

is sufficient that the City is authorized to borrow and that it has determined to borrow, and this, no doubt, accounts for no reference being made to the matter.

Mr. Ritchie thus deals with the question on page 4 of his opinion :—

“ Mr. Bell's view is that in the construction of section 330, money which the City is authorized to borrow for a particular purpose and which the City has determined to borrow is to be included in figuring out ' the amount provided by law', and I am disposed, with some hesitation, to adopt his view on that point.”

This feature of the case has given me much difficulty, but on the whole I have reached the conclusion that the passing of the borrowing Act and the resolution of the Council to borrow is sufficient, and from these two facts it must be said that the \$50,000 was provided by law, and that the facts I have related as to the contracts with the brokers do not affect the opinion I have already expressed in the main part of this letter.

ROBT. E. HARRIS.

Moved by Alderman Chisholm, seconded by Alderman Whitman, that said clause be adopted. Motion passed.

The following resolution is submitted :—

*Whereas*, legal opinion is at variance respecting the liability of the City for the payment of the bill for meters consigned to the City of Halifax by the Neptune Meter Company.

*And whereas*, doubts have arisen as to whether Aldermen could vote for the payment of this bill without rendering themselves financially liable personally ;

*Therefore Resolved*, That the City decline to take delivery of the meters or to pay the bill of The Neptune Meter Company until directed to do so by a decision of the Court.

Moved by Alderman Hoben, seconded by Alderman Shaffner, and being put is passed, 13 voting for the same and 4 against it, as follows :—

For the Resolution.	Against it.
Aldermen Shaffner, Wilson,	Aldermen Chisholm, McManus,
Whitman, Hebb,	Martin, MacKenzie—4.
Bligh, Smith, Hoben,	
Kelly, Hubley, Thompson,	
Campbell, Edwards,	
Rankine—13.	

Read Clause 10 re Official City Plan covering draft resolution.

The said draft resolution is placed on the Order of the Day with No. 1 thereon, viz. :—“ Report City Engineer re Official City Plan, deferred by resolution June 11th, 1908, for consideration September 9th, 1908.”

Moved by Alderman Chisholm, seconded by Alderman Whitman, that said report be adopted as a whole. Motion passed.

Read report Committee on Works and City Engineer re Water Extension Intercolonial Railway Round House, Willow Park.

## WATER EXTENSION I. C. RAILWAY ROUND HOUSE.

CITY WORKS OFFICE, Aug. 6th, 1908.

*To the City Council :*

GENTLEMEN,—At a meeting of the Committee on Works held this day the attached supplementary report of the City Engineer in re water extension to the new I. C. R. Round House was read and recommended to Council for adoption.

A. B. CROSBY, *Mayor and Chairman.*

CITY ENGINEER'S OFFICE, August 5th, 1908.

*His Worship the Mayor :*

SIR,—The accompanying report of July 7th with the Works Committee report thereon having been referred back to the committee for further report, I beg to explain that it was the intention to require the Intercolonial Railway Department to enter into an agreement providing that the Department pay for the extension of the high service to the railway yard; that the high service should be used for fire service only; that the hydrants should be sealed with City seals, to be broken only in case of fire, and that the Department should agree to preserve the seals intact unless a fire broke out; that they should provide a tank for supplying their locomotives and other services and pump from the 27 inch low service main for such services. This would provide for all emergencies and in addition would extend the high service main along Windsor Street to supply private houses which would be erected there in future without cost to the City. The high service would be connected to the fire hydrants only and not used for ordinary supply. If considered advisable some of the hydrants could be connected with the low service main for use by the fire engines.

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

Moved by Alderman Whitman, seconded by Alderman Wilson, that said reports be adopted.

Moved in amendment by Alderman Hubley, seconded by Alderman Martin, that the high service water pipes be not extended to the new round house, but that the said premises be supplied with water from the lower service main.

Amendment being put and passed, 10 voting for the same and 4 against it, as follows:—

For the Amendment.

Against it.

Aldermen Bligh, Smith, Hoben,  
Kelly, Hubley, Thompson,  
Martin, MacKenzie,  
Edwards, Rankine—10.

Aldermen Shaffner, Wilson,  
Whitman, Hebb—4.

Read reports Committee on Works and City Engineer re Drainage Gottingen Street properties. Filed.

## DRAINAGE GOTTINGEN STREET.

CITY WORKS OFFICE, Aug. 6th, 1908.

*To the City Council :*

GENTLEMEN,—At a meeting of the Committee on Works held this day the

attached report of the City Engineer in re question by Alderman Edwards on drain connections Gottingen Street was read and referred to Council for its information.

A. B. CROSBY, *Mayor and Chairman.*

CITY ENGINEER'S OFFICE, Aug. 3rd, 1908.

*His Worship the Mayor :*

SIR,—I beg to submit the following reply to the question asked by Alderman Edwards with reference to the drainage of buildings on Gottingen Street :—

There has been considerable delay in getting the information, as we have not complete records in the office. All the houses fronting on the paved street have drainage, but the return shows that No. 42 Gottingen Street is not connected to the sewer. This is a house owned by Archibald McFatrige 100 feet back from the street, and our plans do not show any property owned by Mr. McFatrige in front of the building, consequently we did not oblige him to connect with the sewer. A number of other buildings are drained to cross streets or to Maitland Street, and the owners claim to have satisfactory drainage. The list shows the names of the owners. The only complaint we have received in reference to drainage is from Mrs. Eden. I personally notified the late Mr. Frank Eden of the necessity of connecting his properties, but he replied that the drainage he had was satisfactory and he would not go to the expense of laying new drains on Gottingen Street.

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

Moved by Alderman Edwards, seconded by Alderman Hebb, that the Council do now adjourn. Motion passed.

Council adjourns 11.30 o'clock.

## AFTERNOON SESSION.

4.10 o'clock.

COUNCIL CHAMBER, CITY HALL, August 12th, 1908.

A meeting of the City Council was held this afternoon at the above named hour. There were present His Worship the Mayor and Aldermen Whitman, Bligh, Chisholm, Hebb, Douglas, McManus, Smith, Kelly, Martin, Thompson, MacKenzie, and Edwards.

The Council was summoned "In re loan for sewers and permanent sidewalk work, to proceed with business standing over and the transaction of other business."

### NOTICES OF RECONSIDERATION.

Read No. 1 on Order of the Day, viz: Alderman Hubley's notice of reconsideration of resolution to accept their tender of Freeman Bros., for \$4500.00 for wood work new City Workshops, August 6th, 1908.

Read by unanimous consent of Council report Committee on City Works covering letter from Freeman Bros., withdrawing their tender for work on City Workshops.

### WOODWORK NEW CITY WORKSHOPS.

CITY WORKS OFFICE, Aug. 11th, 1908.

To the City Council:

GENTLEMEN,—At a meeting of the Committee on Works held this day, the attached letter from Messrs. Freeman Bros. withdrawing their tender for work on the City Workshops was read and referred to Council for its action.

A. B. CROSBY, Mayor and Chairman.

HALIFAX, August 7th, 1908.

His Worship the Mayor, Chairman of Board of Works:

YOUR WORSHIP:—Owing to a clerical error in our tender, we beg leave to withdraw our tender for work on City Work sheds.

FREEMAN BROS.

Moved by Alderman Hubley, seconded by Alderman Edwards, that the resolution of last meeting accepting tender of Freeman Bros. be now reconsidered.

Read minutes of last meeting on this subject.

Alderman Hubley's motion for reconsideration is put and passed.

Moved by Alderman Martin, seconded by Alderman Hoben, that Messrs. Freeman Bros. be permitted to withdraw their tender of \$4,500.00. Motion passed.

Moved by Alderman Hubley, seconded by Alderman Thompson, that the report of the Committee on Works, dated August 6th, 1908, re tenders for woodwork new City Workshops be adopted, and the Committee on Works authorized to carry on the work by day's work according to the specification upon which the tenders were submitted to this Council.

Moved in amendment by Alderman Hebb, seconded by Alderman Kelly, that the next lowest tender, that of Charles Carmichael for \$4,278.00, be accepted.

Amendment put and passed, 8 voting for the same and 6 against it, as follows:—

For the Amendment.	Against it.
Aldermen Whitman, Hebb, McManus, Douglas, Smith, Kelly, Martin, MacKenzie—8.	Aldermen Chisholm, Bligh, Hoben, Hubley, Thompson, Edwards—6.

#### PRESENTATION OF PAPERS.

The following named papers are submitted :

Report Finance Committee by Alderman Smith.

By His Worship the Mayor.

Reports (3) Committee on Works, viz :

Maynard Street Sewer.

Quinpool Road Sewer.

Permanent Sidewalks.

Report Chief of Police re Sunday violations Liquor License Act.

#### CONSIDERATION OF PAPERS SUBMITTED.

Read report Finance Committee re proposed loan of \$25,000.00 for sewers and \$10,000.00 for permanent sidewalks.

#### LOAN FOR SEWERS AND PERMANENT SIDEWALKS.

COMMITTEE ROOM, CITY HALL, August 8th, 1908.

*His Worship the Mayor and City Council :*

GENTLEMEN,—Your Committee on Finance beg to report that at a meeting

held this day, there being present Aldermen Hoben, (Chairman), Smith, Thompson and Edwards, the committee had under consideration the report of the Committee on Works recommending that the sum of \$25,000.00 be borrowed for construction of new sewers and \$10,000.00 for permanent sidewalks.

Your Committee recommend the adoption of the accompanying resolution respecting this matter which has been prepared by the City Solicitor and City Treasurer.

N. B. SMITH,  
A. A. THOMPSON,  
JAS. S. EDWARDS.

The following resolution is submitted :—

*Whereas*, The City Council did at a meeting held on the 6th day of August instant, on the recommendation of the Committee on Works resolve to borrow the sum of \$25,000.00 for the construction of sewers and the sum of \$10,000.00 for the construction of permanent sidewalk ;

*And Whereas*, It is necessary under the provisions of the Halifax City Consolidated Fund Act, 1905, that the rate of interest on any such loans and the period of redemption thereof shall be determined by the City Council ;

*Therefore Resolved*, 1. That the said sum of \$25,000.00 be issued under the authority of Chapter 71 of the Acts of 1907, and the said sum of \$10,000.00 under the authority of Chapter 65 of the Acts of 1906.

2. That stock or debentures to be issued in respect to such loans shall bear interest at the rate of four per cent per annum and be payable on the first day of July 1940 ; and

3. That the City Treasurer be instructed to advertize for tenders for the purchase of sufficient of such bonds or stock to produce the said sums together with the costs of issuing the said loans, such tenders to be receivable up to August twenty fifth, inst.

Moved by Alderman Smith, seconded by Alderman Thompson.

Alderman Shaffner here arrives and takes his seat in Council.

The resolution is put and passed, 14 voting for the same and 1 against it, as follows :—

For the Resolution.

Aldermen Shaffner, Whitman, Chisholm,  
Hebb, Bligh, McManus,  
Douglas, Smith, Kelly,  
Husley, Thompson, Martin,  
MacKenzie, Edwards.—14.

Against it.

Alderman Hoben.—1.

Read report Chief of Police reporting no violations of Liquor License Act on Sunday since last meeting of Council. Filed.

Read reports Committee on Works and City Engineer re Quinpool Road sewer.

#### QUINPOOL ROAD SEWER.

CITY WORKS OFFICE, August 12th, 1908.

To the City Council :

GENTLEMEN,—At a meeting of the Committee on Works held this day the

attached report of the City Engineer in re Quinpool Road Sewer from Preston St. west was read and referred to Council.

A. B. CROSBY, *Mayor and Chairman.*

CITY ENGINEER'S OFFICE, Aug. 11th, 1908.

*His Worship the Mayor :*

SIR,—I beg to report on the accompanying petition asking for the construction of a sewer on Quinpool Road, west of Preston Street. Quinpool Road from Preston Street west falls towards the Arm, and it is not practicable to drain this district eastwardly. Running west from Preston Street a sewer would soon run to the surface of the ground and could not drain cellars, would be above the frost and would be in other ways impracticable. I regret that I cannot recommend the construction of this sewer until the sewer system for the western slope of the City is taken up, which would cost a great deal more money than we have available.

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

Moved by Aldermen Hubley, seconded by Alderman Whitman, that said reports be adopted, and a copy sent to the first petitioner, Mr. John W. Lewin. Motion passed.

Read reports Committee on Works and City Engineer re sewer Maynard Street.

#### MAYNARD STREET SEWER.

CITY WORKS OFFICE, August 12th, 1908.

*To the City Council :*

GENTLEMEN,—At a meeting of the Committee of Works held this day, the attached report of the City Engineer in re Maynard Street Sewer as per letter from City Health Board was read and referred to Council for its decision.

A. B. CROSBY, *Mayor and Chairman.*

CITY ENGINEER'S OFFICE, August 5th, 1908.

*His Worship the Mayor :*

SIR,—I beg to report on the accompanying communication from the City Health Board asking the Works Committee to recommend the construction of a sewer on Maynard Street between Cogswell Street and Falkland Street.

The accompanying statement shews the houses on the street, name of the owner and the depth of cellar below crown of street and the sewer to which they are drained. The sewer in this block of Maynard Street is an 18 inch square stone drain 4 ft. deep. It is not deep enough to drain closets in the basement of the houses on the west side. All the houses on the east side drain to Creighton Street. I understand that the City Health Board are desirous of removing the privy vaults in this block, and that it cannot be done unless the basements can be drained to the sewer. As the old stone drain will not accommodate this service it would be necessary to put in a new sewer before the Health Board could carry out their proposal. The estimated cost is \$2450.00. Estimated assessment, \$750.00.

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

#### MAYNARD STREET.

Property owners and depth of cellars from crown of street to cellar floor, Cogswell to Falkland Street.

WEST SIDE.			
No.	Owner.	Depth.	Where draining.
6	Samuel Marshall	3' 6"	Maynard St.
8	All away	-	-
10½	Mrs. Crouse, (away)	-	-
12	Alfred Briand	4' 6"	"
14	G. A. Sanford	3' 6"	"
16	R. W. McDonald	3' 6"	"
18	Miss Greig,	4'	"
20	"	3' 8"	"

EAST SIDE.			
No.	Owner.	Depth.	Where draining.
Cor.	Cogswell, T. G Dunlap, agent.	5'	Cogswell St.
5	"	5' 6"	Creighton St.
5	Miss Huestis	5'	"
7	"	5'	"
9	Miss Crouse, air space	2' 6"	"
11	rear "	2'	"
9	rear "	2'	"
11	"	6'	"
13	George A. McDonald	4' 6"	"
15	Thomas Leydon	5'	"
17	Fairbanks	6'	"
19	J. W. Gorham	5' 9"	"

Moved by Alderman Hubley, seconded by Alderman Whitman, that said reports be placed on the Order of the Day.

Moved in amendment by Alderman Martin, seconded by Alderman Edwards, that the Committee on Works be instructed to construct said sewer when funds are available.

Amendment put and passed.

Read reports Committee on Works and City Engineer re permanent sidewalks.

#### SIDEWALKS.

CITY WORKS OFFICE, Aug. 12th, 1908.

To the City Council:

GENTLEMEN,—At a meeting of the Committee on Works held this day, the attached report of the City Engineer in re permanent sidewalks was read and referred to Council for its action.

A. B. CROSBY, Mayor and Chairman.

CITY ENGINEER'S OFFICE, Aug. 12th, 1908.

His Worship the Mayor:

SIR,—The estimated cost of constructing sidewalks on Hollis St., Prince St., Cogswell St., Water St., Bell St., Gottingen St. and Lockman St., as suggested by your Committee, is \$30,050.00. I have been obliged to make the estimate somewhat hurriedly, but it is approximately correct.

F. W. W. DOANE, City Engineer.

By unanimous consent of Council the following resolution is submitted:—



*Resolved*, That the City Engineer be instructed to proceed with the construction of a permanent sidewalk on the east side of Hollis Street, between Salter Street and Bishop Street, as soon as possible.

Moved by Aldermen Hebb, seconded by Alderman Chisholm, and passed.

By unanimous consent of Council the following resolution is submitted :—

*Resolved*, That the east side side of Lockman Street, from Cornwallis Street to North Street, be paved with concrete.

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

By consent of Council the following resolution is submitted :—

*Resolved*, That Gottingen Street, east side, from North Street to Russell Street, be included in the permanent sidewalks ordered, and the Works Department proceed with the work as soon as possible.

Moved by Alderman MacKenzie, seconded by Alderman Edwards, and passed.

Moved by Alderman Whitman, seconded by Alderman Hebb, that the sidewalk on the north side of Prince Street between Bedford Row and Hollis Street be permanently paved when funds are available. Motion passed.

Moved by Alderman Douglas, seconded by Alderman McManus, that the Council do now adjourn. Motion passed.

Council adjourns 5.45 o'clock.

## EVENING SESSION.

8.10 o'clock.

COUNCIL CHAMBER, CITY HALL, August 25th, 1908.

A special meeting of the City Council was held this evening. At the above named hour there were present His Worship the Mayor and Aldermen Chisholm, Edwards, Kelly, Rankine, Shaffner, MacKenzie, Thompson, Hoben and Bligh.

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

8.30 o'clock. Roll called. Present, the above named together with Aldermen Wilson, Hebb and Douglas.

### PRESENTATION OF PAPERS.

The following named papers are submitted:—

Report Finance Committee, by Alderman Bligh.

Report Library Commission, by Alderman Chisholm, Chairman.

His Worship the Mayor submits the following named papers:

Message His Worship the Mayor disapproving of resolution re contract for new City workshops.

Message His Worship the Mayor in re Provincial Exhibition Commission.

Application City Health Board for additional grant of \$4,570.94 for smallpox epidemic.

Annual Report City Clerk for 1907-8.

Report Coal Weighers for July.

Opinion W. B. A. Ritchie re contracts for installation of water meters.

Report Chief of Police re Sunday violations of Liquor License Act.

Petition J. P. Cairns, Assistant City Assessor, for superannuation.

Invitation to League of American Municipalities

Petition in re condition of Richmond Street.

Reports (4) Committee on Works, viz.;

Tenders for cement.

Victoria Lane curb and gutter.

Tenders for water pipe.

Application Telephone Co. to place wires under ground.

## REFERENCE OF PAPERS SUBMITTED.

Read invitation to twelfth annual convention of League of American Municipalities to be held at Omaha Sept. 30th-Oct. 2nd.

Ordered to be acknowledged and filed.

Read report Chief of Police reporting no violations of Liquor License Act on Sunday since last report. Filed.

Read Annual Report City Clerk 1907-8. Filed.

Read report Coal Weighers for July. Filed.

Read petition in re condition of Richmond Street.

Referred to Committee on Works for report.

Read application City Health Board for additional grant of \$4,570.94 for expense of smallpox epidemic to August 15th, 1908.

## SMALLPOX EPIDEMIC.

August 18th, 1908.

To His Worship the Mayor and Members of the City Council :

GENTLEMEN—At a meeting of the City Health Board held yesterday the following resolution was introduced and passed, and I am directed to transmit the same to you for your concurrence :

*Resolved*, That in accordance with Section 790 of the City Charter the City Council be requested to grant this Board an additional sum of \$4,570.94 to meet expenses incurred from the 1st day of May to 15th day of August, 1908, in connection with the smallpox epidemic.

JOHN A. WATERS, *Secretary*.

## STATEMENT SMALLPOX EXPENDITURE FROM MAY 1ST, 1908, TO AUGUST 15TH, 1908.

Special Police .....	\$1,880 80
Supplies quarantined houses—bread, groceries, coal, etc .....	694 46
Supplies Smallpox Hospital—groceries, milk, &c .....	569 86
Conveyance of patients .....	131 50
Building for horse and ambulance .....	190 42
Furniture, bedding, &c., for Smallpox Hospital .....	166 80
Drugs, disinfectants, advertising and stationery .....	254 20
Salary resident physician at Hospital, \$25.00 per week .....	200 00
Salary Caretaker at Hospital, \$50.00 per month .....	175 50
“ Matron “ \$35 00 “ .....	119 50
Miscellaneous—Vaccination, telephone, crockeryware, &c .....	187 90
	\$4,570 94

Referred to Finance Committee for report.

Read petition John P. Cairns, Assistant City Assessor, for superannuation.

Referred to Finance Committee for report.

## CONSIDERATION OF PAPERS SUBMITTED.

Read report Finance Committee re tenders for loan of \$25,000.00 for sewers and \$10,000.00 for sidewalks.

## REPORT COMMITTEE ON FINANCE.

COMMITTEE ROOM, CITY HALL, Aug. 25th, 1908.

*To His Worship the Mayor and City Council :*

GENTLEMEN,—Your Committee on Finance beg to report that at a meeting of the Committee held this day there were present Alderman Hoben (Chairman), Bligh and Edwards.

Tenders were opened for a loan of \$35,000 00 authorized by Acts of the Legislature, viz., \$25,000.00 for construction of sewers and \$10,000.00 for permanent sidewalks.

E. G. Kenny & Co., .....	\$20 000 at \$89 45 per \$100 00
“ .....	15,000 “ 90 85 “
G. A. Stimson & Co .....	35,000 “ 92 05 “
J. C. Mackintosh & Co. and F. B. McCurdy & Co., joint tender .....	35,000 “ 94.025 “

Your Committee recommend that the joint tender of Messrs. Mackintosh and McCurdy be accepted and that the accompanying resolution be adopted.

F. P. BLIGH,  
JAS. P. EDWARDS.

The following resolution is submitted:—

*Whereas*, The Council, on the 12th day of August, 1908, resolved to borrow the sum of \$25,000 00 under the authority of Chapter 71 of the Acts of 1907, and the sum of \$10,000.00 under the authority of Chapter 65 of the Acts of 1906;

*And Whereas*, The cost of preparing the necessary certificates of stock and debentures, of advertising the loan and the other expenses reasonably incidental to the floating of the loan amount to the sum of two hundred and sixty-nine dollars and thirty-seven cents which sum it is necessary to include in the amount borrowed;

*And Whereas*, J. C. Mackintosh and F. B. McCurdy & Co. have offered, jointly, to take the said sum of \$35,269.37 of such stock and debentures at the following price, viz., at 94.025 of par;

*And Whereas*, Stock or debentures of the par value of \$35,269.37, when sold by the City at the price so offered, will fail to produce the amount so to be borrowed, and in order to produce such amount it will be necessary to sell an additional amount of stock or debentures of the par value of \$2,200.00, making in all an issue of \$37,500.00.

*Therefore Resolved*, That the offer of J. C. Mackintosh & Co. and F. B. McCurdy & Co., above recited, be accepted, and that the City Treasurer be, and hereby is authorized and directed to issue and deliver to J. C. Mackintosh & Co. and F. B. McCurdy & Co. stock or debentures of the par value of \$37,500.00, all of such stock or debentures to be issued in conformity with the requirements of the Halifax City Consolidated Fund Act, and to bear interest at four per centum per annum, and to be redeemable on the 1st day of July, 1940.

Moved by Alderman Bligh, seconded by Alderman Chisholm, and passed unanimously, the names being recorded thus:—

For the Resolution :

Aldermen Shaffner, Wilson, Chisholm, Hebb, Bligh, Douglas, Hoben, Kelly, Thompson, MacKenzie, Edwards and Rankine—12.

Read message from His Worship the Mayor disapproving of the letting of a contract for construction of certain woodwork at new City Workshops and Stables.

## MAYOR'S VETO OF CONTRACT FOR WORKSHOPS.

MAYOR'S OFFICE, CITY HALL, August 25th, 1908,

*Gentlemen of the City Council :*

I have vetoed the acceptance of the contract of \$4,728.00 for putting a roof on the City Shed at the City Field for the following reasons :—

The estimate of the City Carpenter, assisted by the City Engineer is \$4,200.00—\$528.00 less than the amount of the lowest tender, thereby saving the City that amount ; and because I feel that the City, in all cases, should do its own work if it can be done as cheap or cheaper than by contract, thereby protecting the City workmen. We have a number of men who depend upon the City to provide them with work, and it is impossible to do so if we do not have the work ourselves, or let it all by contract.

A. B. Crosby, *Mayor*,

Filed.

Moved by Alderman Hoben, seconded by Alderman Hebb, that the work contemplated by the specification upon which tenders were received for woodwork for new City Workshops be carried out by day's work by the Committee on Works under the direction of the City Engineer and City Carpenter. Motion passed.

Read message from His Worsnip the Mayor relating to the Nova Scotia Provincial Exhibition Commission, covering copies of correspondence.

## IN RE PROVINCIAL EXHIBITION.

MAYOR'S OFFICE, CITY HALL, August 25th, 1908.

*Gentlemen of the City Council :*

After my election as Mayor of the City of Halifax, from experience in the position of Mayor on a previous occasion, I expected that the Secretary of the Exhibition Commission would communicate with me as the Chairman of the Executive of the Commission on matters pertaining to it, but as month after month passed away and I heard nothing from the Secretary I sent for him in the early part of this month. I asked him what was being done in Exhibition matters and he stated that everything was going alright, that all details had been fixed by the Executive Committee last December and that there had been no necessity for any further meetings. I thought it rather strange that a matter of so great importance to the City and one costing the City so much should be so easily dealt with, but I was quite sure it could not be well handled in such a way. Later on a number of ratepayers of the City called upon me, as Mayor, to see if I could give them or their sons something to do, as work is very scarce in Halifax at present ; and as I thought it about time for the appointment of the ticket sellers and ticket takers and for the filling of other positions in that connection I sent for Mr. Hall again and asked him when these appointments would be made, when he informed me that I had nothing to do with the matter, but that it was in the hands of Ex-Mayor MacIlreith, Mr. Justice Longley and Mr. J. A. Johnson. This was a surprise to me, as I had, as Mayor, been connected with this department in the past. It is a most important department in connection with the management of the Exhibition, and as I had given great attention to this matter before when I had the honor of being on the Commission I felt that my experience would help me in bringing about a better condition of things at this Exhibition. I at once protested against the state of affairs and sent a letter to Mr. Justice Longley (a copy of which is hereto attached and which speaks for itself, also a copy of a letter received from Mr. Justice Longley.)

I felt that it was my duty to bring this matter before the Council so that the Council and the citizens might know just exactly the way in which the Mayor, and the City, is being treated in connection with the Exhibition which is costing the citizens so much every year. I fear that it is not always the best interests of the Exhibition and the people that are considered; but it would seem that there is perhaps some desire to shut out those whom the citizens would wish to represent them, and it is for that reason I place the circumstances before you to-night

A. B. CROSBY, *Mayor*.

MAYOR'S OFFICE, HALIFAX, N. S., August 19th, 1908.

MR. JUSTICE LONGLEY,

*President Provincial Exhibition Commission,*

DEAR SIR.—I am informed by the Secretary of the Exhibition Commission that the gentlemen who will arrange for all matters connected with ticket takers, ticket sellers, etc., will be appointed by a committee of which you are the Chairman, with Ex-Alderman Johnson and Ex-Mayor MacIlreith.

I have to protest in this particular matter, as well as in some other matters in connection with the Exhibition, that the City is not represented, and while I have every faith in you, Sir, and I may say do not particularly lack faith in the other gentlemen, still I feel that the active representatives of the City should have some say in the matter. I therefore offer my protest to you as President of the Commission.

A. B. CROSBY.

HALIFAX, N. S., August 22nd, 1908.

A. B. CROSBY, ESQ., *Mayor*:

MY DEAR MR. MAYOR,—I have your letter of 19th, inst. I am sorry you regard the ticket committee for this year as not adequately representing the City. When it was appointed the Chairman was then Mayor of the City and Mr. Johnson an Alderman. Since then both have ceased to be members of the Council, but I am sure there was no thought on the part of the Commission of ignoring the City in the appointments—indeed all the members of the Committee were and are residents of Halifax.

Mr. MacIlreith has for some years had practical charge of the ticket department and so far as I know has done good work. But the chief point is that I do not see very well how anything can be done about it for the present Exhibition. The Committee are appointed by the full Commission and can only be changed by a vote of the Commission. It would be expensive and troublesome to call a special meeting now when all the members will be here in about ten days' time. I assure you I would gladly give you my place on the Committee if I could legally do so.

J. W. LONGLEY.

Moved by Alderman Hoben, seconded by Alderman Hebb.

1. That this Council support the protest of His Worship the Mayor against the failure of the Exhibition Commission to appoint His Worship a member of the Ticket Committee of the Exhibition;
2. Further resolved, that this Council request that His Worship the Mayor be added to said Committee.
3. Further resolved, that this Council be furnished with a

detailed statement of the total receipts and expenditures of the Exhibition Commission.

4. And further resolved, that a copy of this resolution be forwarded to the Chairman of the Exhibition Commission without delay.

Moved in amendment by Alderman Chisholm, seconded by Alderman MacKenzie, that all the words after the word "that" in Alderman Hoben's motion be struck out and the following substituted therefor :—

That a Committee of six be appointed to investigate the whole question of the Provincial Exhibition Commission, the representation of the City thereon and the alleged complaint that the accounts of the said Commission are not laid before the City Council.

Amendment put and lost, 3 voting for the same, and 9 against it, as follows :

For the Amendment.	Against it.
Aldermen Chisholm, Douglas, MacKenzie—3.	Aldermen Shaffner, Wilson, Hebb, Bligh, Hoben, Kelly, Thompson, Edwards, Rankine—9.

Alderman Chisholm asked that Alderman Hoben's resolution be divided, and put to the Council in separate clauses.

Clause 1 is read, and being put to the Council is passed, Aldermen Chisholm and Douglas dissenting.

Clause 2 is read, put and passed, Alderman McKenzie dissenting.

Clause 3 is read, put, and passed unanimously.

Clause 4 is read, put, and passed.

The resolution as a whole is read, put, and passed, Aldermen Chisholm, Douglas and MacKenzie dissenting.

Read report Library Commission, covering accounts for payment.

#### REPORT LIBRARY COMMISSION.

COMMITTEE ROOM, CITY HALL, August 17th, 1908

*His Worship the Mayor and City Council:*

GENTLEMEN,—The Library Commissioners beg to recommend for payment the following named accounts :

T. C. Allen & Co., books and stationery, \$9.75. American Lumberman, books, \$4.50. Little, Brown & Co., books, \$2.61. Annual Review, books, \$3.60. Publishers' Weekly, index, \$3.70. Morang & Co., Ltd., review, \$1.65. Total, \$25.81.

J. A. CHISHOLM, *Chairman.*

The following resolution is submitted :—

*Resolved*, That the report of the Library Commission be received and adopted, and His Worship the Mayor authorized to sign warrants for payment of accounts therein recommended.

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

Read opinion W. B. A. Ritchie in re contracts for installation of water meters.

#### IN RE INSTALLATION OF WATER METERS

HALIFAX, N. S., Aug. 21st, 1908.

L. FRED. MONAGHAN, *City Clerk*.

DEAR SIR,—Tenders for the putting in of water meters at so much per meter were called for previous to April 2nd, 1908, upon which date the tenders were opened when, in the words of the minutes of the Committee on Works, "The tender of J. E. Myers was accepted for the installing of meters, the total cost of the work to be done under the contract not to exceed five hundred dollars."

On April 4th, 1908, the Minutes contained the following:

"A misunderstanding having arisen in re conditions and terms of the tenders for the putting in of the meters, it was resolved on the motion of Alderman Taylor, seconded by the Chairman, to notify Messrs. John E. Myers, W. S. Craig, M. F. Burns and John McFatrige, that contracts up to (\$500.00) five hundred dollars, each upon the bases of 65c, 35c, 65c, 35c, as per specifications had been awarded them, the City supplying the meters, coupling, shelves, brackets and extra water pipe required."

As I understand it the four contracts authorized by the City Works Committee on April 4th, 1908 were entered into, and the question is as to the validity of the same in view of the provisions of section 306 of the City Charter, which limits the power of the Committee on Works as to the making of contracts to contracts involving expenditure not exceeding five hundred dollars. It is apparent that on April 4th, 1908, the Board of Works desired that a contract or contracts should be made for the installation of meters up to the amount of \$2,000.00, but if an entire contract to that amount was to be entered into it was beyond the power of the Board of Works and would have to be referred to the Council.

If it could be proved that the splitting up of the contracts was a mere device on the part of the Works Committee to enable them to bind the City to an amount which they could not otherwise do, and if that fact were known to the contractors, I think that the contracts would be void; but I have not before me any facts that would invalidate the contracts in question under the view of the law which I have expressed. It may be that the reason for splitting up the contracts was that one contractor would not be able to progress sufficiently fast with the work in question to the extent of more than \$500.00. I have no information as to the real reason for splitting up the contracts or the knowledge of the contractors as to same. It must be born in mind, as Mr. Bell has suggested, that the question is not to be looked at from the point of view of the conduct of the Committee on Works as to the performance of their duty towards the City and the Council, but from the point of view of the contractors, each of whom has entered into a contract to the amount of \$500.00 with the City through its officers authorized to make contracts on behalf of the City to that amount.

W. B. A. RITCHIE.

Moved by Alderman Chisholm, seconded by Alderman Hebb, that said opinion be filed. Motion passed.



Read report Committee on Works re application of N. S. Telephone Co. to cut paved streets for the purpose of laying wires underground.

#### UNDERGROUND CONDUITS.

CITY WORKS OFFICE, August 18th, 1908.

To the City Council :

GENTLEMEN,—At a meeting of the Committee on Works held this day, the attached letter and plan from the Nova Scotia Telephone Co. were submitted. It was resolved to refer the matter to Council for its decision.

A. B. CROSBY, *Mayor and Chairman.*

Moved by Alderman Chisholm, seconded by Alderman Hebb, that the same be referred back to the Committee on Works for further report. Motion passed.

Read report Committee on Works in re tenders for cement.

#### TENDERS FOR CEMENT.

CITY WORKS OFFICE, August 25th, 1908.

To the City Council :

GENTLEMEN,—At a meeting of the Committee on Works held this day the attached tenders for 500,000 pounds cement were opened as follows :—

Brand.	Tender.	Package.	Net Weight	Price per 100 lbs. net.	Remarks.
Rampart,	J. C. Calder,	Bag,	87½	\$47.75	Immediate delivery. Bags to be returned in good order. Otherwise 10c. each. 6 days
Monarch,	East. Can. Port. Cement Co.,	" "	" "	50.72	
Rampart,	J. C. Calder,	Bbl.,	350	51.50	Can deliver at once.
Whites,	East. Can. Port. Cement Co.,	Sacks,	112	52.00	Can deliver at once
Wouldham,	S. M. Brookfield,	Bbbs.,	375	53.00	(from stock.
Whites,	A. M. Bell,	" "	400	55.00	
"	East. Can. Port. Cement Co.,	" "	400	55.125	For Oct. delivery only.
"	W. Stairs, Son & Morrow.,	" "	400	56.70	To be called for.
"	East. Can. Port. Cement Co.,	" "	330	57.50	[at once.
"	Wm. Stairs, Son & Morrow,	" "	325	59.275	Can deliver 200 bbbs.

It was decided to refer the same to Council, recommending those of J. C. Calder and East. Canada Portland Cement Co. as being the lowest for acceptance in such proportions as the City Engineer may decide.

A. B. CROSBY, *Mayor and Chairman.*

Moved by Alderman Douglas, seconded by Alderman Hoben, that said report be adopted. Motion passed.

Read report Committee on Works re tenders for 1,300 ft. water pipes.

#### TENDERS FOR WATER PIPES,

CITY WORKS OFFICE, August 18th, 1908.

To the City Council :

GENTLEMEN,—At a meeting of the Committee on Works held this day the attached tenders for 1,300 feet Turned and Bored Pipe were opened as follows :—

W. Stairs, Son & Morrow .....	\$32 95 per ton.
Canada Iron & Foundry Co., Ltd. ....	33 90 "
T. E. Piers .....	34 00 "
D. Y. Stewart & Co., Glasgow .....	34 00 "
Messrs. Wood, Philadelphia .....	38 00 "

It was decided to recommend the acceptance of the tender of Wm. Stairs, Son & Morrow, it being the lowest.

A. B. CROSBY, *Mayor and Chairman.*

Moved by Alderman Douglas, seconded by Alderman Hebb, that said report be adopted. Motion passed.

Read reports Committee on Works and City Engineer re concrete curb and gutter Victoria Lane.

#### CONCRETE CURB AND GUTTER, VICTORIA LANE.

CITY WORKS OFFICE, August. 18th, 1908.

*To the City Council:*

GENTLEMEN,—At a meeting of the Committee on Works held this day the attached report of the City Engineer in re concrete curb and gutter Victoria Lane was read, and recommended to Council to be done when funds will permit.

A. B. CROSBY, *Mayor and Chairman.*

CITY ENGINEER'S OFFICE, July 28th, 1908.

*His Worship the Mayor:*

SIR,—I beg to report on the accompanying petition from A. Wilson, asking that a concrete curb and gutter be laid to replace the cobble stone gutter on Victoria Lane east of Pleasant Street.

Speaking generally, the first block each way from the tramway lines on the business streets should be in as good condition as possible, as strangers riding on the cars really see more of the cross streets than they do of the street on which they are riding. Victoria Lane is not in a very sightly condition, and the laying of a concrete curb and gutter would be a great improvement. The Permanent Sidewalk Act does not contemplate the laying of curb and gutter alone, but the money was provided for sidewalks. This work could be paid for, however, out of Street appropriation if it is decided to have it done. The estimated cost is \$644.00.

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

Moved by Alderman Wilson, seconded by Alderman Shaffner, that said reports be adopted. Motion passed.

#### QUESTIONS BY MEMBERS.

Alderman Wilson stated that there are two Aldermen from Ward IV. on the City Prison Committee, whereas the City Prison Ordinance requires one from each ward, and asked what was to be done in the matter.

Alderman Hoben asked if the price of cement is now 10 per cent. lower than in the spring.

Alderman Edwards stated that confusion now exists as to the numbering of Robie Street and Kempt Road, which is now called Robie Street, and asked what can be done about it.

Aldermen Thompson asked that the numbering of Willow Street be rectified.

MOTIONS BY MEMBERS.

The following resolution is submitted :

*Resolved*, that the Engineer be and he is hereby instructed to re-number Robie Street from Coburg Road to Jubilee Road, and also Willow Street.

Moved by Alderman Hebb, seconded by Alderman Thompson, and passed.

Moved by Alderman Douglas, seconded by Alderman Hebb, that the Committee on Works place a light in front of the Arena at the corner of Louisburg and Peperell Street as soon as funds are available. Motion put and passed and referred to Committee on Works.

Moved by Alderman Thompson, seconded by Aldermen Hoben, that the Council do now adjourn.

Motion put and passed, 7 voting for the same and 5 against it, as follows :—

For Adjournment.

Aldermen Shaffner, Hebb,  
Douglas, Hoben,  
Kelly, Thompson,  
Rankine.—7.

Against it.

Aldermen Wilson, Chisholm,  
Bligh, MacKenzie,  
Edwards.—5.

Council adjourns 10.25 o'clock.

## NOON SESSION.

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12.10 o'clock.

COUNCIL CHAMBER, CITY HALL, September 8th, 1908.

A Special Meeting of the City Council was called for this day at 12 o'clock noon. At the above named hour there were present His Worship the Mayor and Aldermen Edwards, Hoben, Thompson, Chisholm, Wilson, Hubley, MacKenzie and Rankine.

The Council was summoned "in re City Loan, to proceed with business standing over and the transaction of other business."

Moved by Alderman Chisholm, seconded by Alderman Wilson, that the time for meeting be extended until 12.30 o'clock. Motion passed.

12.30 o'clock roll called. Present, the above named, together with Alderman Smith.

There being no quorum to do business the Council stands adjourned.

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## EVENING SESSION.

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8.10 o'clock.

COUNCIL CHAMBER, CITY HALL, September 11th, 1908.

A meeting of the City Council was held this evening. At the above hour there were present Aldermen Hubley, Edwards, Smith, MacKenzie, Martin, Thompson, Wilson and Campbell.

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

8.30 o'clock. Roll called. Present, the above named, together with His Worship the Mayor and Aldermen Shaffner, Douglas, McManus, Kelly, Hoven and Rankine.

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

## PRESENTATION OF PAPERS.

The following named papers are submitted :—

Annual Report Library, by Alderman Wilson, for the Chairman.

Report City Prison Committee, by Alderman Kelly, Chairman.

Report Charities Committee, by Alderman McManus, Chairman.

Report of Committee of Fire Wards, by Alderman Hubley, Chairman.

Report Commissioners of Public Gardens, by Alderman Kelly, Chairman.

Reports (2) Finance Committee, by Alderman Hoben, Chairman.

His Worship the Mayor submits the following named papers :—

Notice of action Neptune Meter Co. against the City of Halifax.

Letter Nova Scotia Board of Fire Underwriters re reduction in fire insurance rates.

Report Chief of Police in re violations of Liquor License Act on Sunday.

Report City Engineer in answer to question by Alderman Hoben.

Report City Engineer re house Young Avenue.

Reports (3) Committee on Works, viz :

South Park Street sidewalk.

William Street concrete curb and gutter.

Accounts.

Petition of property owners re Maynard Street sewer.

Petition for extension of Brunswick and other streets.

## REFERENCE OF PAPERS SUBMITTED.

Read Annual Report Library Commission 1907-8. Filed.

Read report Chief of Police re violations of Liquor License Act on Sundays. Filed.

Read petition of property owners re Maynard Street sewer. Referred to Committee on Works for report.

Read letter Nova Scotia Board of Fire Underwriters re reduction in insurance rates.

## REDUCTION IN INSURANCE RATES.

HALIFAX, N. S., Aug. 31st, 1908.

L. FRED MONAGHAN, ESQ.,

City Clerk, City.

DEAR SIR,—I beg to acknowledge receipt of your favor of the 18th inst., which came duly to hand, enclosing a copy of report of the Committee of FireWards adopted at the City Council meeting of the 6th inst., "re reduction in rate for new Fire Engines purchased by the City."

I have to advise you that at our meeting held on the 25th inst., it was decided that

five cents (5c.) more will be deducted on the rates on all schedule rated mercantile risks within the following area :—

Fawson Street, Hollis Street, Salter Street, Barrington Street, Blowers Street, Argyle Street, Jacob Street, Starr Street, Proctor Street, Barrington Street, Lockman Street, Artz Street.

I am further directed to advise you that, on the City complying with the balance of the request in the fourth (4th) item of deficiency memo. previously submitted, that a further reduction of five cents (5c.) will be granted on the rates on schedule rated mercantile risks on Hollis Street and east thereof from Fawson Street to Buckingham Street and on similar rated risks on Barrington and Lockman Streets and east thereof from Buckingham to Artz Street.

Trusting the above is satisfactory.

EDWARD J. FAHIE, *Secretary.*

Ordered to be acknowledged and filed.

Read petition for extension of Brunswick and others streets covering plan of proposed new street.

Referred to Committee on Works for report.

CONSIDERATION OF PAPERS SUBMITTED.

Read notice of action Neptune Meter Co. vs. the City of Halifax.

Moved by Alderman Hoben, seconded by Alderman Hubley, that the City defend the action and that Mr. W. B. A. Ritchie be retained to act with the City Solicitor in defending the suit.

Motion passed unanimously, there being fourteen Aldermen present.

Moved by Alderman Hoben, seconded by Alderman Campbell, that a committee of three be appointed to consult with the Solicitors in defending the case. Motion passed unanimously.

His Worship the Mayor nominates Alderman Chisholm (Chairman Laws and Privileges Committee), Alderman Hoben (Chairman Finance Committee), and Alderman Edwards as such committee.

Moved by Alderman Smith, seconded by Alderman Wilson, that said nominations be approved. Motion passed.

Read report Committee of Fire Wards.

FIRE DEPARTMENT ACCOUNTS, &c.

COMMITTEE ROOM, CITY HALL, Sept. 11th, 1908.

*His Worship the Mayor and City Council:*

GENTLEMEN,—The Committee of Fire Wards beg to recommend for payment the following accounts :—

T. C. Allen & Co., stationery, \$14.30. A. M. Bell & Co., oil clothes, \$23.07. Cragg Bros., brush, 15c. S. Cunard & Co., coal, \$66.07. A. Cornelius, polish, \$1.25. J. S. Cashen & Sons, feed, \$443.29. Can. Rubber Co., shoes, etc., \$7.30. Clayton & Sons, clothing, etc., \$182.50. John Davison & Son, lumber, \$5.03. J. A. Dunn & Co.,

brass plating, \$26.25. H. H. Fuller & Co., hardware, \$3.03. Farquhar Bros., solder, etc., \$5.34. Neil Fox, saddlery, \$2.75. John Foley, mason work, \$12.05. Globe Laundry, work, \$9.54. T. Hogan & Co., iron, \$55c. Halifax Tram Co., light, \$18.47; power, \$10.74—\$29.21. Hillis & Sons, pans, etc., \$2.70. Imperial Oil Co., gasoline, \$8.25. I. C. Railway, freight, \$2.60. J. M. McGrath & Co., truckage, \$2.00. McDonald & Co., machine work, \$8.45. Maritime Paint Co., sponges, \$20.25. Melvin & Co., hardware, \$7.99. E. F. Phillips Elec. Co., wire, \$87.86. Wm. Robertson & Son, iron, \$1.06. Jas. Rone, distilled water, \$1.50. Geo. E. Smith & Co., hardware \$4.85. Stairs, Son & Morrow, hardware, \$16.78. Stairs, Son & Morrow, hose, \$550.00. J. McD. Taylor, drugs, etc., \$7.95. Wentzell's, Ltd., soap, etc., \$7.70. Total, \$1,563.12.

Your Board opened tenders for various services and recommend that the following be accepted and the work performed if funds are available:—

Nickeling No. 1 Steamer, J. A. Dunn & Co .....	\$ 45 00
Painting and repairing No 1 Steamer A. J. McNutt .....	50 00
Painting and repairs Central House, John Foley .....	349 00

ANDREW HUBLEY, *Chairman.*

The following resolution is submitted:—

*Resolved,* That the report of the Committee of Fire Wards be received and adopted and His Worship the Mayor authorized to sign warrants for payment of accounts therein recommended.

Moved by Alderman Hubley, seconded by Alderman Edwards, and passed.

Read report Charities Committee for August.

#### REPORT CHARITIES COMMITTEE.

HALIFAX, N. S., September 10th, 1908.

*His Worship the Mayor and Members City Council:*

GENTLEMEN,—The Charities Committee met this day, and beg to submit the following report: Members present, the Chairman, Aldermen Shaffner, Hoben and MacKenzie.

The Superintendent's report shews that during the month of August there were 41 persons admitted into the Home, 1 born, 37 discharged and 2 died. Of the number admitted, 5 were chargeable to the Province and 36 to the City. The total number of inmates, at this date, is 320, made up of 184 men, 134 women and 2 children. On the same date last year there were 190 men, 132 women and 6 children, a total of 328.

The following accounts were recommended for payment:—

A. L. Doyle & Co., \$279.24. W. A. Maling & Co., \$356.01. J. & M. Murphy, \$40.95. F. A. Shaw, \$25.50. P. T. Shea, \$127.92. Geo. Gregoire, \$25.18. Scotia Pure Milk Co., \$97.65. Henry Lovett, \$12.96. Halifax Electric Tram Co., \$18.01. Hugh D. MacKenzie Co., Ltd., \$169.46. Nickerson & Hart, \$15.90. Wentzell Co., Ltd., \$249.65. Hillis & Sons, Ltd., \$2.36. Brookfield Bros., \$18.80. A. M. Banks, \$22.20. Wm. McFatrige, \$31.50. Snow & Co., \$12.60. W. C. Knight, \$4.85. Dr. H. L. Dickey, \$5.00. Wm. Stairs, Son & Morrow, Ltd., \$23.77. Fleischman & Co., \$3.90. B. Mulcahy, \$277.66. Pay Sheet, \$640.33.

Tender for flour was received from Wentzells, Ltd., and that being the only tender received was recommended for acceptance, the price being \$5.40 for Beaver and \$4.90 for Swansdown.

P. J. McMANUS, *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 accounts mentioned therein.

Moved by Alderman McManus, seconded by Alderman Shaffner, and passed.

Read report City Engineer re house to be erected on Young Avenue by Mr. Andrew MacKinlay, covering plan.

HOUSE YOUNG AVENUE.

CITY ENGINEER'S OFFICE, Sept. 11th, 1908.

*His Worship the Mayor :*

SIR,—I beg to submit plan and specification sent for approval by Mr. Andrew Mac Kinlay, who proposes to erect a building on lot No. 139-141, Young Avenue Mr. MacKinlay proposes to comply with the law in every respect and I would recommend that the Council approve of the plan and specification submitted. The building will be of wood, will set forty feet back from the street line and will cost not less than \$5000 00.

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

Moved by Alderman Shaffner, seconded by Alderman Martin, that said report be adopted and the plans and specifications approved. Motion passed.

Read report Committee on Works re accounts.

CITY WORKS ACCOUNTS.

CITY WORKS OFFICE, Sept. 11th, 1908.

*To the City Council :*

GENTLEMEN,—At a meeting of the Committee on Works held this day the attached bills were submitted, approved, and recommended for payment :—

Street lighting.....	\$1696 40
Streets.....	354 29
Sewer loan.....	340 78
New workshops.....	210 95
City property.....	169 21
Teams and stables.....	120 37
Cleaning paved streets.....	81 19
Sewer maintenance.....	79 05
City Hall lighting.....	67 26
Internal Health.....	55 07
Public Baths.....	40 85
Water maintenance.....	421 80
“ construction.....	265 77
	\$3902 99

A. B. CROSBY, *Mayor and Chairman.*

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



Read reports Committee on Works and City Engineer re Williams Street concrete curb and gutter.

WILLIAMS STREET CURB AND GUTTER.

CITY WORKS OFFICE, September 1st, 1908.

To the City Council :

GENTLEMEN.—At a meeting of the Committee on Works held this day the attached report of the City Engineer on petition for the laying of a concrete curb and gutter on both sides of Williams Street, between Robie Street and Windsor Street was read.

It was resolved to refer the report for the consideration of Council.

G. M. CAMPBELL, *Deputy Mayor and Chairman.*

CITY ENGINEER'S OFFICE, August 24th, 1908.

His Worship the Mayor :

SIR,—The accompanying petition asks for the laying of a concrete curb and gutter on both sides of Williams St., between Robie St. and Windsor St. The estimated cost of this work is \$1482.00. The street is wide, being about 70 ft., lined with a nice class of residences on each side, and a concrete curb and gutter would make a further improvement in the appearance of it. The petitioners are prepared to pay their proportion of the cost, and I would therefore recommend that the work be done. If a curb and gutter alone is laid, however, the work must be done from the Street appropriation, and consequently cannot be done this year. In order to have it taken from the Sidewalk appropriation the sidewalk should be included.

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

Moved by Alderman Hubley, seconded by Alderman Kelly, that the report be adopted and the work done out of the appropriation for streets when money is available. Motion passed.

Read report Commissioners of Common covering accounts.

REPORT COMMISSIONERS OF HALIFAX COMMON RE ACCOUNTS.

COMMITTEE ROOM, PUBLIC GARDENS, Sept 11th, 1908.

To His Worship the Mayor and City Council :

GENTLEMEN,—A meeting of the Commissioners of Halifax Common was held this day at 5 p. m. Present—Chairman Kelly, Smith, Powell, McDonald, Power and the Superintendent.

They had before them the accompanying bills, of which the following is a summary. The same were approved and passed for payment :—

Wm. Robertson & Son, \$11.00. Munro Wire Works, Ltd., \$11.00. Austen Bros., \$1.50. T. C. Allen & Co., \$2.90. Halifax Electric Tram Co., \$1.22. H. H. Fuller & Co., \$23 70. Total, \$51.32.

JOHN F. KELLY, *Chairman.*  
EDWARD T. POWER, *Secretary.*

The following resolution is submitted :

*Resolved*, that the report of the Commissioners of Common be received and adopted and His Worship the Mayor authorized to sign warrants for payment of accounts therein recommended.

Moved by Alderman Kelly, seconded by Alderman Smith and passed.

Read reports Committee on Works and City Engineer re permanent sidewalk South Park Street.

#### SOUTH PARK STREET SIDEWALK.

CITY WORKS OFFICE, Sept. 11th, 1908.

To the City Council:

GENTLEMEN.—At a meeting of the Committee on Works held this day the attached report of the City Engineer on petition of Chief Justice Townsend and Hon. L. G. Power for a permanent sidewalk on South Park Street between Spring Garden Road and Sackville Street was read and referred to Council for its consideration.

G. M. CAMPBELL, *Deputy-Mayor and Chairman.*

CITY ENGINEER'S OFFICE, Aug. 24th, 1908.

SIR,—I beg to report on the accompanying letters from the Hon. L. G. Power and Mr. Justice Townsend.

There have been requests from time to time for a permanent sidewalk on South Park St., between Spring Garden Road and Sackville St., but each time lack of funds has prevented the carrying out of the work. South Park St. from Inglis St. to Spring Garden Road has an asphalt sidewalk 9 ft. wide with granite curb and gutter from South St. to Spring Garden Road. North of Spring Garden Road the roadway is wide and a concrete curb and gutter would be sufficient. We have laid an 3 ft. sidewalk on Morris St. and I think that a 7 ft. sidewalk would be sufficient on Park St. north of Spring Garden Road.

The estimated cost of laying concrete curb and gutter, 7 ft. sidewalk and sodding is \$2,584.00.

I would recommend that the work be carried out when funds are available.

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

Moved by Alderman Wilson, seconded by Alderman Shaffner, that said reports be adopted. Motion passed.

Read report City Engineer in answer to Alderman Hoben's question in re cost of cement.

#### COST OF CEMENT.

CITY ENGINEER'S OFFICE, Sept. 11th, 1908.

His Worship the Mayor:

SIR,—Alderman Hoben asks if the price of cement is now 10% lower than in the Spring. Our specification in the Spring was for best English Portland in bags. The lowest tender was \$54.25c. per 100 lbs. for White's cement. The lowest tender received recently for White's cement, in bags, is 52c., or about 4% off the former tender.

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

Filed.

Read report City Prison Committee on various matters.

## REPORT CITY PRISON COMMITTEE.

CITY HALL, September 10th, 1908.

*To His Worship the Mayor and City Council :*

GENTLEMEN,—Your Committee on City Prison beg to report that at a meeting of the Committee held this day, there were present Aldermen Kelly (Chairman), Wilson, Douglas, Hubley and Edwards.

The Committee had under consideration the accompanying report of the sub-committee appointed on the 21st July last, to examine into the affairs of the Prison with a view to making recommendations looking to reorganization of the institution and reducing the cost of maintenance, in which they make a number of suggestions which are reported up for the consideration of the Council.

Alderman Wilson dissenting against clauses 1 and 2.

Alderman Doyle dissenting against clause 10

And Alderman Hubley dissenting against all clauses except clause 4 in said report.

The following accounts, amounting to \$652.56, were examined, found correct, and are recommended for payment :—

J. J. Carnell, repairs to waggon, 25c. J. J. Carnell, \$16.96. T. C. Allen & Co., stationery, 95c. M. P. McCaffrey, drugs, \$4.00. Wm. J. Ryan, harness supplies, \$9.60. W. A. Maling & Co., ox heads, \$13.50. Thos. Little & Son, dry goods, \$6.39. Wm. Roberson, hardware, \$12.44. Wentzells, Ltd., groceries, \$18.85. Jordan & Mann, horseshoeing, \$3.00. H. H. Fuller, hardware, \$2.50. G. M. Cullen & Co., painting, \$5.70. Committee on Works, building staging, \$15.27. Committee on Works, repairing skylight, \$8.60. John Foley, repairing chimney, \$37.75. S. Cunard & Co., coal, (Sydney), \$390.30. S. Cunard & Co., coal, (hard), \$106.50. Total, \$652.56.

The monthly reports of the Governor and Matron were submitted, and are hereto attached.

JOHN F. KELLY, *Chairman.*

HALIFAX, N. S., Sept. 4th, 1908.

*To the Chairman and Members Board of the City Prison Committee :*

GENTLEMEN,—We, your sub-committee appointed to examine into the affairs of the City Prison with a view of making recommendations looking to a reorganization of the institution and reducing the cost of maintenance, beg to report as follows :—

We are of the opinion that for the purposes for which the Prison is required its cost of maintenance is abnormally high, the fixed charges being out of proportion to the requirements of a prison for the detention of a comparatively few petty criminals and common drunks who make up the prisoners committed to the institution.

We are of the opinion that the cost of maintaining the institution can be very materially reduced and at the same time the efficiency of the Prison increased, and in order to bring about these results we submit the following recommendations for your consideration. These recommendations are based on the results of a careful investigation of the Prison affairs, its cost of upkeep, its revenue from prison labor, and the system and discipline now in force.

We suggest for consideration—

(1) That the farming operations carried on in connection with the Prison be discontinued and the farm rented or leased to the highest responsible bidder.

(2) That the confines of the Prison be limited to the prison buildings and the space within the prison walls, except for the performance of work by the prisoners necessary to furnish a supply of stones for the stone-breaking sheds.

(3) That Mr. Wm. Murray be relieved of his duties as Governor of the Prison, but that he be retained in the service of the City to act in an advisory capacity in connection with the Prison and perform such other duties as may from time to time be required of him.

(4) That when Mr. Wm. Murray has been relieved of the duties of Governor of the City Prison his salary be \$500.00 per year, and that he be required to reside outside the Prison, but within the limits of the city.

(5) That the head-keeper shall be a married man, and one of the qualifications of appointment that his wife shall be qualified and willing to fill the office of Matron of the Prison.

(6) The salary of the head-keeper shall be \$700.00 per year. This amount to cover the services of his wife as Matron.

(7) That Mr. Grant, now one of the underkeepers, be promoted to the position of head-keeper.

(8) That Daniel McDonald be relieved of his duties as messenger, and be appointed an underkeeper at his present salary.

(9) That the salaries of the underkeepers, Higlett and Keating, be reduced to \$360.00 per year, they to perform such duties as may be required of them by the head-keeper.

(10) That not more than two horses shall be maintained at the Prison at the expense of the city.

(11) That if legislation is required to bring into force and effect any or all of the above recommendations, that the City Solicitor be instructed to prepare such legislation for approval.

JAS. S. EDWARDS,  
J. B. DOUGLAS.

Moved by Alderman Kelly, seconded by Alderman Hubley, that said report, excepting the clause relating to accounts, be referred back to said committee for further report.

Moved in amendment by Alderman Wilson, seconded by Alderman Douglas, that the report of the sub-committee incorporated in said report be taken up clause by clause.

Amendment put and passed, 8 voting for the same and 6 against it, as follows:—

For the Amendment.	Against it.
Aldermen Shaffner, Wilson, McManus, Douglas, Hoben, Thompson, Campbell, Edwards.—8.	Aldermen Smith, Kelly, Hubley, Martin, MacKenzie, Rankine.—6.

Read clause 1 of the sub-committee's report recommending that farming operations at the City Prison be discontinued and the farm leased.

Moved by Alderman Kelly, seconded by Alderman Douglas, that this clause be adopted.

Moved in amendment by Alderman Shaffner, seconded by Alder-

man Smith, that this clause be referred back to the City Prison Committee for further report.

Amendment put and passed, 10 voting for the same and 4 against it, as follows :—

For the Amendment.	Against it.
Aldermen Shaffner, Wilson, Smith, Hoben, Hubley, Thompson, Martin, Campbell, MacKeuzie, Rankine.—10.	Aldermen McManus, Douglas, Kelly, Edwards.—4.

Moved in amendment by Alderman Hubley, seconded by Alderman Smith, that the other clauses of the report of the sub-committee be referred back to the City Prison Committee for further report. Amendment put and passed.

The following resolution is submitted :—

*Resolved*, that the report of the City Prison Committee be received and adopted with the exception of the report of the sub-committee and His Worship the Mayor authorized to sign warrants for payment of accounts therein recommended.

Moved by Alderman Kelly, seconded by Alderman Wilson, and passed.

Read report Finance Committee September 8th, 1908, on various matters.

#### REPORT COMMITTEE ON FINANCE.

COMMITTEE ROOM, CITY HALL, Sept. 8th, 1908.

*His Worship the Mayor and City Council :*

GENTLEMEN,—Your Committee on Finance beg to report that at a meeting of the Committee held this day, there being present Aldermen Hoben, (Chairman), Smith, Thompson and Edwards, the Committee had under consideration a letter of Messrs. J. C. Mackintosh & Co., and F. B. McCurdy & Co. in re their recent tender for City loan of \$35,000.00, in which they stated that owing to the adverse opinions received by them from their Solicitors, Messrs. Harris, Henry, Stairs & Harris, as to the legality of the issue of bonds for \$25,000.00 for sewer construction and which opinion coincided with that given by Mr. W. B. A. Ritchie on a former occasion on a similar Act, they would withdraw their offer for the \$25,000.00 loan for sewer construction, but are prepared to take up the loan of \$10,000.00 to be issued for permanent sidewalks.

Your Committee have had the accompanying resolution re loan of \$10,000.00 prepared and recommend its adoption by the Council.

Your Committee further report that they had under consideration the question of the superannuation of Mr. John P. Cairns, Assistant Assessor, and at the request of Mr. Cairns action on the matter is deferred for one week.

Your Committee further report that they have instructed the City Treasurer to interview the Manager of the Royal Bank to ascertain if the Bank will make a temporary loan to the City for sewer construction work the City to give a guarantee that legislation will be obtained to legalize the issue of bonds to pay off said loan. The bonds proposed to be issued to be given to the Bank as collateral in the meantime.

C. R. HOBEN, *Chairman.*

Also read report Finance Committee, September 11th, 1908, on various matters and accounts.

### REPORT COMMITTEE ON FINANCE.

COMMITTEE ROOM, CITY HALL, Sept. 11th, 1908

*To His Worship the Mayor and City Council :*

GENTLEMEN,—Your Committee on Finance beg to report that at a meeting of the Committee held this day, present Aldermen Hoben (Chairman), Smith and Edwards, the following matters referred to it for consideration and report were dealt with as follows :—

1. Letter A. M. Payne and the Chronicle Publishing Co. in re advertising the City of Halifax.

It is recommended that the City Clerk acknowledge receipt of the letters and inform parties that no funds are available for this service.

2. Application City Health Board for an additional grant of \$4570.94 for expenses of small-pox epidemic to August 15th, 1908

It is recommended that the additional appropriation be provided, and the accounts paid.

The following accounts are recommended for payment :

F. W. W. Deane, expenses to Sydney, \$23.30. N. B. Smith, expenses to Sydney, \$17.25. A. & W. MacKinlay, books, 70c. T. C. Allen & Co., stationery, City Assessors \$3.11, City Collector \$4.65—\$7.76. Herald Pub. Co., advertising, \$9.75, \$5.85—\$15.60. MoAlpine Pub. Co., directory, \$3.50. Institution Deaf and Dumb, 6 pupils for year ending July 1st, 1908, \$540.00. Holloway Bros., printing minutes, etc., \$67.08. Dr. Finn Med Examiner, Certificates of death A. Kelly, Annie Godfrey, Isaac Hutchins, Owen Nowlan, Fredk. Carey, child of David Bayers, \$4.00 each—\$24.00. Total \$699.21.

Your Committee further report that they had under consideration the matter of a temporary loan from the Royal Bank for sewer construction until the present Act giving authority to issue bonds for the purpose is legalized or perfected.

The accompanying resolution has been prepared and is reported up by your Committee without recommendation.

C. R. HOBEN, *Chairman.*

The following resolution is submitted :—

*Whereas*, the Council on the 12th day of August, 1908, resolved to borrow the sum of ten thousand dollars (\$10,000) under the authority of Chapter 65 of the Acts 1906 ;

*And whereas*, the cost of preparing the necessary certificates of stock and debentures, of advertising the loan and other expenses reasonably incidental to the floating of the loan amount to the sum of \$164.50, which sum it is necessary to include in the amount borrowed ;

*And whereas*, J. C. Mackintosh & Co. and F. B. McCurdy & Co have offered jointly to take the said sum of ten thousand dollars (\$10,000) at the following price, namely, \$94.025 of par ;

*And whereas*, stock or debentures of the par value of ten thousand (\$10,000) dollars when sold by the City at the price so offered will fail to produce the amount so to be borrowed, and in order to produce such amount it will be necessary to sell additional stock or debentures of the par value of six hundred and thirty-five dollars and fifty cents, making in all the sum of ten thousand eight hundred (\$10,800) dollars.

*Therefore resolved*, that the offer of J. C. Mackintosh & Co. and F. B. McCurdy & Co above recited be accepted and that the City Treasurer be and hereby is authorized

and directed to issue and deliver to J. C. Mackintosh & Co and F. B. McCurdy & Co. stock or debentures of the par value of ten thousand eight hundred dollars (\$10,800); all of such stock or debentures to be issued in conformity with the requirements of the Halifax City Consolidated Fund Act and to bear interest at four per centum per annum, and to be redeemable on the 1st day of July, 1940.

Moved by Alderman Edwards, seconded by Alderman Campbell, and passed, Alderman Hoben dissenting.

The following resolution is also submitted :—

*Whereas*, The City of Halifax is, by Chapter 71 of the Acts of 1907, authorized to borrow an amount not exceeding \$50,000 for the construction of new sewers, and to issue stock or debentures of the City therefor, of which amount the sum of \$25,000 has been already borrowed ;

*And Whereas*, The City Council of the said City did, by resolution passed on the 12th day of August, 1908, resolve to borrow the remaining \$25,000 of the amount so authorized ;

*And Whereas*, doubts have been expressed as to the right of the City to make such further borrowing by reason whereof the price obtainable for the City's securities is insufficient, and it is undesirable to dispose of the same at the present time ;

*And Whereas*, The Royal Bank of Canada has expressed its willingness to advance the sum of ten thousand (\$10,000) dollars, on receiving security as hereinafter provided ;

*Therefore Resolved*, That the City Treasurer do borrow from the Royal Bank of Canada the sum of ten thousand (\$10,000) dollars at a rate of interest not exceeding five per cent., and to lodge with the said bank, as security for such loan, the stock or debentures of the City for the sum of twenty-five thousand dollars (\$25,000.00), being the remainder of the stock or debentures issuable under the authority above recited, the said sum so to be borrowed to be applied to the construction of new sewers, and to be repaid out of the proceeds of the said stock or debentures when hereafter sold ;

*And Further Resolved*, That the City Council pledge itself to use its best endeavor to obtain at the next session of the Legislature, legislation removing such doubts as aforesaid, and ratifying and confirming the loan hereby authorized.

*And Further Resolved*, that the City Solicitor be instructed to prepare an Act for submission to the next session of the Legislature and that His Worship the Mayor be instructed to apply to the members of the Provincial Government for an assurance that such Act will be passed at the next ensuing session.

Moved by Alderman Edwards seconded by Alderman Wilson.

Alderman Wilson asked for the opinion of the City Solicitor as to the legality of the City Council's passing this resolution.

The City Solicitor stated that the City could borrow money on the security of its bonds as well as any other corporation.

Alderman Rankine asked for the opinion of the City Solicitor as to the personal liability of Aldermen voting in favor of resolutions of the nature of the one now before the Council when advised by the City Solicitor that they incur no such personal liability.

The City Solicitor states that no personal liability can apply to any Alderman in the honest exercise of his duty acting upon the advice of the City Solicitor in open Council.

The resolution being put and names being demanded there appeared :

For the Resolution.

Aldermen Kelly, Martin,  
Campbell, MacKenzie,  
Edwards, Rankine.—6.

Against it.

Aldermen Shaffner, Wilson,  
Smith Hoben,  
Hubley, Thompson,—6.

His Worship the Mayor gives his casting vote in favor of the resolution and declares it carried.

Alderman Hoben gives notice of reconsideration.

The following resolution is submitted:

*Resolved*, That the report of the Finance Committee subject to the resolutions previously passed at this meeting be received and concurred in and His Worship the Mayor authorized to sign warrants for payment of accounts therein recommended.

Moved by Alderman Edwards, seconded by Alderman Rankine, and passed.

Moved by Alderman Martin, seconded by Alderman Shaffner, that the Council do now adjourn. Motion passed.

Council adjourns 11.25 o'clock.



## EVENING SESSION.

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8.10 o'clock.

COUNCIL CHAMBER, CITY HALL, September 18th, 1908.

A special meeting of the City Council was held this evening. At the above named hour there were present His Worship the Mayor and Aldermen Hoben, Martin, Campbell, Edwards, Rankine, Wilson, MacKenzie and Shaffner.

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

8.30 o'clock. Roll called. Present, the above named, together with Aldermen Chisholm, Smith, Kelly, Hubley and Thompson.

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

### PRESENTATION OF PAPERS.

The following named papers are submitted :—

Report Library Commission by Alderman Chisholm, Chairman.

Report Laws and Privileges Committee by Alderman Chisholm, Chairman.

Report Finance Committee by Alderman Hoben, Chairman.

Plan of Smith's Field, Willow Park, on behalf of A. M. Bell & Co., by Alderman Martin.

His Worship the Mayor submits the following named papers :—

Letter Provincial Secretary re Loan for Sewers.

Letter J. C. Mackintosh & Co., re loan for sewers.

Report City Solicitor re suit Fenerty vs. the City of Halifax.

Account of Board of Trade, \$55.00, for entertaining lady delegates to Convention of Maritime Board of Trade, August.

Message His Worship the Mayor re extension of street railway tracks.

Report of Joint Committee re entertaining delegates to Convention of Trades and Labor Council.

Report Coal Weighers for August.

### NOTICE OF RECONSIDERATION.

Read No. 1 on Order of the Day, viz., Alderman Hoben's notice of reconsideration of resolution in re borrowing \$10,000.00 for construction of sewers, September 11th, 1908.

Moved by Alderman Hoben, seconded by Alderman Rankine, that said resolution be now reconsidered.

Motion put and passed, 10 voting for the same and 2 against it, as follows :—

For Reconsideration.

Against

Aldermen Shaffner, Wilson,  
Chisholm, Smith,  
Hoben, Thompson,  
Martin, Campbell,  
Edwards, Rankine.—10.

Aldermen Kelly, MacKenzie.—2.

Read Minutes of Council meeting September 11th. 1908, relating to loan for sewer construction.

Also read letter Provincial Secretary re proposed legislation to remedy Act re loan for sewers.

LOAN FOR SEWERS.

16th September, 1908.

L. FRED. MONAGHAN, Esq., *City Clerk,*

Halifax, N. S. :

SIR,—I am directed by the Provincial Secretary to acknowledge receipt of your letter of the 15th inst. enclosing copy of a resolution passed by the City Council on the 11th inst., in which His Worship the Mayor is instructed to apply to the members of the Provincial Government for an assurance that an Act will be passed at the next session of the Legislature to remove any doubts that may exist as to the authority of the City of Halifax to borrow the sum of \$25,000 for sewer construction under Chapter 71 of the Acts of 1907. I am to inform you that it has been brought to the attention of the Government by an Alderman that a notice of motion for reconsideration of this resolution is outstanding, and in view of that fact the Government will require that the application be supplemented by a request, in writing, for the assurance indicated in the resolution signed by a majority of the Aldermen of the City of Halifax and the matter will then receive consideration.

FRED F. MATHERS, *Deputy-Provincial Secretary.*

Read letter J. C. Mackintosh & Co. offering to purchase the \$25,000.00 bonds for sewers at 94.025 if the City will guarantee to have a remedial bill enacted.

September 18th, 1908.

*His Worship the Mayor and Members of the Halifax City Council :*

DEAR SIRS,—Referring to the issue of \$25,000 City of Halifax Debentures, we beg to state that we would purchase the whole of the bonds at our original offer, namely :—94.025% and interest, on the following terms :—

That the City Council will guarantee that amendments to existing legislation, satisfactory to our solicitor, will be introduced at the next session of the Legislature, removing all doubt as to the legality of the issue. and that the Provincial Secretary will undertake that such legislation be enacted.

J. C. MACKINTOSH & Co.

Moved by Alderman Edwards, by seconded Alderman Thompson, that the offer of J. C. Mackintosh & Co., to purchase the \$25,000.00 of bonds for construction of sewers, at 94.025% and interest, be accepted, and that the City endeavor to obtain an assurance from the Provincial Government that legislation will be passed at the next session of the Legislature removing any doubt as to the legality of borrowing said money.

Motion put and passed, 10 voting for the same and 3 against, as follows:—

For the Motion.	Against it.
Aldermen Shaffner, Wilson, Smith, Kelly, Thompson, Martin, Campbell, MacKenzie, Edwards, Rankine—10.	Aldermen Chisholm, Hoben, Hubley—3.

Read report City Solicitor re suit Fenerty vs. The City of Halifax.  
Filed.

FENERTY vs. THE CITY OF HALIFAX.

OFFICE OF CITY SOLICITOR, Sept 18th, 1908.

*His Worship the Mayor and Members of the City Council:*

GENTLEMEN.—I have deferred making my report upon this case, which was decided by Judge Meagher some three weeks ago, until I had obtained a copy of his lengthened judgment. This I have now obtained, and beg to submit herewith for your information. As the case was one of the greatest importance to the City, and the facts of it probably not clear to the present members of the Council, I have thought it right to give a somewhat extended report respecting it.

The action was the outcome of a controversy which has been going on with more or less acrimony ever since 1846, between the old Water Company, which was established at that date, and the City as the successor of the old Water Company since 1861, on the one hand, and the owners of mill property on the stream leading from the Chain of Lakes to the North West Arm. The mill owners have persistently denied the right of the City at all to shut off or obstruct the flow of the water in this stream, and have claimed that the City was under an obligation to store the water of the Chain Lakes for them, and to supply it to them as they required it. This claim the City has consistently denied, maintaining that the only right of the mill owners was to have the stream flow in its natural volume. Obviously, if the claim of the mill owners could have been substantiated, it would have been a matter of the most serious consequence for the City, as it would have practically given the mill owners the right to the Chain of Lakes, with its valuable dams and water privileges.

The matter came to a head in the year 1905. In that year there was a most unusual and prolonged drought, and the City, believing it had the right to do so, completely closed the water of the Chain of Lakes in September, and allowed none to run down until the month of December. This it did, believing that under the then existing condition of things, no water would have naturally flowed to the mill owners.

Mr. Fenerty and the other mill owners thereupon brought this claim against the City, claiming:—

1. Five thousand dollars damages for diversion and obstruction of the water.
2. An injunction to restrain the City from ever closing off the waters of the stream.

3. A declaration that the City was obliged to store water for their use in the Chain of Lakes and to let it down to them as they had occasion for it.

This action was defended by the City.

When the case came to be prepared for trial the Engineer and Assistant Engineer, who have given the greatest possible attention to the case, satisfied themselves that some small quantity of water might possibly have been diverted during the period of the great drought. When it is considered that at that time Chain Lakes were absolutely dry and that Long Lake was so far reduced that it was necessary to pump water in the canal leading to Chain Lakes, it was obvious that the City was not in a position to regard greatly the question of whether some of the water might possibly have flowed to some other proprietor. It was, however, doubtful, even under these circumstances, whether any water would naturally have flowed to the mill owners; but to obviate all difficulty on that score and to prevent an unnecessary and costly inquiry the City resolved to offer the mill owners the sum of \$100.00 in full of their damages, notifying them that if they persisted in proceeding with the action for the injunction and declaration claimed the City would defend the action and ask for costs. The mill owners accepted the \$100.00 in full satisfaction of their damages, but proceeded with the action for the injunction and declaration.

The action was tried before Mr. Justice Meagher at various times in 1906, 1907 and 1908, and the learned judge has given judgment in favor of the City upon the two questions tried, that is to say, he had refused to give the injunction or the declaration asked for. The city is thus entirely successful upon the real point of the case, as the trifling amount of damages incurred during the drought is a matter of no consequence. No appeal has so far been taken by the plaintiffs, and the judgment if not reversed completely established the position which has always been taken by the City, and puts an end to a controversy which has been a most vexatious one to the City ever since its acquirement of the City's lakes and water supply.

F. H. BELL, *City Solicitor.*

Moved by Alderman Hoben, seconded by Alderman Chisholm, that Mr. W. B. MacKenzie, Moncton, Chief Engineer of the Intercolonial Railway being present, be permitted to address the Council in connection with the extension of the water service to the I. C. Railway Round House at Willow Park. Motion passed.

Mr. MacKenzie addressed the Council, asking that the high service water supply be extended to the Round House property instead of the low service.

Discussion by a number of Aldermen ensued, during which it was intimated to Mr. MacKenzie that it was undesirable to deliver the high service supply to this property as it would be detrimental to domestic requirements.

Read report Joint Committee re entertaining delegates to Trades and Labor Convention.

#### ENTERTAINING LABOR DELEGATES.

MAYOR'S OFFICE, CITY HALL, Sept. 18th, 1908.

To the City Council:

GENTLEMEN,—The Joint Committee of the Halifax Trades and Labor Council and the City Council met to-day at the Mayor's Office, City Hall.