

only. Plans showing the exits and stairways shall be printed on every programme or playbill.

88. No temporary seats or other obstructions shall be allowed in any aisle, passage way or stairway of a building of the classes referred to by section eighty one, and no person shall be allowed to remain in any aisle, passageway or stairway of any such building during any performance.

89. The stage of every theatre hereafter built shall be separated from the auditorium by a brick wall sixteen inches thick, which wall shall extend the entire width and height of the building and two feet six inches above the roof, like a party wall. There shall be no opening through this wall except a curtain opening, and not more than two others which shall be located at or below the level of the stage; these latter openings shall not exceed twenty-one superficial feet each, and shall have tinned wood, self closing doors, securely hung to rabbeted iron frames or rabbets in the brick work. The finish or decorative features around the curtain opening of every theatre shall be of incombustible material, well secured to masonry. All scenery, curtains and wood-work of the stage of every theatre shall be thoroughly covered, and if practicable, saturated with fire resisting material. No fixed portion of the stage shall be of wood.

90. There shall be lobbies adjoining each division or any auditorium hereafter built, separated therefore by a partition of brick or other equally incombustible material, and sufficiently large to furnish standing room to all persons that such division may at any time contain. There shall be no openings in such partition except such as are required by section eighty-one, and such openings shall not be more than eight feet high.

91. The proscenium or curtain opening of every theatre shall have a fire resisting curtain of incombustible material re-enforced by wire netting or otherwise strengthened. If of iron or similar heavy material and made to lower from the top, it shall be so contrived as to be stopped securely at a height of seven feet above the stage floor; the remaining opening being closed by a curtain or valance of fire resisting fabric. Such curtain shall be raised at the beginning and lowered at the end of each and every performance, and shall be of proper material, construction and mechanism.

92. All scene docks, carpenter or property shops and wardrobes of every theatre hereafter built, shall be separated from the stage, auditorium and dressing room divisions by

solid brick walls, not less than twelve inches thick, with no openings to the auditorium or dressing room divisions; and all openings to the stage shall have tinned wood self closing doors securely hung to rabbets in the brick work.

93. All rooms in theatres for the use of persons employed therein, shall have at least two independent exits. All stage gas lights shall be protected by proper nettings.

94. There shall be one or more ventilators near the centre and above the highest portion of the stage of every theatre, equal in combined area of opening to one-tenth of the area of stage floor. Every such ventilator shall have a valve or louvre so counterbalanced as to open automatically, and shall be kept closed when not in use, by a cord reaching to the prompters desk, and readily operated therefrom. Such cord shall be of combustible material and so arranged that if it is severed the ventilator will open automatically.

95. There shall be at least two two inch high service stands-pipes on the stage of every theatre with ample provision of hose and nozzles at each level of the stage on each side, and the water shall be kept turned on during the occupation of the building by any audience. The said pipes shall have two gates, one above the other with a proper test or waste valve; the lower gate to be kept open at all times. The proscenium opening of every theatre shall be provided with a two and one half inch perforated iron pipe or equivalent equipment of automatic or open sprinklers, as the Inspector may direct, so constructed as to form when in operation a complete water curtain for the entire proscenium opening, and there shall be for the rest of the stage a complete system of fire apparatus, and perforated iron pipes, automatic or open sprinklers. Said pipes or sprinklers shall be supplied with water by a city service and be at all times ready for use.

SYSTEM OF VENTILATION.

96. Every hall, auditorium or room of every building hereafter erected for, or converted to use as a school house, factory, theatre or place of public assembly or entertainment shall have in continuous operation while occupied, a system of ventilation so contrived as to provide twenty-five cubic feet per minute of outer air for each occupant and for each light other than an electric light.

TENEMENT AND LODGING HOUSES.

97. The external wall of every building hereafter erected or converted to use as a tenement or lodging house, shall be of brick, stone or iron, and such walls of any such building

which is not situated on an open space more than twenty feet in width shall not exceed in height thirty feet.

98. No building hereafter erected for, or converted to use as a tenement or lodging house and no building hereafter enlarged or increased in height or area for said purposes, shall occupy above the level of the second floor more than sixty-five one hundredths' part of the area of the lot measured to the middle line of the street or streets, or passage ways on which it abuts. Every such building shall have on at least two exposures on land of the owner or as part of public ways open spaces of at least ten feet in width, which spaces shall have an aggregate length of one foot for every twenty five feet of superficial area actually occupied by the building. Such spaces shall be open to the sky and shall remain undiminished so long as the building is occupied as a tenement or lodging house. A clear open space from the ground to the sky shall be maintained across the whole rear of every such buildings not located on two streets forming a corner, and of a depth equal to one half the width of the street in front of such building: Provided, that such space need not exceed the depth of twenty feet; and provided, further, that an equivalent area of open space in the rear or on either side of such building may be provided of different dimensions with the consent of the inspector.

99. Every existing tenement or lodging house, shall have in every sleeping room, not communicating directly with the external air, two ventilating or transom windows of not less than six square feet area each, one opening into another room or passage, having an external window of not less than six square feet area, with movable sashes. No transom window shall be placed in a partition wall enclosing a main stairway.

100. Every room in every tenement or lodging house hereafter built, and in every building hereafter altered to be used as such, shall be not less than eight feet in height in the clear in every story, except that in the attic it may be less than eight feet high for one half the area of room. Every such room shall have one or more windows on an open air space with an area at least one-tenth as great as that of the room. The top of at least one window on such air space in each room shall be at least seven feet six inches from the floor, and the upper sash of the same window shall be moveable.

101. No building of which any part is used for storage or sale of hay, straw, hemp, flax, shavings, burning fluid, turpentine, camphene, or any inflammable oil, or other highly combustible substance, shall be occupied in any part as a dwelling, tenement or lodging house, except that

rooms for coachman or grooms may be allowed in private stables authorized by this Act upon special permit from the inspector.

102. All receptacles for ashes, waste and other substances liable by spontaneous combustion or otherwise to cause a fire shall be made of incombustible material satisfactory to the inspector. Every building used as a tenement or lodging house shall have outside and appurtenant to it a suitable space satisfactory to the inspector, for the temporary deposit of garbage and other refuse matter.

103. Every lodging house containing over fifty rooms above the first floor and every tenement house containing more than fifty sleeping rooms above the first floor shall have at least one night watchman exclusively so employed on duty every night from nine o'clock at night until six o'clock in the morning; and every lodging house of the second or third class containing more than one hundred rooms above the first floor, and every tenement house containing more than one hundred sleeping rooms above the first floor shall have at least two night-watchmen exclusively so employed, on duty every night from nine o'clock at night until six o'clock in the morning: But in the latter class of lodging and tenement houses a proper system of thermostates or automatic fire alarm, approved in writing by the inspector may be substituted for one of the watchmen. In all lodging or tenement houses of either of the above classes, a red light shall be kept burning at night at the head and foot of every flight of stairs, and one or more gongs shall be so placed, and be of such size and number as to give the alarm throughout the house in case of fire; and in every sleeping room there shall be conspicuously posted directions for escape in case of fire. The inspector may make such other or further requirements for prevention of and escape from fire as may be reasonably necessary under the conditions of each case. Any innholder who fails to comply with the provisions of this section shall incur a penalty of not less than twenty-five dollars nor more than one hundred dollars.

WATER CLOSETS

104. Every dwelling, tenement or lodging house, every school house, and every building where operators are employed shall have at least one water closet or privy, and at least one water closet or privy for every thirty persons therein living, attending or employed; and in buildings where operators of both sexes are employed, separate accommodations shall be furnished for each sex. Privies or cess-pools shall not be allowed where a sewer makes

water closets practicable. Every water closet in every building hereafter erected for, or converted to use as a tenement house, family hotel or apartment house, shall have a window on the open air.

STABLES.

105. No building, any part of which is within the limits or within twenty feet of the property of any adjoining owner shall be erected for or converted to use as a stable, unless such use is authorized by the board of health after public hearing had, after written notice to the adjoining owners, and after public notice published at least three times, and at least ten days before the hearing in at least two newspapers published in Halifax.

ENGINES, DYNAMOS, BOILERS, FURNACES, ETC.

106. No building shall be used for a grain elevator or for the storage or manufacture of high combustibles or explosives, or for chemical or rendering works, and no engine, dynamo, boiler, or furnace shall be placed in any building without a permit from the inspector and every application for such permit shall be filed with the inspector in writing, and shall set forth the character of the building, the size, power and purpose of the apparatus, and such other information as the inspector may require. The inspector may, after an examination of the premises described in the application, and hearing the applicant and any objectors, issue a permit for placing a boiler or furnace on such premises, on such conditions as he shall deem just and proper, or may refuse such permit, and the applicant for other than a boiler or furnace, shall publish notice of the application in at least two daily newspapers published in the City of Halifax, and at least three days in each, and, if so directed by the inspector, shall also post conspicuously on the premises, a copy of the application, and deliver copies thereof to such persons as the inspector may direct, and file an affidavit with the inspector that notice has been given as required.

107. If no objection is filed with the inspector before the expiration of ten days from the time of the first publication of the notice or within ten days of the delivery and first posting of notice as required, the inspector shall, if the arrangement, location and construction of the proposed apparatus is proper, and in accordance with the terms of this act, issue a permit for the same. But if such objection is filed the inspector shall give the persons filing such objections a hearing, and in each case he shall cause due notice to be given to all the parties of the time and place of hearing. After hearing the parties he shall issue a permit upon such conditions

as he may think proper, or shall withhold the same. If the permit is refused, the applicant and if it is granted the objectors, shall pay such costs as the inspector may determine.

108. The inspector may from time to time, after public notice and hearing, prescribe conditions on which any or all boilers or furnaces may be maintained in buildings.

WOODEN BUILDINGS OUTSIDE THE BUILDING LIMITS.

109. Every person proposing to erect a wooden building outside said building limits, or to alter in any manner one already erected shall ten days at least, before commencing work thereon, file an application with the inspector for a permit therefor, such application to contain a statement of the number or precise location on the street, and the name of the owner of the building to be erected or altered, the dimensions of the building to be erected or the nature of the alterations to be made in the building and the name of the mechanic or builder who is to do the work, and if the inspector so requires, such person shall furnish plans and specifications of the work proposed to be done.

110. Every wooden building hereafter erected or altered outside of said building limits, shall have a foundation of rubble, block granite, stone, or brick laid in mortar, as provided in section twenty three, carried to the surface of the ground, and no round or boulder stone shall be used. Every such foundation, if of brick, shall be at least twelve inches thick, and if of granite shall be at least sixteen inches thick, and if of rubble, shall be at least twenty inches thick, shall be laid at least four feet below any surface exposed to frost, and upon the solid ground.

111. Every such wooden building, hereafter erected or altered the sills of which do not rest directly upon a foundation as above described but on an under pinning, shall have such under pinning made of brick or stone, and if the building is thirty three feet or less in height above the highest street level of its principal front, the under pinning, if of brick, shall be at least eight inches thick, and if the building is of greater height the under pinning if of brick, shall be at least twelve inches thick; every under pinning of stone shall be at least sixteen inches thick. Every such wooden building hereafter erected on soft and marshy land and used for a workshop or other like purpose or as a temporary structure may, if said inspector approves, rest upon mud sills or blocks, or on piles cut to the height of grade.

112. Every such wooden building hereafter erected or altered shall have all parts of

112. Every such wooden building hereafter erected or altered shall have all parts of sufficient strength to carry the weight of the super-structure; shall be built with sills, posts, girts, studs, and plates, properly framed, mortised tenoned, braced, and pinned in each story; the posts and girts shall be not less than four by eight inches in cross section, and the studs shall be not more than twenty inches apart, and no ledger board shall be used in any, structure.

113. Every such wooden building hereafter erected or altered to be used for a purpose other than as a stable, carpenter or other similar shop, shall at each floor except the uppermost floor have a sufficient fire stop effectually stopping every air duct except those sanctioned by this act, and consisting of a solid, air tight, cohesive layer, at least one inch thick made of tile, brick, terra cotta or like fire made material, plaster, cement, cinder or ashes, or of a combination of the same, or consisting of a layer, of a thickness approved by said inspector, of some equally non-inflammable, non-heat conducting materials, and every such fire stop shall cover the whole under floor through all stud partitions to the outside boardings; but every such wooden building to be used solely for mercantile, manufacturing, or storage purposes may have floors made of boards at least one inch thick matched and breaking joints, layed upon a tight splined or tongued and grooved under floor of plank at least two inches thick with the spaces between the supporting timbers of the floor open and uncovered and without any fire stop.

114. Every such wooden building hereafter erected or altered shall, at three places at least in every flight of stairs, the under sides of which are not open and uncovered—have all spaces between the stringers of the stair cases and the joists of the landings so stopped with some of the incombustible materials above specified as to prevent the passage of air.

115. Every such wooden building hereafter erected or altered to be used as a dwelling house shall not be more than forty-five feet in height above the highest street level of the principal front.

116. Every such wooden building hereafter erected to be a block of two or more dwelling houses shall have a brick party wall between every two houses not less than twelve inches thick, carried twelve inches above the roof, and covered with a metallic covering.

117. Every such wooden building more than twenty-five feet in height and twenty-five hundred feet in horizontal area, to be used for any purpose other than that of a dwelling house, shall unless otherwise ordered by the City Council, have for every such area, an intercepting brick wall not less than twelve inches thick, carried twelve inches above the roof, and covered with metallic covering.

118. The requirements contained in the preceding three sections shall not apply to buildings erected or placed at a distance of fifty feet or more from every other building, and from every street or way used for public passage.

USE OF STREETS.

119. No person shall, except in accordance with a permit from the City Engineer, raise into, or lower from, the second or any higher story of a building, over any portion of the street any article of merchandise.

NUMBERING OF BUILDINGS.

120. No person shall neglect, or refuse to affix to any building owned by him the street number designated for such building by the City Engineer, nor shall any person affix to or suffer to remain on any building owned or occupied by him, a street number other than the one designated for such building by such Engineer. In the event of any such person refusing or failing to carry out the provisions of this section the City Engineer shall have power to remove or affix such number at the costs and charges of said persons.

ORDINANCES.

121. The City Council may, by ordinance, regulate the management and inspection of elevators, hoist-ways and elevator-shafts in said City.

122. On any infringement of this act occurring by any person or persons the inspector shall at once report the same to the Recorder of said City. Said Recorder shall for the purpose of enforcing the provisions of this Act, lay an information or complaint in the name of the City of Halifax, before a Judge of the Supreme Court.

123. The Supreme Court or any judge thereof shall have jurisdiction in term time or vacation, to restrain the illegal placing, maintenance or use of any building, structure or other thing, and may on the application of the said City of Halifax by its Recorder, restrain any such placing, maintenance or use of a building, structure or other thing, in said city, and may require its removal by the owner, and may authorize the city in default of such removal by the owner, to remove at the expense of the owner, any such building, structure or other thing, whether heretofore, or hereafter, so placed, maintained, or used.

INJUNCTION.

124. The Supreme Court, or any judge thereof, in term time or vacation, may, on the

application of the City of Halifax by its Recorder, by any suitable process, enforce the provisions of this Act, and may, on such application issue an injunction to restrain the erection, alteration, use, or occupation of any building or structure in the City of Halifax, erected, altered, maintained or used in violation of this Act.

PENALTY.

125. Any person who shall build or alter any wall building or other structure or part thereof, so built in violation of any provision of this Act, or who shall, after twenty four hours notice from the inspector, maintain or use any such wall, building or other structure or part thereof, so built or altered, or shall violate any provision of this act, unless otherwise provided shall upon conviction before the Stipendiary Magistrate of said City, who shall have Jurisdiction under this act be liable to a fine not exceeding five hundred dollars, to be paid into the treasury of the City of Halifax.

126. In cases where no owner, agent, contractor or other person can be found within the City of Halifax upon whom a notice can be served, for an infraction of the provisions of this act it shall be lawful for the inspector to have printed notice posted upon, or in the vicinity, of said buildings or structures, for the space of ten days and publication of the same notice in two daily newspapers published in the City of Halifax by two insertions per week for two weeks but such notice shall be not less in case there 14 days, calling the attention of all persons either trustees, mortgagees, executors, administrators or others, interested in said property, to the provisions of this Act, and on failure of any of said persons to comply with any of said conditions at the expiration of the period stated in said notice then all other portions of this act shall have full effect, and the inspector is hereby empowered to remove or pull down said buildings or structures, or to carry out the provisions of this act with regard thereto, and all costs and charges incurred by said inspector shall be a lien on said property.

127. The City of Halifax or the inspector or any official of said City shall not be liable in any action, suit or proceeding for any loss, damage or injury sustained by any person or persons in consequence of any act or thing done or performed by said City, the inspector or City officials under the provisions of this act.

REPEALS.

128. Sections six hundred and twenty nine to six hundred and sixty six both inclusive of chapter fifty eight of the Acts of 1891, and all acts in amendment thereof or relation thereto are hereby repealed.

EVENING SESSION.

8.10 o'clock.

COUNCIL CHAMBER, CITY HALL.

MARCH 30TH, 1903.

A meeting of the City Council was held this evening. At the above hour there were present, His Worship the Mayor, Aldermen Spry, Rogers, Lithgow, Adams, Lamphier, Hubley, Hayward, Martin, MacIlreith and Cawsey.

Moved by Alderman Martin, seconded by Alderman Cawsey, 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 Geldert, Robertson, Barry, Campbell, Mahoney, Taylor, Doyle and Hawkins.

The purpose of the meeting was stated in the notices, as follows:

"To consider reports in re Fire Department Investigation;

"To proceed with business standing over and the transaction of other business.

"Alderman Adams will move to strike out the proviso in Clause 5 of the Act to exempt Moir, Son & Co. from certain taxation."

The following papers were submitted:

Report Laws and Privileges Committee re Dry Dock Assessment, by Alderman MacIlreith, Chairman.

An Act to amend the Liquor License Act. by Alderman Campbell.

His Worship the Mayor submits report City Collector re License Fee Non-resident Contractors.

Moved by Alderman MacIlreith, seconded by Alderman Robertson, that No. 18 (b) on Order of the Day be now taken up. Motion passed.

Read No. 18 (b), viz.: Minority report of Special Committee appointed to investigate affairs of Fire Department. (See printed Minutes Merch 16th, 1903.)

The following resolution is submitted:

Resolved, that the report signed by Aldermen Robertson and Taylor in the matter of the Fire Department investigation be adopted.

Moved by Alderman Robertson, seconded by Alderman Taylor.

Moved by Alderman Hubley, seconded by Alderman Adams, that No. 18 (a) be now read. Motion passed.

Read No. 18 (a), viz.: Majority report Special Committee appointed to investigate affairs of Fire Department. (See printed Minutes, March 16th, 1903.)

The following amendment to Alderman Robertson's resolution is now introduced;—

Resolved, that recommendations contained in the majority report be taken up seriatim.

Moved by Alderman Hubley, seconded by Alderman Cawsey.

Alderman MacIlreith asked if the members of the Board of Fire Wards were eligible to speak or vote on the matter now before the Council.

The motions were discussed by several Aldermen.

Alderman Martin, upon rising to address the Council, was instructed by His Worship the Mayor to confine his remarks solely to explanations of the charges against himself (Alderman M.) Having been called to order by His Worship several times for departing from this ruling, Alderman Martin resumed his seat.

Alderman Hubley's amendment that the recommendations in the majority report be now considered clause by clause is now put, and the names on the division being called for, there appeared :

For the amendment.

Aldermen Barry, Spry, Lamphier,
Hubley, Doyle, Cawsey
and Adams—7.

Against it.

Aldermen Geldert, Lithgow, Rob-
ertson, MacIlreith,
Campbell, Taylor,
Mahoney, Hayward,
Hawkins—9.

Aldermen Martin and Rogers not having been asked to vote.

His Worship ruled Alderman Campbell's vote out of order and declared the amendment lost, seven voting for and eight against it.

Alderman Robertson's original motion for the adoption of the Minority Report is now put and passed, 8 voting for the same and 7 against it, as follows :

For the Motion.

Aldermen Geldert, Lithgow,
Robertson, MacIlreith,
Taylor, Mahoney,
Hayward, Hawkins.—8.

Against it.

Aldermen Barry, Lamphier,
Spry, Hubley,
Doyle, Cawsey,
Adams.—7.

Aldermen Campbell, Martin and Rogers not having been asked to vote.

Alderman Hubley gives notice of reconsideration.

Alderman MacIlreith asked for the Recorder's opinion as to the procedure to be taken to carry out the recommendations of the Minority Report.

His Honor the Recorder stated that the charges against the officials must be made in writing and furnished to the officials; that they must be notified to appear before the Council to answer to said charges, and that the Council shall sit as a Judicial Court to try the charges after due notice given.

Alderman Hubley submits the following notice of motion:—

Resolved, That the Mayor be instructed to consult the Attorney-General with a view to taking the necessary action, to institute criminal proceedings against the persons mentioned in the recommendations of the Majority report of the Fire investigating Committee.

Read Draft to amend the Liquor License Act.

AN ACT TO AMEND THE LIQUOR LICENSE ACT.

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

1. Sub-section 2 of section 7 of said Act, is amended by striking out the words "not to be drunk in or upon the premises for which the license is granted."

2. The City Council, for any special reason which to them seems proper, may grant a license to any Hotel now or after erected in the City of Halifax, notwithstanding the prohibitions contained in Section 40 of said Act.

3. When any person who has or shall hereafter obtain a Hotel or Shop License, under the provisions of said Act, it shall not be necessary for such person to obtain the certificate mentioned in section 17 of the Act hereby amended; but any such license holder shall be entitled to have the license renewed each year, unless he shall have been convicted of a second offense of any of the provisions of said Act, in which case he shall forfeit his license, and any fresh application for such license shall be accompanied by the certificate mentioned in said Act.

4. Hereafter the following Hotel Licenses shall be payable, and shall be in lieu of all other Provincial or Municipal duties and fees thereon:—

Every Hotel containing six rooms, and less than twenty rooms, shall pay the sum of two hundred dollars (\$200.00);

Every Hotel containing twenty rooms and less than fifty rooms, shall pay the sum of three hundred dollars (\$300.00);

Every Hotel containing fifty or more rooms, shall pay the sum of five hundred dollars (\$500.00).

5. The provisions of this Act shall only apply to the City of Halifax.

The following resolution is submitted :

Resolved, That the said Act be approved of and sent to the Legislature for enactment.

Moved by Alderman Campbell, seconded by Alderman Taylor.

Objected to and placed on Order of the Day.

Read report Laws and Privileges Committee *re* Dry Dock Assessment.

DRY DOCK ASSESSMENT.

Committee Room, City Hall, March 30th, 1903.

To His Worship the Mayor and City Council:

GENTLEMEN,—The Committee on Laws and Privileges, at a meeting held this day, at which there were present Alderman MacIlreith (Chairman), Geldert, Spry, Hubley, Rogers and Adams, had under consideration the report previously presented by said Committee and referred back to them for further consideration.

They now beg to report that they have found no reason to depart from the report previously presented, and therefore beg to report that they adhere thereto, Alderman Hubley dissenting.

R. T. MACILREITH, *Chairman.*

Moved by Alderman MacIlreith, seconded by Alderman Rogers, that Mr. S. M. Brookfield, being present, be permitted to address the Council. Motion passed.

Mr. Brookfield addresses the Council and answers questions relating to certain financial affairs of the Dock.

Moved by Alderman MacIlreith, seconded by Alderman Adams, that the report of the Committee on Laws and Privileges, March 20th, 1903, in *re* Dry Dock Assessment, be now adopted.

Moved by Alderman Hubley, seconded by Alderman Cawsey, in amendment, that the sum of \$150,000 mentioned in said report be struck out and the sum of \$300,000 substituted therefor.

The amendment being put is lost, 5 voting for the same and 13 against it, as follows:—

For the amendment.

Aldermen Taylor, Mahoney, Hubley, Cawsey, Hawkins—5.

Against it.

Aldermen Geldert, Lithgow, Robertson, MacIlreith, Campbell, Barry, Spry, Lamphier, Doyle, Martin, Rogers, Adams, Hayward—13.

The original motion is put and passed.

AN ACT RELATIVE TO THE ASSESSMENT OF THE HALIFAX GRAVING DOCK COMPANY, LIMITED.

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

1. The real and personal property of the Halifax Graving Dock Company, Limited, in the City of Halifax, shall for the period of seven years from the passing of this Act for the purpose of assessment be valued and assessed at the sum of one hundred and fifty thousand dollars (\$150,000.00), and shall be rated and taxed on said amount by the City of Halifax.

2. The Assessment now made on said property and the rates and taxes thereon are hereby legalized and confirmed, and said rates and taxes shall become due and payable at the same time as the other rates and taxes of said City.

Moved by Alderman Adams, seconded by Alderman MacIlreith, that Alderman Adams' motion in *re* Moir's Assessment Act, of which notice was given upon the notices summoning this meeting of Council, be now taken up. Motion passed.

Moved by Alderman Adams, seconded by Alderman MacIlreith, that clause 5 of the Act entitled, "An Act to enable the City of Halifax to exempt Moir, Son and Company from certain taxes," be amended by striking out of said clause all the words after the word "corporation" in said clause, and that the said Act as so amended be adopted and forwarded to the Legislature for enactment.

The motion being put is passed, 14 voting for the same and 4 against it. The names being called for, there appeared :

<p>For the motion.</p> <p>Aldermen Geldert, Lithgow, Robertson, MacIlreith, Campbell, Barry, Taylor, Spry, Mahoney, Cawsey, Lamphier, Rogers, Adams, Hayward.—14.</p>	<p>Against it.</p> <p>Aldermen Hubley, Doyle, Martin, Hawkins—4.</p>
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By leave of Council, Alderman Taylor submits the following resolution :

Resolved, That the charge mentioned in the Minority Report against Captain Connolly and Storekeeper Murphy, for certifying for goods and having them charged to the City and paid for out of City money, when no such goods were ordered or obtained by or for the City use, and that the same was done by order of and with the consent of Alderman Martin, the Chairman of Fire Wards, and that the said charges be tried by this Council, and that a copy of said charges be served on each of the above parties.

Moved by Alderman Taylor, seconded by Alderman Robertson.

Alderman Robertson asked for the Recorder's opinion as to whether the Council could, upon the recommendations of the Investigating Committee, dismiss either Chief Connolly or Storekeeper Murphy, without the specific charges being tried before a Special Committee or the Council.

His Honor the Recorder stated that the Council could try these officials the same as any Court, but must first serve them with notice of the charges against them. The Council could not take evidence under oath, nor could members of the Council under charge, sit and try the charges or vote thereon.

The resolution being put is passed.

Moved by Alderman Rogers, seconded by Alderman Cawsey, that,

No. 6, Letter Hector McInnes in re South Shore Railway; No. 8 (a) Alderman Cawsey's resolution to use the money in Water Maintenance Account for improving the High Service System; (b) Letter Rate Payers Association re waste of water; and No. 15, Alderman Hubley's notice of motion for an Act to enable the City to assist Moir, Son & Co., be severally struck from the Order of the Day. Motion passed.

Moved by Alderman Cawsey, seconded by Alderman Hubley, that the Council adjourn. Motion passed.

Council adjourns 11.35 o'clock.

EVENING SESSION.

8.10 o'clock.

COUNCIL CHAMBER, CITY HALL.

APRIL 6TH, 1903.

A meeting of the City Council was held this evening.

At the above hour there were present His Worship the Mayor and Aldermen MacIlreith, Hubley, Rogers, Cawsey, Adams, Barry, Campbell, Doyle, Lamphier, Taylor and Hayward.

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

8.30. Roll called. Present the aboved named together with Aldermen Geldert, Robertson, Lithgow, Mahoney, Martin and Hawkins.

The meeting was called "to consider a proposition respecting the South Western Railway to be laid before the Council by Messrs. McKenzie & Mann; to proceed with business standing over and the transacton of other business."

The following named papers are submitted :

Report Laws and Privileges Committee *re* Carritte-Patterson Company's proposed tar paper factory.

Report City Prison Committee, by Alderman Adams, Chairman.

His Worship the Mayor submits the following papers :

Report Committee on Works covering accounts.

Reports Committee on Works and City Engineer *re* Street Lights.

Water Estimates for 1903-4.

Mayor's reply to statements made by Alderman Martin.

Letter and resolution Board of Trade *re* South Western Railway and estimate by City Engineer *et al* of cost of right of way for said railway.

Petition John F. Gough for an electric light at Fairview.

Petition John Langton for repairs to Sullivan Street.

Letter Black Bros. & Co. *re* City Hardware Contract.

His Worship the Mayor, introduced to the Council, Mayor Richardson of Sydney, and that gentleman and Ex-Mayor Keefe were invited to seats beside His Worship.

Moved by Alderman MacIlreith, seconded by Alderman Campbell, that the Council proceed with the business for which the meeting was specially called. Motion passed.

Read letter and resolution of the Council of the Board of Trade, *re* right of way for South Western Railway within the City Limits.

SOUTH SHORE RAILWAY.

March 31st 1903.

I am instructed to forward you enclosed copy of a resolution passed at a meeting of the Council of this Board, held this day *re* the Halifax and South Western Railway, and to ask for the same your kind consideration. I have also forwarded a copy to the Honorable George H. Murray, Premier of Nova Scotia

Copy of Resolution *re* South Western Railway, passed at a meeting of the Council of the Board of Trade of Halifax, held on 31st March.

Resolved, That the Council of the Halifax Board of Trade are of the opinion, that an Act should be passed during the present Session of the Provincial Legislature, providing that the City of Halifax shall pay for the right-of-way of the Halifax and South Western Railway from the City limits to the point of junction of the said Railway with the Intercolonial Railway within the City, not further South than Richmond Station.

CHARLES M. CREED. *Secretary.*

Also read estimate by F. W. W. Doane, W. G. Wiswell and James H. Austen, of the cost of said right-of-way.

Halifax, N. S., April 6th, 1903.

His Worship the Mayor:

SIR,—The undersigned have been requested to make an estimate of the land damages over the proposed line of the South Western Railway, from Dutch Village into the City.

We have appraised the damages along the line, from the junction with the Intercolonial at Richmond to the last of the cultivated lands in rear of the late John Doull's property. Beyond that the line will run through woodland and barrens.

After as careful consideration as the time at our disposal and the circumstances will permit, we beg to report that we estimate the land damages on this portion of the line will not exceed fifteen thousand (\$15,000.00) dollars.

Respectfully submitted,

F. W. W. DOANE,
W. G. WISWELL,
J. H. AUSTEN.

Moved by Alderman MacIlreith, seconded by Alderman Campbell, that the gentlemen in attendance desiring to address the Council on the subject be now heard. Motion passed.

The following named gentlemen now address the meeting urging the Council to grant the right of way applied for, viz: Mr. Hector McInnes, Ex-Warden J. F. Stahford, Ex-Alderman John P. Longard, Mr. J. E. DeWolf (President Board of Trade) George Mitchell, M. P. P., and Ex-Mayor Keefe.

The following resolution is submitted:

Whereas, The Halifax and South Western Railway Company is authorized by its Act of Incorporation to build a line of railway from Barrington, in the County of Shelburne, to a point on the Intercolonial Railway at Halifax, but only through such counties as shall give said company the right of way;

And Whereas, The municipality of the County of Halifax has agreed to give the sum of \$5,000.00 towards the payment for said right of way from the county line dividing Halifax and Lunenburg counties to said point on the Intercolonial Railway;

And Whereas, It is in the interest of the City of Halifax that such railway be built in order to increase the trade, develop the resources and promote the commercial prosperity of said City;

Therefore Resolved, That the City of Halifax agrees and undertakes to pay the amount awarded by three arbitrators in payment for the land taken for said right of way, less the sum of \$5,000.00 to be paid by the municipality of the County of Halifax; provided that the line adopted by said company shall be substantially that laid down on the plan submitted;

Further Resolved, That the said three arbitrators shall be appointed as follows, viz: One by the City of Halifax, another by the property owners jointly and the third as provided by Chapter 2 of the Acts of 1902;

Further Resolved, That said arbitrators in valuing the properties taken for the said right of way shall value the same at their true market value and shall not allow any prospective values;

Further Resolved, That the City shall in no way be responsible to the owners of the said property so taken or to any of said owners beyond the amount awarded by said arbitrators, other than arbitrators' fees, and shall in no way be liable for any loss, damage or expenses to the owners of said properties so taken or any of said owners;

Further Resolved, That His Honor the Recorder be instructed to prepare an Act and have the same introduced at the present session of the Legislature, embodying the terms of this resolution;

Further Resolved, That said Act shall provide for the payment of damages by the issue of bonds repayable in five years from date of issue, and that a Sinking Fund shall be established for the repayment of said bonds at maturity;

Further Resolved, That the construction work of said railway be commenced within the City of Halifax on or before the first day of July next and continue westward to the county line of Halifax and Lunenburg counties, otherwise this resolution shall be null and void.

Moved by Alderman MacIlreith, seconded by Alderman Campbell, and being put is passed. Names on the division were recorded as follows:

For the resolution.	Against it.
Aldermen Geldert, Lithgow, Robertson, MacIlreith, Campbell, Barry, Taylor, Mahoney, Doyle, Cawsey, Martin, Rogers, Adams and Hayward.—14.	Aldermen Lamphier, Hubley and Hawkins.—3.

Alderman Lamphier gives notice of reconsideration.

Read report Committee on Works recommending accounts for payment.

CITY WORKS ACCOUNTS.

Halifax, N. S., April 6th, 1903.

To the Members of the City Council :

GENTLEMEN,—At a meeting of the Committee on Works held this day the attached bills of the several services were examined, found correct and referred to the Council for payment:

Street lighting \$1410.19; Teams and stables, \$318.20; Sewerage, \$193.49; City Property, \$99.24; Internal health, \$60.65; Fuel, \$57.84; Streets, \$52.23; City Hall lighting, \$10.20; Insurance, 65 cents; Water maintenance, \$193.35; Water construction, \$82.71.—Total \$2478.75.

Respectfully submitted.

A. B. CROSBY,

Mayor and Chairman.

Moved by Alderman Campbell, seconded by Alderman Rogers, that said report be adopted and the accounts paid. Motion passed.

Read report Clerk of Works covering Water Estimates for 1903-4.

WATER ESTIMATES.

City Works Office, April 6, 1903.

To His Worship the Mayor and City Council:

GENTLEMEN,—I have been instructed by the Committee on Works to submit for your approval the Water Maintenance Estimates for the year 1903-4.

WATER ESTIMATES.

Interest	\$48,042
Maintenance	20,000
Sinking fund	2,625
Short Collections	1,000
	\$71,667
<i>Less.</i>	
Income from special and meter rates	41,267
	\$30,400
$\frac{1}{2}$ of \$30,400	\$11,400
$\frac{1}{4}$ of \$30,400	19,000
	\$30,400
\$16,000,000 @ 12c. per \$100	\$19,200
8,000,000 @ 14c. per \$100	11,200
	\$30,400

Respectfully submitted

JAS. J. HOPEWELL,
Clerk of Works.

Moved by Alderman Rogers, seconded by Alderman Campbell, that the report be adopted and the estimates confirmed. Motion passed.

Read report City Prison Committee covering March accounts.

CITY PRISON ACCOUNTS.

Committee Room, City Hall, April 6th, 1903.

To His Worship the Mayor and City Council:

GENTLEMEN,—Your Committee on City Prison beg to report that at a meeting held this day, at which there were present Aldermen Adams (Chairman), Barry, Lithgow, Lamphier, Mahoney and Cawsey, the following accounts, amounting to \$81.29, were passed as correct and recommended for payment:—

J. A. Hancock, oil, \$11.00; Arthur Fordham, leather, \$7.29; John McCrow, mason work, \$4.13; Isaiah Mosher, Groceries, \$23.80; J. A. Leaman & Co., oxheads, \$8.64; Melvin & Co., hardware, \$5.55; F. W. Curtis, carpenter repairs, \$14.88; George Graves, hack hire, \$3.00; William Parsons, hack hire, \$3.00.—Total \$81.29.

The Monthly reports of the Governor and Matron are hereto attached.

Respectfully submitted,

JAS. ADAMS.

Chairman.

The following resolution is submitted:

Resolved, That the report of the Committee on City Prison be received and adopted, and that His Worship the Mayor be authorized to sign warrants for the payment of accounts therein contained.

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

Read Reports Committee on Works and City Engineer *re* Street Lighting.

STREET LIGHTS.

City Works' Office, April 6, 1903.

GENTLEMEN,—At a meeting of the Committee on Works, held this day, the attached report of the City Engineer *re* Street Lights was read and recommended to the Council for acceptance.

Respectfully submitted,

A. B. CROSBY,

Mayor and Chairman.

City Engineer's Office, April 6, 1903.

His Worship the Mayor:

SIR,—I beg to report on the accompanying resolutions asking for additional street lights.

One light asked for is to be located on Brunswick St., between Rector and Gerrish Sts., There is a light at the corner of Gerrish and Brunswick streets now, and an additional light between that and Rector street would be to close to the existing light. There is also a light at Artz street, on Brunswick street, and I would recommend that a new light be placed on Brunswick street at Uniacke street, and that the light on Uniacke street be moved west to Gottingen street, as a light at each end of Uniacke street will light that

street sufficiently and moving the light to the corner would improve the lighting on Gottingen street without impairing the lighting on Uniacke street.

There has been no light ordered for Lorne Terrace, but the recommendation adopted was to experiment with the light on North street, by placing it in the middle of the street. The residents claim that it does not give sufficient light to prevent nuisance in the north end of Lorne Terrace. I would therefore recommend that a Bernstein light be placed at the north end of Lorne Terrace, which will give sufficient light to comply with the petition of the residents. I would also recommend placing a light at the corner of Argyle and Prince street.

Respectfully submitted,

F. W. W. DOANE,
City Engineer.

Moved by Alderman Campbell, seconded by Alderman Hayward, that said report be adopted. Motion passed.

Read petition of John F. Gough for an electric light at Fairview.

Moved by Alderman Rogers, seconded by Alderman Hayward, that the same be referred to the Committee on Works for report. Motion passed.

Read petition John Langton for repairs Sullivan street.

Moved by Alderman Hawkins, seconded by Alderman Hayward, that the petition be referred to the Committee on Works for report. Motion passed.

Alderman Hawkins asked when the Young street sewer would be commenced.

The City Engineer replied that the work would be started as soon as he could get material from the Poor's Asylum.

Moved by Alderman Campbell, seconded by Alderman MacIlreith, that No. 19, Order of the Day, be now taken up. Motion passed.

Read No. 19, viz.: Act to amend Liquor License Act.

AN ACT TO AMEND CHAPTER 100 OF THE REVISED STATUTES "OF THE SALE OF INTOXICATING LIQUORS."

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

1. Sub-section 2 of section 7 of said Act, is amended by striking out the words "not to be drunk in or upon the premises for which the license is granted."

2. The City Council, for any special reason which to them seems proper, may grant a license to any Hotel now or hereafter erected in the City of Halifax, notwithstanding the prohibitions contained in section 40 of said Act.

3. When any person who has or shall hereafter obtain a Hotel or Shop License, under provisions of said Act, it shall not be necessary for such person to obtain the certificate mentioned in section 17 of the Act hereby amended; but any such license holder shall be entitled to have the license renewed each year, unless he shall have been convicted of a second offense of any of the provisions of said Act, in which case he shall forfeit his license, and any fresh application for such license shall be accompanied by the certificate mentioned in said Act.

4. Hereafter the following Hotel License shall be payable and shall be in lieu of all other Provincial or Municipal duties and fees thereon :—

(a) Every Hotel containing six rooms and less than twenty rooms shall pay the sum of two hundred dollars (\$200.00);

(b) Every Hotel containing twenty rooms and less than fifty rooms shall pay the sum of three hundred dollars (\$300.00);

(c) Every Hotel containing fifty or more rooms shall pay the sum of five hundred dollars (\$500.00).

5. Sub-section (a) of section 74 is hereby amended by substituting for the word "six" in the first line thereof the word "eleven", and for the word "nine" in the second line of sub-section (b) of said section the word "eleven".

6. The provisions of this Act shall only apply to the City of Halifax.

Moved by Alderman Campbell, seconded by Alderman Hayward, that said Act be considered clause by clause. Motion passed.

Read clause one. Moved by Alderman Campbell, seconded by Alderman MacIlreith, that the said clause be adopted. Motion put and passed. Names being called for, there appeared :

For the motion.	Against it.
Aldermen Lithgow, MacIlreith, Campbell, Barry, Taylor, Mahoney, Cawsey, Martin, Rogers, Adams, Hayward.	Aldermen Lamphier, Hubley, Doyle, Hawkins.

By unanimous leave of Council, Alderman Hawkins was permitted to have his name recorded as voting for the motion. The motion was declared carried 12 to 3.

Read clause 2. Moved by Alderman Campbell, seconded by Alderman Hayward, that said clause be amended by inserting between the words "erected" and "in" the following words, "within 100 yards of a railway" and that said clause as so amended be adopted.

Motion put and lost, 6 voting for the same and 9 against it. as follows :

For the motion.	Against it.
Aldermen MacIlreith, Campbell, Taylor, Martin, Adams, Hayward.—6.	Aldermen Lithgow, Barry, Mahoney, Lamphier, Hubley, Doyle, Cawsey, Rogers, Hawkins.—9.

Read clause 3. Moved by Alderman Campbell, seconded by Alderman Rogers, that said clause pass.

Moved in amendment by Alderman Doyle, seconded by Alderman Lamphier, that the following words be added at the end of said clause, viz. :

"That the privileges of this Act shall only extend to license holders, who shall have held licenses for at least ten years without conviction."

The amendment being put is lost.

Moved in amendment by Alderman Lithgow, seconded by Alderman Rogers, that the following words be added at the end of clause 3 :

"Provided that the privileges of this Act shall only extend to license holders who shall have held licenses for at least three years."

Amendment being put is passed, and the clause passed as so amended.

Read Clause 4. Moved by Alderman Campbell, seconded by Alderman Taylor, that this clause be adopted. Motion passed.

Read Clause 5. Moved by Alderman Campbell, seconded by Alderman Rogers, that this clause be adopted. Motion passed,

Read Clause 6. Moved by Alderman MacIlreith, seconded by Alderman Campbell, that this clause pass. Motion passed.

Moved by Alderman Campbell, seconded by Alderman Taylor, that the Act as amended be passed as a whole. Motion passed.

Alderman Hubley recorded as dissenting from the whole Act.

Moved by Alderman Hubley, seconded by Alderman Adams, that No. 1 on Order of the Day be now taken up. Motion passed.

Read No. 1, viz: Alderman Hubley's notice of reconsideration of resolution adopting Minority report of Committee on Fire Department Investigation.

Read Minutes of meeting of Council March 30th on the subject.

Moved by Alderman Hubley, seconded by Alderman Cawsey, that said resolution be now reconsidered.

The motion being put there appeared :

For reconsideration.	Against it.
Aldermen Lithgow, Barry, Lamphier, Hubley, Doyle, Cawsey, Adams.—7.	Aldermen Robertson, MacIlreith, Campbell, Taylor, Mahoney, Hayward, Hawkins.—7.

Alderman Martin not asked to vote.

Alderman Rogers declined to vote.

His Worship the Mayor gives his casting vote for reconsideration and declares the motion carried.

Alderman Martin asked the Council to grant him leave to resign his office of Alderman for Ward 5.

Moved by Alderman MacIlreith, seconded by Alderman Hawkins, that Alderman Martin be granted leave of the Council to resign his office of Alderman for Ward 5. Motion passed *nem. con.*, there being 16 Aldermen present.

Alderman Martin submits his resignation of his office of Alderman for Ward No. 5. The same is read.

Moved by Alderman Rogers, seconded by Alderman Hawkins, that Alderman Martin's resignation be accepted. Motion passed unanimously.

The following resolution is now submitted :

Whereas A vacancy has occurred in the representation in this Council by the resignation of Alderman Martin, by and with the consent of this Council;

Therefore resolved This Council declares such seat vacant and requests His Worship the Mayor to hold an election for said Ward according to law;

Further Resolved That the City Clerk provide two polling booths and equally divide the register of voters.

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

Moved by Alderman MacIlreith, seconded by Alderman Rogers, that His Worship the Mayor be appointed the representative from this Council on the delegation to Montreal and Toronto, re Canadian Pacific Railway entering Halifax and the Steel Shipbuilding project. Motion passed.

Moved by Alderman Hawkins, seconded by Alderman Rogers, that Alderman Hubley be appointed an alternative delegate if His Worship should be unable to go. Motion put and lost, 4 voting for and 8 against it, the names being recorded thus,

For the Motion. Against it.

Aldermen Lamphier, Rogers, Hayward, Hawkins—4.	Aldermen Robertson, Campbell, Barry, Taylor, Mahoney, Hubley, Doyle, Cawsey.—8.
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Alderman MacIlreith excused from voting.

Moved by Alderman Hubley, seconded by Alderman Cawsey, that Alderman MacIlreith be appointed the alternative delegate. Motion passed.

Read letter from His Worship the Mayor relating to remarks made by Alderman Martin at last meeting of Council.

MAYOR'S REPLY TO ALDERMAN MARTIN.

Mayor's Office, April 6th, 1903.

To the Members of the City Council:

GENTLEMEN,—I beg to state for your information that the remarks regarding myself addressed to the Council by Alderman Martin at the last meeting are incorrect and without foundation.

A. B. Crosby.

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

Council adjourns 11.25 o'clock.

AN ACT TO ENABLE THE CITY OF HALIFAX TO CONTRIBUTE MONEY TOWARDS THE PAYMENT OF DAMAGES FOR RIGHT OF WAY TAKEN BY THE SOUTH WESTERN RAILWAY COMPANY IN THE CITY OF HALIFAX TO THE BOUNDARY LINE BETWEEN HALIFAX AND LUNENBURG COUNTIES.

Whereas, A Charter has been granted to the Halifax and South Western Railway Company by the Governor-in-Council under the authority of Chapter 3 of the Acts of the Legislature of Nova Scotia for the year 1901, and the said Charter was approved, ratified and confirmed by Chapter 2 of the Acts of the Legislature of Nova Scotia in the year 1902;

And Whereas, It is provided in and by section 22 of said Chapter that the lands required by the company for its right of way, station grounds, sidings and appurtenances shall vest in the company on filing a plan in the Registry of Deeds for the Registration District in which the lands lie, and the municipality of the County of Halifax has agreed to give the sum of five thousand (\$5,000) dollars toward the payment for said right of way from the county line dividing Halifax and Lunenburg counties to a point on the Intercolonial Railway in the City of Halifax, and it is to the interest of the City of Halifax that such railway be built in order to increase the trade, develop the resources and promote the commercial prosperity of said City, and the said City has agreed and undertaken to pay the amount that may be awarded by the arbitrators in payment for the land taken for said right of way less the sum of five thousand (\$5,000) dollars to be paid by the municipality of the County of Halifax aforesaid upon the terms and conditions in this Act named;

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

The City of Halifax is hereby authorized and shall pay the amount that may be awarded by the three arbitrators, appointed under the provisions of this Act, for the land taken for the right of-way less the sum of five thousand dollars (\$5,000) dollars, to be paid by the Municipality of the County of Halifax provided that the line adopted by the said Company shall be substantially that laid down on the plan submitted to the City Council on the sixth day of April, 1903, and provided also that the said line shall be approved by the Governor-in-Council.

And further provided that the construction work of said railway be commenced within the City of Halifax on or before the first day of July next, and continue westward to the County line dividing the Counties at Halifax and Lunenburg.

It shall not be necessary in appraising the damages for the right-of-way, as aforesaid, to adopt the procedure in Chapter 99 of the Revised Statutes, 1900; but instead thereof the land for the right-of-way shall be appraised and fixed by three Arbitrators—one to be

chosen by the proprietors, as hereinafter provided, one to be chosen by the City Council of the City of Halifax, and the third to be chosen as provided by Chapter 2 of the Acts of 1902. The award or awards in writing signed by any two of the Arbitrators, in such case shall be final and conclusive, and the amount so awarded, less the five thousand (\$5,000) dollars agreed to be paid by the Municipality of Halifax County, shall be paid in to the Prothonotary of the Supreme Court at Halifax by the said City, to be paid out by the Supreme Court, or a judge thereof, to such person or persons as may be lawfully entitled to the same.

It shall be the duty of the Mayor of the City of Halifax to appoint a time and place within the city for the owners through whose land the right-of-way for such railway has been laid out to meet for the purpose of choosing an arbitrator, at which meeting the said Mayor shall attend and preside, and in case of his sickness or absence the Deputy-Mayor. Such notice shall be given by hand-bills posted in the locality and at least one newspaper published in the County for two weeks before the day of meeting, and the person chosen by a majority of those present at such meeting shall be the arbitrator in conjunction with the others, and the Mayor shall sign a certificate and file it with the Clerk of the City of Halifax of his appointment.

The arbitrators in valuing the lands taken for the said right-of-way shall value the same at their true market value, and shall not allow for any prospective or consequential loss or damage, and the City of Halifax shall be in no way responsible to the owner or person interested in the said lands so taken for said right-of-way, but the said City shall pay the arbitrators' fees.

The sum to be paid by the City of Halifax under the provisions of this Act shall be borrowed on the credit of the City, which shall have authority to issue bonds therefore, such bonds to be payable within five years from the date of their issue in five equal instalments or as near thereto as possible with interest and sums sufficient to repay each of said annual instalments with interest thereon as they become due shall be included in the annual assessment of the City of Halifax and shall form a lien and be a charge on the real estate, revenue and property of the City and shall be assessed on the inhabitants and property of the ratepayers of said City liable to be assessed in addition to any monies 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 sums when borrowed shall be used exclusively for the purpose indicated and no other.

EVENING SESSION.

8.10 o'clock.

COUNCIL CHAMBER, CITY HALL,
APRIL 15TH, 1903.

A meeting of the City Council was held this evening. At the above hour there were present, His Worship the Mayor and Aldermen Taylor, Hubley, MacIlreith, Lamphier, Adams, Doyle, Rogers and Lithgow.

Moved by Alderman Rogers, seconded by Alderman Adams, 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 Robertson, Barry, Campbell Mahoney, Cawsey and Hawkins.

The Council was summoned to try and determine charges preferred against Chief Connolly and Storekeeper Murphy of the fire Department, to appoint Presiding Officers for ensuing Civic Elections, to proceed with business standing over, and the transaction of other business.

The following named papers are submitted :—

Report Public Accounts Committee *re* Accounts, by Alderman MacIlreith, Chairman.

Report-Board of Fire Wards, by Alderman Campbell Chairman.

Report Charities Committee, by Alderman Barry, Chairman

His Worship the Mayor submits the following papers :

Petition for Water Extension, Parker Street.

Letter Board of Fire Underwriters *re* Fire Alarm Boxes.

Petition from residents and from Lorne A. A. Club *re* proposed Factory of Carritte-Patterson Company.

Report Coal Weighers for March.

Letter His Honor the Recorder *re* Judgment in Suit Attorney-General vs. City of Halifax, (Library Suit).

Summonses against John Connolly and John T. Murphy and E. J. Fenton, to appear before Council.

Moved by Alderman Rogers, seconded by Alderman MacIlreith, that the Order of the Day be suspended to permit the reading of the papers submitted. Motion passed.

Read petition of M. J. A. Nicholson for water extension Parker Street.

Moved by Alderman Hubley, seconded by Alderman Doyle, that the same be referred to the Committee on Works for report. Motion passed.

Read report Public Accounts Committee in *re* Accounts.

ACCOUNTS.

Committee Room, City Hall, April 15, 1903.

His Worship the Mayor and City Council:

GENTLEMEN,—Your Committee on Public Accounts beg to report that at a meeting of the Committee held this day, there being present Aldermen MacIlreith (Chairman) Lithgow, Taylor, Hubley, and Rogers. The following accounts amounting to \$346.31 were passed as correct and recommended for payment, viz:

T. C. Allen & Co. Printing and Stationery, City Clerk \$90.70; T. C. Allen & Co. Printing and Stationery, City Collector \$14.15; T. C. Allen & Co. Printing and Stationery, City Assessors \$3.10—\$108.45 Dr. W. D. Finn, M. D. Certificates of death of Evens, \$4.00; Frances, \$4.00; Noller, \$12.00; Brown, \$12.00—\$32.00; Jas. Halliday, repairing City Clerk's gown \$2.00; Chas. Putman. Bill Posting \$7.75; Herald Printing House, Printing, \$63.06; Herald Printing House, Advertising Ward 4 Election, &c. \$17.20; Miss L. Redmond, Typewriting Evidence Fire Department Investigation, \$25.00; A. W. KacKinlay, Blank Books, License Inspector \$3.75; Theakson Quick Printery, Printing Bills for Legislature \$87.10;—\$346.31

Respectfully submitted,

R. T. MACILREITH,
Chairman.

The following resolution is introduced:

Resolved That the report of the Public Accounts Committee be received and adopted and that His Worship the Mayor be authorized to sign warrants for the payment of accounts therein contained.

Moved by Alderman MacIlreith, seconded by Alderman Lithgow, and passed.

Read letter Nova Scotia Board of Fire Underwriters asking that two fire alarm boxes be installed at the North end of the City.

Moved by Alderman Rogers, seconded by Alderman Doyle, that the letter be referred to the Board of Fire Wards with the recommendation that the request in said letter be complied with as soon as possible. Motion passed.

Read report City Collector *re* License Fee on non-resident Contractor.

Moved by Alderman Rogers, seconded by Alderman Cawsey, that the same be referred to the Committee on Laws and Privileges for report. Motion passed.

Read report Laws and Privileges Committee *re* proposed erection of Tar Paper Factory, by the Carritte-Patterson Company.

CARRITTE-PATTERSON COMPANY, FACTORY.

City Hall, April 6th, 1903.

His Worship the Mayor and City Council :

GENTLEMEN,—Your Committee on Laws and Privileges beg to report that at a meeting held this day, at which there were present, Aldermen MacIlreith, (Chairman), Hubley, Rogers and Adams, they had under consideration a communication from the Acadia Sugar Refining Company, protesting against the erection of a factory by the Carritte-Patterson Company, for the manufacture of roofing paper on Campbell Road, in the vicinity of the Cooperage and Refined Sugar Shed of the Sugar Refining Company. Under clause 571 of the City Charter it will be necessary for said Company to obtain permission to erect said factory, and when this application is made, the Council can refuse to grant it, if they see fit. In the meantime no steps can be taken.

All of which is respectfully submitted,

R. T. MACILREITH, *Chairman.*

Moved by Alderman MacIlreith, seconded by Alderman Robertson, that the report be adopted. Motion passed.

Also read petition from residents and from Lorne A. A. Club against the erection of said factory.

On motion the same are filed with the report of the Laws and Privileges Committee.

Read letter His Honor the Recorder *re* suit Attorney General vs, City of Halifax, (Library Suit) covering letter from Mr. W. B. A. Ritchie.

ATTORNEY-GENERAL VS. THE CITY OF HALIFAX—LIBRARY.

Recorder's Office, April 15th, 1903.

His Worship the Mayor and City Council :

GENTLEMEN,—When I informed the Council that this matter had been appealed to the full Bench, I stated there were two questions to be decided—first, whether there was a contract, and second, whether the Attorney-General could maintain the action.

As regards the first point, I had already advised the Council that there was a contract; and as regards the second point, I had grave doubts as to whether the Attorney-General could maintain an action in his own name on the relation of Mr. Mackintosh.

On Saturday last, judgment was given, two judges holding that the Attorney-General could maintain the action, and two that he could not; in consequence of which division the judgment of Mr. Justice Weatherbe stands. All the judges, it appears to me, must have been of opinion that there was a contract, because if there were not neither the Attorney-General or anybody else could maintain an action to enforce it, and that point was the ground work of the whole case.

I have seen Mr. Ritchie, who is of opinion that an appeal would lie from this decision to the Supreme Court of Canada, and if the Council desires to have the matter carried further, I should like to know at once, as it is necessary to give notice of appeal right away.

APRIL 15TH, 1903,

This judgment is only in reference to the injunction, but the action is still out pending. All the facts that could be proved at the trial of the cause, have been before the court on the motion for the injunction, and I assume if we were to proceed in defending the action, and finally appealed to the Supreme Court, we would have the same result. If it is the wish of the Council to go on with the action I will do so, although I cannot see anything to be gained by it, as the facts would be the same.

Respectfully submitted,

W. F. MacCoy,
Recorder.

P. S.—I append Mr. Ritchie's letter to me.

April 14th, 1903.

ATTORNEY-GENERAL VS. CITY OF HALIFAX.

W. F. MacCoy, Recorder, City :

DEAR SIR,—This is an equity suit or a suit in the nature of a suit in equity and the right of appeal in such cases to the Supreme Court of Canada is given by Section 24 (e) of the Supreme and Exchequer Courts Act, and I am of opinion that in such suits there is a right of appeal from interlocutory judgments. Mr. E. R. Cameron, Registrar of the Supreme Court of Canada, is one of the Commissioners revising the Revised Statutes of Nova Scotia, and in his notes on the Act says in reference to the decisions of the judges in regard to questions of jurisdiction as follows :—“ There is complete unanimity that subsection 24 (e) is not limited to final judgment.”

Yours very truly,

W. B. A. RITCHIE.

Moved by Alderman Doyle, seconded by Alderman Lamphier, that the Recorder be authorized to give notice of appeal to the Supreme Court of Canada and that the Recorder procure a copy of the judgment of the Supreme Court and report the same to the Council.

Motion put and passed, seven voting for the same and six against it, the names on the division being recorded as follows :

For the Motion.

Aldermen Mahoney, Lamphier,
Hubley, Doyle Cawsey,
Rogers, Adams—7.

Against it.

Aldermen Lithgow, Robertson,
MacIlreith, Campbell
Barry, Taylor—6.

Read report Board Fire Wards *re* appointment of Chairman, accounts and appropriation for 1903-4.

REPORT BOARD FIRE WARDS.

Halifax, N. S. April 15th, 1903.

To His Worship the Mayor and City Council :

GENTLEMEN, The Board of Fire Wards met this afternoon. Present Alderman Campbell, Spry, Doyle and Lithgow.

Alderman Campbell was appointed Chairman for the balance of the current year.

The following accounts are recommended for payment :

E. J. Fenton, Feed \$188.92 ; David Power, Horseshoeing \$13.50 ; Wm. Kline, Horseshoeing \$4.05.—Total \$206.47.

It is recommended that the appropriation for the Fire Department 1903-4 be treated as a whole and that the Auditor and Treasurer be notified accordingly.

Respectfully submitted,

D. H. CAMPBELL,
Chairman.

The following resolution is now submitted :

Resolved, That the Report of the Board of Fire Wards be received and concurred in and His Worship the Mayor authorized to pay the accounts as recommended in said report.

Moved by Alderman Lithgow, seconded by Alderman Doyle and passed.

Read report Charities Committee for March.

REPORT CHARITIES COMMITTEE.

April 8th, 1903.

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

Members present : The Chairman, Alderman Mahoney, Hubley and Cawsey.

The Superintendent's report for March shows that during the month there were 26 persons admitted into the Poor's Asylum, 3 born, and 47 discharged and 4 died. Of the number admitted 8 were chargeable to the Province ; 1 to Hantsport, 1 to Amherst and 16 to the City. The total number of inmates March 31st was 349 made up of 209 men, 138 women and 2 children.

The following accounts chargeable to Maintenance were examined, found correct and recommended for payment, viz :

Dillon Bros., Groceries, \$542.51 ; Smith Bros., Dry Goods, \$96.70 ; E. & A. Thompson Meats, \$320.17 ; W. A. Maling & Co., Pork, \$45.32 ; Scotia Pure Milk Co. Ltd., Milk \$69.00 ; Geo. Gregoire, Fish \$29.60 ; Arthur Forham, Leather \$20.82 ; Pay Sheet, March, \$581.34 ; H. D. McKenzie, Coal, \$496.97 ; B. Mulachy, Cash expended \$292.53 Halifax Electric Tram Co., Gas, \$79.98 ; John F. Kelly, Harness repairs \$10.95 ; C. E. Puttner, Dispensing Medicines, \$37.50 ; A. Graham, Hats, \$12.50 ; A. S. Austen, Hardware \$3.40 ; C. W. Davies, Repairs to bells, \$15.00 ; Fleischman & Co., Yeast \$4.20.—Total \$2658.49.

Respectfully submitted,

T. J. BARRY,
Chairman.

The following resolution is submitted :

Resolved, that the report of the Charities Committee be adopted and His Worship the Mayor authorized to sign warrants for the payment of the accounts mentioned therein.

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

Read report Coal Weighers for March. Filed.

Read letter Black Bros. & Co. *re* City Hardware Contract.

RE CITY HARDWARE CONTRACT.

Halifax, N. S. April 6, 1903.

Mr. Fred. Monaghan, City Clerk :

DEAR SIR.—This Contract was awarded to us for the current year, and we are led to believe from information received that goods in it have been purchased from other parties in the same line of business. We also note that we are not getting anything like the quantity of hardware outside the tender that we have in former years. From information received, we believe that orders have been given to other firms in the City. This we do not think fair, as the prices in the tender are extremely low, and we certainly think that all hardware the City want should be purchased from us at as good prices as others will give. We will always be very glad to quote prices for any extra goods, and if it is found that our prices are not so low as others, we will be content to let the order go by us, but we think in fairness we should have a chance to tender for the business.

Will you kindly bring this matter to the attention of the Council to-night.

Yours truly,

BLACK BROS. & Co.

The following resolution is now submitted :

Resolved, That the Clerk of Works do furnish answers to the following questions for the information of the Council :

1. Has it been the practise in the past to buy all hardware for the Works and Water Departments from the firm having the contract ?
2. If goods commonly classed as hardware are purchased from firms other than the regular contractor are quotations sought from different dealers ?
3. If quotations were obtained were the goods purchased from the dealer quoting the lowest price ?
4. If no quotations were obtained was price asked from dealer from whom goods were purchased ?
5. If not, was price fixed in order for goods ?
6. Were any goods enumerated in contract purchased elsewhere than from Contractor ?
7. If so, why ;
8. Who fills in name of person to receive order ?
9. Under whose direction is it filled in ?
10. Who certifies as to the correctness of prices charged where no quotations are asked for, and is such official familiar with the market prices of such goods ?

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

Moved by Alderman MacIlreith, seconded by Alderman Campbell, that the Order of the Day be suspended to permit Alderman Campbell to introduce a resolution.

Motion passed, and the following resolution is introduced :

Resolved, The City Treasurer be, and is hereby instructed to borrow the amounts passed by the Local Legislature 1903, for payment of Fire Department and Charities Committee deficits.

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

Moved by Alderman Cawsey, seconded by Alderman Rogers, that the Committee on Works be requested to report on the placing of a light at or near the corner of Robie and Willow Streets. Motion passed.

Moved by Alderman MacIlreith, seconded by Alderman Campbell, that the Order of the Day be suspended to allow Alderman MacIlreith to introduce a resolution. Motion passed.

The following resolution is submitted :—

Resolved, That the City Clerk be, and he is hereby directed to provide two polling booths in each of the Wards of the City, for the accommodation of the voters, at the election for Mayor and Aldermen, to be held on the 29th April inst., which said booths may be designated respectively as "Booth A" and "Booth B".

Further Resolved, That the City Clerk divide the Register of Voters for each Ward so that the Voters whose surnames begin with the letters from A to K, both inclusive, may vote in Booth A and that the Voters whose surnames begin with the letters from L to Z, both inclusive, may vote in Booth B.

Further Resolved, That this Council do meet at 8 o'clock on Thursday evening, 30th April inst., to receive the returns of the said elections and of the election to fill the extraordinary vacancy in Ward Five.

Further Resolved, That the following named be the presiding officers to conduct the elections on the 29th inst., viz :

Ward 1,	Aldermen	Robertson and Lithgow.
" 2,	"	Barry and Campbell.
" 3,	"	Mahoney and Taylor.
" 4,	"	Lamphier and Hubley.
" 5,	"	Cawsey and Mr. W. E. Messervey.
" 6,	"	Hayward and Mr Richard Moxon.

Further Resolved, That Alderman Cawsey and Mr. W. E. Messervey be the presiding officers to conduct the election, to be held on Tuesday the 28th inst., to fill the extraordinary vacancy in Ward No. 5.

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

By leave of Council, Alderman Hawkins submits petition of Enos Mosher *et al* for sidewalk Cork Street.

The same in now read.

Moved by Alderman Hawkins, seconded by Alderman Lamphier, that the said Cork Street be taken over by the City, and that the petition be referred to the Committee on Works to proceed with the work of constructing the sidewalk asked for.

Moved in amendment by Alderman MacIlreith, seconded by Alderman Campbell, that the petition be referred to the Committee on Works for report, and that the Committee also report on the advisability of the City taking over Cork Street. Amendment passed.

ORDER OF THE DAY.

No. 1. Alderman Lamphier's notice of reconsideration of resolution guaranteeing right-of-way for South Shore Railway.

Moved by Alderman Lamphier, seconded by Alderman Hawkins, that said matter be now reconsidered. Motion put and lost,

The Council now proceed to investigate the charges against John Connolly, Chief of the Fire Department, and John T. Murphy, Store-keeper, as set out in resolution passed March 30th, 1903.

Upon the advice of His Honor the Recorder, John T. Murphy is now called and appears before the Council.

The summons to Mr. Murphy to appear before the Council, and the charges attached thereto are read.

Alderman Hubley asked if the Council could now deal with the report of the Committee on Investigation.

His Honor the Recorder stated that as the notice for reconsideration of the Minority report carried at the last meeting of Council, and no motion was made to take up or adopt the Majority report, the matter could not now be taken up again, and the Council could only take up the recommendations contained in the Majority report which are not inconsistent with the Minority report.

The Recorder proceeded to examine Mr. Murphy.

Mr. Murphy asked the privilege of being represented by Counsel, Mr. J. C. O'Mullin.

Moved by Alderman MacIlreith, seconded by Alderman Robertson, that Mr. Murphy be permitted to be represented by Mr. O'Mullin. Motion passed.

Mr. O'Mullin objected to the form the proceedings were assuming and contended that the charges should be reduced to writing and that some person must be responsible for the charges.

The Recorder stated the charges were those contained in the resolution of Council and served on Murphy and Connolly.

The following witnesses were examined: John T. Murphy; H. S. Rhind; Alderman Cawsey, Alderman Robertson.

Mr. O'Mullin objected to Aldermen Cawsey and Robertson being called as witnesses.

The Recorder tendered in evidence Murphy's evidence given before the Investigating Committee, the Fire Department Order Book and T. F. Courtney & Co's bill, dated August 1st 1901, against the Fire Department.

Mr. O'Mullin called upon Alderman Hubley to give evidence in behalf of Mr. Murphy.

Alderman Hubley declined to give evidence.

Mr. O'Mullin addressed the Council contending that if any irregularities had been shewn to have been committed by Murphy, nothing had been proven that called for greater punishment than a reprimand by the Council.

Moved by Alderman Rogers, seconded by Alderman Hawkins, that the Council adjourn until 8 o'clock to-morrow evening. Motion passed.

Council adjourns 11.20 o'clock.

EVIDENCE TAKEN BEFORE CITY COUNCIL.

Mr. Murphy stated—I am storekeeper. I have charge of stores. They are brought on written orders and delivered to me as storekeeper. I check the goods as delivered. I draw the orders subject to Chairman's Signature. Order of May twenty-seven is in my hand writing. Those are my initials. I believe I received those goods. The order is marked O K by me as receiving the goods. Those goods on order of 27th May were approximately for the year.

Order of July 26th—I did not get those goods. That order is in my hand writing. Those are my initials to stub. Those kegs weigh about 112 lbs. Can't say exact weight. I did not receive those kegs of soda in store. They were directed to go West St. and Grafton St, Engine Houses. The Chairman apportioned the order. I was instructed by the men in charge of the Engine Houses, that the goods were delivered. I don't think they could tell the weight of kegs at the Engine House. I decline to answer relative to the other items on this bill.

At this stage Mr. O'Mullin objected to this question being put.

Ques. Did you admit before the Committee on Investigation that the goods mentioned in this bill, excepting the soda, were never received by you?

Ans. I decline to answer this question.

Ques. Did you make a statement before the Investigating Committee marked "C" in evidence?

Ans. I decline to answer this question—the question being read over again. I decline to answer whether that is my signature on the bill marked "B"

H. S. Rhind,—I am Asst. City Clerk. Acted as Secretary of Committee that investigated Fire Department. Have here the original evidence. Have here J. T. Murphy's testimony marked "D" L. F. M. I took this evidence. I remember the statement that was made by Mr. Murphy that is down here. Witness read the evidence "D" L. F. M. (Objected to by Mr. O'Mullin.) I have no doubt Murphy made this statement. This evidence was out of my possession for ten or fifteen days. It is in lead pencil. No changes appear to have been made to it. Alderman Hubley had the evidence for a week or ten days.

Statement "D" L. F. M. is put in evidence by the Recorder.

Murphy re-called,—I took exception as an official to be forced to answer any question of that kind. I was told to answer or not and take the consequences. I asked to be protected, and presumed I was to be protected by the Committee. I understood that from a remark by Alderman Hubley.

H. S. Rhind to Mr. O'Mullin,—I heard Mr. Murphy just now, and know that what he just said is right. I heard the statement made that Murphy now relates. There were some things said that I did not get down, half-dozen people asking questions at once, and could not get down all details.

To Alderman Hawkins,—I was sitting next to Chairman while taking the evidence. I didn't put down all that was said, because I didn't write short hand. What I put down or left out was at my own discretion.

To Alderman Campbell,—I think the Chairman was anxious to put down everything that was derogatory to Department. I think he was anxious to put down everything important.

Alderman Hubley—Very often I instructed the Clerk to put down things he was not putting down. A number of facts were not put down.

Alderman Cawsey was next called upon by the Recorder,

Mr. O'Mullin objected to Alderman Cawsey being called as a witness, he having acted on Investigating Committee.

Alderman Cawsey stated,—I was one of the Committee investigating the Fire Dept. (Mr. O'Mullin objected.)

Alderman Cawsey stated—I heard Mr. Murphy make statement "C". He certainly made the statement. (Mr. O'Mullin objected to Alderman Cawsey's answer.)

In answer to Mr. O'Mullin Alderman Cawsey stated that he knew that was the statement made by Mr. Murphy, and that they are the exact words.

Alderman Robertson was next called. (Mr. O'Mullin objected.)

I was a member of Committee. I was present when Courtney's bill was brought up (Bill B.) Mr. Murphy made a statement but would not swear to it. I remember Mr. Murphy making a statement about this account as marked "C". That statement was made by Mr. Murphy before the Committee. I think Mr. Murphy stated that these charges were to cover liquor for the Fire Dept. I don't remember if he stated there was no order to cover this bill except twelve kegs of soda. I did hear the Chairman make the statement to Mr. Murphy that if he did not answer the question he would have to take the consequences. I think the Chairman stated that Mr. Murphy would be protected if he told the truth about this bill. The bill of Courtney's marked B was tendered by the Recorder.

Alderman Doyle asked if Mr. Murphy ever received an order to deliver hose to Mr. MacFartridge by Chairman Martin. Mr. Murphy stated that he did receive the order, but did not deliver the hose.

Alderman Hubley asked Mr. Murphy if he made a statement before the Committee. That he would furnish the Committee with a declaration.

Ans:—I admitted that I would send a declaration to the Committee in answer to Alderman Martin's evidence before the Committee.

Mr. O'Mullin called Alderman Hubley to give evidence; but Alderman Hubley declined to give any evidence in the case.

The Recorder advised the Council that an official was not required to answer any questions that would criminate him when an inquiry was being held on his conduct.