

Filed.

Read report of His Honor the Recorder re Smith vs. the City of Halifax.

SMITH vs THE CITY.

RECORDER'S OFFICE, City Hall, Halifax, N. S., Feb. 25, 1902.

His Worship the Mayor :

SIR,—In this case the Military Authorities hired a house for Quarter-Master Smith as a dwelling, which he occupied from year to year for three years. While so occupied he was assessed on his personal property, which assessment he refused to pay on the ground that he was occupying Government property. This question has come up several times, and with a view to getting it settled the solicitor and myself agreed to submit the point without trial to the Supreme Court, and they decided that he was exempt. It is a strange proposition that where the Military Authorities merely hire a house as a dwelling the occupier is given protection from taxation.

Respectfully submitted,

W. F. MACCOY, *City Recorder.*

Moved by Alderman Rogers, seconded by Alderman Martin, that the same be referred to the Committee on Laws and Privileges together with His Honor the Recorder for report. Motion passed.

Read report of His Honor the Recorder re People's Heat & Light Company's price for illuminating gas supplied to citizens.

PEOPLE'S HEAT & LIGHT COMPANY.

RECORDER'S OFFICE, CITY HALL, Halifax, N. S., Feb. 25, 1902.

His Worship the Mayor :

SIR,—In accordance with a request of the Council, I beg leave to state that a few days after the amended Act of 1897, amending the Act incorporating the People's Heat & Light Company, was introduced into the Legislature I heard of it, and obtained a copy and sent it to the Council for their information; and the Committee to watch legislation was authorized to look after the bill.

The Committee protested in the Legislative Council against the franchise of the City being given the Company without a consideration. The argument was made by Mr Morrow and others on behalf of the Company that they intended to supply the citizens with good illuminating gas at \$1.50 per thousand cubic feet. When your committee asked that that be placed in their Charter it was opposed by the Company on the ground that if such a clause were in the bill it might possibly affect the issue and value of their stock. It was then agreed that the Company should give an undertaking in writing to charge the citizens only \$1.50 per thousand cubic feet for gas, and if they failed to do so the City had the right to go to the Legislature and have the clause inserted. This undertaking was given in writing and signed on behalf of the Company I believe by Mr. Geoffrey Morrow, then President, and was handed to the then Mayor, the Hon Mr. McPherson, and another signed copy handed to the Hon. Mr. Goudge, who was Chairman of the Committee of Private and Local Bills in the Legislative Council. I have mentioned the matter to Mr. Goudge and Mr. McPherson and also the City Engineer, who was present, and all agreed that the undertaking was given in writing with the provisions to which I have referred. Mr. McPherson informs me that he must have handed that document to the City Clerk, who, at my request, has made a search in his office for it, but cannot find it. Mr. Goudge has promised me to make a similar search; but that the undertaking was made in writing and signed on behalf of the Company is beyond controversy.

Respectfully submitted,

W. F. MACCOY, *City Recorder.*

Moved by Alderman Geldert, seconded by Alderman Chisholm, that His Honor the Recorder prepare an Act in amendment in accordance with his report, to be submitted to the Legislature. Motion passed.

Read report of the Committee on Laws and Privileges re grant to ex-Captain Condon, of the Union Engine Company; also read report sub-Committee thereon.

IN RE MATTHEW CONDON EX-CAPT. U. E. C.

COMMITTEE ROOM, CITY HALL, February 25th, 1902.

To His Worship the Mayor and City Council:

GENTLEMEN,—Your Committee beg to report that they have had under consideration the resolution of Alderman O'Donnell re making a grant to Captain Condon, and beg to report that they referred the matter to a sub-committee to investigate and report. The report of such Committee is hereto annexed.

Your Committee recommend that Captain Condon be paid the sum of \$25 00 per month for a period not exceeding six months, the money to be taken from any available fund. Alderman Geldert and MacIlreith dissenting.

Respectfully submitted,

R. T. MACILREITH, *Chairman.*

February 24th, 1902.

Sub-committee from the Laws and Privileges Committee sent out to enquire into the health of ex-Captain Condon, they beg to report they found the ex-Capt. in the Victoria General Hospital suffering from Bright's disease. The doctors informed your committee there is no hope for any permanent cure; and from enquiring they found he had lost his voice and health at the Globe Hotel fire directing his men in the bitter cold and wet.

Therefore your committee would recommend \$25.00 dollars per month to be paid to ex-Captain Condon from the same funds as was paid to the late Thomas Druhan and others.

Respectfully submitted,

E. W. O'DONNELL,
THOMAS SPRY.

Moved by Alderman O'Donnell, seconded by Alderman Spry, that the report of the Committee on Laws and Privileges be adopted. Motion put and passed, 11 voting for the same and 4 against. Names being called for there appeared:

For the motion.

Aldermen Barry, Adams, Spry,
Creighton, Crosby,
Hawkins, Lamphier,
O'Donnell, Chisholm,
Martin, Rogers—11.

Against it.

Aldermen Geldert, Archibald,
Robertson MacIlreith—4.

Read report of Committee on Laws and Privileges in re financial affairs of the City, &c., &c.

REPORT OF COMMITTEE ON PUBLIC ACCOUNTS RE FINANCIAL AFFAIRS
OF THE CITY.COMMITTEE ROOM, CITY HALL,
Halifax, N. S., Feb. 23rd, 1902.*To His Worship the Mayor and City Council:*

GENTLEMEN,—Your committee on Public Accounts, beg to report as follows upon the suggestions made by Alderman MacIreith in presenting the estimates for 1902-3, referred to that committee for consideration and report, by resolution of Council:

That they have carefully considered the financial situation of the city, and are unanimously of opinion that the civic debt has reached a point where all further construction work entailing, an increase to our debt should cease, and where no further borrowing should be permitted. Wherever the pruning knife can be applied with advantage to the city finances to cut off expenditure it should be set in motion, and every available dollar should be saved for the purpose of reducing our debt. At a future day, your committee hope to be able to make some recommendations in the line of retrenchment which they are unable to offer now owing to the short space of time which they have had for the consideration of so large and difficult a matter.

Realizing as your committee do that the debt of Halifax is too large, considering the sum total of our property valuation, and feeling, as it is stated above, that no further borrowing should be allowed, the question naturally arises, should we rest content with this, and if not, what should be our next step?

Your committee feel that we should not rest satisfied merely with ceasing to borrow, but that a strong effort should be made to reduce our debt; that while the principle which governs all borrowing cannot now be applied to our indebtedness something should be done to provide a fund for the redemption of as many of our bonds as possible as they mature. The principle referred to is the familiar one which requires that the life of the work proposed to be done with the money sought to be borrowed should be estimated: that the bonds issued should mature at the end of the estimated period, and that a sufficient sum should be paid into a sinking fund each year to redeem such bonds at maturity. The justification of all borrowing is that the citizens of to-day should not be called upon to pay for improvements which citizens coming on the scene five, ten or maybe fifteen or twenty years later will derive an equal annual advantage; that all alike should bear their proportion. And while the citizen of to-day is not called upon to pay for the benefits accruing to late arrivals for the same reason the citizen of the future who comes on the scene so late as to receive no benefit whatever from the work performed to-day, should not be asked to shoulder a debt incurred for such work and a depreciated credit as a result of such work.

Bearing these principles in mind, your committee beg to make the following recommendations:

SINKING FUND 1902.

1. That a general sinking fund be established to be known as "The Sinking Fund 1902," for the purpose of redeeming the bonds of the city of Halifax, exclusive of the water bonds, and to be used for no other purpose whatever. That the sinking fund of 1896 be merged in this fund.
2. That the Mayor, chairman of the public accounts committee and city auditor be the trustees of such fund, and that the city treasurer be the treasurer of the fund.
3. That the trustees be made personally liable for the diversion of the fund, or any portion thereof, to any purposes other than that for which it is formed.
4. That the fund be invested in city bonds, Dominion of Canada debentures, or deposited on deposit receipt in some chartered bank at the highest rate of interest obtainable.
5. That the balance due permanent pavement fund, as collected, and the balance on hand in that fund be paid into the sinking fund 1902.

6. That the balance due sewerage account, less amount required for salaries for coming year (1902-3), now chargeable to sewerage account, and less sufficient amount to pay outstanding liabilities against sewerage account incurred to this date, be also paid into the sinking fund 1902.

7. That all premiums obtained from loans, and all interest received from overdue taxes, less the amount paid bank on overdrafts, be paid into the sinking fund 1902.

8. That all unexpended balances after the sum of seventy-five thousand dollars (\$75,000) has first accumulated for the establishment of the reserve fund be paid into the sinking fund 1902.

RESERVE FUND 1902.

9. That a reserve fund to be known as "The Reserve Fund 1902," be established for the purpose of meeting overdrafts, made in anticipation of the year's taxes and to be used for no other purpose whatever.

10. That the Mayor, chairman of the public accounts committee and the city auditor be the trustees of such fund and the city treasurer be the treasurer of the fund.

11. That the trustees be made personally liable for the diversion of the fund or any portion thereof to any purpose other than that for which it is formed.

12. That the fund be deposited in some chartered bank on deposit receipt at the highest rate of interest obtainable.

13. That the trustees of the fund shall only permit moneys to be paid out of the fund for the purpose of meeting overdrafts, made in anticipation of the year's taxes, required by the city, when the resolution authorizing such overdrafts has been approved of in writing and recommended to the council by the Mayor and been passed by the council.

14. That such overdrafts shall be paid back by the City to the Trustees of the Fund out of the taxes for the year to which such overdraft is chargeable and that in case of default in payment the Trustees be empowered to bring action against the City for the recovery of the same.

15. That the City instead of being required to pay interest at the rate of six per cent. on such advances, to the Trustees of the Fund, shall pay such interest into the Sinking Fund 1902.

16. That the unexpended balances for each year be paid to the trustees of the reserve fund 1902 until the same has reached the amount of seventy-five thousand dollars (\$75,000.00) to be used for the establishment of the fund.

DEBT.

17. That a debt limitation be adopted for the city and that the same be limited at ten per cent. of valuation of real estate; that any bonds issued in excess of such amount be void; bonds now outstanding in excess of such amount not to be affected. In computing the net debt the water debt and the amount in sinking funds to be deducted from the gross debt.

18. That a Judge of the County Court or any Justice of the Supreme Court upon the application to the Mayor or of five taxable inhabitants of the City of Halifax at all times whether in term time or vacation have power to issue injunctions mandatory or otherwise, decrees or other process against the City Council or otherwise which such Court or Justice may think needful to enforce the provisions of this recommendation or prevent the violation thereof.

AMENDMENTS TO CHARTER.

19. That the charter and acts creating and governing sinking funds be amended to permit of such funds being invested in city bonds and that the limitation requiring four per cent. interest on investments of the fund be amended to permit of the fund being invested at the highest rate of interest obtainable.

20. That the charter be amended to permit of overdrafts being made in anticipation of the year's taxes on a resolution approved of in writing and recommended to the council by the Mayor and passed by the council.

21. That the charter and any act by which a sinking fund is created be so amended as to make the mayor, the chairman of the public accounts committee and the City Auditor the trustees and the City Treasurer the treasurer of all sinking funds created by the charter or any of said acts.

All of which is respectfully submitted,

R. T. MACILREITH, *Chairman.*

Read Clause*1, re Sinking Fund 1902.

Moved by Alderman MacIlreith, seconded by Alderman Robertson, that said clause pass. Motion passed.

Read Clause 2—Moved by Alderman MacIlreith, seconded by Alderman Rogers, that this clause do pass. Motion passed.

Read Clause 3—Moved by Alderman MacIlreith, seconded by Alderman Robertson, that this clause do pass. Motion passed.

Read Clause 4—Moved by Alderman MacIlreith, seconded by Alderman Robertson, that this clause do pass. Motion passed.

Read Clause 5—Moved by Alderman Adams, seconded by Alderman O'Donnell, that the whole matter be placed on the Order Paper.

Moved in amendment by Alderman Rogers, seconded by Alderman Martin, that the whole report be laid on the table and that a copy thereof be furnished each Alderman and the matter be taken up at next meeting of Council. Said amendment is put and passed.

A vote being taken on the matter there appeared :

For the amendment.

Against it.

Aldermen Geldert, Barry, Crosby,
O'Donnell, Chisholm,
Martin, Adams, Creighton,
Campbell, Hawkins—10.

Aldermen Archibald, Robertson,
MacIlreith, Spry,
Lamphier—5.

Alderman Crosby asks to have the vote ordering the construction of Young Avenue Sewer laid on the table at next meeting of Council.

Read letters from A. P. Calnan, Charles Bagness and James Gullickson, asking for a refund of their application fees for liquor license, their several applications having been refused.

Moved by Alderman Rogers, seconded by Alderman Crosby, that all applicants who did not receive a license be granted a refund of the ten dollars paid by them at the time of filing their application, less the expenses incurred for advertising, etc. Motion passed.

Alderman O'Donnell by leave of Council introduces the following resolution :

Whereas, His Worship the Mayor has seen fit to disallow the resolution passed this Council on February 11th, 1902, for the laying of water pipes and giving the water to the people on Chebucto Road by his giving five different reasons for so doing, not one of which should be held good by this honorable council, there being some 45 houses in that district and others going up which will be sadly affected by the Mayor's veto;

Whereas, The people on Chebucto Road get no road work done and very seldom see a policeman, and it being the first time in the history of Halifax that a Mayor ever vetoed the extension of water giving reasons that does not apply in this case at all;

Therefore Resolved, That this Council do not concur with the Mayor's veto in this particular case.

Moved by Alderman O'Donnell, seconded by Alderman Lamphier. His Worship the Mayor rules said motion out of order.

Alderman O'Donnell asks for the opinion of His Honor the Recorder on the Mayor's ruling.

His Honor the Recorder endorses the Mayor's ruling and says that action should have been taken immediately after the veto.

On motion Alderman Martin has leave to introduce the following resolution :

Resolved, That a light be placed at the corner of Willow and Agricola Streets.

Moved by Alderman Martin, seconded by Alderman Rogers.

On motion of Alderman Rogers, seconded by Alderman Adams, the same is referred to the Works Department for report.

Read No. 2 on Order Paper, viz : Alderman Rogers' notice of reconsideration of clause 1 of report of Committee on Laws and Privileges in re the Aldermen retiring in a body every third year.

Moved by Alderman Rogers, seconded by Alderman Crosby, that said matter be now reconsidered.

Motion put and passed, 12 voting for the same and 4 against it. Names being asked for there appeared :

For reconsideration.

Against it.

Aldermen Archibald, Robertson,
MacIlreith, Spry, Crosby,
Lamphier, O'Donnell,
Chisholm, Martin, Rogers,
Adams, Hawkins—12.

Aldermen Geldert, Campbell,
Barry, Creighton—4.

The resolution of Alderman Rogers as set forth in the Minutes of February 4th, inst., relative to the foregoing, being seconded by Alderman Adams, is now put and passed, 9 voting for the same and 6 against it.

Names being called for there appeared :

For the motion.

Against it.

Aldermen Robertson, Spry, Crosby,
Lamphier, O'Donnell,
Chisholm, Martin,
Rogers, Archibald—9.

Aldermen Geldert, Hawkins,
MacIlreith, Campbell,
Barry, Creighton—6.

Alderman Campbell gives notice that he will at next meeting of Council move to rescind the foregoing resolution.

Moved by Alderman Creighton, seconded by Alderman Rogers, that the Council adjourn. Motion passed.

Council adjourns 11.10 o'clock.

EVENING SESSION.

8.10 o'clock p.m..

MARCH 3RD., 1902.

A meeting of the City Council was held this evening.

At the above hour there were present Aldermen MacIlreith (Deputy-Mayor) Lamphier, Campbell, Geldert and Barry.

Moved by Alderman Campbell, seconded by Alderman Barry, that the time for meeting be extended till 8.30 o'clock. Motion passed.

8.30 Roll called. Present, the above named, together with Aldermen Archibald, Crosby, O'Donnell, Chisholm, Martin, Creighton and Adams.

The Council was called to proceed with business standing over and the transaction of other business.

The Deputy-Mayor submits the following papers :

Report City Prison Committee for the month of February.

Letter from the Board of Trade re Vacancies on Joint Committee of Board Trade and City Council on Commercial matters.

Account of George P. Henry for salary for month of February.

The City Clerk's returns of names of the Aldermen who voted for and against the construction of Young Avenue Sewer.

Petition of F. H. Bell and others for a light on Pleasant Street South end.

Letter from His Honor the Recorder covering eight Acts relating to the City of Halifax.

Moved by Alderman Martin, seconded by Alderman Creighton, that the order of the day be suspended to read the papers submitted. Motion passed.

Read report of the City Prison Committee covering accounts for the month of February.

REPORT CITY PRISON COMMITTEE.

COMMITTEE ROOM, Halifax, N.S., March 3, '02.

To His Worship the Mayor and City Council :

GENTLEMEN,—The City Prison Committee beg to recommend the following named accounts for payment, viz :

Leaman & Oxheads, \$8.64; J. A. French, Dry Goods, &c., \$3.47; A. McDonald, Meal, &c., \$16.10; Lange & Reynolds, Brooms, Brushes, &c., \$3.30; A. J. Grant & Co., Hardware, &c., 0.81. \$32.32.

Respectfully submitted,

CHARLES ARCHIBALD.

A. LAMPHIER.

JAMES ADAMS.

The following resolution is now introduced :

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

Moved by Alderman Archibald, seconded by Alderman Lamphier, and passed.

Read letter from the Board of Trade re Aldermanic vacancies on the Joint Committee of the City Council and Board of Trade re commercial matters.

Moved by Alderman Crosby, seconded by Alderman O'Donnell, that Aldermen Archibald and Robertson be appointed members of said committee, to take the place of ex-Aldermen Faulkner and Musgrave—Alderman Adams having been already appointed to fill the vacancy caused by the death of Alderman Mosher. Motion passed.

Read City Clerk's return of the Aldermen who voted for and against the construction of Young Avenue Sewer, in accordance with a resolution passed at the last meeting of the Council.

Moved by Alderman Crosby, seconded by Alderman O'Donnell, that the same lay on the table. Motion passed.

Read account of George P. Henry for salary for month of February.

Moved by Alderman O'Donnell, seconded by Alderman Martin, that the same be referred to the City Works Department for report. Motion passed.

Read petition of F. H. Bell and others for an electric light on Pleasant Street, south end.

Moved by Alderman Geldert, seconded by Alderman O'Donnell, that the said petition be referred to the City Works Department for report. Motion passed.

Read City Collector's returns (submitted last meeting) of Rates and Water Rates collected during the month of January, 1902. Filed.

Read City Treasurer's statements "General" and "Water" for the month of January, 1902, submitted at last meeting. Filed.

Read letter from His Honor the Recorder covering acts to be submitted to the Legislature, viz.:

An act to amend Chapter 51 of the Revised Statutes of the Maintenance of Bastard Children.

An Act to amend Chapter 57 of the Acts of 1901, entitled An Act relating to the Public Schools of the City of Halifax.

An Act to amend Chapter 72 of the Acts of 1889, entitled An Act to enable the City of Halifax to grant a subsidy in aid of the construction of a Graving or Dry Dock within the City of Halifax.

An Act to amend Chapter 107 of the Acts of 1895, entitled an Act to incorporate the Halifax Electric Tramway Company, Limited, and the Acts in amendment thereof.

An Act to enable the City of Halifax to borrow money and for other purposes.

An Act to further amend Chapter 58 of the Acts of 1891, entitled An Act to consolidate and amend the Acts relating to the City of Halifax and the Acts in amendment thereof.

An Act to amend Chapter 58 of the Acts of 1891, entitled An Act to consolidate and amend the Acts relating to the City of Halifax and the Acts in amendment thereof.

An Act to amend Chapter 157 of the Acts of 1893, entitled An Act to incorporate the People's Heat and Light Company.

LEGISLATION.

OFFICE OF CITY RECORDER,

CITY HALL, March 3, 1902,

His Worship the Mayor :

SIR,—I enclose herewith an Act to enable the City to borrow money and for other purposes. Mistakes having occurred in the estimates it was necessary to insert a clause in this bill rectifying them.

Also an Act to further amend the City Charter, and the Act relating to Public Schools to correct an error in the law.

An Act to amend the People's Heat & Light Co's Act to compel that Company to supply the citizens of Halifax with gas at \$1.50 per thousand cubic feet.

An Act relating to the maintenance of Bastard children.

An Act relating to the Halifax Electric Tramway Company; and an Act relating to the Dry Dock.

An Act to amend the City Charter, one clause of which legalizes all bonds issued by the City to the present time. The larger portion of this Act contains the necessary alterations made on account of the ballot system for election being adopted by the City Council.

Yours respectfully,

W. F. MACCOY, Recorder.

Moved by Alderman O'Donnell, seconded by Alderman Archibald, that all of the Acts that have been passed by the Committee on Laws and Privileges be now passed by this Council and sent to the Legislature. Motion passed.

Read Clause I of the Act entitled an Act to enable the City of Halifax to borrow money and for other purposes.

AN ACT TO ENABLE THE CITY OF HALIFAX TO BORROW MONEY AND FOR OTHER PURPOSES.

BE IT ENACTED, by the Governor, Council and Assembly as follows :—

The City of Halifax is hereby authorized to borrow on the credit of the City of Halifax the sum of Five Thousand Dollars (\$5,000) for street purposes, said sum to be deposited in some chartered bank in the City of Halifax to the credit of and shall be known as the "Street Fund" and no money shall be drawn from said fund for street purposes except between the First day of January and the First day of May in each and every year and then only on the recommendation of the City Engineer and approval of the Mayor and the amount drawn shall be repaid to said fund each and every year out of the annual appropriation for street purposes, so as to have constantly on hand between the First of September and First of January a sum of Five Thousand Dollars (\$5,000.00). The said sum so borrowed shall be repaid by the said City with interest in ten equal yearly instalments out of the money voted by the City Council for street purposes.

The City of Halifax is also authorized to borrow the sum of Three Thousand Dollars (\$3,000.00) to purchase a Street Roller for the purpose of using the same on the streets of the City of Halifax which said City is authorized to do. The said sum when borrowed shall be repaid by said City in six annual instalments, with interest, out of the amount appropriated by said City for street purposes.

The City is also authorized to take out of the amount appropriated for the year 1902-1903 for street purposes a sum not exceeding five hundred dollars

(\$500.00) to pay for expenditures incurred previous to May, 1902, and in purchasing materials for streets.

The City of Halifax is authorized to borrow the sum of Four Thousand Dollars (\$4,000.00) to build and complete a dwelling-house in the Public Gardens for the use of the Superintendent thereof.

The said sum when borrowed shall be paid by the said City in ten equal yearly instalments, with interest, and said instalments shall be paid by the City into a Sinking Fund to be known as the Public Gardens Sinking Fund, 1902, and the yearly interest due the debenture holder shall be paid out of said Sinking Fund to him, and when the last instalment is paid by the City into said Fund the total amount due the debenture holder shall then be paid him by said City and a sum sufficient to pay each of said instalments, with interest thereon, as they become due, shall be included in the annual assessment of the said City and shall form a lien and be a charge on the real estate, revenue and property of said City and shall be assessed on the inhabitants and property of ratepayers of said City liable to assessment in addition to any moneys now authorized to be assessed thereon and shall be levied and collected in the same way, at the same time, and with the same rights, liens and remedies as the ordinary general assessment of the City. Such sum when borrowed shall be used exclusively for the purpose mentioned in this section.

After the erection and completion of the contemplated new building as "The Citizens' Free Library" the City Council is authorized to appropriate and pay towards the support and maintenance of said Library the sum of not less than Five Thousand Dollars (\$5,000.00) and to spend such further sum or sums as may be placed at its disposal for the support and maintenance of said Library and said City, through its Council, may give a guarantee that such sums amounting to not less than Seven Thousand Dollars (\$7,000.00) each year shall be spent for the purposes aforesaid, and that a free site will be provided for said building.

Errors having occurred in the Estimates passed for the year 1902-1903 by the City Council on the thirtieth day of December, 1901, in the following payments under the head of Temporary Loans and Interest, viz.:-

Third payment on Loan for Library.....	\$1,000.00
Which should be \$500.00.	
Interest on balance of same.....	20.00
Which should be \$30.00.	
Interest on balance for loan for deficit on Exhibition.....	370.00
Which should be \$290.00.	
Interest for payment for 1½ years for deficit on Provincial Exhibition...	121.00
Which should be \$187.00.	

AND WHEREAS, in the resolution of the City Council passed on the day aforesaid the total amount assessed for extra assessment amounts to \$281,658.46, which should be \$504.00 less, making the total amount which should have been assessed for extra assessments the sum of \$281,154.46;

AND WHEREAS, in the said resolution the total amount authorized to be assessed on the inhabitants and property within the City was the sum of \$405,812.00, which should be the sum of \$405,308.00.

IT IS HEREBY DECLARED AND ENACTED that said resolution is amended so as to read the sum of \$405,308.00 instead of \$405,812; and said resolution and estimates shall have the same force and effect as if the figures \$405,308 had been originally inserted in said resolution and that sum authorized to be assessed upon the inhabitants and property in the City and the said estimates and said resolution as amended together with all assessments made or to be made thereunder is hereby legally ratified and confirmed and the real and personal property of the inhabitants shall be subject to the taxes based thereon and shall be subject to the same rights, remedies, liens and collection as if the proper amount had been duly inserted in said resolution.

All Acts or parts of Acts inconsistent with this Act are hereby repealed.

Moved by Alderman O'Donnell, seconded by Alderman Lampier, that the words on the 7th and 8th lines of said Act, viz: "And then only on the recommendation of the City Engineer and approval of the Mayor," be struck out and the following inserted in lieu thereof "and then only on the recommendation of the Board of Works." Motion passed and the clause passed as amended.

Read Clause 2, authorizing the City to borrow \$3000 to purchase a steam roller.

Moved by Alderman Martin, seconded by Alderman Adams, that this clause pass. Motion passed.

Read Clause 3, authorizing the City to take out of the money appropriated for the year 1902-1903 for street purposes a sum not exceeding five hundred dollars (\$500) to pay for expenses incurred previous to May 1902 and in purchasing materials for streets.

Moved by Alderman O'Donnell, seconded by Alderman Chisholm and passed.

Read Clause 4, authorizing the City to borrow Four Thousand Dollars to build a house for the use of the Superintendent of Public Gardens.

Moved by Alderman Barry, seconded by Alderman Archibald and passed,

Read Clause 5—Providing for the payment of the loan of \$4000 for building the house for the Superintendent of Public Gardens.

Moved by Alderman Barry, seconded by Alderman Geldert and passed.

Read Clause 6, relative to the erection and maintenance of the contemplated new building for the Citizens' Free Library.

Moved by Alderman Archibald, seconded by Alderman Barry, that the amount to be expended by the City shall not exceed (\$6000.00) Six Thousand Dollars a year. Motion passed, 8 voting for the same and 3 against it. Names being called for there appeared:

For the motion.

Against it.

Aldermen Geldert, Archibald, Campbell, Barry, Crosby, O'Donnell, Chisholm, Creighton
—8.

Aldermen Lampier, Martin, Adams—3.

Read Clause 7, re Errors in Estimates for the year 1902-3.

Moved by Alderman O'Donnell, seconded by Alderman Martin, that this clause do pass. Motion passed, and Act passed as amended.

Read Act relative to the termination of office of Aldermen and the re-election of the whole Council, &c., &c., &c.

AN ACT FURTHER TO AMEND CHAPTER 58, OF THE ACTS OF 1891, ENTITLED "AN ACT TO CONSOLIDATE AND AMEND THE ACTS RELATING TO THE CITY OF HALIFAX" AND THE ACTS IN AMENDMENT THEREOF.

BE IT ENACTED, by the Governor, Council and Assembly as follows:—

The office of each and every Alderman for the City of Halifax shall cease and determine on the thirtieth day of April, A. D. 1902, and they shall all go out of

office on that day, and on the last Wednesday of said month the ratepayers of said City entitled to vote at civic elections shall elect three Aldermen for each ward in the City, who shall hold office for three years, and on the last Wednesday of every third year thereafter three Aldermen shall be elected for each ward by said ratepayers for the term aforesaid, and the Mayor and Aldermen elected shall constitute the City Council, and in case of a vacancy in the office of Alderman before he shall have served his three years, the person elected to fill his place shall only hold office for the unexpired term of his predecessor in office.

Any person not a resident of the Province of Nova Scotia opening temporarily any shop in the City of Halifax for the purpose of selling or disposing of any bankrupt stock shall pay to the City of Halifax before opening of said shop the sum of one hundred dollars (\$100.00) as license fee. Any person who is a resident of the Province of Nova Scotia other than a resident of the City of Halifax opening temporarily in the said City any shop for the purpose of selling or disposing of any bankrupt stock shall pay to the City of Halifax the sum of fifty (\$50.00) as a license fee.

Any person violating the next preceding section or any part thereof shall for each offence be liable to a penalty of double the amount of the license fee that would, under said section, be chargeable, and in default of immediate payment imprisonment in the City Prison for a period of thirty days, said penalty to be recovered in, and imprisonment in default of payment to be imposed by, the Police Court in aid for the City of Halifax.

Sections two and three of Chapter 57, of the Acts of 1900, are repealed and the following substituted therefor:—"The Board of Works of the City shall consist of the Mayor and the six senior Aldermen, who shall do and perform all the duties imposed on said Board without remuneration."

The officers or crew of any foreign ship shall not carry, convey, transport or handle upon any wharf, pier, loading or landing place within the City of Halifax any cargo intended to be loaded in or upon any foreign ship, nor shall such officers or crew carry, convey, transport or handle upon any wharf, pier, loading or landing place within said City any unloaded cargo from said ship, but the unloading of said cargo by said officers or crew shall be to the rail of said ship only and such officers or crew shall not do or perform within said City any work known as "dock laborers'" or "long shore work," and any person violating any of the provisions of this Act shall be liable to a penalty of a sum not exceeding twenty dollars (\$20.00), and in default of payment imprisonment in the City Prison for a period not exceeding thirty (30) days.

All Acts or parts of Acts inconsistent with this Act are hereby repealed.

Read Clause 1, relative to Aldermen retiring in a body, etc.

Moved by Alderman Campbell, seconded by Alderman Creighton, that this clause lie on the table. Motion passed.

Read Clause 2, re License fee for non-residents selling bankrupt stocks in the City of Halifax.

Moved by Alderman O'Donnell, seconded by Alderman Crosby, and passed.

Read Clause 3, re penalty for violation of the foregoing clause.

Moved by Alderman Crosby, seconded by Alderman O'Donnell, and passed.

Read Clause 4, relative to the Board of Works consisting of the Mayor and the six senior Aldermen. On motion, the same is passed.

Read Clause 5, relative to the crews of foreign ships handling cargo on the wharves, etc.

Moved by Alderman Crosby, seconded by Alderman O'Donnell, and passed.

Read Act relating to the Public Schools of the City of Halifax.

AN ACT TO AMEND CHAPTER 57, OF THE ACTS OF 1901, ENTITLED "AN ACT RELATING TO THE PUBLIC SCHOOLS OF THE CITY OF HALIFAX."

BE IT ENACTED, by the Governor, Council and Assembly as follows:—

Sub-section three of section eleven of said Act is hereby amended by inserting between the words "month" and "pay" in the second line of said sub-section the words "excepting the months of May and November in each year."

Moved by Alderman Barry, seconded by Alderman Chisholm, and passed.

Read Act relating to the charge for gas furnished citizens by the People's Heat & Light Company, Limited.

AN ACT TO AMEND CHAPTER 157, OF THE ACTS OF 1893, ENTITLED "AN ACT TO INCORPORATE THE PEOPLE'S HEAT AND LIGHT COMPANY, LIMITED," AND THE ACTS IN AMENDMENT THEREOF.

The Company shall, at and after the passing of this Act, furnish the citizens of Halifax with illuminating gas at a price or sum not exceeding one dollar and fifty cents (\$1.50) per one thousand cubic foot and said citizens shall not be liable to pay any more than the above sum, and no action shall be brought or maintained by the said Company, its successors or assigns, for any greater amount than the said one dollar and fifty cents (\$1.50) per one thousand cubic foot for the supplying any citizen with said illuminating gas.

All Acts or parts of Acts inconsistent with this Act are hereby repealed.

Moved by Alderman Geldert, seconded by Alderman Crosby, that said Act be amended to read, "not exceeding one dollar and fifty cents per 1,000 cubic feet." Motion passed.

Moved by Alderman Crosby, seconded by Alderman Chisholm, that said Act pass as amended. Motion passed.

Read Act to amend Chapter 51 of the Revised Statutes "Of the Maintenance of Bastard Children."

AN ACT TO AMEND CHAPTER 51 OF THE REVISED STATUTES "OF THE MAINTENANCE OF BASTARD CHILDREN."

BE IT ENACTED, by the Governor, Council and Assembly as follows:—

In the poor district for the City of Halifax no proceedings shall be taken, had or initiated, or any action brought against the putative father of any bastard child under the first part of the Chapter hereby amended except at the instance of or by the overseers of the poor for the City of Halifax, and the said overseers of the poor for said City shall not be liable for any costs, charges or expenses unless such proceedings or action shall have been instituted by them or by their authority.

The word "ratepayer" in the third line of section eight and in the fifth line of section thirteen of said first part of said Act shall, so far as the City of Halifax is concerned, mean the overseers of the poor for said City.

The words "costs of defence" in sub-section six of said Act shall not include solicitor or counsel costs or fees.

All Acts or parts of Acts inconsistent with this Act are hereby repealed.

Moved by Alderman O'Donnell, seconded by Alderman Barry, and passed.

Read Act to amend the Act relating to the Halifax Electric Tramway Company, Limited.

AN ACT TO AMEND CHAPTER 107 OF THE ACTS OF 1895, ENTITLED "AN ACT TO INCORPORATE THE HALIFAX ELECTRIC TRAMWAY COMPANY, LIMITED" AND ACTS IN AMENDMENT THEREOF.

BE IT ENACTED by the Governor, Council and Assembly as follows:—

Notwithstanding the duty imposed by the Act hereby amended upon the Halifax Electric Tramway Company, Limited, or any Act in amendment thereof or referring to said Company, to keep and maintain in good repair all the space between their rails and tracks and two feet outside of each rail and to remove the snow from its tracks and level the same on the streets through which said track is laid, the City Council is hereby authorized to enter into a contract or agreement with said Tramway Company, for such sum as shall be mutually agreed upon, to keep and maintain in good repair all the space between the rails and track of said Company and two feet outside of each rail and to remove the snow thrown on the streets from said tracks by said Tramway Company, and the said Contract or Agreement shall be for such time and upon such terms, conditions and agreements as may be approved of by the City Council.

All clauses of said Act incorporating said Company or referring to said Company and now imposing said duties above referred to on said Company shall be suspended during the continuance of said agreement and immediately on and after the termination of said Agreement said clauses in said Act first above referred to and any Act in amendment thereof and the Company's liability for violation thereof shall revive and have the same force and effect as if this Act had not become law.

Rule 9 of said Act is amended by striking out all the words after the word "direct" in the eleventh line from the top in said section and substituting therefor the words "the sum of five hundred dollars now deposited with the City Treasurer shall be used by said City to carry out the provisions of this clause and of section 32 of this Act, in case the Company fail to comply with the terms of said clauses, and as said sum or any part thereof is used for the purposes aforesaid the said Company shall pay unto said Treasurer such sum so used and paid in order to have constantly on hand a deposit of five hundred dollars for said purpose."

All Acts or parts of Acts inconsistent with this Act are hereby repealed.

Moved by Alderman O'Donnell, seconded by Alderman Crosby, and passed.

Read Act to amend the Act relating to the Dry Dock.

AN ACT TO AMEND CHAPTER 72 OF THE ACTS OF 1889, ENTITLED "AN ACT TO ENABLE THE CITY OF HALIFAX TO GRANT A SUBSIDY IN AID OF THE CONSTRUCTION OF A GRAVING OR DRY DOCK WITHIN THE CITY OF HALIFAX."

BE IT ENACTED by the Governor, Council and Assembly as follows:—

Section two of Chapter 72 of the Acts of 1889 is amended by adding at the end of said section the words "and in case the said sum of five thousand dollars is not borrowed in each and every year, then the said City is authorized to borrow in any subsequent year such sum together with the amount authorized to be borrowed in that year and said sum when borrowed shall be subject to the provisions of the Act hereby amended."

Moved by Alderman Martin, seconded by Alderman Chisholm, and passed.

Read Act to amend Chapter 58 of the Acts of 1891, entitled An Act to consolidate and amend the Acts relating to the City of Halifax and the Acts in amendment thereof.

AN ACT TO AMEND CHAPTER 53 OF THE ACTS OF 1891, ENTITLED "AN ACT TO CONSOLIDATE AND AMEND THE ACTS RELATING TO THE CITY OF HALIFAX" AND THE ACTS IN AMENDMENT THEREOF.

BE IT ENACTED by the Governor, Council and Assembly as follows :--

All bonds and debentures heretofore issued by the City of Halifax, together with the coupons attached thereto, all moneys assessed or to be assessed therefor on the person or property of the citizens of Halifax for the payment of said bonds, debentures and coupons and all estimates now or heretofore or hereafter passed by the City Council of said City providing for the payment of said bonds, debentures or coupons, or both, and all assessments, rates, taxes and payment of said bonds, debentures and coupons, together with all tax sales made or to be made or any amount providing for such payment and collection of the taxes of said City are hereby legalized, ratified and confirmed notwithstanding the conditions of any Act of Parliament which have not been complied with, and said bonds, debentures and coupons are declared good and valid securities against said City in the hands of the holders thereof, who shall be entitled to and have the same rights, remedies, liens and security as if said bonds, debentures and coupons had been properly and legally issued.

Section one of Chapter 46 of the Acts of 1897 is repealed.

The City of Halifax is hereby authorized to give permission to the Canadian National Abattoir and Refrigerator Company, Limited, to build a railway siding or track across Upper Water Street, in the City of Halifax, from the Intercolonial Railway Track to the premises of the said Company on said street subject to such terms and conditions as may be approved of upon the recommendation of the City Engineer, provided the said Company shall have its buildings erected, completed and be in full operation as a going concern within nine months from the passing of this Act, but in no case shall said railway siding or track be built or laid in front of any private property other than that of said Company, and said City shall in no way be responsible at any time for any costs, loss or damage caused by or from the laying of said track or the running, storing or loading any cars thereon.

The amount to be paid to any member of the Police Force by way of superannuation shall be based upon the amount of salary he shall have received during the year 1897.

It shall no longer be the duty of the City Medical Officer to attend to smallpox cases in the Smallpox Hospital, in the City of Halifax, but the City Health Board of said City shall employ some suitable medical practitioner to attend such cases under its rules and regulations, and pay him therefor such sum as said Board may deem just and reasonable, and the City Medical Officer shall continue to perform all the other duties now performed by him as such officer, and shall receive therefor the sum of Five Hundred Dollars (\$500.00) a year.

The City Council is hereby authorized and empowered to transfer the sum of Ten Thousand Dollars (\$10,000.00) from Maintenance Account for Water to Construction Account of the Water Service, to be used in Water-Construction.

All persons having meters in their dwelling houses shall, in lieu of the domestic rate, only pay for the water actually used for domestic purposes, as registered by the meter, but in no case shall they pay less than four dollars (\$4.00) a year for all purposes.

The City Council is authorized to appropriate and pay towards the support and maintenance of Baths the balance now on hand of the amount authorized to be borrowed under Section 15, Chapter 65, of the Acts of 1898, for the erection of bathing houses and the purchase of land therefor.

The Corporate seal shall be affixed to all deeds, documents, agreements and contracts where the City is a party, and in all other cases where a seal is requisite shall be authenticated by the City seal and the Mayor and City Clerk shall sign the same and affix the Corporate Seal, and without such seal no deed, document, contract or agreement shall have any force or effect.

Hereafter every property and the owner thereof within the City of Halifax, within twelve hundred feet (1,200) of a fire hydrant, shall be liable for water rates or assessment for fire purposes.

Whenever the City Council shall order and direct any sidewalk in the City of Halifax to be covered with bricks, flat stones, concrete, granite, asphalt or any other appropriate material, one-half the cost of the covering, work and labor performed on such sidewalk as above mentioned shall be a charge against the owner or owners of the property in front of which said work is done and laid and shall form a prior lien on said property in addition to and next after all other taxes, sewerage and water rates now due and the City Engineer shall file in the office of the City Works Department a certificate showing the total cost and the owner or owners of said property in front of which the said sidewalk shall be built, which said certificate shall be conclusive as to the amount of cost and the ownership of said property, and said lien may be enforced and collected in the same manner and with the same rights and remedies as taxes on real estate are now collected, and may also be collected in the name of the City as an action or debt due said City in any Court of competent jurisdiction, and the other half of the cost of said sidewalk shall be paid by the City out of the Street Appropriation.

The amount so paid in under the foregoing section by the owners of the property shall be credited to the Street Appropriation for the year in which these sums are collected.

VOTERS.

Every voter shall, before voting, if so required by any candidate or agent, take the oath in the Form D, in the First Schedule, which shall be administered by the Presiding Officer, and any voter refusing to take such oath shall not be permitted to vote.

The presiding officer and poll clerk may vote by proxy in any ward in which they are qualified to vote other than the ward in which they are appointed to conduct the election, such proxy to be in writing under the hand of such presiding officer or poll clerk, authorizing the person named therein to vote in the name of such officer, but such writing shall not specify for whom the proxy is to vote. The presiding officer shall not vote for a candidate for the office of Alderman for the ward in which he is presiding.

When a ward is divided into two or more polling sections, the presiding officer and poll clerk may vote in the polling booth in which they are appointed to conduct the election, provided they are qualified to vote in that ward, and in case they are qualified to vote in any other ward they may do so by proxy, as provided in the next preceding section, but they shall vote in only one ward.

Whenever there is to be a contested election for Mayor and Aldermen or Mayor or Alderman as the case may be, the City Clerk shall forthwith cause to be printed a sufficient number of ballot papers, not less than the number of voters who are entitled to vote for Mayor and Alderman at any such contested election in each of the wards of said City in which such election is held, and shall stamp or seal all ballots to be used at any such election with the City seal. The City Clerk shall not stamp or seal any ballot papers except those forwarded to presiding officers, and the existence of a ballot paper stamped or sealed by the City Clerk other than those furnished to the presiding officers shall be prima facie evidence of malfeasance of office in such City Clerk.

The ballot papers for Mayor and the ballot papers for Aldermen shall be of different colors and shall contain the names and description of the candidates alphabetically arranged in the order of their surnames, or, if there are two or more candidates with the same surname, then in the order of their other names. The names shall be set forth in the nomination paper with the description given therein, if any, and the ballot papers shall be in the Form "E" annexed to this Act.

If only one candidate is nominated for Mayor, or if only so many candidates for the office of Alderman are nominated as there are Aldermen to be elected, such candidate or candidates shall be declared duly elected by the City Clerk at the next meeting of the Council after the day of the election without any poll being taken, and such declaration shall be publicly made.

If more than one candidate is nominated for Mayor or more candidates are nominated for the office of Alderman than there are Aldermen to be elected, the City Clerk shall grant a poll for taking the votes of the voters.

Whenever there is a contested election the City Clerk shall furnish the presiding officers with

- (a) A list in alphabetical order of the persons qualified to vote at such civic election ;
- (b) A sufficient number of ballot boxes for the office of Mayor and Aldermen ;
- (c) A sufficient number of ballot papers for Mayor and Aldermen for the wards or polling sections of such wards and also the necessary materials for voters to mark the ballot papers ;
- (d) A sufficient number of poll books.

The City Clerk shall keep a correct record of the number of ballot papers he furnishes to each presiding officer. The materials for marking ballots shall be kept in the polling place by the presiding officer for the convenient use of voters from the opening of the poll to its close.

PROCEEDINGS ON POLLING DAY.

Every presiding officer shall open the poll assigned to him at eight of the clock in the forenoon and shall keep the same open until five of the clock in the afternoon ; and shall during that time receive in the manner hereinafter prescribed the votes of all voters duly qualified to vote at such polling place.

Every polling place shall be furnished with compartments in which voters can mark their ballots, screened from observation, and the City Clerk shall see that a sufficient number of such compartments are provided.

During the holding of the poll no person shall be entitled or permitted to be present in the polling place other than the officers appointed to hold the election, the candidates to be voted for in such polling place and their agents, duly authorized in writing (not exceeding one agent for each candidate), and any voter for the time being actually engaged in voting ; providing that the presiding officer may have present or summon to his aid any constable or police officer for the purpose of maintaining order or preserving the public peace.

The presiding officer may order the removal of any person from the place who is not entitled to be present or being so entitled obstructs the voting, and such order shall be executed by any constable or police officer without the same being in writing and without a warrant.

Every agent for a candidate present at a polling place under the next preceding section shall, on being admitted to such polling place, take an oath to keep secret the name of the candidate for whom any voter has marked his ballot in his presence. Such oath shall be administered by the presiding officer, and shall be in the Form F in the first schedule.

At the hour fixed for opening the poll the presiding officer shall show the ballot boxes to the candidates or their agents or to any such persons as are present within the polling place, so that they may see that the same are empty, and shall immediately thereupon lock the ballot boxes, place them in view for the reception of ballot papers, and keep them locked until the close of the poll.

The presiding officer shall, at the opening of the poll, declare the names of the candidates, and shall at or before the opening of the poll, and before receiving a vote, take the oath in the Form G in the first schedule.

The poll clerk shall before or at the opening of the poll take the oath in the Form H in the first schedule.

The Stipendiary Magistrate, the City Clerk, a Justice of the Peace, or, in their absence, any two electors, may administer the oaths.

POLL.

Not more than one voter for each compartment shall at any time enter the room where the poll is held.

When any person claiming to be entitled to vote presents himself at the polling place for the purpose of voting, he shall state his name, residence and occupation or addition, and the presiding officer shall proceed as follows :—

- (a) He shall ascertain that the name of such person is entered or purports to be entered upon the copy of the list of the list of voters for the ward or section in which he is presiding and shall mark such person's name thereon. If the name of the voter proposing to vote is not found on the list furnished to the pre-

siding officer, he shall so inform such person, and the person so proposing to vote shall be permitted to leave the polling place, if necessary, for the purpose of procuring the required certificate, if any, and to return for the purpose of voting, but in no other case shall a voter or person proposing to vote who leaves the polling place after presenting himself to vote be permitted to return:

(b) He shall enter or cause to be entered in the poll book the name of such person; but shall in no instance enter on the poll book or elsewhere the name or names, or anything to indicate the name or names of the candidate or candidates for whom the voter votes;

(c) If such person takes any oath or affirmation required to be taken by this Chapter, the presiding officer shall cause to be entered opposite such person's name in the poll book the word "sworn," or "affirmed," according to the fact;

(d) When a vote is objected to by any candidate or his agent, the poll clerk shall enter the objection in the poll book by writing opposite the name of the person whose vote is objected to the words "objected to," entering at the same time the name of the candidate by or on behalf of whom the objection is made.

(e) When such person has been duly required to take any prescribed oath or affirmation, and refuses to take the same, the presiding officer shall cause to be entered opposite the name of such person in the poll book the words "refused to be sworn," or "refused to affirm," according to the fact, and the vote of such person shall not be taken or received; and if the presiding officer receives such vote he shall be liable to a penalty of one hundred dollars;

(f) When the name of the person so claiming to vote is found on the list of voters for the City or ward and marked thereon, and when the proper entries respecting him have been made in the poll book in the manner prescribed, the presiding officer shall deliver to such person one ballot paper for Mayor and one ballot paper for Alderman of Aldermen, unless such person has refused to take any prescribed oath or affirmation, when no ballot paper shall be delivered to him;

(g) The presiding officer may, and upon request of any voter shall, either personally or through his poll clerk explain to the voter as concisely as possible the mode of voting; but neither the presiding officer nor his poll clerk shall influence or attempt to influence the voter to vote for any candidate at the election.

No ballot paper shall be delivered to a voter by any presiding officer or counted by him unless it is duly stamped or sealed.

Upon receiving from the presiding officer the ballot paper or papers the voter shall forthwith proceed into one of the compartments of the polling place, and shall then and therein forthwith mark his ballot paper or papers by marking a cross with a pencil on any part of the ballot paper within the division containing the name (or names) of the candidate or candidates for whom he intends to vote, and shall then fold the ballot paper or ballot papers, each separately if there is more than one, so as to conceal the names of the candidates and the mark upon the face of such paper or papers; and, leaving the compartment, shall, without delay, and without showing the front to anyone or so displaying the ballot paper or papers as to make known the candidate for whom he has voted, hand the same to the presiding officer, who shall deposit each ballot paper in the proper ballot box, and the voter shall then forthwith leave the polling place.

While any voter is in any compartment for the purpose of marking his ballot paper no person shall be allowed to enter the compartment, or to be in any position from which he can observe the mode in which the voter marks the ballot paper.

Every person who, having received a ballot paper from the presiding officer, takes the same out of the polling place, shall be liable to a penalty of one hundred dollars.

Every person who having so received a ballot paper who leaves the polling place without first depositing the same in the ballot box in the manner prescribed shall thereby forfeit his right to vote at the election; and the poll clerk shall make an entry in the poll book in the column for remarks to the effect that such person received a ballot paper, but took the same out of the polling place or

returned the same, declining to vote, as the case may be; and in the latter case the polling clerk shall immediately write the word "declined" upon such ballot paper, and shall preserve it, and return it to the City Clerk.

In case of an application by any voter claiming to be entitled to vote, who makes oath or affirmation that he is incapacitated by blindness or other physical cause from marking his ballot paper, or that he is unable to read, the proceedings shall be as follows:—

(a) The presiding officer shall, in the presence of the candidates, if they choose to be present, cause the vote of such person to be marked on his ballot paper, in the screened compartment, in manner directed by such person, and shall cause such ballot again to be placed in the ballot box;

(b) The presiding officer shall cause to be stated by an entry opposite the name of such person in the poll book, that the vote of such person is marked in pursuance of this section, and the reason why it is so marked;

(c) The oath or affirmation shall be made orally in the Form J in the first schedule;

(d) Such oath or affirmation shall be made by the person claiming to be entitled to vote, at the time of voting, before the presiding officer.

If a person representing himself to be a particular voter named on the list of voters applies for a ballot paper after another person has voted as such voter, the applicant shall, upon taking the oath prescribed by law to be administered to voters at the time of polling be entitled to mark a ballot paper, but such ballot paper shall be given to the presiding officer, and shall be placed by him in an envelope, securely sealed, and upon the envelope he shall indorse the words "tendered ballot," and the presiding officer shall deposit the envelope containing such ballot paper in the ballot box, and such ballot shall not be counted by the presiding officer, and the poll clerk shall enter such person's name in the poll book, and shall make an entry opposite such name, showing the circumstances of the case.

Any voter who has inadvertently dealt with the ballot paper given in such manner than it cannot be conveniently used as a ballot paper, may, on delivering to the presiding officer the ballot paper so inadvertently dealt with, obtain another ballot paper, and the presiding officer shall write the word "cancelled" upon the ballot paper so delivered to him and preserve it and return it to the City Clerk.

PROCEEDINGS AFTER CLOSE OF POLL.

Immediately after the close of the poll, the presiding officer, with the assistance of the poll clerk, and in the presence of the candidates and their agents, or such of them as are then present, shall open the ballot box and examine the ballot papers and proceed to count the votes.

(1) Any ballot paper:—

(a) not stamped with the seal of the City, or

(b) on which votes are given to more candidates than are to be elected, or

(c) on which anything is written or marked, appearing to have been designedly put thereupon for the purpose of enabling the same to be identified as the ballot of a particular voter, or

(d) which is unmarked, or

(e) from which it is uncertain for which candidate or candidates the voter votes,

shall be void and shall not be counted.

(2) The presiding officer shall endorse "rejected" on every ballot paper which he rejects as void.

(3) The presiding officer shall count the votes given for each candidate upon the ballot papers not rejected.

After the votes are counted the poll clerk shall make up and enter in the poll book a written statement containing the following particulars:—

- (a) Number of votes for each candidate;
- (b) Number of ballot papers rejected as voting for more candidates than are to be elected;
- (c) Number of ballot papers rejected for having a writing or mark by which the voter could be identified;
- (d) Number of ballot papers rejected as unmarked or void for uncertainty;
- (e) Number of tendered ballot papers deposited;
- (f) Number of spoiled ballot papers;
- (g) Number of ballot papers, if any, taking from the polling place;
- (h) Number of unused ballot papers.

The presiding officer shall return all the ballot papers that have been used in the election to the proper ballot box, with a written statement signed by him containing all the particulars mentioned in the next preceding section, and shall cause the ballot boxes to be locked and sealed up, and shall deliver the same, with the contents and the key, to the City Clerk, to whom he shall also deliver the poll book.

The ballot boxes, unless it is otherwise ordered by the Court or a judge, or unless a re-count is demanded, shall remain locked and sealed as handed to the City Clerk for the period of twenty-one days after the election, and from thence until the termination of any legal proceedings instituted to test the validity of the election.

PROCEEDINGS IN CASE OF A TIE.

When any ward is not divided into polling sections, whenever on an election of Mayor or Alderman an equality of votes is found to exist between any two or more of the candidates and the addition of a vote would entitle any one or more of such candidates to be elected the City Clerk shall give such casting or additional vote in favor of one or more candidates.

(2) When a ward is divided into polling sections, the presiding officer shall report to the City Clerk the number of votes for each candidate for Alderman, and if an equality of votes is found to exist between any two or more of the candidates, and the addition of a vote would entitle any one or more of such candidates to be elected, the Clerk shall give such casting or additional vote in favor of one or more candidates.

In the event of an equality of votes between the two or more candidates for the office of Mayor, the retiring Mayor shall give a casting vote in favor of such candidates. If the retiring Mayor is one of such candidates the City Council shall, by vote, decide which of such candidates shall be Mayor, and in the event of a tie the casting vote shall be given by the City Clerk.

DECLARATION.

When any ward is not divided into one or more polling sections, the presiding officer shall, at the close of the poll, publicly declare the candidate or candidates for the office of Alderman having the highest number of votes to be duly elected and shall publicly declare the number of votes given for each of the candidates for the office of Mayor or Alderman.

When any ward is divided into one or more polling sections, the presiding officer at each polling section, at the close of the poll, shall publicly announce the number of votes given for each candidate for the office of Mayor or Alderman and make returns thereof to the City Clerk, who shall, at the next meeting of the Council after polling day, declare the candidate or candidates for Alderman having the highest number of votes duly elected.

The presiding officer shall forthwith report to the City Clerk the result of the election for Aldermen and shall likewise forthwith report to the City Clerk the number of votes given for each candidate for the office of Mayor and the City

Clerk shall, in the presence of the Council, declare the candidates having the greatest number of votes to be Mayor of the City for the ensuing year.

OFFENCES.

Every presiding officer, poll clerk, candidate, or agent of a candidate present within the rooms where an election is being held, who, except as in this Chapter is otherwise provided,—

- (a) gives to any voter a ballot paper to vote with, or
- (b) offers or gives such voter any advice as to the person for whom he should vote, or
- (c) otherwise interferes with the voter in the exercise of his franchise, or
- (d) divulges to any person the name of the candidate for whom any voter has voted,

shall be liable for every such offence to a penalty not exceeding twenty dollars, and in default of payment to imprisonment for a period not exceeding thirty days.

Every person who,—

- (a) not being entitled to vote knowingly and wilfully votes, or
- (b) fraudulently tenders more than one ballot when voting, or
- (c) fraudulently offers or tenders a forged certificate or receipt for taxes to any presiding officer, or
- (d) fraudulently offers to such presiding officer a tax certificate or receipt other than his own for the purpose of being permitted to vote, or
- (e) attempts to vote under the name of any other voter, shall for every such offence be liable for a penalty not exceeding fifty dollars, and in default of payment to imprisonment for a period not exceeding six months; provided that no such penalty or imprisonment, nor the conviction for any such offence, shall operate as a bar to any other penalty, prosecution or criminal proceeding whatever to which such person so offending would otherwise be liable.

RE-COUNT.

If within three days after the day of election any candidate, by himself or his agent, requests a re-count of the votes at such election, the City Clerk shall appoint a time within three days after such request to re-count the votes at his office.

The Clerk shall, by himself or his agent, notify every candidate at such election of such request and of the time and place appointed to re-count the votes.

The Clerk may summon the presiding officer and poll clerk at such election to attend at such place at the time appointed and may command any of them to bring with him any papers in his custody or possession relating to such election.

The following persons shall be present at such re-count :

- (a) The Clerk and any person he appoints to assist him, and
- (b) each candidate, and his agent appointed to attend such re-count, or, if any candidate does not attend, an agent of such candidate, or
- (c) if the candidates and their agents do not attend, then at least three voters of the City or ward in which the election was held.

At the time appointed and at such place and in the presence of such persons, the Clerk shall proceed to re-count the votes in the ballot box returned to him by the presiding officer at such election, and in so doing shall decide upon the validity of every ballot.

The Clerk, as soon as he ascertains the result of the poll, shall declare to be elected the candidate having the highest number of votes. In the event of a tie

the casting vote shall be given, or the result of the election determined, by the same person or in the same manner as provided in this Chapter in the case of a tie on the counting of the ballots by the presiding officer or officers.

FIRST SCHEDULE.

(Form D.)

OATH OF VOTER.

I, A. B., do solemnly swear that I have not voted this day in any other ward or polling division of this City, at the present election. That I am duly qualified and entitled to vote at this election, and that I have not received by myself or another, or any person in trust for me, or to my use directly or indirectly, any sum of money, place, office, employment, or gift or any promise or security for any money, office or employment, or gift, in order to give my vote at this election. So help me God.

(Form E.)

BALLOT PAPER.

Election of Mayor for the City of Halifax, 1902.

BROWN.

I. James Brown, of _____
Barrister-at-Law.

JONES.

II. Thomas Jones, of _____
Yeoman.

Election of Alderman for Ward _____, City of Halifax.

ROBERTSON.

I. Robert Robertson, of _____, Yeoman.

SMITH.

II. John Smith, of _____, Farmer.

VERNON.

III. Reginald Vernon, of _____, Clerk.

(Form F.)

OATH OF AGENT.

I, the undersigned, C. D., agent for E. F., a candidate at this election for Ward _____, City of Halifax, solemnly swear that I will keep secret the names of the candidates for whom any of the voters at this polling place votes at this election.

(Form G.)

OATH OF PRESIDING OFFICER.

I, J. X., do swear that I have not received any sum of money, office, employment or gratuity, or any bond, bill or note, or any promise of gratuity, by myself or another to my use or advantage, for making any return at this election, that I will return to the City Clerk a true and faithful account of the votes polled in this ward wherein I preside, and that I will faithfully discharge my duty at the election to the best of my knowledge and judgment.

(Form H.)

OATH OF POLL CLERK.

I, G. H., do swear that I will faithfully record the names of all voters who vote in this ward or polling division, and that I will faithfully discharge my duty at the election to the best of my knowledge and judgment.

(Form J.)

OATH OF ILLITERATE VOTER.

I, Y. Z., a voter named in the list of voters for Ward _____ (or City of Halifax) do hereby declare that I am unable to read (or that I am, from physical incapacity, unable to mark a ballot paper, as the case may be.)

All Acts or parts of Acts inconsistent with this Act are hereby repealed.

Read Clause 1, legalizing all bonds and debentures heretofore issued by the City of Halifax.

Moved by Alderman Crosby, seconded by Aldermen O'Donnell, and passed.

Read Clause 2 repealing section 1 of Chapter 46 of the Acts of 1897.

Moved by Alderman Adams, seconded by Alderman Creighton and passed.

Read Clause 3 authorizing the City of Halifax to give permission to the Canadian National Abattoir and Refrigerator Company to build a railing siding or track across Upper Water Street.

Moved by Alderman Adams, seconded by Alderman Geldert, and passed.

Read Clause 4 re the amount to be paid any member of the police force by way of superannuation.

Moved by Alderman Crosby, seconded by Alderman O'Donnell, and passed.

Read Clause 5 relative to the duties of the City Medical Officer.

Moved by Alderman Adams, seconded by Alderman Crosby, that said clause lay on the table. Motion passed.

Read Clause 6 authorizing the City Council to transfer the sum of \$10,000 from Maintenance Account for Water to Construction Account of the Water Service.

Moved by Alderman Adams, seconded by Alderman Creighton, and passed.

Read Clause 7 re persons having water meters in their houses paying for the water actually used.

Moved by Alderman Crosby, seconded by Alderman O'Donnell, that said clause lie on the table. Motion passed.

Read Clause 8 re Bathing Houses.

Moved by Alderman O'Donnell, seconded by Alderman Chisholm, and passed.

Read Clause 9 re Affixing the Corporate Seal to all documents, etc., where the City is a party, etc.

Moved by Alderman Creighton, seconded by Alderman Campbell, and passed.

Read Clause 10 re Water Rates or Assessment for fire purposes.

Moved by Alderman O'Donnell, seconded by Alderman Crosby, that this clause lie on the table.

Moved in amendment by Alderman Chisholm, seconded by Alderman Geldert, that said clause do pass. Amendment put and passed, 6

voting for the same and 4 against it. Names being called for there appeared :

For the Amendment.	Against it.
Aldermen Geldert, Archibald, Barry, Chisholm, Martin, Creighton—6.	Aldermen Campbell, Crosby, O'Donnell, Lamphier—4.

Alderman O'Donnell gives notice of reconsideration.

Read Clause 11 re Owners of Property paying one-half the cost of covering, work and labor of permanent sidewalks laid in front of their properties.

Moved by Alderman Chisholm, seconded by Alderman Creighton, and passed.

Read the several clauses relative to voters.

Moved by Alderman Archibald, seconded by Alderman Crosby, and passed.

Moved by Alderman O'Donnell, seconded by Alderman Crosby, that No. 28 on the Order Paper be now taken up. Motion passed.

Read No. 28, viz. : Report of Committee on Public Accounts re Financial Affairs of the City.

Clauses 1, 2, 3, 4, 5 were dealt with at the last meeting.

Read Clause 6, re paying balance due Sewerage Account into the Sinking Fund, 1902.

On motion, said clause is amended by inserting after the word "date," in the third line of said clause, the words "and less \$45,000 to be left in the sewer fund."

Moved by Alderman O'Donnell, seconded by Alderman Chisholm, that said Clause pass as amended. Motion passed.

Read Clause 8—Re Unexpended Balances.

On motion said clause is amended by inserting after the word "balances" on the first line of said clause the words "less a sum not exceeding \$5000 per year which may be taken for the purpose of reducing taxation."

Moved by Alderman Crosby, seconded by Alderman O'Donnell, that said Clauses pass as amended. Motion passed.

Read Clause 16, re Unexpended Balances.

On motion said Clause is amended by inserting after the word "year" on the first line of said clause the words "less a sum not exceeding \$5000 per year which may be taken for the purpose of reducing taxation."

Moved by Alderman Crosby, seconded by Alderman Chisholm, that Clause 16 pass as amended. Motion passed.

Moved by Alderman Archibald, seconded by Alderman Martin, that the whole report as amended do now pass, and His Honor the Recorder prepare an Act in accordance therewith and that the said Act when prepared be sent to the Legislature for enactment. Motion passed.

AN ACT RESPECTING THE INDEBTEDNESS OF THE CITY OF HALIFAX
AND TO PROVIDE A SINKING FUND FOR THE REDUCTION OF THE
SAME.

BE IT ENACTED by the Governor, Council and Assembly as follows :—

1. The City of Halifax shall not incur or attempt to incur any debt, whether by resolution of its Council or otherwise, or attempt to obtain authority for the incurring of any debt by Act of the Legislature of the Province of Nova Scotia except in the manner and within the limitations as to amount and time of payment prescribed in this Chapter, and no resolution of the said City Council passed in violation of this Chapter shall have any force or effect.

2. In ascertaining the amount of indebtedness of the City of Halifax for the purposes of this Chapter debts created for supplying the inhabitants with water, also debts incurred in anticipation of the year's taxes, and short loans made in accordance with the provisions of this Chapter shall be omitted and the amount of its Sinking Funds, exclusive of the Sinking Fund for water debt, shall be deducted.

The City of Halifax shall not become indebted in an amount which exceeds ten per cent. of the average of the Assessors' valuations of the taxable real estate therein for the preceding three years, the valuation of each year being first reduced by the amount of all deductions allowed thereon previous to the First day of March in the year preceding said assessment. And all bonds or debentures issued for debt in excess of such amount shall be null and void. Provided, however, that all bonds or debentures for debt now outstanding in excess of such amount so limited or other bonds or debentures issued to retire such bonds or debentures now outstanding shall not be affected by this Chapter.

4. The City of Halifax may, by vote of its City Council, approved in writing by the Mayor, incur debts in anticipation of the taxes of the year in which such debts are incurred and expressly made payable therefrom by the vote of the said City Council; the amount so borrowed not to exceed the sum of thirty per cent. of the taxes uncollected for such year at the time of borrowing.

5. Resolutions of Council by which it is sought to incur debts other than those mentioned in the preceding section and for the incurring of which indebtedness an Act of the Legislature of the Province of Nova Scotia is necessary shall only be passed by a two-thirds vote of all the members of the City Council taken by yeas and nays and approved by the Mayor; or if he disapproves such vote, by another like vote taken after notice of such disapproval, which notice shall be given in writing within ten days from the time in which the vote is laid before the Mayor by the City Clerk; and if the Mayor fails to give such notice within the time so limited to the City Council he shall be deemed to have approved such vote.

6. All debts mentioned in the preceding section shall be payable within the following periods, namely: debts hereafter incurred in constructing sewers within not exceeding twenty years and all other debts, excepting water debt, within not exceeding five years.

7. The interest of all debts shall be raised by taxation annually. When a debt is payable at a period exceeding ten years the City of Halifax shall, and when payable at a period not exceeding ten years may, at the time of contracting the same establish a Sinking Fund and contribute thereto from year to year an amount raised annually by taxation sufficient with its accumulations to extinguish the debt at maturity; and when payable at a period not exceeding ten years the City of Halifax shall raise by taxation annually not less than eight per cent. of the principal thereof, and shall set apart the same for a Sinking Fund until an amount is raised with its accumulations to extinguish the debt at its maturity, and shall raise any balance necessary for such extinguishment, by taxation, in the year before the maturity of the debt. No such Sinking Fund shall be used for any other purpose than the payment and redemption of such debt. All sums of money and the interest thereon required to be assessed under this Chapter shall be in-

cluded in the annual assessment of the City of Halifax and shall be assessed on the real and personal property of the ratepayers of said City and shall be a lien thereon, and be levied and collected in the same way, at the same time and with the same rights, liens and remedies as the ordinary general assessment of said City and the sums so borrowed by said City shall also form a lien and be a charge on the real estate, revenue and property of the City of Halifax, and shall not be liable to any City rates, taxes or assessment.

8 The Mayor and the Chairman of the Committee on Public Accounts during their respective terms of office and the City Auditor shall be the Trustees of all Sinking Funds and Reserve Funds established under the provisions of this Chapter.

9. The City Treasurer shall be the Treasurer of all Sinking Funds and Reserve Funds established under the provisions of this Chapter and his bond shall apply to and include duties performed under this Chapter.

10. The Trustees shall receive all sums contributed to the Sinking Funds and shall invest and re-invest the same and the income thereof as it accrues in the name of the Trustees in Dominion of Canada debentures or in bonds of the City of Halifax or deposit the same on deposit receipt in some chartered bank of the Dominion of Canada at the highest rate of interest which they may be able to obtain; but no portion of the same shall be loaned to the City of Halifax except as herein provided; and the Trustees may sell and re-invest such securities when required in their judgment. They shall keep a record of their proceedings, and shall annually, at the time when other Municipal Officers are required to make their annual reports, make a written report to the City Council of the amount and condition of said funds and how the same are invested and of the income thereof for the preceding financial year. The record of, and the securities belonging to, said funds shall at all times be subject to the inspection of the Aldermen or of any Committee of the City duly authorized for the purpose. The Treasurer, who also act as Secretary to the Trustees, shall receive no additional compensation and no Trustee shall receive compensation for his services.

11 The City of Halifax shall establish a general Sinking Fund to be known as "The Sinking Fund, 1902," for the purpose of reducing the Furded Debt of the City of Halifax, exclusive of the Water Debt. The moneys paid into the Sinking Fund established by Section 41 of Chapter 27, of the Acts of the Legislature of Nova Scotia, 1896, together with interest thereon and all securities therefor, shall be paid and transferred by the Trustees of said Sinking Fund to the Trustees of "Sinking Fund, 1902"; and hereafter the sum of five thousand dollars (\$5,000.00) directed by said Section 41 of Chapter 27 of the Acts of 1896 to be paid annually by the City Treasurer to the Trustees of the Sinking Fund established by said Act shall instead thereof be paid by said City Treasurer to the Trustees of "Sinking Fund, 1902." All of said monies and securities when paid and transferred as aforesaid shall be invested by the Trustees of "Sinking Fund, 1902," in accordance with the terms and provisions of this Chapter.

12. The City of Halifax shall pay into the "Sinking Fund, 1902," all monies in hand to the credit of "Permanent Pavement Fund" account and all monies hereafter collected on account of said "Permanent Pavement Fund." The City of Halifax shall also pay into such Sinking Fund all monies hereafter collected on "Sewer Construction" Account, less the amount of forty-five thousand dollars (\$45,000.00). Said sum of Forty-five Thousand Dollars (\$45,000.00) shall be used for the purpose of paying outstanding liabilities against Sewer Construction Account, including the cost of Young Avenue Sewer and the outlet to same, salaries chargeable against Sewerage Construction Account and for the purpose of further Sewer Construction.

13. The City of Halifax shall also pay into the "Sinking Fund, 1902," from year to year, all premiums obtained from loans and all interest received on account of overdue taxes, less the amount of interest paid on loans made in anticipation of the year's taxes in accordance with the provisions of this Chapter.

14. After the sum of seventy-five thousand dollars (\$75,000.00) has accumulated for the establishment of the "Reserve Fund" mentioned in Sections 17 and 18 of this Chapter the City of Halifax shall pay thereafter each and every year into the "Sinking Fund, 1902," all sums of money to the credit of "Unexpended Balances" account, less the sum of Five Thousand Dollars (\$5,000.00), which may be deducted each year for the purpose of reducing taxation as provided by law.

15. Nothing contained in this Chapter shall be construed as prohibiting the City of Halifax from paying or providing for the payment of any debts at earlier periods than is herein required; or from renewing same in securities payable within the period required for the final payment of the debt; or from adding to any Sinking Fund the excess of any appropriation over the amount required for the purposes thereof or any sums derived from taxation or from other sources which are not required by law to be otherwise expended; and such additions may be made for the purpose of reducing the entire debt for the redemption of which the Sinking Fund was established or of reducing the amount to be raised by taxation for such Fund.

16. The restrictions of the preceding sections shall not exempt the City of Halifax from its liability to pay debts contracted for purposes for which it may legally expend money.

17. The City of Halifax shall establish a Fund to be known as "The Reserve Fund, 1902," for the purpose of meeting loans made in accordance with the provisions of this Chapter in anticipation of the year's taxes.

18. The City of Halifax shall pay into the "Reserve Fund, 1902," all moneys now to the credit of "Unexpended Balances" account and hereafter the City of Halifax shall pay each and every year into the "Reserve Fund, 1902," all sums of money that may be to the credit of "Unexpended Balances" account, less the sum of Five Thousand Dollars (\$5,000.00), which may be deducted each year for the purpose of reducing taxation as provided by law until the said "Reserve Fund, 1902," shall reach the sum of Seventy-Five Thousand Dollars (\$75,000.00).

19. The provisions of Section Eight as to Trustees, Section Nine as to Treasurer of the Fund and clauses of Section Ten relative to records, reports and expenses, of this Chapter, shall be applicable to the Reserve Fund established by Section Seventeen hereof.

20. The Trustees shall deposit the monies to the credit of the "Reserve Fund, 1902," in some chartered bank on deposit receipt at the highest rate of interest which they may be able to obtain and shall only permit said monies to be paid out of said fund for the purpose of meeting loans made in anticipation of the year's taxes when such loans are made in accordance with the provisions of this Chapter.

21. The City of Halifax shall repay or cause to be repaid to the Trustees of the "Reserve Fund, 1902," all moneys borrowed by said City out of the taxes for the year to which such loan is chargeable.

22. The Supreme Court, or a Judge thereof, by mandamus or other appropriate remedy, upon the suit or petition of the Mayor or of any ratepayer of the City of Halifax or of any creditor to whom the City appears to said Court or judge to be indebted in an amount not less than one thousand dollars (\$1,000.00) may compel such City and its Assessors, Collectors, Treasurer, Trustees of Sinking Funds or Reserve Fund and other proper officers to enforce all provisions of the Chapter, and may hear and determine any cause of complaint, and such Supreme Court or Justice thereof may in term time or vacation issue injunctions and make such orders and decrees as may be necessary or proper to enforce the provisions of this Chapter and to restrain or prevent any violation thereof.

23. That the Trustees of Sinking Fund and Reserve Fund established under the provisions of this Chapter shall be personally liable for the diversion of any of the monies in said funds in any manner inconsistent with the provisions of this Chapter during their respective terms of office as Trustees of said Funds.

Moved by Alderman Crosby, seconded by Alderman Martin, that Clause No 1 relative to the Aldermen retiring in a body, etc., as set forth in the Act entitled "An Act further to amend Chapter 58 of the Acts of 1891, entitled An Act to consolidate and amend the Acts relating to the City of Halifax and the Acts in amendment thereof do now pass." Motion passed.

Moved by Alderman Campbell, seconded by Alderman Martin, that Alderman Campbell be allowed to introduce a resolution. Motion passed.

The following resolution is now introduced :

Resolved, That the resolution passed at the last meeting of Council altering the constitution of the Council whereby all the Aldermen go out of office on the 30th day of April, next, and that they should hold office thereafter for three years be and is hereby rescinded.

Moved by Alderman Campbell, seconded by Alderman Creighton.

Said resolution being put is lost, 4 voting for the same and 6 against it. Names being called for there appeared :

For the motion.

Against it.

Aldermen Geldert, Campbell, Barry, Aldermen Archibald. Crosby,
Creighton—4. O'Donnell, Lamphier, Chis-
holm, Martin—6.

Moved by Alderman Barry, seconded by Alderman Creighton, that the Council adjourn. Motion lost.

Moved by Alderman Crosby, seconded by Alderman Martin, that the clause relative to the Aldermen retiring in a body do now pass. Motion passed.

Moved by Alderman Martin, seconded by Alderman Crosby, that the Council adjourn. Motion passed. Council adjourns 11.45 o'clock.

EVENING SESSION.

8.10 o'clock.

MARCH 11TH, 1902.

A meeting of the City Council was held this evening.

At the above hour there were present Aldermen MacIlreith, Deputy Mayor, Spry, Rogers, Crosby and Martin.

Moved by Alderman Spry, seconded by Alderman Lamphier, that the time for meeting be extended till 8.30 o'clock. Motion passed.

8.30 Roll called. Present the above named together with Aldermen Archibald, Campbell, Barry, O'Donnell, Ryan, Lamphier, Chisholm, Creighton, Hawkins and Adams.

The council was summoned to proceed with business standing over and the transaction of other business.

The Deputy Mayor submits the following papers :

Report City Works Commission on letter of Charles E. Mott re sewerage assessment.

Report City Works Commission re Dr. Fitch's claim for alleged damages to property.

Report City Works Commission re assistance for Hugh Johnston.

Writ of summons, R. I. Hart vs. the City of Halifax.

Letter from W. H. Wiswell, Municipal Clerk, covering copy of County Estimates for the year 1902.

Report Committee on Laws and Privileges on various matters.

Report Committee on Laws and Privileges on wool pulling factory, manufacturing industries, etc.

Report Special Committee on Taxation.

Application of A. Wilson & Son for an electric light on South Hollis Street.

An account from the King's printer or printing bills submitted to the Legislature.

Report of Special Committee in re Brick Building District.

Report Supervisor of Weighers of Co and Coke for month of February.

Account from Harris, Henry & Cahan for costs taxed on stated case Smith vs. City of Halifax.

Report Charities Committee for the month of February.

Letter from the City Auditor covering opinion of His Honor the Recorder re payment of gratuity to ex-Capt. Condon.

City Treasurer's cash statements—general and water—for the month of February.

Moved by Alderman Rogers, seconded by Alderman Campbell, that the Order of the Day be suspended to read the papers submitted.

Read report of the Charities Committee for the month of February.

REPORT CHARITIES COMMITTEE.

Halifax, March 5th, 1902.

The Charities Committee met this day, and beg to submit the following report:

Accounts chargeable to maintenance to the amount of \$2,073.40 and to construction for \$980.03 were examined, found correct and recommended for payment.

The Superintendent's report for the month of February shows that there were 27 persons admitted into the Poor's Asylum, 1 born, 16 discharged and 7 died.

Of the number admitted, 14 were chargeable to the Province, 1 to Halifax County, 1 to Cumberland County, 1 to North Sydney and 10 to the City.

The total number of inmates February 28th was 387, made up of 243 men, 139 women and 5 children.

Respectfully submitted,

E. W. O'DONNELL, *Chairman.*

The following resolution is now introduced :

Resolved,—That the report of the Charities Committee be received and adopted and His Worship the Mayor authorized to sign warrants for the payment of the bills attached thereto.

Moved by Alderman O'Donnell, seconded by Alderman Crosby and passed.

Read report of City Works Commission on letter of Charles E. Mott re sewerage assessment.

C. E. MOTT'S SEWERAGE ASSESSMENT.

CITY WORKS OFFICE, March 11, 1902.

The City Council:

Gentlemen,—In accordance with the accompanying resolution of Council asking for a report on the letter attached hereto from Mr. Charles E. Mott with reference to the payment of interest on sewerage rates on his property on Almon Street your Commission beg to report that they cannot recommend that Mr. Mott be relieved of payment of the interest on his sewerage rates.

R. T. MACILREITH,
Deputy Mayor and Chairman.

Moved by Alderman O'Donnell, seconded by Alderman Adams, that said report be adopted. Motion passed.

Read report of City Works Commission re letter of Rev. John MacMillan asking that some pecuniary assistance be granted to Hugh Johnston.

IN RE ASSISTANCE FOR HUGH JOHNSTON.

CITY WORKS OFFICE, March 11, 1902.

To the City Council:

Gentlemen,—In compliance with the resolution of Council attached hereto asking for a report on the accompanying letter from Revd. John MacMillan asking assistance for Hugh Johnston, who was injured by an explosion of dynamite while working on a City sewer on Louisburg Street, your Commission beg to say that they cannot recommend that any grant be made Mr. Johnston.

R. T. MACILREITH,
Deputy Mayor and Chairman.

Moved by Alderman O'Donnell, seconded by Alderman Adams, that said report be adopted. Motion passed.

Read writ of summons Hart vs the City of Halifax. (Following is a copy of the endorsement on writ.)

HART VS CITY OF HALIFAX.

The plaintiff's claim is as a ratepayer of the City of Halifax for an injunction to restrain and enjoin the City of Halifax, its City Council, Board of City Assessors, Mayor, Treasurer, Clerk, Officials, Agents, Servants and Employees from assessing on the property of the ratepayers of the City of Halifax and levying and collecting any sum or sums to pay the interest on one hundred and fifteen debentures, numbered from 1474 to 1588, both inclusive, issued on the first day of July, A. D. 1898, and purporting to form part of the Consolidated Fund of the City of Halifax and from paying any interest on said debentures to the holder or holders thereof and from paying any of the coupons attached to said debentures and issued therewith.

Moved by Alderman Rogers, seconded by Alderman Archibald, that the same be referred to His Worship the Mayor, and His Honor the Recorder to take whatever action may be necessary to protect the interests of the city. Motion passed.

Read letter from W. H. Wiswell, Municipal Clerk, covering a copy of the county estimates for the year 1902.

Moved by Alderman Rogers, seconded by Alderman Crosby, that the same be referred to the committee on Public Accounts for report. Motion passed.

Read report of committee on Laws and Privileges re Wool Factory Fenwick Street, &c., covering an opinion of His Honor the Recorder.

On motion the same is read clause by clause.

Read clause 1 in re Wool Pulling Factory, Fenwick Street, together with the opinion of His Honor the Recorder thereon.

Moved by Alderman Rogers, seconded by Alderman O'Donnell, that said clause be placed on the Order Paper and a copy thereof furnished each alderman. Motion passed.

Read clause 2 re Taxes on Manufacturing Industries covering Draft Act.

Moved by Alderman O'Donnell, seconded by Alderman Crosby, that said clauses be adopted and the Act sent to the Legislature for enactment. Passed unanimously.

Read clause 3 in re Smith vs The City of Halifax with letter from His Honor the Recorder.

Moved by Alderman Rogers, seconded by Alderman Crosby, that this clause be referred back to the committee on Laws and Privileges for further report, and with power to draft an act to enable the city to tax the personal property of officers. Motion passed.

REPORT LAWS AND PRIVILEGE COMMITTEE.

COMMITTEE ROOM, CITY HALL, March 10th, 1902.

To His Worship the Mayor and City Council:

Gentlemen,—The Committee on Laws and Privileges beg to report as follows:

IN RE WOOL FACTORY, FENWICK STREET.

The facts in relation to this matter are set out in the minutes of Council and in the papers attached hereto. The point at issue is as to the power of the Council at the present time to rescind the resolution to purchase the property and whether the passing of that resolution operated as a contract binding upon the

City. This being purely a legal question, your Committee have obtained the opinion of His Honor the Recorder, which is herewith submitted for the information of the Council.

TAXES ON MANUFACTURING INDUSTRIES.

This matter was carefully considered by this Committee and also by the City Council a year ago, and your Committee being of the opinion that another effort should be made to offer encouragement to industries of so much importance to the City, instructed His Honor the Recorder to draft a bill on the lines of the principle adopted by the Council March 25th, 1901, and the same is herewith submitted for the favorable consideration of the Council.

SMITH VS. CITY OF HALIFAX.

The right of the City to tax the personal property of officers in the Imperial Service living in dwellings rented by the Military Authorities was involved in this case, and His Honor the Recorder and the solicitor on the other side submitted the question to the Supreme Court to determine. The Court decided against the City. It was suggested that the law should be altered so that the City would not lose a revenue because of the occupancy of private property by the military which would be received if the property were occupied by citizens, but your Committee do not consider that these cases are of sufficient frequency or the amount involved so large as to call for any special legislation. The Committee also feels that such an Act would be disallowed.

Respectfully submitted,

B. T. MACILREITH, *Chairman.*

IN RE WOOL PULLING FACTORY.

RECORDER'S OFFICE, March 7th, 1902.

His Worship the Mayor :

Sir,—This matter has been before the Council several times and some time ago a resolution was passed to purchase the property in order to get rid of the nuisance alleged to be created by the factory and I was instructed to prepare an Act to borrow \$4,000.00 for its purchase. Previous to preparing the Acts for the Legislature Alderman MacIlreith gave notice to rescind the resolution purchasing this property and the Council referred the matter to the Committee on Laws and Privileges, who have referred it to me for an opinion as to the power of the Council to purchase under the circumstances of this case, and also whether any binding contract on the part of the City could be made with the owners of the property.

I am of opinion,—

First—That it is not in the power of the Council to speculate in real estate of the City and they can only purchase lands for the general public purposes of the City.

Second—No contract involving expenditure of money can be made without the consent of the Mayor or when vetoed by him over-ruled by a two-thirds vote of the Council.

I am of opinion that under the circumstances there is no binding contract on the City to purchase this property.

Respectfully submitted,

W. F. MACCOY, *City Recorder.*

AN ACT RELATING TO THE ASSESSMENT OF MANUFACTURING INDUSTRIES IN THE CITY OF HALIFAX.

Be it enacted, by the Governor, Council and Assembly as follows :—

Any person or company hereafter erecting any building or purchasing any property as and for the purpose of establishing a manufacturing industry in the

City of Halifax shall be assessed on the buildings and machinery therein or connected therewith on a sum equal to the purchase price paid for the site or property acquired by him or them for that purpose provided that such purchase price shall not be less than the assessed value of the property at the assessment next before such purchase.

Any person or company engaged at the time of the passing of this Act in any manufacturing industry in the City of Halifax who enlarges or extends his buildings or machinery now used for such industry shall only be assessed on all his or their buildings and machinery on a sum equal to the assessment thereon immediately preceding such enlargement, extension or addition, provided, however, where the enlargement or extension of the building involves the purchase of additional land or property the purchase price of said additional land or property shall be added to his or their said assessment. If the purchase price of such additional land or property is less than the assessment thereon at the time of said purchase then the assessed value thereon shall be taken as the valuation for and shall be added to his previous assessment.

In case the buildings or property mentioned in this Act shall cease to be used for one year as and for a manufacturing establishment then the property and machinery shall be assessed at their actual value in the same way as other real and personal property are assessed in said City.

This Act shall cease and determine in ten years from the date of its passage.

All Acts or parts of Acts inconsistent with this Act are hereby repealed.

Read petition of A. Wilson & Son for an Electric Light at the foot of Victoria Lane on South Hollis Street.

Moved by Alderman O'Donnell, seconded by Alderman Archibald, that the same be referred to the City Works Commission for report. Motion passed.

Read account from the King's Printer, for printing bills submitted to the Legislature.

Moved by Alderman Rogers, seconded by Alderman Chisholm, that the same be referred to the committee on Public Accounts for report. Motion passed.

Read report of Special Committee in re Brick Building District.

BRICK BUILDING DISTRICT.

COMMITTEE ROOM, CITY HALL, Feb. 21st, 1902.

To His Worship the Mayor and City Council:

Gentlemen,—The Special Committee (consisting of Aldermen Campbell, Crosby and O'Donnell) appointed to confer with the Nova Scotia Board of Fire Underwriters in reference to the proposed Act to curtail the limits of the Brick Building District by exempting Brunswick and Albemarle and the west side of Grafton Streets met this afternoon at 3 o'clock. Alderman O'Donnell was appointed chairman.

By invitation there were present, representing the Board of Fire Underwriters, Messrs. C. A. Evans, B. P. Saunders and A. J. Bell.

The various phases of the question were minutely considered.

The representatives of the Board of Fire Underwriters were impressed with the arguments made in favor of the proposed change, but intimated that the head offices of the foreign companies whom they represented were at the present time urging a general increase in the rates of insurance for Nova Scotia and the Dominion and that any change likely to increase fire risks in any portion of the City would lead to an increase of premiums for the whole City. It was stated that no mat-