year there were 47 lamps, and four new ones have been erected during the year, and there are still several places where new lamps should be added. The amount assessed for this service was \$500; the amount expended, \$503.48.

LICENSES.

By Chapter 3 of the Local Acts of 1886 a great change was made in the mode of licensing the sale of intoxicating liquors, and under this Act and an Act in amendment thereof last year, there were but two licenses issued in the Town, and for the ensuing year, for the first time since the Town was incorporated, there will be no licenses issued, there being no application therefor within the time prescribed by the Act.

Mr. Elliot was appointed License Inspector, and has efficiently carried out the duties devolving upon him as such officer. Under the provisions of this Act the Inspector has deposited the license fees and amounts received for fines in the Halifax Bank, and there is to the credit of this account the sum of \$211. At the end of the license year the balance remaining will be paid into the general funds of the Town.

POOR AND PAUPER LUNATICS.

By recent legislation the Poors Asylum has been transferred to the City of Halifax, and your Council have arranged to have the paupers chargeable to this Municipality kept at that institution at the same rate as those chargeable to the City.

The amount assessed for this service was \$800, and the amount expended, \$515.28, and there are at present in the Poor Asylum nine persons that are a charge on this Town.

As I have before stated, the pauper lunatics who have a settlement in Dartmouth are now directly chargeable to us, and your Council has paid to the proper authorities one quarter's charges for this purpose.

Under an Act of last year the City of Halifax has prepared a portion of the Poor House for the reception of harmless insane idiotic and epileptic persons, and your Council is negotiating to have several such persons chargeable to this Town removed from the Asylum to the Poor House, as it is expected that they can be supported there at a much less rate than that at present paid for them. There are at present nine persons in the Insane Asylum for whose support this Town is responsible.

FIRE PROTECTION.

Dartmouth has ever been fortunately rarely visited by the devouring element, and the year past has been no exception to the rule, there having been no serious fire during that time.

This service has never been more efficient than at present, and the thanks of the ratepayers are due to the several members of the various branches of the service for their gratuitous labours.

The steam and hand engines and hose are in first class order, and no material addition or repairs to these will be required during the ensuing year.

The Axe Company have long had to put up with an old-fashioned hard running ladder cart, and they should at once be supplied with one of more modern pattern and of greater usefulness.

The Engine and Protection Companies participated in the tournament held in Halifax, and the appearance of the members and their appliances was certainly second to none that took part in that event.

The amount assessed for the Fire service was \$520, and the amount expended, \$541.75.

FINANCES.

It affords me much gratification to inform you that of the assessment of 1885-6, there is at present less than $1\frac{1}{2}$ per cent. uncollected, and that of the assessment of 1886 there has been collected all but the small amount of $12\frac{1}{2}$ per cent., and this in

nine months, being $\frac{3}{4}$ per cent. more than was collected during the years 1885-6, and I doubt whether any other Municipality not having a lien law and without resort to undue severity by sale or distress, can present as satisfactory a statement. It clearly indicates a fair amount of prosperity, and a praiseworthy effort on the part of the ratepayers to support their municipal institutions.

During the past year, or rather nine months, there has been received from all sources the sum of \$17,189.68, and expended \$16,528.85, leaving a balance on hand of \$660.83 at the beginning of the year 1887.

The amount assessed for all purposes for this period was \$12,948, and of this the amount received was \$10,785.87, and the discount and exemptions were \$522.13.

The amount assessed on property within the Town was \$12,156.35.

There was a balance on hand at the beginning of the year of \$860.51, and the incidental revenue received, including overdue taxes for previous years, poll-tax, Government school grant, Court fees, etc., amounted to \$5,543.23.

For the year 1885-6 there was assessed \$2,000 for County rates, and no part of this was paid over; this year \$3,000 was paid, and this, together with the sum of \$410.47 paid for pauper lunatics, will probably cover the amounts properly chargeable to this Town for County rates for that period. There are accounts due, not received at the end of the year, amounting to some \$600.00.

The Auditors' report, submitted herewith, shews the details of the receipts and expenditures.

Since 1874 the amount assessed for County rates has only been what your various Councils could approximately estimate, the County demanding a sum covering County and school rates and giving no details separating these items; and now that the non-liability of this Town for school rates has been determined, arbitrators under and in accordance with the provisions of Sec. 101, Chap. 56, Revised Statutes, should at once be appointed and the indebtedness of this Town, if any, for County rates

for all these years be adjusted and fixed, so that next year an assessment can be made of a sum sufficient to settle the same, as it is manifestly undesirable to have the amounts longer unsettled.

By Chapter 27, Local Acts 1886, provision is made for fixing, by arbitration, the valuation of property in the Town and County, and for the adjustment and proportion of County Municipal expenditure from which this Town derives no benefit; and it will be the duty of the incoming Council to appoint an "Arbitration Committee" for this purpose and adjust the amount to be assessed on this Town for County rates for the ensuing year.

I may add that the valuation for assessment purposes of property in this Town for the year 1886 was \$1,215,635, an increase of \$20,510 over the year 1885, whilst the valuation of all the rest of the County for like purpose, except the City of Halifax, was only \$2,053,709, and the increase in valuation in 1886 only \$10,624 over that of 1885, a state of affairs clearly shewing the necessity of some more equitable method of valuation of property taxable by the County authorities.

PUBLIC PROPERTY.

The various buildings owned by the Town have been kept in good repair, and it is not expected that any great expenditure for this service will be required for the ensuing year.

CEMETERY.

From enquiries made it is evident that the amount provided for the purchase of a new Cemetery (\$3,000) is inadequate for that purpose, for no suitable lot can be procured for that sum. The matter has received the attention of the Council, but up to the present no lot suitable in location and price has been found. Further enquiries and searches will be made, and when a suitable lot is found it will probably be necessary to have an application made to the Legislature for a larger sum than at present provided.

SCHOOLS.

The assessment for this service like that of all others, except the streets, was for nine months instead of a year, that is from 1st April to 31st December, and amounted to \$5,800. The expenditure was \$5,742.95.

One new department was added in the past year, making fifteen now as against fourteen in 1885. The number of teachers employed was fifteen, and there were five Grade B. teachers, as against two in 1882, and ten Grade C. teachers; in 1885 there was one Grade D. teacher.

The number of pupils enrolled was 943, and in 1885 the number was 861. There were 466 male and 477 female pupils, and there were 931 under fifteen years of age, and twelve over that age. There were 190 new pupils enrolled during the year.

The average attendance during the year was better than that of last year, being 69 per cent., as against 68½ per cent., and the average cost per pupil was \$6.09, which is less than the Provincial average.

No department of our Civic Government is of so much importance as this, inasmuch as no service requires so great an expenditure, and none has such lasting effect on the future of our Town.

The teachers at present in the service of the Town are well qualified to perform their duties and devoted to their calling.

The only litigation in which the Town has been engaged during the year besides the "school case" was a suit brought by Miss Scott for salary alleged to be due her for services during the year 1885. Under the advice of the Recorder her claim was settled for \$170, and this appears in the Auditors' report as legal expenses.

From the great increase in the number of pupils attending the schools it is clear that increased school accommodation will soon be necessary.

PUMPS AND WELLS.

The amount assessed for this service was \$200, and the amount expended was \$104.10. Now that the "school case" has been decided in favour of the Town and that impending burden thereby removed, it is worthy your consideration whether the time has not arrived to carry out the long projected introduction of a water supply.

I suggest the matter to you, leaving it entirely in your hands, only adding that if you shall decide at any time hereafter to go on with this improvement your Council will be prepared to give the matter their earnest and best attention.

SCHOOL EXHIBITION.

During the approaching Summer it is proposed to hold in Dartmouth a School and Industrial Exhibition, somewhat similar to the one held in the Town Hall in 1885, but of course on a more extended scale.

If this project is carried out, Dartmouth will have the honour of being the first town in the Dominion to hold such an exhibition; and it is hoped that the matter will receive the enthusiastic support of all our citizens, for nothing can be more important to us than the education of our youth; and, dependent as we are, largely upon our mechanical institutions, no education can be of so much value to our children as that which combines the industrial and mechanical with that heretofore given by our schools.

All portions of the British Empire will this year celebrate the fiftieth year of Her Majesty's reign, and surely no more fitting celebration could be held in this Town than that proposed above.

ESTIMATES.

The following are the estimates for the year 1887:—

For Streets.....	\$2,000
Schools	6,670
Police	1,250
Fire Department	600
Salaries	1,500
Poor	800
Pauper Lunatics	1,500
Lamps.....	650
Pumps and Wells	150
Interest	665
County Rates.....	500
Contingent.....	1,000
Allowance for non-collection and discount.....	500
Fire, School and Widows' exemptions.....	400
	\$18,185
Less incidental revenue.....	4,740
	\$13,445

The increase in item "Fire Department" is to provide for a new ladder cart and shed therefor; and in "Salaries" is to provide for pay of boy employed in the Town Clerk's office, his salary having hitherto been charged to Police account.

In conclusion I have to say that the various Civic services have received the careful consideration of your Council and the paid officers of the Town have faithfully and diligently performed their duties.

I have the honor to be,
Ladies and Gentlemen,
Your obedient servant,

B. A. WESTON,
Warden.

AUDITORS' REPORT.

TO HIS HONOR THE WARDEN AND COUNCILLORS OF THE
TOWN OF DARTMOUTH :

Gentlemen,—

We have audited the books, vouchers and accounts of the Town Clerk and Treasurer for the year ended Dec. 31st, 1886, and beg to report the same correct.

Herewith you will find in Schedules A. and B. a statement of the Assets and Liabilities of the Town as shown by the Ledger Accounts and sundry documents submitted for our inspection.

Schedules C. and D. show a statement of the accounts against the Town, audited and unaudited by the Finance Committee to date.

By the accompanying statement it will be seen that the receipts for the year amounted to \$16,549.17, and the expenditure to \$16,537.85, still leaving a balance of cash on hand and in the bank of \$871.83, which we have examined.

All of which is respectfully submitted.

A. C. JOHNSTON,
FRANCIS H. PAULEY, } Auditors.

Dartmouth, January 15th, 1887.

STATEMENT of Receipts and Expenditure of the Town of Dartmouth,

FROM APRIL 1st TO DECEMBER 31st, 1886.

RECEIPTS.

Cash on hand April 1, 1886		860 51
Assessment 1877 to 1883	24 03	
1884	48 39	
1885	1,559 27	
1886	10,100 45	
		11,732 14
Poll Tax, 1884 and '85	177 73	
1886	1,194 26	
		1,371 99
School Tax (outside district) 1885	18 26	
1886	94 37	
		112 63
School Tax (Halifax) 1885	145 82	
1886	591 05	
		736 87
Dog Tax		129 00
Licenses: Auction	20 00	
Truck	43 50	
Hack	17 50	
		81 00
Fines		67 00
Court Fees		231 01
Poundage		35 15
Schools: Government Grant	1,518 24	
Desks, &c., sold	7 70	
		1,525 94
Interest: On Special Deposits		30 46
Rents: Lamont Property	50 00	
Common	33 42	
Town Hall	22 50	
		105 92
Cemetery Lots Sold		74 00
Poor		82 94
Streets: Gravel Sold		8 26
Fire Department: Old Leather Hose		2 16
Sundries Sold		2 70
Liquor License Fund: Licenses	200 00	
Fines	20 00	
		220 00
		\$17,409 68

EXPENDITURE.

Streets :	Labor	1,874 78	
	Lumber	128 55	
	Fence Posts	41 45	
	Stone and Gravel	215 20	
	Blacksmith Work and Nails	59 08	
	Surveys and Plans	18 25	
	Sundries	13 44	
	Shutting off Water at Bridge	25 00	
			2,375 75
Interest :	Town Hall Debentures	90 00	
	Water do	240 00	
	Engine House do	126 00	
	School House do	150 00	
	Interest on Over Draft at Bank	12 35	
			618 35
	Less, Charged to Schools	228 50	
			389 85
Schools :	Teachers' Salaries (10 months)	4,216 43	
	Janitress' do (10 months)	300 00	
	Insurance	126 90	
	Survey and Plan of School Lot	5 00	
	Repairs	80 84	
	Painting, Whitewashing, &c.	208 15	
	Advertising and Printing	14 25	
	Stoves, Stovepipe and Cleaning	56 31	
	Cleaning	41 80	
	Stationery and Books	100 84	
	Law Expenses	170 00	
	Chemicals	7 22	
	Fuel	116 39	
	Grading School Grounds	16 00	
	Sundries	54 32	
	Interest	228 50	
			5,742 95
Fire Department :	Engineers' Salaries	208 30	
	Insurance	61 10	
	Rubber Waggon Cover (U. P. C.)	22 50	
	Roadway to Wharf	10 00	
	Shingling Engine House Roof ..	71 76	
	Axes, Cases and Belts	13 75	
	Stove	23 00	
	Hauling Engine to Fires, &c.	18 00	
	Fuel	23 26	
	Repairs	51 19	
	Sundries	38 89	
			541 75
Salaries :	Stipendiary Magistrate and Recorder	333 30	
	Town Clerk and Treasurer	791 60	
Police :	Chief of Police	416 60	
	Policeman No. 2	391 60	
	Clothing	100 00	
	Fuel	43 04	
	Insurance on Lockup	2 82	
	New W. C.	20 55	

Prisoners' Meals	16 35	
Night Watch	7 00	
Sundries	98 12	
	<hr/>	1,096 08
Poor: Treasurer Infants' Home.....	80 00	
Dispensary Grant	60 00	
Commsrs. Public Charities, main. of paupers.	311 38	
Sundries	43 90	
	<hr/>	515 28
Hospital for Insane, main. of Pauper Lunatics, to Sept. 30th, 1886		410 47
Lamps: Wages	289 50	
Oil	154 83	
Chimnies and Burners	39 18	
Sundries	19 97	
	<hr/>	503 48
Pumps and Wells		104 10
Contingent Acct.: Ins. on Town Hall.....	26 32	
Auditors	60 00	
Assessors	115 00	
Assessors for Returns under Franchise Act..	40 00	
Revisors of Electoral Lists.....	40 00	
Elections	30 00	
Stationery and Printing	46 79	
Watering Streets.....	100 00	
Law Expenses, Queen vs. Dartmouth.....	48 77	
Survey and Plan of Streets	16 25	
Sundries	148 65	
Copy of License Act	15 00	
	<hr/>	686 78
Lamont Property, Ins. of		23 76
Public Cemetery repairs.....		1 70
Poll Taxes refunded to persons over age.....		12 00
Liquor License Fund: Advertising &c.....		9 00
County Rates		3,000 00
Balance: Cash on hand.....	244 34	
" in Bank.....	627 49	
	<hr/>	871 83
		<hr/>
		\$17,409 68

Examined and found correct.

A. C. JOHNSTON, }
F. H. PAWLEY, } Auditors.

Dartmouth, Jan. 14th, 1887.

STAFF OF TEACHERS, 1886.

<i>Name.</i>	<i>Grade.</i>	<i>Salary.</i>
H. S. Congdon (Prin.)	B,	\$1,000
Miss S. Findlay	C,	360
“ W. Crowell	B,	320
“ M. McKay	C,	320
“ M. Downey	C,	350
“ M. Moody	B,	300
“ F. Foster	B,	280
“ A. Downey	C,	220
“ K. Major	C,	300
“ M. Moseley	B,	300
“ B. Hume	C,	315
“ E. Hume	C,	335
“ B. Shute	C,	200
“ F. Murray (Asst.)	C,	60
“ K. Fletcher (Woodside)	C,	250
“ M. McCarthy (Colored School)	C,	230

BY-LAW relative to Annual Meeting of Ratepayers, held pursuant to Sec. 42, of the Act to Incorporate the Town of Dartmouth, passed at a meeting of the Town Council, held January 7th, 1887.

1. The meeting shall be held on the last Tuesday of January, at the Town Hall, at the hour of 8 p. m., and public notice thereof shall be given by bills posted in three conspicuous places in each ward.
2. The Warden or Presiding Councillor shall preside.
3. The reading of the accounts, reports and estimates provided for in the Act shall have precedence of all other business.
4. The discussion of any proposed extraordinary service or improvement shall be the next business in order.
5. Whenever a vote is taken upon any resolution involving an expenditure of money, the names of all persons voting shall be recorded by the Town Clerk, or other person acting in his absence as Secretary of the meeting, and on all other questions the names shall be recorded if five ratepayers shall make a demand therefor.
6. The finding upon the assessment roll of the name of any person claiming to vote, or the production of a receipt for taxes for the next previous year other than poll tax, shall determine the right of such person to vote.
7. No discussion shall be in order without a motion or resolution duly moved and seconded, excepting the discussion of any proposed extraordinary service or improvement.
8. No resolution shall be moved at such meeting unless the same shall have been filed in the office of the Town Clerk at least one week before the annual meeting, provided that this section shall not apply to any relevant amendment to a resolution duly filed.
9. The chairman shall not entertain or permit to be discussed any resolution, the object of which is illegal or beyond the powers of the Town meeting.
10. In the event of the business of the meeting not being concluded, the meeting may be adjourned by vote of the ratepayers present to the next following evening at 8 p. m., and the meeting shall stand adjourned from evening to evening without any motion therefor until the vote on any proposed extraordinary service or expenditure is taken.