

L. Fred. Monaghan

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MINUTES

OF

CITY COUNCIL

OF

HALIFAX,

For the Year ending 30th April, 1894.

L. Fred Monaghan

1893-94.

L. Fred Monaghan

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L. Bred Monaghan

L. Fred Monaghan

Minutes of City Council,

FOR 1893—1894.

—
EVENING SESSION—8.10 P. M.
—

MAY 3rd, 1893.

A meeting of the City Council was held this evening. Present:—His Worship the Mayor, Aldermen Wier, Wallace, Hamilton, Allen, Mosher, Eden, Hubley, Morrow, Duggan, Ryan and Outhit.

The Council was summoned to receive the returns of election for Mayor and Aldermen, held 26th April, ult. To proceed with business standing over and the transaction of other business.

The minutes of last meeting were read and confirmed.

Read Return of the City Clerk, covering the nomination papers of M. E. Keefe, for the office of Mayor of the City of Halifax for the Civic year, 1893-4, he being the only candidate for that office.

The City Clerk now declares M. E. Keefe, Esq., to be duly elected Mayor of the City of Halifax, for the Civic year 1893-4.

Read Return of Alderman Boak, Presiding Officer, Ward No. One, showing William J. Stewart to have received the highest number of votes, and to have been publicly declared elected an Alderman of the City of Halifax for Ward No. One.

Read Return of the City Clerk covering the original nomination paper of William Dennis of the City of Halifax, Journalist, he being the only candidate for the office of Alderman for Ward No. Two.

His Worship the Mayor declares William Dennis to be elected Alderman for Ward No. Two.

Read Return of City Clerk covering nomination paper of Thomas Mitchell of the City of Halifax, Merchant, for the office of Alderman for Ward No. Three, he being the only candidate nominated for said office.

His Worship the Mayor declares Thomas Mitchell to be elected an Alderman for Ward No. Three of the City of Halifax.

Read Return of Charles S. Lane, Presiding officer for Ward No. Four, showing E. W. O'Donnell to have received the highest number of votes, and to have been declared duly elected an Alderman for Ward No. Four of the City of Halifax.

Read Return of Miner T. Foster, Presiding officer for Ward No. Five, showing William McFatridge to have received the highest number of votes, and declaring him duly elected as Alderman for said Ward No. Five.

Read Return of Saul Mosher, Presiding officer for Ward No. Six, declaring Isaac Creighton to have received the highest number of votes for the office of Alderman in said Ward.

His Worship the Mayor declares the foregoing—William J. Stewart for Ward No. One, William Dennis for Ward No. Two, Thomas Mitchell for Ward No. Three, E. W. O'Donnell for Ward Four, William McFatridge for Ward No. Five, and Isaac Creighton for Ward No. Six, to be duly elected Aldermen of the City of Halifax.

The said William J. Stewart, Esq., for Ward No. One; William Dennis, Esq., for Ward No. Two; Thomas Mitchell, Esq., for Ward No. Three; E. W. O'Donnell, Esq., for Ward No. Four; William McFatridge, Esq., for Ward No. Five; Isaac Creighton, Esq., for Ward No. Six, having taken and subscribed the Oath of Allegiance, the Oath of Office as Aldermen, as well as that of Justice of the Peace for the City of Halifax, sign the Roll and take their seats as Aldermen of the City of Halifax.

Moved by Alderman Mosher, seconded by Alderman Wallace, that the City Clerk be directed to notify the Honorable the Provincial Secretary of the election of Michael E. Keefe, Esq., to the office of Mayor, for the civic year 1893-4, and to respectfully request His Honor the Lieutenant-Governor to name a time and place to swear Mr. Keefe into office. Motion passed.

His Worship the Mayor addresses the Council, congratulating them on the manner in which the civic business had been conducted during the past year, expressing thanks for the treatment accorded him by the members of the retiring Council, and predicting a new civic year of harmonious and progressive work for the good of the City.

Alderman McFatridge, Charman, submits a report from the City Prison Committee, covering accounts, etc., for the month of April.

Alderman McFatridge, acting Chairman of the Board of City Works, submits three reports from said Board.

Alderman Allen, Chairman, submits a report from the Charities Committee, covering accounts, etc.

His Worship the Mayor submits the following papers :

Letter from William Cunningham, *re* commutation of common lots.

Letter from His Honor the Recorder, *re* suit Moir vs. the City.

Letter from His Honor the Recorder, *re* Dr. DeWitt's account.

Letter from Samuel Creed, City Librarian, asking for an increase to the amount now received by him.

Petition from William Judge and others, for Water extension, Rector street.

Letter from Commissioners Point Pleasant Park, covering financial statement for year 1892-3, and resolution, *re* Steel's pond.

Petition from Rev. Cuthbert Willis and others, for Sewer, Queen street.

Letter from Wilson Morton, relative to advertising the City of Halifax at the World's Columbian Exposition at Chicago.

Letter from W. L. Lowell & Co., *re* Contract for Insurance of Firemen.

Letter from executors of estate of the late M. P. Black, covering deed of dedication of Street through the late M. P. Black's property, and letter from His Honor the Recorder on the same.

Letter from the City Marshal relative to the death of Policeman John Keefe.

Letter from W. M. Sinclair, solicitor of J. D. Ronald, claiming damages in connection with the Ronald Steam Fire Engine.

Report of Police Committee covering applications for the position of Chief of Police, recommending Nicholas Power for said office, and on other matters.

Letter from W. H. Wiswell, County Clerk and Treasurer, *re* City's proportion of County Assessment for year 1893, and covering copy of Municipal estimates for year 1893.

Letter from Chief Justice McDonald, informing the Council of the appointment by him of John H. Symons as a member of the Court of Appeal.

Return of Weighers and Measurers of Coal for March.

Letter from City Clerk, covering account of A. & W. Mackinlay.

Reports (2) from Board of Fire Wards and Fire Commissioners, covering accounts.

Letter from R. T. Murray, *re* Sewer extension, Robie street.

Resignation of Alderman Foster as a member of the Board of School Commissioners.

Cash statement City Treasurer for March.

Cash statement City Treasurer, Water Department, for March.

Returns of City Collector of amounts collected during the month of April for Rates and Water Rates.

Application from Duncan Grant for position of Coal Measurer.

Applications from Henry D. Rankine, G. S. M. Gibson and Peter O. Carroll for the position of Chief of Police.

Moved by Alderman Dennis, seconded by Alderman Mosher, that the Order of the Day be suspended to read the papers handed in. Motion passed.

Read resignation of Alderman Foster as member of Board of School Commissioners. Fyled.

Read letter from William Cunningham, *re* commutation of common lots.

The following resolution is now introduced:

Resolved, That the letter of William Cunningham be referred to the Mayor and Recorder to be dealt with.

Moved by Alderman Dennis, seconded by Alderman Duggan, and passed.

Read letter from His Honor the Recorder, announcing a judgment by the full Court in favor of the City in the case of Moir vs. the City of Halifax and others.

MOIR VS. THE CITY OF HALIFAX AND OTHERS.

April 19th, 1893.

The Council well recollect this was an action brought by the plaintiffs against the City and Alderman Pickering for blowing down the brick walls of his confectionery building.

At the trial Judge gave a verdict for the defendants, but in case his judgment should be reversed by the full court he assessed the damages at \$3300.

I am glad to inform the Council the full Court a few days ago after argument gave judgment in favor of the City and Alderman Pickering and saved the City the \$3300.

WILLIAM F. MACCOY, *Recorder.**His Worship the Mayor.*

Moved by Alderman Dennis, seconded by Alderman Mosher, that the same be placed on file. Motion passed.

Read letter from Samuel Creed, City Librarian, asking for an increased allowance. Moved by Alderman Wier, seconded by Alderman Allen, that the City Clerk acknowledge receipt of said letter and inform Mr. Creed that the Council are not in a position to alter the arrangement at present existing between him and the City. Motion passed.

Read petition from William Judge and others for extension of Water Supply east on Rector Street. Moved by Alderman Mosher, seconded by Alderman Eden, that the same be referred to the Board of City Works for report. Motion passed.

Read letter from Commissioners of Point Pleasant Park, covering financial statement for year 1892-3, and also, resolution requesting the Council to apply to the Legislature for authority to borrow a sum not to exceed one thousand dollars for improvement of Steeles' Pond. Moved by Alderman Dennis, seconded by Alderman Wier, that the same be referred to the Committee on Public Accounts for report. Motion passed.

Read petition from Rev. Cuthbert Willis and others for Sewer, Queen Street. Moved by Alderman Allen, seconded by Alderman Wier, that the same be referred to the Board of City Works and City Engineer to report on. Motion passed.

Read letter from Wilson Morton, Chicago, asking City of Halifax to forward for exhibition, at the World's Columbian Exposition, Chicago, a map of City and banner with the City's Coat of Arms. Moved by Alderman Morrow, seconded by Alderman Mosher that the same be referred to His Worship the Mayor for such action as he may deem advisable. Motion passed.

Read letter from W. L. Lowell & Co. relative to the awarding of contract for Accident Insurance on the lives of the firemen. Moved by Alderman Wier, seconded by Alderman Ryan, that all the papers on the subject be forwarded to the Board of Fire Wards for report. Motion passed.

Read letter from His Honor the Recorder covering letter from W. F. Parker, executor of the estate late M. P. Black, with deed of

redication of street through the late M. P. Black's property. Moved by Alderman Mosher, seconded by Alderman Outhit, that the same be referred to the Board of City Works and City Engineer for report. Motion passed.

Read opinion of His Honor the Recorder relative to account of Dr. G. E. DeWitt for professional services tendered to persons at the Police Station.

IN RE DR. DEWITT'S CLAIM.

Halifax, N. S. April 24th, 1893.

Dr. DeWitt makes a claim against the City, for \$61.00, for services performed to persons brought into the station by policemen, requiring immediate attention. It is the duty of the City Medical Officer, to attend to persons brought to the police station and requiring immediate medical attendance.

On the 22nd day of September, 1890, Dr. DeWitt was appointed temporarily Assistant Medical Officer, and on the recommendation of the Sanitary Committee the work was divided between them, and the C. M. O. was to attend at the police station.

It was while he was Assistant City Medical Officer, that Dr. DeWitt performed the services at police station, for which he has charged and was no part of the duties assigned him, but should have been performed by the C. M. O., and I presume would have been if called upon. Independent of other serious difficulties. I am of the opinion that Dr. DeWitt has no claim on the City, for the services claimed.

WILLIAM F. MACCOY, *Recorder.*

To His Worship the Mayor.

Moved by Alderman Eden, seconded by Alderman Mosher, that the opinion of His Honor the Recorder, be received and placed on file, and a copy of said report be forwarded to Dr. DeWitt. Motion passed.

Read letter from W. H. Wiswell, County Clerk, and Treasurer, *re* the proportion of County Assessment, to be paid by the City, for the year 1893, and covering a copy of municipal estimates for the year 1893. Moved by Alderman Dennis, seconded by Alderman Morrow, that the same be referred to the committee on Public Accounts for report. Motion passed.

Read letter from G. Cotter, City Marshal, informing the Council of the death of Policeman John Keefe. Moved by Alderman Allen, seconded by Alderman Mosher, that the same be referred to the Police Committee. Motion passed.

Read Letter from W. M. Sinclair, solicitor of J. D. Ronald, informing the Council that unless they carry out the purchase of the Ronald Steam Fire Engine an action will be entered against the Corporation of the City of Halifax for damages. Moved by Alderman Dennis, seconded by Alderman Wallace, that said letter be referred to His Honor the Recorder to reply to Mr. Sinclair. Motion passed.

Read report of City Prison Committee, covering accounts for April.

May 3rd, 1893.

At a meeting of the Prison Committee held to-day, there were present: Aldermen Wier, Duggan, Ryan and the Chairman.

They had before them a number of accounts, which on examining were found to be correct and are herein submitted, amounting to \$127 33. Barnstead & Co., \$9 86; Smith & Co., \$2 32; Wallace & Stevens, \$67 07; Hogan & Sons, \$1 25; Martin & Co \$4 20; Carnell & Co., \$1 25; G. P. Henry. \$16 80; Wm. Roche \$14 58. Total \$127 33.

WM. MCFATRIDGE, *Chairman.*

When the following resolution is introduced:

Resolved, That the report of the Prison Committee be received and concurred in, and the Mayor authorized to sign warrants for the payment of the accounts named therein.

Moved by Alderman McFatrige, seconded by Alderman Duggan, and passed.

Read a report from Board of City Works *re* widening Quinpool Road, covering report of City Engineer, and letters from W. E. Schwartz and Sisters of the Good Shepherd on the subject. Moved by Alderman McFatrige, seconded by Alderman Morrow, that the same be placed on the Order of the Day, to be taken up with No. 39, viz: Report Board of City Works *re* expropriation of land required for widening Quinpool Road. &c. Motion passed.

Read report Board of City Works *re* sewer extension Hollis street, covering petition of John W. Rhuland and report of City Engineer thereon.

April 24th, 1893.

The Board of City Works beg to report, that at a meeting held this day, they had before them a report from the City Engineer *re* petition from John Rhuland, et al, *re* sewer extensions on Hollis street, from Lumber Yard to Morris street. When it was decided to forward the papers in connection therewith to the City Council for its information and action.

W. F. PICKERING, *Chairman.*

HOLLIS STREET SEWER.

April 24th, 1893.

Chairman Board of Works:

SIR,—The accompanying petition for the extension of the sewer on Hollis street having been referred to me, I beg to report that the length required will be 250 feet. Estimated cost, \$950. The estimated sewerage rates will be \$750.

These properties are not so much in need of a new sewer as many others I could mention, and although it would be cheaper to construct it while the present sewer is being built, if the order for its construction does not reach this office within 3 days, the work now in hands will be completed. I think, under the circumstances, it should take its turn on the Order Book.

F. W. W. DOANE, *City Engineer.*

Moved by Alderman McFatrige, seconded by Alderman Morrow, that said reports be adopted and sent back to the Board of Works to have said sewer placed on Order Book, to be built in its turn. Motion passed.

Read report of Board of City Works relative to tenders for removal of ashes, and recommending that the tender of Peter Keddy be accepted.

April 24th, 1883.

The Board of City Works beg to report that at a meeting held on the 17th inst., they had before them the tenders for the removal of ashes from the various wards of the City for the present season, when it was decided to forward the tenders to the City Council with a recommendation that that of Peter Keddy's being the lowest be accepted.

W. F. PICKERING, *Chairman.*

Moved by Alderman McFatridge, seconded by Alderman Mosher, that the report be received and concurred in and sent back to the Board to accept Mr. Keddy's tender on his giving the required security for the fulfilment of the contract. Motion passed.

Read report of Charities Committee recommending the appointment of four medical men without salary, and two citizens to the Charities Committee, payment of accounts for April and informing the Council of the temporary appointment of Mrs. Dow, as acting Matron of the Asylum.

April 29th, 1893.

The Charities Committee beg to submit the following reports.

That they unanimously decided to recommend to the Council that a Medical Board, consisting of four without salary, be appointed by the Charities Committee for the Poors' Asylum.

They would also further recommend that two citizens be added to the committee.

The following accounts were examined, found correct, and ordered to be paid: Dillon Bros., \$465.76; A. M. Bell, \$53.54; Baldwin & Co., \$16.50; John McInnes & Son, \$144.35; C. W. Davies, \$140.00; Brookfield Bros., \$20.65; George Rent, \$65.38; McEwan & Co., \$76.00; A. J. McNutt, \$29.85; James Dempster, \$27.90; Wm. Roche, coal, \$431.25; John O'Connell, 9 29; Chas. J. Cooke \$1.50; Clayton & Sons, \$5.75; Malcom & Johnston, \$28.26; Longard Bros., \$207.03; W. & C. Silver, \$45.00; E. Fenton, \$64.31; W. A. Maling & Co., \$45.00; George Parker, \$78.00; Isaac Durling, \$190.14; Wm. Roche, Leather, \$11.56; R. T. Braine & Co., \$149.17; B. Mulcahy, House Expenses, \$146.40; George Gregoire, \$33.62. Total, \$2486.12.

The Superintendent's report for March, shows that there had been 25 admitted 4 born, 32 discharged and 5 died. Total in Poors' Asylum, March 31st, 1893, 332.

On May 1st, Mrs. Flemming left the Poors' Asylum, being the end of the civic year for which she was elected. In the meantime until the Council deal with the matter, I have appointed Mrs. Dow, wife of the Superintendent, acting matron.

T. C. ALLEN, *Chairman.*

Moved by Alderman Allen, seconded by Alderman Wallace, that the same be received and concurred in. Motion passed.

Read report of Police Committee *re* appointment of Chief of Police covering applications, and recommending that Nicholas Power be appointed to the position *re* fine imposed upon Policeman Martin and petition for reinstatement of ex-policeman James Brady. Moved by Alderman Wier, seconded by Alderman Wallace, that the same be placed on Order of the Day to be taken up later in the evening. Motion passed.

Read application of Duncan Grant for position of Coal Measurer. Filed.

Read report of Weighers and Measurers of Coal, for March, 1893. Filed.

Read appointment by Hon. James McDonald, Chief Justice, of John H. Symons, as a member of the Court of Appeal. On motion the same was concurred in.

Read applications for the position of Chief of Police, from Henry D. Rankine, Peter O. Carroll and G. S. M. Gibson. Moved by Alderman Wier, seconded by Alderman Allen, that the same be placed on the Order Paper, to be considered with the report of the Police Committee on the matter. Motion passed.

Read report of City Clerk, covering account of A. & W. Mackinlay. Moved by Alderman Dennis, seconded by Alderman Outhit, that the same be referred to the Committee on Public Accounts for report. Motion passed.

Read reports (2) from Board of Fire Wards and Fire Commissioners, covering accounts recommended for payment.

April 12th, 1893.

The Board of Fire Wards and Fire Commissioners beg to report the following accounts for payment:—J. C. Dumaresq, for personal services in connection with New Ladder House, \$217 00; Forsyth, Sutcliffe & Co., Soda, etc., \$13 32; Cragg Bros. & Co., supplies, \$13 57; T. W. Bateman, replacing locks and new keys, etc., \$11 00; C. W. Davies, repairing lock, 75cts; M. F. Burns, globes and burners, \$8 30; James Dempster & Co., ladder rings, etc., \$15 22; Halifax Illumg. & Motor Co., lighting No. 7 Engine House, 5 mos. \$40 85; Halifax Illumg. & Motor Co., for lamps, \$30 75; Farquhar Bros., tinsmith and gas-fitting work, \$10 53; Lawson, Harrington & Co., oil, \$2 25; Nova Scotia Furnishing Co., beds, bedding, etc., \$19 90; M. J. O'Brien, repairing lounge, \$1 00; A. T. Graves, repairs to apparatus, etc., \$21 50; Farquhar Bros., gas-fittings, etc., for house, Bedford Row, \$20 66; H. Trenaman, Secretary to Board, \$30 00. Total \$456 60.

For New Fire Alarm box at Victoria General Hospital, labour and material in fitting up same, \$122 54. This last amount is to be repaid by the Commissioner of Works and Mines.

W. F. PICKERING, *Chairman*.

April 26th, 1893.

The Board of Fire Wards and Fire Commissioners beg to report that they have examined the following accounts and recommend the same for payment:—W. N. Brown, repairing running gear, \$14 50; John T. Murphy, repairing fire alarm, \$2 25; Frank Reardon, glass, \$1 40; H. H. Fuller & Co., supplies for stables, \$3 90; W. & A. Moir, repairs S. F. Engines 1 and 4, \$7.25; W. P. C. Ingles, hire of horse and waggon, \$4 00; John Starr & Sons, electrical supplies, \$2 27; Forsyth, Sutcliffe & Co., soda for Chemical, \$2 80; R. Martin & Co., 8 sets harness, \$240 00; Austen Bros., supplies, \$41 14; McDonald, & Co., repairs to No. 1 S. F. E., \$66 96; McDonald & Co., repairs No. 2 S. F. E., \$61 15; McDonald & Co., repairs to No. 3 S. F. E., \$64 58; McDonald & Co., repairs to No. 4 S. F. E., \$36 20; McDonald, additional repairs to No.'s 1, 2, 3 and 5 S. F. E., \$25 70; McDonald & Co., hose branch to order, \$11.50. Total \$585.60.

W. F. PICKERING, *Chairman*.

Moved by Alderman Ryan, seconded by Alderman McFatridge, that said reports be received and concurred in, and the Mayor authorized to sign warrants for the payment of the accounts named therein. Motion passed.

Read cash statement City Treasurer for March, and cash statement City Treasurer, water department, for March. Moved by Alderman

Dennis, seconded by Alderman Wallace, that the same be referred to the Committee on Public Accounts for report. Motion passed.

Read return of City Collector of Rates and Water rates collected during the month of April. Moved by Alderman Dennis, seconded by Alderman Wallace, that the same be referred to the Committee on Public Accounts for report. Motion passed.

Read letter from R. T. Murray, executor of the estate of the late Andrew Downs, asking for water extension, Robie street.

His Worship the Mayor and City Council:—

Gentlemen,—Some weeks ago I as agent for the Downs estate, applied to have the water extended to a new double house being built by the estate, on Robie Street.

I understand that the matter has not being definitely dealt with by the council, and I take the liberty of urging that action be taken at next meeting, as a portion of the house is already occupied, and the tenant is without water.

We will give any bond required or deposit any reasonable cash sum as security with the Board of City Works.

Hoping to be excused any appearance of importunity.

I am your obedient servant,

R. T. MURRAY,

Executor, Estate A. Downs.

Moved by Alderman Eden, seconded by Alderman McFatridge, that the same be referred to the Board of City Works, and City Engineer to carry out the work asked for. Motion passed.

Moved by Alderman Wier, seconded by Alderman Mosher, that the report of the Police Committee previously read this evening be now considered. Motion passed.

Read 1st clause of said report relative to the appointment of Chief of Police.

Read applications for the position of Chief of Police from the following: G. S. M. Gibson, Peter O. Carroll, Henry D. Rankine, Richard Rawlings, John Naylor, Nicholas Power, and John O'Sullivan.

Alderman Ryan nominates W. F. Pickering for said position of Chief of Police. His Worship the Mayor asks the opinion of His Honor the Recorder as to whether all those, whose names are before the Council for the position of Chief of Police, are eligible for election to that office.

His Honor the Recorder submits a reply in writing, giving as his opinion that Section 219 of the City Charter applies to a person appointed to the office of Chief of Police who is not already a member of the force, and it does not apply to a person promoted from the force to that position. The Council can appoint any one if he complies with Sections 219 and 220 of the City Charter.

IN RE APPOINTMENT OF CHIEF OF POLICE

May 3rd, 1893.

A question has arise as to whether Section 219 of the Charter, requiring that no person shall be appointed a member of the Police Force, who is more than 30 years of age, &c, applies to the appointment of a Chief of Police, under the new Act.

Will the Chief of Police after election, become a member of the force.

As all the powers and duties imposed upon the City Marshal, under the Charter, have been transferred to the Chief of Police, it becomes necessary to enquire what is the status of the Marshal. The Charter declares the City Marshal shall be the High Constable of the City, and as such high Constable he has the control of the police, and is responsible for the good order and peace of the City, and before entering on his duties he must be sworn into office. Within the City he has all the powers and authority in all matters, criminal, and in case of breach of the peace, and for preserving quiet and good order that the Sheriff and Constables have within their jurisdiction.

This clearly shows that he is not a mere executive officer, whose sole duty is to superintend the police and see that they perform their duty, but the law has conferred upon him all the powers and duties of an ordinary police officer, to arrest on a criminal charge, breaches of the peace, and preserving the quiet and good order of the City, and for that purpose he has all the power of a Sheriff or Constable, and being a Constable or Police Officer with all the powers as such he belong to and forms part of the force, but is placed at their head exercising control over them, and the seeing that they perform their duty. It is just as much the duty of the City Marshal to arrest for a crime committed in his presence, as a policeman. It must be remembered also that the City Council can regulate by ordinance the duty of the Marshal and the Police, again proving that he is not a mere executive officer but a member of the force, and any person assaulting or interfering with him in the discharge of his duties, would be liable to be indicted just the same as if the person interfered with a policeman in the discharge of his duties.

It has been said that Section 206, speaking of the police force being inspected by His Worship the Mayor and fining all policemen who neglect to appear, &c., does not mention the Marshal. That is true; neither does it mention the Deputy Marshal or the Sergeants, and it cannot be doubted that they are policemen and would be liable to the fine.

But it has been said that because he is Chief of the Police he is not a member. I cannot understand this argument. He is of the force and belongs to it and is chief of it. It might just as well be said of a captain in the army that he does not belong to the army or is not a member of the regiment to which he has been appointed.

But if I had any doubts on the subject, they are dispelled by the Police Superannuation Act, Chapter 52 of the Acts of 1888, enacted that the Police and Superannuation regulations passed by the City Council were made law, and then follows the regulations from section 219 to 240 of the Charter.

By those police regulations, the City Marshal is required to pay into the police superannuation fund \$3.00 a month, and any officer who has been injured in the discharge of his duties may retire after 10 years' service, and any officer who has contributed to the fund may retire after 25 years' service, or the Council may superannuate any officer who is permanently incapacitated.

Can it be doubted that these regulations do not apply to the City Marshal, and proves conclusively that he belongs to and is a member of the police force.

For these and other reasons, I am clearly of opinion that Section 219 of the Charter applies to a person appointed to the office of the Chief of Police who is not already a member of it, and it does not apply to a person promoted from the force to that position. The Chief of Police, under the new Act, has the same duties, authority and status as the City Marshal formerly had. I have seen the opinion signed by three learned gentlemen to the contrary, and it is for that reason I have carefully considered the question.

On looking at their opinion, it will be observed that they only incline to the opinion that Section 219 does not apply to the City Marshal.

I enclose the opinion of the three gentlemen referred to for the information of the Council.

WILLIAM F. MACCOY, Recorder.

P. S.—Of course the Council can appoint anyone if he complies with Section 219 of the Charter and 220.

Moved by Alderman Eden, seconded by Alderman Duggan, that the opinion of His Honor the Recorder be concurred in. Motion put and passed, 9 voting for the same and 7 against it.

Being asked for a ruling His Worship the Mayor decides that under the opinion of His Honor the Recorder, the only applicants eligible for election are Carroll, Gibson, Power and O'Sullivan.

Alderman Hubley, through His Worship the Mayor, asks the opinion of His Honor the Recorder as to whether Carroll and Gibson are eligible, they not having presented certificates of birth.

His Honor the Recorder replied that in his opinion the certificate of birth must be furnished.

The vote on the appointment now being taken appeared thus :

1st vote for Power.—Aldermen Allen, Wallace, Duggan, Ryan.—4.

1st " " O'Sullivan.—Aldermen Hamilton, Mitchell, Hubley, Eden, O'Donnell, McFatridge, Creighton and Mosher.—8.

1st " " Naylor.—Aldermen Stewart, Morrow, Wier, Dennis, Outhit.—4.

2nd " " Power.—Aldermen Ryan, Duggan.—2.

2nd " " O'Sullivan.—Aldermen Mosher, Creighton, Eden, McFatridge, O'Donnell, Hubley, Mitchell, Hamilton.—8.

2nd " " Naylor.—Aldermen Outhit, Wallace, Dennis, Wier, Allen, Morrow, Stewart.—7.

3rd " " Power.—Aldermen Ryan, Duggan.—2.

3rd " " O'Sullivan.—Aldermen, Mitchell, Hamilton, Allen, Mosher, Creighton, Eden, McFatridge, O'Donnell, Hubley.—9.

3rd " " Naylor.—Aldermen Wallace, Dennis, Wier, Morrow, Stewart, Outhit.—6.

His Worship the Mayor declares John O'Sullivan elected Chief of Police for the City of Halifax.

Alderman Wier, gives notice of reconsideration.

His Worship the Mayor now nominates the following as the standing committees for the civic year, 1893-4.

Board of Commissioners Point Pleasant Park—Aldermen Allen, Wallace, Mitchell, O'Donnell, Eden, Creighton.

Board of Commissioners City Works—Aldermen Allen, Dennis, Hamilton, Ryan, Foster, Mosher.

Commissioners of Halifax Common—Aldermen Allen, Wier, Mitchell, Ryan, Foster, Outhit.

Hacks, Trucks and Omnibuses—Aldermen Morrow, Wier, Hamilton, O'Donnell, Eden, Creighton.

City Prison—Aldermen Stewart, Wier, Mitchell, Hubley, McFatridge, Outhit.

Board of Fire Wards and Fire Commissioners—Aldermen Morrow, Wallace, Duggan, Ryan, McFatridge, Mosher.

Board of Police Commissioners—His Worship the Mayor, Aldermen McFatrige and the Chief of Police.

Sanitary Committee or Board of Health—Aldermen Wier, Duggan.

Board of Fire Escapes—Aldermen Mitchell, Morrow, Ryan.

Library—Aldermen Allen, Wallace, Hamilton, Hubley, McFatrige, Mosher.

Charities—Aldermen Stewart, Wier, Duggan, Ryan, McFatrige, Mosher.

Public Accounts—Aldermen Stewart, Wallace, Mitchell, Hubley, Foster, Outhit.

Cemetery—Aldermen Morrow, Dennis, Hamilton, O'Donnell, Foster, Creighton.

Laws and Privileges—Aldermen Allen, Wallace, Mitchell, Hubley, Eden, Outhit.

Tenders—Aldermen Morrow, Wier, Hamilton, Ryan, McFatrige, Mosher. Moved by Alderman Wallace, seconded by Alderman Dennis, that Alderman Dennis be substituted for Alderman Wallace on the Committee on Public Accounts. Motion passed.

Moved by Alderman Hamilton, seconded by Alderman Wallace, that Alderman Duggan be substituted on Hacks and Trucks Committee, for Alderman Hamilton. Motion passed.

Moved by Alderman Wier, seconded by Alderman Dennis, that Alderman Dennis be substituted on Charities Committee for Alderman Wier. Motion passed.

Moved by Alderman Morrow, seconded by Alderman Stewart, that Alderman Outhit be substituted for Alderman McFatrige on the Board of Police Commissioners. Which motion on being put is passed, 13 voting for the same and 3 against it. The names being called for appeared thus:

For the Motion.	Against it.
Aldermen Stewart, Morrow,	Aldermen Duggan
Allen, Wier,	O'Donnell,
Dennis, Wallace,	McFatrige.—3.
Hamilton, Mitchell,	
Hubley, Ryan,	
Eden, Creighton,	
Mosher.—13.	

Alderman Outhit excused from voting.

Alderman Duggan gives notice of reconsideration.

Moved by Alderman Outhit, seconded by Alderman Mosher, that Alderman Outhit be substituted on Board of Charities for Alderman Mosher. Motion passed.

Moved by Alderman Outhit, seconded by Alderman Mosher, that Alderman Mosher be substituted for Alderman Outhit on Committee of Laws and Privileges. Motion passed.

Moved by Alderman Allen, seconded by Alderman Stewart, that Alderman Stewart be substituted for Alderman Allen on Board of Commissioners of Point Pleasant Park. Motion passed.

Moved by Alderman Wier, seconded by Alderman Morrow, that the nomination of the Standing Committees, made by His Worship the Mayor as amended be concurred in. Motion passed.

The Council now proceed to elect a member of the Board of Health vice Dr. Morrow, and the following named are nominated :

Drs. A. C. Hawkins, Carleton Jones, and Murray.

The vote being taken appeared as follows :

1st vote for Dr. Hawkins : Aldermen Outhit, Mosher, Creighton,
Eden, McFatridge, Ryan,
Hubley, Allen.—8.

" " Dr. Jones, " Duggan, Wallace, Morrow.—3.
" " Dr. Murray, " O'Donnell, Mitchell, Hamilton,
Dennis, Wier, Stewart.—6.

2nd vote for Dr. Hawkins, " Allen, Ryan, McFatridge,
Creighton.—4.

" " Murray, " Stewart, Morrow, Wier, Dennis,
Wallace, Hamilton, Duggan,
Mitchell, Hubley, O'Donnell,
Eden, Mosher, Outhit.—13.

His Worship the Mayor declares Dr. Murray elected a member of the Board of Health.

The Council now proceed to elect a Citizen Commissioner of Halifax Common vice Thomas Mitchell elected an Alderman for ward No. 3.

Moved by Alderman Hamilton, seconded by Alderman Allen, that W. F. Pickering be appointed a Commissioner of Halifax Common.

Moved by Alderman Dennis, seconded by Alderman Mosher, that C. S. Lane receive said appointment.

The vote being taken appeared as follows:

For F. W. Pickering.—Aldermen Creighton, McFatridge O'Donnell,
Hubley, Mitchell, Hamilton, Wal-
lace. Allen.—8.

For C. S. Lane.—Aldermen Outhit, Mosher, Mosher, Eden, Ryan,
Dennis, Wier, Morrow, Stewart.—9.

His Worship the Mayor declares C. S. Lane elected a Citizen Commissioner of Halifax Common.

The election of a member of the Board of School Commissioners, vice Alderman Foster resigned, is now proceeded with, and the following are nominated :—Alderman McFatridge and Alderman Hubley. The vote being taken shows as follows :

For Aldermen McFatrige.

Aldermen Allen, Dennis,
Wallace, Duggan,
Mitchell, Ryan,
Mosher—7.

For Alderman Hubley.

Aldermen Stewart, Morrow,
Wier, Hamilton,
Eden, Creighton,
Outhit, O'Donnell—8.

His Worship the Mayor declares Alderman Hubley elected a member of the Board of School Commissioners for the City of Halifax.

Moved by Alderman Morrow, seconded by Alderman Wallace, that No. 31 on Order of the Day be now taken up. Motion passed.

Read No. 31, viz:—Report of City Engineer re order of Sewer Construction.

ORDER OF CONSTRUCTION.

March 11th, 1893.

His Worship the Mayor.

Sir,—In accordance with the accompanying resolution of Council I beg to report respecting the sewer construction during the coming season:—

There are a great many sewers on the Order Paper, every one of which should be built and as soon as possible. Under the circumstances, the construction of all the sewers on the Order Book is out of the question. I would therefore recommend that the following sewers be constructed this year and in the order named: DeWolf's Wharf outlet, Prince Street outlet, Marine & Fisheries Wharf outlet, Gottingen Street Sewer from Cunard to Uniacke Street, Hollis Street Sewer from Sackville Street to the Halifax Hotel, Granville Street, from Duke to Buckingham Street, Lower Water Street, from Prince to Salter Street, Agricola Street and Macara Street, Salter Street from Barrington to Water Street, Granville Street, from Sackville to Blowers Street, Blowers Street from Granville to Grafton Street. There are other sewers which are badly needed, but none more necessary than those named. One sewer, that for James Street, was ordered to be done as soon possible, but it would not be advisable to construct it until the Gottingen Street Sewer is finished. Hollis Street Sewer is not on the Order Book, but the old drain under the gutter is very offensive and is being continually choked up. There have been many complaints respecting this sewer and one notice of action for damages, and should be one of the first constructed.

F. W. W. DOANE, *City Engineer.*

Moved by Alderman Morrow, seconded by Alderman Wallace, that said report be received and concurred in and that the same be sent to the Board of City Works to carry out. Motion passed.

Moved by Alderman Eden, seconded by Alderman McFatrige, that the Council adjourn. Motion passed.

Council adjourns 11.15 o'clock.

EVENING SESSION.

8.10 o'clock.

MAY 10TH, 1893.

A meeting of the City Council was held this evening at the above hour. There were present His Worship the Mayor, Aldermen Hubley, Wier, Creighton, Mosher, Stewart, Mitchell, Allen and O'Donnell.

Moved by Alderman Mosher, seconded by Alderman Hubley, that the time for meeting be extended until 8.30 o'clock. Motion passed.

8.30—Roll called. Present the above named, together with Aldermen Hamilton, Outhit, Duggan, Dennis, Morrow, Foster, McFatridge, Ryan and Eden.

The Council was summoned to elect the various City officials for the year 1893-4. To proceed with business standing over and the transaction of other business.

Read minutes of last meeting. On motion the minutes were amended by substituting the name of Alderman O'Donnell for that of Alderman Duggan, as the mover of the notice of re-consideration of the resolution appointing Alderman Outhit as a member of the Police Board. The minutes as amended were then confirmed.

Alderman Morrow, Chairman, submits report from Committee on Tenders, *re* Tenders for loan.

Alderman McFatridge, acting Chairman, submits a report from Board of City Works, *re* tenders for hauling cast iron water pipes.

Alderman McFatridge submits the report of the City Prison Committee for April.

His Worship the Mayor submits the following papers:

Report Board of City Works, *re* election of Chairman.

Report Board of Health, *re* appointment of Chairman.

Three reports of Supervisors of Weighers and Measurers of Coal, viz:—Monthly report for April, Annual report for 1892-3, and report on vacancy on staff.

Applications for position of Weighers and Measurers of Coal from Thomas Ceconi, William Spain, James Nickerson, Daniel O'Leary and Thomas Shields.

Report of City Engineer, *re* Mill Owners claims.

Order-in-Council, *re* expropriation of land for Low Service Water Main.

Account of J. W. Ousley, Clerk of House of Assembly, for certified copies of Acts relating to the City of Halifax.

Report of City Clerk, covering account of A. & W. Mackinlay for April.

Letter from John O'Sullivan, submitting the names of his bondsmen.

Letter from Michael O'Brien, *re* Union Engine Company matters.

Also, petition from P. J. Dwyer, *re* the same.

Letter from C. E. Harris, General Manager Nova Scotia Telephone Company, Limited, *re* erection of poles.

Annual report of City Prison Committee for civic year 1892-3

Applications of the various civic officials for re-election.

Moved by Alderman Mosher, seconded by Alderman Outhit, that the Order of the Day be suspended to read the papers handed in. Motion passed.

Read report of Committee on Tenders, on tenders for loan of \$50,000 for Water extension.

The Committee on Tenders beg to report that at a meeting held on 9th inst. tenders were opened for loan \$50,000 for water extension, and that the tender of J. C. Mackintosh for 4½ per cent. Debentures or stock at \$2,300 being most favorable, they recommend its acceptance.

GEOFFREY MORROW, *Chairman*.

Halifax May 10th, 1893.

When the following resolution is introduced :

Resolved, that the report of the Committee on Tenders be concurred in, and that the tender of J. C. Mackintosh for \$50,000 at 4½ per cent. at a premium of 2.300 per cent. be accepted, to bear interest from July 1st, 1893.

Moved by Alderman Morrow, seconded by Alderman Wier, and passed.

Read report of acting members of late Board of City Works *re* hauling and distribution of water pipes.

HALIFAX, N. S., May 10th, 1893.

The acting members of the late Board of Works, who were instructed by that Board to perform the duty, met this day, and opened tenders for the removal from the Cotton Factory Siding, and distribution on the line, of the iron pipes for the new pipe line, as follows :

Thomas Robinson will take them from the ground and distribute as directed for \$1.25 per ton, or will unload from the cars and distribute for \$1.40 per ton.

John Nolan will unload from cars and distribute for \$1.64 per ton.

W. J. Veith will take them from the ground and distribute for \$1.45 per ton, or will unload from cars and distribute for \$1.70 per ton.

It was decided to recommend to the City Council the acceptance of the tender of Thomas Robinson for \$1.25 per ton.

W. McFATRIDGE, *Chairman*.

The following resolution is introduced :

Resolved, That the tender of Thomas Robinson, for distributing pipes from the Cotton Factory along the pipe line, where directed by the City Engineer, for the sum of one dollar and twenty-five cents per ton be accepted.

Moved by Alderman McFatrige, seconded by Alderman Eden, and passed.

Read report of Board of City Works, *re* election of Chairman. Moved by Alderman Ryan, seconded by Alderman Eden, that the same be received and concurred in.

Moved in amendment by Alderman Hamilton, seconded by Alderman Dennis, that the report be laid over until a later stage of the meeting. Said amendment on being put is passed.

Read report City Health Board, in *re* election of Chairman.

May 10th, 1893.

The Board of Health beg to report that at a meeting held last evening, Mr. W. H. Neal was appointed Chairman of the Board for the ensuing year.

N. MEAGHER, *Secretary*.

Moved by Alderman Duggan, seconded by Alderman McFatrige, that said report be received and concurred in. Motion passed.

Read report of Supervisor of Weighers and Measurers of Coal, *re* vacancy on staff. Moved by Alderman Foster, seconded by Alderman McFatrige, that the report be received and concurred in, and that the City Clerk be directed to advertise for applicants for the position. Motion passed.

Read monthly report of Supervisor of Weighers and Measurers of Coal for the month of April. Also annual report of same for civic year, 1892-3. Ordered to be filed.

Read applications for position of Weigher and Measurer of Coal from the following: Thomas Cecconi, William Spain, James Nickerson, Daniel O'Leary and Thomas Shields. On motion the same are deferred for consideration with applications in answer to advertisement.

Read report of City Engineer *re* mill owners claims. Objected to.

Read Order-in-Council *re* expropriation of land for Low Service Water Main.

Copy of an Order-in-Council passed at Halifax on the 25th day of April, A. D. 1893, and approved by His Honor the Lieutenant-Governor.

The members of the Council assembled at 11 o'clock this day, for the purpose of hearing the application of the City Council of Halifax under Chapter 58 of the Acts of 1891, entitled: An Act to consolidate and amend the Acts relating to the City of Halifax, and particularly under Section 437 of the said Act for authority to take and expropriate certain lands belonging (1) to the trustees of the late Patrick Power; (2) Edward Walker; (3) William Miller; (4) James Walker, M. D., and (5) the Misses Mary and Bridget Hennessey, as shown on a duplicate plan of said lands marked Right of Way and Land Plan new Low Service Main numbered thereon 3, 6, 7, 11, and 12 submitted by the City Council for the consideration of the Governor-in-Council.

The Council upon inquiry find, that as respects the lands owned by the Trustees of the late Patrick Power, Edward Walker, William Miller and the Misses Hennessey, the requirements of the Statute have not been complied with by the City Council, and they therefore recommend that as respects these lands the application of the City Council be dismissed.

The Council proceeded to inquire into the correctness of the plan, and into the truth of the allegation of the application as respects the property of James Walker, M. D., marked on said plan as number 11, and described as follows:—

All that lot piece or parcel of land situate, lying and being in the northwestern part of the City of Halifax, the said land being more particularly described as follows:—Beginning at the northwest corner of Longard Street and Young Street; thence running westerly along the north side line of Young Street to the north-

east corner of Kempt Road and Young Street; thence northerly along the east side line of Kempt Road, a distance of 600 feet, thence easterly to the west side line of Longard Street, a distance of 376 feet more or less, thence southerly by the west side line of Longard Street a distance of 575 feet to the place of beginning. The whole lot being numbered 11 on a plan entitled: "Right of Way and Land Plan," signed by F. W. W. Doane, City Engineer, dated April 2nd, 1892, and on file in the City Engineer's office at Halifax.

The Council find that the notice of the application was not given by the City Council to the said James Walker, M.D., within the time specified by the law, but the said James Walker received said notice, and by written endorsement thereon, agreed to accept it as a notice within the specified time.

The Council being satisfied as to the correctness of the said plan, and the truth of the allegations of the application as respects the property of James Walker, M.D., respectfully recommend that the taking of the property of the said James Walker, M.D., hereinbefore described by the City Council of the City of Halifax, be approved under the provisions of the said Section 437 of the said Chapter 58, of the Acts of 1891.

I certify the foregoing to be a true and correct Copy of the Order-in-Council, passed and approved as aforesaid.

H. CROSSKILL,
Clerk of Executive Council.

The following resolution is now introduced:

Whereas, In and by sub-section 9 of Section 1 of Chapter 62 of the Acts of 1891, this Council was authorized to borrow a sum not exceeding one hundred and fifty thousand dollars, to extend and improve the Water Supply for the City of Halifax, including the laying of a new pipe line from Chain Lake to the City.

And Whereas, This Council has already by resolution determined to extend and improve said Water Supply and lay said new pipe as in said Act mentioned.

And Whereas, The City Engineer has reported to this Council the necessity for obtaining certain easements and rights in properties, respectively owned by Robert Miller, Edward Walker, the Misses Mary and Bridget Hennessey, and Messrs. N. H. Meagher, John M. Chisholm and L. G. Power, Trustees of Patrick Power, under his will, which easements are particularly described in a Resolution of this Council, passed on the twelfth day of April, A. D. 1893. The Robert Miller property being named therein as the William Miller property.

Therefore Resolved, And this Council hereby authorizes F. W. W. Doane, City Engineer, for it and on its behalf to enter into a contract or agreement with the above named parties, or whoever may be the owners thereof, for the purchase of the rights and easements mentioned in said Resolution of the said respective parties or the owners thereof, in their respective lots of land, particularly set forth and described in said Resolution of the twelfth day of April, 1893.

Further Resolved, That the following sums be offered said parties or whoever may be the owners thereof for said respective rights, viz:

The property known as the Robert Miller property	\$500 00
" " " " Edward Walker property	50 00
" " " " Misses Mary and Bridget Hennessey property ..	300 00
" " " " P. Power property, and held in trust by Messrs.	
N. H. Meagher, John M. Chisholm and L. G. Power, Trustees	250 00

Further Resolved, That said Engineer report to this Council at its next meeting, what agreement (if any) has been made or can be made with the said parties, and if they are respectively willing to accept the amounts mentioned in this Resolution.

Moved by Alderman McFatridge, seconded by Alderman Mosher, and passed.

The following resolution is now introduced:

Whereas, In and by Chapter 62 of the Acts of 1891, sub-section 9 of Section 1, the City Council of the City of Halifax, is authorized to borrow the sum of one hundred and fifty thousand dollars to extend and improve the Water Supply of the City of Halifax, including the laying of a new pipe line from the Chain