

make any such inspection it is obvious that the City would have to take such a delivery of the meters as would enable inspection to be made in order to determine whether it would keep them or return them. Instead of so doing the City by resolution informed the company that it declined to take delivery of the meters until directed to do so by a judgment of the Court.

It is at this point practically that Mr. Ritchie and myself differ. In my opinion this resolution is a repudiation of the contract—in his it is not. In support of his opinion he refers to the case of the Mersey Steel Co. vs. Naylor 9, A. C., 434. I have read that case carefully and it does not appear to me to support the conclusion that the City's resolution was not such a repudiation of the contract as dispensed with the approval of the Engineer. The facts of that case were that the plaintiff company had contracted with the defendants to sell them 5,000 tons of iron in deliveries of 1,000 tons a month. Payment for each instalment to be made within three days after receipt of shipping documents. After delivery of one instalment and before payment, a petition was presented for the liquidation of the plaintiff company. The defendants consulted their solicitor and were informed, erroneously, that they could not safely pay for the instalment except on the order of the court. The plaintiff company thereupon treated this refusal to pay at once as a repudiation of the contract and refused to make further deliveries. In an action to recover the price of the accepted instalments the defendant counter-claimed for damage for non-delivery of the subsequent ones. The House of Lords held them entitled to recover on the ground that under the circumstances the delay in paying for the previous instalments did not constitute such a repudiation of the contract as justified the plaintiff company in cancelling the contract and declining to make delivery of further instalments. Between this case and the one under discussion there is one wide difference which becomes apparent. On reading the judgments, particularly that of Lord Selborne,—this is that the defendants were quite willing, in fact anxious, to pay for the iron and continue the contract, and for the best of reasons, namely, that the price had greatly risen, and were only in honest doubt that if they paid without the sanction of the Court they might have to pay over again. "There is not," said Lord Selborne, "upon the letters and documents the slightest ground for supposing either that the purchasers could not pay or that they were unwilling to pay the amount due; but they acted as they did, evidently bona fide, because they doubted on the advice of their solicitor whether that section of the Act, as long as the petition was pending, did not make it impossible for them to obtain the discharge to which they had an unquestionable right. * * *

I cannot ascribe to their conduct under these circumstances the character of a renunciation of the contract, or repudiation of the contract, or refusal to fulfil the contract. It is just the reverse,—the purchasers were desirous of fulfilling the contract; they were advised that there was a difficulty in the way, and they expressed anxiety that that difficulty should be as soon as possible removed by means which were suggested to them and which they pointed out to the solicitors of the company.

In my judgment they have not in any part of the proceedings acted so as to shew an intention to renounce or repudiate the contract or to fail in its performance on their part." I cannot construe the resolution of the City not to take delivery of the meters or pay for them until directed to do so by a decision of the Court in any such way. The courts do not exist for the purpose of directing persons, but to determine law suits. The only direction which a court could give would be a judgment obtained in an action, and the resolution simply meant that the City would not pay until it was compelled to by a judgment of the Court. A plainer repudiation of the contract and expression of determination not to pay unless it had to, could hardly be made, and, therefore, it appears to me that the reasoning of Lord Selborne just quoted inevitably leads to the conclusion that the other party to the contract was perfectly justified in concluding that the City intended taking no further steps under the contract, either by way of inspection or approval or otherwise, leaving them no alternative but to resort to law.

For these reasons (which I would not have made so lengthy but out of respect or my learned friend's equally lengthy reasons to the contrary) I am unable to

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agree in thinking that the learned judge is wrong in this part of his judgment also, and consequently neither on this question nor on the main question can I recommend an appeal with any reasonable prospect of success.

F. H. BELL, *City Solicitor.*

OFFICE OF CITY SOLICITOR, May 18th, 1909.

His Worship the Mayor :

SIR,—I have given the Chairman of the Committee on Laws and Privileges my opinion upon the further points raised by Mr. Ritchie as to the right of the company to recover the full price of the meters. At a meeting of the Committee last night I was asked some questions as to the possibility of the company recovering in the alternative for damages for breach of the contract, which questions I was not able to answer as satisfactorily as I could wish owing to my not having had the conducting of the defence. As, however, I thought the Council should be fully informed on this phase also of the case, I to-day consulted with Mr. Henry, the plaintiffs' solicitor, and also with Mr. Ritchie, who has acted for the City. I find that there was an alternative claim for damages. I was under the impression that this could not be very effective because there would be no evidence of the amount of damages which is usually ascertained by a sale of the goods which the purchaser has refused to accept, and the difference between the amount realized and the contract price is ordinarily the damages. In this case I understand considerable evidence was given at the trial and on the commission in New York to the effect that these meters had no present market value because they were specially constructed to suit the contract to register in Imperial gallons, and also with some other fittings not used in the States, and that for these reasons it would be impossible to sell them, but that they would have to be in great part reconstructed and a considerable part of the present fittings thrown away. The damages in this way would necessarily be very large. I also learn that the learned judge at the trial declined to go into the question of damages because he was of opinion that the contract price was recoverable, and declared that in the event of his being wrong upon that point, he would, if necessary, grant a reference to assess the damages. It therefore appears clear to me that so far as this question is concerned the City has only the alternative of paying the full price for the meters and having the meters, or paying damages which would be necessarily large and not having the meters. Of course, if the City succeeds on the main question this alternative would not arise.

It is only fair to Mr. Ritchie to say that I have discussed the question with him and that he does not agree with me that damages could be recovered in the present action, although the City might be liable for them.

I have thought it only right to make this further explanation in order that the Council may have the fullest information in my power in order to enable it to decide whether or not to appeal.

F. H. BELL, *City Solicitor.*

Moved by Alderman Rankine, Seconded by Alderman Hebb, that the consideration of the clause be deferred and that each Alderman be furnished with a copy of the opinions of Mr. Ritchie and Mr. Bell.

Motion put and lost, 4 voting for the same and 10 against it, as follows:—

For the Motion.

Aldermen Wilson, Hebb,
Corston, Rankine—4.

Against it.

Aldermen Shaffner, Whitman, Bligh,
McManus, Douglas,
Hoben, Kelly, Thompson,
MacKenzie, Edwards—10.

Moved by Alderman Bligh, seconded by Alderman Whitman, that the clause recommending that an appeal be taken be adopted.

Alderman Douglas asked to be excused from voting on the ground of pecuniary interest.

Moved by Alderman Bligh, seconded by Alderman McManus, that Alderman Douglas be excused from voting.

The vote being taken there appeared :—

To excuse Alderman Douglas.	Against.
Aldermen Shaffner, Bligh, McManus, Martin, MacKenzie, Edwards, Rankine.—7.	Aldermen Wilson, Whitman, Hebb, Smith, Hoben Kelly, Corston.—7.

His Worship the Mayor gives his casting vote for the motion and declares Alderman Douglas excused from voting.

Moved by Alderman Bligh, seconded by Alderman Douglas, that Alderman Martin be excused from voting.

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

For the Motion.	Against it.
Aldermen Shaffner, Bligh, McManus, Douglas, Hoben, Kelly, Corston, MacKenzie, Edwards, Rankine.—10.	Aldermen Wilson, Whitman, Hebb, Smith.—4.

Moved by Alderman Bligh, seconded by Alderman Martin, that Alderman McManus be excused from voting. Motion passed.

The motion to adopt the clause is put and lost, 4 voting for the same and 8 against it, as follows :—

For the Motion.	Against it.
Aldermen Wilson, Whitman, Hebb, Bligh.—4.	Aldermen Shaffner, Smith, Hoben, Kelly, Corston, MacKenzie, Edwards, Rankine.—8.

Aldermen McManus, Douglas and Martin excused from voting.

Read clause 2 re weigher of Dominion Atlantic Railway cars.

Also read opinion of the City Solicitor on the matter.

WEIGHING OF FREIGHT CARS.

OFFICE OF CITY SOLICITOR, May 17th, 1909.

RE CAR WEAIGHER FOR D. A. R.

To the Charman of the Committee on Laws and Privileges:

SIR,—The only authority which the City possesses to appoint inspectors or weighers is that contained in section 865 of the Charter, which authorizes the appointment of surveyors of lumber and measurers of coal and salt. If there is any legal authority for the appointment by the City of a car weigher it must be under the provisions of some other statute with which I am not acquainted.

F. H. BELL *City Solicitor.*

Moved by Alderman Bligh, seconded by Alderman Wilson, that the clause be adopted. Motion passed.

Read clause 3 re bill posters' license. Passed.

Read clause 4 re Arena Rink license. Passed.

Moved by Alderman Wilson, seconded by Alderman Smith, that the report as amended be adopted as a whole. Motion passed.

Read report May 10th, 1909, Finance Committee on various matters.

REPORT FINANCE COMMITTEE.

COMMITTEE ROOM, CITY HALL, May 10th, 1909.

To 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 Whitman, Bligh, Smith, Thompson and Edwards, on motion of Alderman Edwards, seconded by Alderman Thompson, Alderman Whitman was appointed Chairman for the ensuing year.

The following matters were dealt with:—

1. In re application of London, England, publication "Canada" for advertising the City of Halifax, it is recommended that the letter be acknowledged and filed, as there is no appropriation for this service.

2. In re application James H. Dow and Mrs. Dow, for refund of \$123.20, the amount paid into the Officials' Superannuation Fund, it is recommended that the trustees of said fund be authorized to pay to Mr. Dow the said sum of \$123.20, the amount so paid into the fund by himself and Mrs. Dow.

3. In re letter W. D. Lighthall, Esq., Hon. Secretary Union Canadian Municipalities, covering account, \$120.00, subscription for the City of Halifax to the Union for the present year, it was decided to report this matter up without recommendation for the Council to deal with.

4. Your Committee further report that it will be necessary to at once obtain an overdraft from the bank to meet current expenses until the taxes for the current year are collected, and recommend the adoption of the accompanying resolution approved of by your Committee.

The following accounts, amounting to \$1,227.69, were examined, found correct, and are recommended for payment, viz:—

St Patrick's Home, maintenance of boys for quarter ending May 1st, 1909—Reg. commitments, \$210.00; Truants, \$215.12—\$425.12. Halifax Industrial School, maintenance of boys for quarter ending May 1st, 1909—Reg. Commitments, \$195.00;

Truants, \$171 65. Dr. Finn, Medical Examiner—Certificate of death of unknown child, \$41.00; Ernest Rayney, 4.00; James Graves, \$4.00; Francis Baker, \$4.00; Ella Walsh, \$12 00—\$36.00. Halifax Bill Posting Co., posting bills, \$19 00. A. & W. Mackinlay books City Clerk, \$14 00. King's Printer, printing City Bills, \$51.00. T. C. Allen & Co., stationery and printing, \$2.20; City Collector, \$35.20; City Clerk, \$59.90—\$97 30. British American Bank Note Co., altering plate and printing bonds, \$125.00. Halifax Herald, advertising, \$16.75, \$21.38, \$9.00, \$3.90—\$51.03. Halifax Herald, subscription to Herald for 1908, City Collector, \$6.00. W. B. Dana Company, subscription to Commercial and Financial Chronicle, \$11.50. London Rubber Stamp Co., dog tags, \$22.69. S. H. Holmes, Prothonotary's fees, \$2 40. Total, \$1,237 69.

ALFRED WHITMAN, *Chairman.*

The same is considered clause by clause.

Read clause 1 re advertising Halifax in London, England, "Canada." Passed.

Read clause 2 re refund out of Officials' Superannuation Fund of \$123.20 to James A. Dow and Mrs. Dow.

Moved by Alderman Whitman, seconded by Alderman Smith, that the clause be adopted. Motion passed.

Read clause 3 re annual subscription fee \$120.00 Union of Canadian Municipalities.

Moved by Alderman Whitman, seconded by Alderman Douglas, that the account be paid out of Contingent Fund.

Moved in amendment by Alderman McManus, seconded by Alderman Hebb, that the City of Halifax discontinue its membership in the Union and that the membership fee be not paid.

His Worship the Mayor rules the amendment out of order.

The motion is put and passed.

Read clause 4 re over draft at the Royal Bank.

The following resolution is submitted :—

Whereas, It is considered advisable for the purpose of defraying expenditures for which the taxes of the current year would, if now collected, be applied, that the City of Halifax do borrow under section 310 of the City Charter from the Royal Bank of Canada an amount not exceeding thirty per cent. of the taxes for the current year now uncollected

And Whereas, The taxes uncollected for the current year now amount to a sum over \$530,000 ;

Be it Resolved, That the City of Halifax do forthwith borrow from the Royal Bank of Canada the sum of \$159,000 00 to be applied for defraying expenditures for which the taxes of the current year would if now collected be applied, to be repaid to the said bank out of the said taxes when collected, and that the City Treasurer be authorized on behalf of the City of Halifax to negotiate the said loan and to pledge the credit of the City of Halifax therefor.

Moved by Alderman Bligh, seconded by Alderman Smith, and passed unanimously.

Read clause 5 re accounts. Passed.

The following resolution is submitted :—

Resolved, that the report of the Finance Committee, as amended, be adopted, and His Worship the Mayor authorized to sign warrants for payment of accounts therein recommended.

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

Read report May 17th, 1909, Finance Committee on various matters.

REPORT COMMITTEE ON FINANCE.

COMMITTEE ROOM, CITY HALL, May 17th, 1909

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 Whitman (Chairman), Smith and Bligh, the Committee had under consideration—

1. The matter of insurance on Silliker Car Company, Ltd. Letters were read from the N. S. Board of Fire Underwriters, protesting against the approval by the City of the insurance taken by said Company with Lloyd's, of London, England. Mr. E. P. Allison, on behalf of the Silliker Company, and Mr. W. E. Thompson, on behalf of the N. S. Board of Fire Underwriters, appeared before and addressed the Committee in the interests of their respective associations.

The City Solicitor, at the request of the Committee, submitted an opinion on the subject.

The following resolution was adopted :—

Whereas, according to the opinion of the City Solicitor that there is some doubt as to the legality of such insurance, your Committee beg to report and recommend the safer course of declining the policy of \$38,000 in Lloyd's. We have asked the representatives of Silliker Car Company, Limited, to at once secure proper insurance for this sum of \$38,000, and in other respects confirm our former report.

2. In re letter of J. W. Umlah, accepting the City's proposal to purchase his property at the Chain Lakes for improvement of the water service, it is recommended that the same be referred to the Committee on Works.

ALFRED WHITMAN, *Chairman*.

The same is considered clause by clause.

Read clause 1 re fire insurance on property of Silliker Car Company.

Also read opinion of City Solicitor on the subject.

RE SILLIKER INSURANCE.

OFFICE OF CITY SOLICITOR, May 5th, 1909.

Chairman Finance Committee :

SIR,—Of the points raised by the memorial of the local Board of Fire Underwriters two are of a purely legal character on which I can properly express an opinion.

First—The non-compliance by Lloyds with the provisions of the Dominion Insurance Act in respect to license. By section 5 of the Insurance Act, Cap. 34, C. R. S.,

every person or company, with certain exceptions, not here material, is required to take out a license before accepting any risk or issuing any policy of fire insurance in Canada, and section provides a penalty for non-compliance. The effect of failure by a foreign company to comply with a provincial registration Act has been recently before the Supreme Court of the Province in the case of the American Hotel and Supply Company vs. Fairbanks. In this case the trial judge (Weatherbe, J) held that a contract made by an unregistered foreign company was invalid. The judgment was reversed on appeal, but on grounds somewhat technical, and without questioning the general principles on which the trial judge proceeded. In the present state of the law I can only say that it is extremely doubtful if a contract made by an unlicensed company could be enforced.

Second—Assuming the contract could be enforced, could it be enforced by an action in the province when the underwriters reside in England and have no assets in the province. If the company were licensed section 24 of the Act provides for service of process in the province. An unlicensed non-resident company or person without assets could be proceeded against by means of service out of the jurisdiction and would probably in the case of such a concern as Lloyds recognize any judgment so obtained; but if any individual underwriter did not so choose to recognize a judgment obtained in this way recourse would ultimately have to be taken against him in England.

F. H. BELL, *City Solicitor.*

Moved by Alderman Whitman, seconded by Alderman Bligh, that the clause be adopted.

Moved by Alderman Hoben, seconded by Alderman Edwards, that Mr. C. J. Silliker be heard. Motion passed.

Mr. Silliker addresses the Council.

Moved in amendment to the original motion by Alderman Douglas, seconded by Alderman Edwards, that this Council approve of the insurance of \$38,000.00 of the Silliker property in Lloyd's.

Amendment put and passed, 11 voting for the same and 4 against it, as follows:—

For the Amendment.

Aldermen Hebb, McManus,
Douglas, Smith,
Hoben, Kelly, Martin,
Corston, MacKenzie,
Edwards, Rankine.—11.

Against it.

Aldermen Shaffner, Wilson,
Whitman, Bligh.—4.

Moved by Alderman Whitman, seconded by Alderman Hoben, that the balance of the \$101,000.00 in the other policies included in the assignment of insurance from the Silliker Car Company to the City be now approved of. Motion passed.

Read clause 2 re John W. Umlah property at Chain Lake.

Moved by Alderman Whitman, seconded by Alderman Bligh, that the clause be adopted.

Moved in amendment by Alderman Hoben, seconded by Alder-

man Rankine, that the City Solicitor search the title to Mr. Umlah's property, and that provision be made to take over the property.

Amendment put and passed.

Read reports Committee on Works and City Engineer re railway crossing Cornwallis Street to Acadia Cold Storage property.

ACADIA COLD STORAGE CO'S SIDING.

CITY WORKS OFFICE, May 13th, 1909.

To the City Council :

GENTLEMEN,—At a meeting of the Committee on Works (Ald. Whitman absent), held this day, the attached report of the City Engineer on letter from the Acadia Cold Storage Co., Ltd., in re permission to put a railway siding across Cornwallis Street, &c., was read and recommended to Council for adoption.

J. A. CHISHOLM, *Mayor and Chairman.*

CITY ENGINEER'S OFFICE, May 12th, 1909.

His Worship the Mayor :

SIR,—I beg to report on the accompanying petition from the Acadia Cold Storage Company asking for permission to put in a railway siding across Cornwallis Street, and along the front of the Company's proposed warehouse, at the corner of Cornwallis and Water Streets. Authority for a permit is provided by an Act passed at the last session of the Legislature. The Act provides that 'a permit may be granted on such terms and conditions as may be approved by the Council on the recommendation of the City Engineer, which shall include the erection and maintenance of suitable gates at the crossing, provided the said Company shall have its buildings erected and completed and put in operation as a going concern within one year from the passing of this Act.'

I would recommend that a permit be granted on the conditions named in the Act, and that an agreement embodying the conditions be signed by the Acadia Cold Storage Company before any work is done. I would recommend that the agreement provide that traffic over the siding shall be subject to the direction of the Chief of Police; that the siding shall be located to the approval of the City Engineer, laid to the grade of Cornwallis Street, paved where it crosses the street with such material as the City Engineer shall approve, and maintained and kept in good repair by the Company and shall be operated only in connection with the business of the Company. That provisions be inserted for protecting the public against accident and indemnifying the City, and such other conditions, as in the opinion of the City Solicitor, may be necessary.

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

Moved by Alderman Whitman, seconded by Alderman Wilson, that the same be adopted. Motion passed.

Read report City Prison Committee covering accounts, &c.

REPORT CITY PRISON COMMITTEE.

COMMITTEE ROOM, CITY HALL, May 12th, 1909.

To His Worship the Mayor and City Council :

GENTLEMEN,—Your Committee on City Prison beg to report that at a meeting held this day, there being present Aldermen Wilson, Corston and Rankine, on motion of Alderman Corston, seconded by Alderman Rankine, Alderman Wilson was appointed Chairman of the Committee for the ensuing year.

An inventory of the articles at City Prison was submitted and filed.

The following accounts, amounting to \$101.50, were passed as correct and are recommended for payment t—

W. A. Maling & Co., ox heads, \$11.25. Wentzells, Ltd., groceries, \$21.55. Hill-side Stables, J. Nolan, cab hire, \$6.00. W. J. Hubley, oats and bran, \$33.20. Mrs. Horne, shoes, \$12.00. John H. Sutherland, dry goods, \$12.22. Evans & Co., hardware, \$4.42. Hlfx. Electric Tram Co., light, 86c. Total, \$101.50.

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

S. Y. WILSON, *Chairman.*

The following resolution is submitted :—

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

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

Read report Library Commission covering accounts.

LIBRARY ACCOUNTS.

COMMITTEE ROOM, CITY HALL, May 17th, 1909.

To His Worship the Mayor and City Council:

GENTLEMEN,—The Library Committee beg to report that at a meeting held this evening, there being present Aldermen Wilson, Hebb, and Edwards and Mr. G. W. T. Irving, Alderman Hebb was appointed Chairman of the Committee for the ensuing year.

The following accounts, amounting to \$162.19, were examined, found correct and are recommended for payment :—

T. C. Allen & Co., stationery, \$0.20; \$6.00; \$3.40—\$9.40. School for the Blind, reseating chairs \$0.60. Morang & Co., books, \$1.65. J. R. Findlay, book marks, \$7.50. Library Bureau, books, \$1.00. Publishers Weekly, 1908 index, \$5.00. Library Bureau, register, \$3.00. C. D. Cazenove & Son, book, \$1.82. C. D. Cazenove & Son, books, £27 2s. 2d.—\$132.92. Total, \$162 19.

W. E. HEBB, *Chairman.*

Moved by Alderman Hebb, seconded by Alderman Wilson, that the report be adopted and the accounts paid. Motion passed.

By unanimous consent of the Council Alderman Smith introduces a motion.

Moved by Alderman Smith, seconded by Alderman Bligh, that the City Engineer lay down the Oxford Street street line as provided in the City Charter. Motion passed.

Read reports Committee on Works and City Engineer re letter William D. Marks, Consulting Engineer and Statistician, New York.

CONSULTING ENGINEER.

CITY WORKS OFFICE, May 18th, 1909.

To the City Council:

GENTLEMEN,—At a meeting of the Committee on Works, held this day, the attached report of the City Engineer on letter of Wm. D. Marks was read and recommended to Council for adoption.

J. A. CHISHOLM, *Mayor and Chairman.*

CITY ENGINEER'S OFFICE, May 12th, 1909.

His Worship the Mayor:

SIR,—I beg to report on the accompanying letter referred to me.

Mr. Wm. D. Marks offers his services to the City in case we desire an investigation of gas or electric light prices. As his services are not required for any work at present in contemplation, I would suggest that his letter be filed for the present. The charges for gas and electric lighting will, I presume, come under the commissioners appointed under the provisions of the Public Utility Act, passed at the last session of the Legislature.

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

Moved by Alderman Whitman, seconded by Alderman Hebb, that the same be adopted. Motion passed.

Read report Committee on Works re refusal of William Duffus to accept \$25.00 for right-of-way Yale Street sewer.

YALE STREET SEWER.

CITY WORKS OFFICE, May 13th, 1909.

To the City Council:

GENTLEMEN,—At a meeting of the Committee on Works (Ald. Whitman being absent), held this day, the attached reply of Wm. Duffus in re his offer for right-of-way Yale Street sewer was read and referred to Council for its information.

J. A. CHISHOLM, *Mayor and Chairman.*

HALIFAX, N. S., May 5th, 1909.

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

DEAR SIR,—Yours of the 27th ult. at hand, and in reply have to say that I decline to accept the offer of \$25.00 and withdraw my offer of \$50.00. I may also say that no person has ever been given the right-of-way through the lane by deed or otherwise.

WM. DUFFUS.

Alderman Hoben asked for the advice of the City Solicitor.

The City Solicitor recommended expropriation of the property.

Moved by Alderman Hoben, seconded by Alderman Kelly, that the Committee on Works be instructed to proceed with the construction of the sewer.

Moved in amendment by Alderman Whitman, seconded by Alderman Hebb, that the report be referred back to the Committee on Works for further report. Amendment passed.

Read report Committee on Works re cleaning glass at City Hall.

CLEANING CITY HALL WINDOWS.

CITY WORKS OFFICE, May 1st, 1909.

To the City Council:

GENTLEMEN,—At a meeting of the Committee on Works held this day the attached Minute of Council in re letter Canadian Window Cleaning Co. in respect to cleaning glass at the City Hall was read.

Your Committee beg leave to report that the matter is included in the Janitor's duties.

J. A. CHISHOLM, *Mayor and Chairman.*

Moved by Alderman Whitman, seconded by Alderman Hebb, that the report be adopted. Motion passed.

Read reports Committee on Works and City Engineer re granite curb and gutter Quinpool Road.

CURB AND GUTTER QUINPOOL ROAD.

CITY WORKS OFFICE, May 18th, 1909

To the City Council:

GENTLEMEN,—At a meeting of the Committee on Works held this day, the attached report of the City Engineer on the cost of placing a granite curb and gutter on the south side of Quinpool Road between Windsor and Preston Streets was read.

It was decided to report to Council that, in the opinion of this Committee, the street appropriation cannot bear this expenditure.

J. A. CHISHOLM, *Mayor and Chairman.*

CITY ENGINEER'S OFFICE, May 12th, 1909.

His Worship the Mayor:

SIR,—I be to report on the accompanying resolution of Council asking for a report of the cost of placing a granite curb and gutter on the south side of Quinpool Road between Windsor and Preston Streets.

The cost of a granite curb and gutter is estimated at \$4,200.00. As this road is 70 ft. wide, I think a concrete curb and gutter would be sufficient with granite at the corners. The estimated cost is \$1,908.00. Perhaps I should remind the Council that a curb and gutter alone cannot be paid for out of the sidewalk fund as the Act authorizes the borrowing of money for the construction of sidewalks.

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

Moved by Alderman Whitman, seconded by Alderman Wilson, that the report of the Committee be adopted.

Moved in amendment by Alderman McManus, seconded by Alderman Douglas, that the work be proceeded with at once.

Amendment put and lost, 5 voting for the same and 9 against it, as follows:—

For the Amendment.
Aldermen McManus, Douglas,
Hoben, Kelly,
Martin.—5.

Against it.
Aldermen Shaffner, Wilson,
Whitman, Hebb,
Bligh, Corston,
MacKenzie, Edwards,
Rankine.—9.

The original motion is put and passed.

Read reports Committee on Works and City Engineer re concrete sidewalk Hollis Street.

HOLLIS AND DUKE STREET SIDEWALK.

CITY WORKS OFFICE, May 18th, 1909.

To the City Council:

GENTLEMEN,—At a meeting of the Committee on Works held this day the attached report of the City Engineer on application of Acadia Sugar Refinery Co for a concrete sidewalk corner Hollis and Duke Streets were read. It was decided to recommend the adoption of his report, work to be done when funds are available

J. A. CHISHOLM, *Mayor and Chairman.*

CITY ENGINEER'S OFFICE, May 12th, 1909.

His Worship the Mayor:

SIR,—I beg to report on the accompanying request from the Acadia Sugar Refining Company asking for a concrete sidewalk in front of their building, at the corner of Duke and Hollis Streets

There is at present a brick sidewalk in front of the property. The sidewalk on the other side of Hollis Street is concrete, and further north on the same side, also the block south. On Duke Street the south sidewalk is concrete.

The estimated cost of laying a concrete sidewalk in front of the Sugar Refining Company's building on Hollis and Duke Streets is about two hundred dollars (\$200.00).

I would recommend that the work be done under the Permanent Sidewalk Act.

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

Moved by Alderman Whitman, seconded by Alderman Wilson, that the reports be adopted. Motion passed.

Read reports Committee on Works and City Engineer re improvement Cabot Street.

CABOT STREET IMPROVEMENT.

CITY WORKS OFFICE, May 18th, 1909.

To the City Council:

GENTLEMEN,—At a meeting of the Committee on Works, held this day, the attached report of the City Engineer on Minute of Council in re Cabot Street improvement was read. It was decided to recommend the said report to Council for adoption and that a copy be sent to petitioners for their information.

J. A. CHISHOLM, *Mayor and Chairman.*

CITY ENGINEER'S OFFICE, May 12th, 1909.

His Worship the Mayor :

SIR,—I beg to report on the accompanying petition and letter asking for repairs and the construction of a sidewalk on Cabot Street.

The petitioners state that some years ago the City coated the street with broken stone and this statement is correct. At that time there were no houses on the street and the stone crusher was located on Agrícola Street, to which the boulders taken from the surface of Merckelsfield were carried and crushed. In order to get out to Gottingen Street over the soft ground we were obliged to make a road. I was informed by the then Recorder that such work could very properly be done. There is no such necessity at the present time from a City point of view. At the same time the street is not in a satisfactory condition, and I would be glad to recommend that the prayer of the petition be granted if it were legal to do so. Section 532 of the City Charter provides that "the Committee on Works shall so far as the funds at its disposal permit keep clean and in good order and repair every street the legal title to which is vested in the City, and no other." In the face of this provision in the Charter the City is powerless to carry out the prayer of the petition, as the street has not been accepted by the City. The only way in which we can assist the petitioners is by using the ashes collected in the Ward, and as the quantity available is very limited and the demands in Ward Six very great it is doubtful if the work would be reached or overtaken in the near future. When the ashes can be spared for this work, however, I would recommend that it be used to improve the condition of the street.

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

Moved by Alderman Whitman, seconded by Alderman Wilson, that the same be adopted. Motion passed.

QUESTIONS BY MEMBERS.

Alderman Hoben asked if the Charities Committee is expending money on the City Home out of last year's unexpended balance.

Alderman Hebb, Chairman of Charities Committee, stated that the Committee is proceeding with repairs decided upon by last year's committee.

Alderman Hoben asked for the opinion of the City Solicitor as to the legality of doing this work out of last year's appropriation.

The City Solicitor said the money would have to be voted before the end of last civic year.

Alderman Hoben asked if the work was ordered by the Council before the end of last civic year.

Alderman Hebb asked if His Worship the Mayor intends nominating the special Railway Committee.

Alderman Kelly asked if it is the intention of the Council to pay for the services of last year's Juries Lists Committee and for this year's Committee. He would decline to act this year without pay.

MOTIONS BY MEMBERS.

Alderman McManus submits the following resolution :—

Resolved, that the Works Committee be instructed to repair the sidewalk on Quin-pool Road, on the south side, from Robie Street to Preston Street.

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

Alderman Hoben submits the following resolution :—

Resolved, that the Legislation Committee be requested to furnish the Council at its next meeting with a report on all legislation affecting the City that was introduced or passed at the last session of the Legislature.

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

Alderman Rankine submits the following resolution :—

Resolved, that the Board of Works report on streets of Wards I, II, III, IV, V and VI, as to their being sufficiently graded for taking over by the City, and particularly, if Cabot Street is now in condition to be taken over by the City at once.

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

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

Council adjourns 11.45 o'clock.

REVISION OF PAPERS SUBMITTED

Head Report Chief of Police reporting on violations of liquor license Act on Sunday

Head application for Bill Poster's license

to Law and Privileges Committee

Head petition for concrete sidewalk Robie Street

Letter on Works for reports

of the City Assessor

EVENING SESSION.

8.10 o'clock.

COUNCIL CHAMBER, CITY HALL, May 27th, 1909.

A special meeting of the City Council was held this evening. At the above hour there were present His Worship the Mayor and Aldermen Wilson, Whitman, McManus, Martin, Edwards and Kelly.

Moved by Alderman Martin, seconded by Alderman Kelly, 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 Hebb, Bligh, Smith, Douglas, Hoben, Thompson, MacKenzie and Rankine.

The Council was summoned to deal with matters standing on the Order Paper, to proceed with business standing over and the transaction other business.

PRESENTATION OF PAPERS.

The following named papers are submitted :—

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

Report Laws and Privileges Committee, by Alderman Bligh, Chairman.

Report Finance Committee, by Alderman Whitman, Chairman.

Report Charities Committee, by Alderman McManus, Chairman.

Report Legislation Committee, by Alderman Whitman, Chairman.

His Worship the Mayor submits the following named papers :—

Reports (4) Committee on Works, viz :

Widening Windsor Street.

Concrete walk, curb and gutter, Lorne Terrace.

Tenders for fire insurance.

Loans for sewerage \$30,000.00; permanent sidewalks, \$15,000.00; water extension, &c., \$70,000.00.

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

Resolutions of Commercial Committee on various matters.

Letter T. H. Hall in re fire at H. H. Fuller & Co's., May 5th, 1909.

Letter N. S. Board of Fire Underwriters in re Horton Aerial Ladder.

Application Thos. Little for position of Assistant City Assessor.

Application L. R. Acker for Bill Poster's license.

Petition for concrete sidewalk Robie Street.

REFERENCE OF PAPERS SUBMITTED.

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

Read application L. R. Acker for a bill poster's license. Referred to Laws and Privileges Committee for report.

Read petition for concrete sidewalk Robie St. Referred to Committee on Works for report.

Read application Thos. Little for position of Assistant City Assessor. Filed.

CONSIDERATION OF PAPERS SUBMITTED.

Read report Committee of Fire Wards on various matters.

REPORT COMMITTEE OF FIRE WARDS.

COMMITTEE ROOM, CITY HALL, May 21st, 1909.

His Worship the Mayor and City Council:

GENTLEMEN,—The Committee of Fire Wards beg to report and recommend as follows:—

1. That Thomas Martin of No. 1 Chemical Engine and James Curren, callman on No. 4 engine have resigned. Resignations recommended for acceptance.
2. That Patrick Sheehan, Engineer of No. 4 engine, "Alexandra" is under suspension pending an investigation into the burning out of the tubes of the said engine.
3. That ten officers, permanent men and callmen are on the sick list, viz:—Lieut. Mahar, Captain Major, Arthur Sheehan, Captain Burns, John Banfield, Andrew Duggan, Arthur MacKenzie, Wm. B. Fidler, Luke Flinn and John Sullivan.
4. That Patrick Harris, callman is under suspension, pending further enquiry into charges of shirking duty.
5. Callmen Wm. McAskill and John Sullivan were injured at Fuller's fire May, 5th.
6. The fire engine "Alexandra" was put out of commission at Fuller's Fire caused by the accidental burning out of her tubes. An investigation will be held by the Board.
7. The 70 ft. Seagrave extension ladder has been repaired and is now in service, being kept at the Queen's Wharf.
8. A new set of water tubes has been placed in the Waterous engine "King Edward" at a cost of \$96.00.
9. The following members were absent from third alarm of fire box 41, May 5th,—Captain Major, Capt. Burns, Lieut. Mahar, Arthur Sheehan and Luke Flinn, sick, James Curren, since resigned and William Bishop and George Branch on leave.
10. Wm. Shanks, callman, is recommended for appointment as driver, and Walter Purcell, Supernumerary, as callman.
11. James Kieley, William Clements, Geo. Duggan, James Doherty, John Keefe, Harry Jeans and Walter Murphy are recommended for appointment as supernumeraries.
12. It is recommended that the Committee on Works place two additional fire hydrants on North Street between Clifton Street and Windsor.

13. It is recommended that 400 ft. of chemical hose be purchased immediately as the same is urgently required. As the cost will be about \$220 00 provision will have to be made by the Council for the expenditure.

14. At the Fuller fire May 5th, a considerable quantity of hose of all makes in service burst and has since been repaired. All hose that burst inside the guaranteed period of four years will be repaired or replaced by the manufactures. Between 300 and 400 ft. was totally destroyed.

15. At the same fire one axe, one Eastman nozzle, seven hose beackets, one street rope and three spanners were lost and about twenty suits of oil clothing torn. The Chairman and Chief were authorized to replace same at once.

16. Upon the recommendation of the Chief and Chief Engineer your Board recommend that tenders be asked for fitting dumping grates in the "Alexandra," a water column with try cocks and a new set of copper tubes ordered from the makers.

17. The Board has decided to hold an investigation respecting the water supply at the Fuller fire, May 5th.

18th. Tenders having been called for and received for various supplies the following are recommended :—

Soda and soap, Wentzell's, Ltd.

Sulphuric Acid, Imperial Oil Co.

Kerosene and Gasoline, Canadian Oil Companies, Ltd

Waste, Wm. Stairs, Son & Morrow.

19. The following named accounts are recommended for payment :—

W. F. Bethune, painting and papering, \$70.50. G. M. Cullen & Co., painting, 48.75. S. Cunard & Co., coal, \$59 53. Church of England Coffee Rooms, meals for firemen, \$10.00. James Dempster & Co., lumber, \$30.11. John Davison & Son, lumber, &c., \$10.13. J. A. Dunn, Ltd, nickelplating, \$1 70. Farquhar Bros., supplies, \$24 99. H. H. Fuller & Co., springs, etc., \$7.25. Neil Fox, harness work, \$18.00. John Foley, mason work, \$26.60. R. E. Flannigan, repairing uniforms, \$6 50. A. J. Grant & Co., supplies, \$10.44. Globe Laundry, work, \$9.31. Halifax Tram, Co., light, \$18 17, power, \$7.40—\$25.57. W. C. Knight, saddlery, \$2.25. Longard Bros., 2 radiators, \$22.50. Dr. Howard McFatridge, veterinary services, \$64.00. Robert Merlin, lumber, \$2 34. Market Square Restaurant, meals for firemen, \$3.00. A. J. McNutt, carriage work, \$5.65. J. H. Mont & Co., carriage work, \$11.51. Wm. McFatridge, roofing etc., \$33.60. Imperial Oil Co., gasoline, \$11.42. Pitner Lights, supplies, \$4 00. David Roche, moulding, &c., \$2.89. Silliker Car Co., fire bar, \$1.00. F. A. Shaw, feed, \$271.77. Stairs, Son & Morrow, plumbing supplies, \$3.63. J. McD. Taylor, plaster, \$1 35. Waterous Engine Works, 96 water tubes, \$96 00. Callmen's pay for work at ruins Fuller's fire, \$134 90. Total—\$1031.19.

J. S. EDWARDS, *Chairman.*

The same is considered clause by clause.

Clauses 1 to 5 are severally read and adopted.

Read clause 6 re accident to steam fire engine Alexandra, May 5th. at Fuller fire.

Moved by Alderman Edwards, seconded by Alderman Wilson, that said clause be adopted.

Alderman Hoben asked for the opinion of the City Solicitor as to whether it is legal for the Committee of Fire Wards as now constituted—consisting of only four members—to order goods for the Fire Department.

The City Solicitor stated that in his opinion the Committee of Fire Wards could not make a contract without the consent of the City Council even if there were six members on the Committee as required by the Charter.

The motion is put and passed.

Clauses 7 to 11 are severally read and adopted.

Read clause 12 re fire hydrants North Street.

Moved by Alderman Edwards, seconded by Alderman Wilson, that said clause be adopted.

Moved by Alderman Hoben, seconded by Alderman Kelly, that said clause be referred to the Committee on Works for report. Amendment put and passed.

Read clause 13 re purchase of chemical hose.

Moved by Alderman Edwards, seconded by Alderman Wilson, that, said clause be adopted. Motion passed.

Read clause 14 re hose burst and destroyed at Fuller's fire May 5th.

Alderman Hoben asked for information as to said hose.

Read report Chief of Fire Department on the subject.

FIRE HOSE BURST AND BURNT AT FIRE ON MAY 5TH, BOX 41.

MALTESE CROSS—GUTTA-PERCHA RUBBER CO.

No. of lenth.	No. of yrs. in service.	Distance burst from coupling.
1	17	5 feet.
1	16	6 inches.
1	12	In centre of length.
2	9	3 inches and 5 inches.
2	7	3 inches.
1	3	3 inches.
2	2	3 inches and 6 inches.
2	2	In centre of length.

Three lengths can be repaired, and the cost of repairing the same will be paid by the company.

Two lengths will have to be replaced with new hose, which the agent, Mr. W. L. Ogle, has promised to do. Both these lengths have been sent to their factory.

PARA—CANADIAN RUBBER CO.

Two lengths, three years in service, burst at coupling, will be repaired and paid for by the company, as this hose has not stood the guarantee of four years at a pressure of 400 lbs.

ENGLISH HOSE.

(a) Four lengths, two years in service, burst near coupling, can be put in service again.

(b) One length, two years in service, burst 15 ft. from coupling, can be repaired to an 80 ft. length.

(c) One length, two years in service, burst at centre, can be repaired and made into two 45 ft. lengths.

(d) One length burst 3 ft. ; 45 ft. ; 50 ft. ; from coupling. Condemned.

(e) One length burst 8 ft. ; 20 ft. ; 30 ft. ; 40 ft. ; from coupling. Condemned.

GENERAL.

Ten lengths after being repaired and standing a pressure of 175 lbs may be put in service again.

Between 300 and 400 ft of hose was destroyed.

P. J. BRODERICK, Chief H. F. D.

Moved by Alderman Edwards, seconded by Alderman Thompson, that the Chief's report on said hose be read in full. Motion put and passed, 11 voting for the same and 3 against it, as follows :—

For the Motion.

Aldermen Wilson, Whitman,
McManus, Douglas,
Smith, Hoben,
Kelly, Thompson,
Martin, MacKenzie,
Edwards.—11.

Against it.

Alderman Hebb, Bligh,
Rankine.—3.

Clause 14 is now passed.

Clauses 15 and 16 are severally read and adopted.

Read clause 17 re investigation into water supply at Fuller fire.

Moved by Alderman Edwards, seconded by Alderman Wilson, that said clause be adopted.

The following amendment is submitted :—

Whereas, serious charges have been publicly made in connection with the recent fire on the premises occupied by Messrs. H. H. Fuller, G. Cook and others, in respect to the water supply of the City for purposes of fire protection, as to the efficiency and ability of the Fire Department of the City and as to the cause and origin of the said fire ;

And whereas, all such charges are matters relating to the duties of the members of this Council and of the officials of the Fire and Water Departments of the City, and are also matters intimately connected with the good government of the City and the conduct of its public business ;

And whereas, it is expedient that all of such matters should be investigated ;

Therefore resolved, that this Council do hereby request His Honor the County Judge of the County Court for District No. 1 to hold an investigation under sections 135-138 of the City Charter into—

(a) The cause and origin of the said fire ;

(b) The sufficiency of the supply of water available for the prevention and extinction of the same ; and

(c) The efficiency of the Fire Department and the Water Department of the City both in respect to apparatus and to the officials and members of the said departments.

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Moved by Alderman McManus, seconded by Alderman Douglas.
Read letter Thomas H. Hall, Manager General Assurance Corporation, Ltd., Toronto, relating to the Fuller fire.

H. H. FULLER & CO. FIRE, MAY 5TH, 1909.

OFFICE GENERAL ASSURANCE CORPORATION, TORONTO, May 22, 1909.

His Worship the Mayor :

DEAR SIR,—I recently visited Halifax for the purpose of satisfying myself as to whether your City was a desirable point in which to write fire insurance or not.

I had heard a good deal about the great conflagration hazard on the water front, but must say I did not fully realize the extent of this hazard until the water front was personally inspected.

While in your City it so happened that quite a serious fire occurred in this district which was witnessed by the writer. I am constrained to say that, in my opinion, if the night had not been still and rain falling, this fire would have assumed much more serious proportions.

The water pressure appeared to be totally inadequate despite the fact that all of your steam engines were at work, and had it not been for the timely arrival of the Dartmouth Brigade, I fear a good part of the waterfront would now be nothing but a mass of ruins.

From what was said to me when in Halifax, I have come to the conclusion that your citizens do not realize the seriousness of the situation from a fire insurance point of view, and the absolute necessity of improving the water pressure, if your City is not to be sooner or later completely fire swept.

This Corporation is writing fire insurance in Halifax, and, as its Canadian Manager, I desire to know if it is your intention to improve the water pressure, also the Fire Brigade.

It is true your City has had an unexampled record, but at the same time the hazard is there, and I feel that ultimately Halifax will be fire swept, unless this great hazard is recognized and steps taken to obtain a water pressure and brigade that would be equal to any emergency. Under existing circumstances the rates in Halifax do not appear to me to be adequate. In fact, if the public were charged a rate commensurate to the hazard involved, it would undoubtedly constitute a tax quite beyond their ability to meet.

However, I trust that the lack of water at the recent fire may have caused the authorities to realize the necessity of taking steps to improve the pressure without delay.

I shall be pleased to hear from you with reference to the matter in due course.

THOS. H. HALL, *Manager.*

Also read clause 5 of report of Commercial Committee re investigation into said fire.

The amendment being put the names on the division were recorded thus :—

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

His Worship the Mayor declares the amendment lost, not having received a two-thirds vote of Council.

Alderman Hoben gives notice of reconsideration.

The original motion is put and passed, the division of Council being as follows :—

For the Motion.	Against it.
Aldermen Wilson, Whitman, Hebb, Bligh, Smith, Thompson, Edwards. Rankine—8.	Aldermen McManus, Douglas, Hoben, Kelly, Martin, Mackenzie—6.

Mr. Hall's letter and clause 5 of the report of the Commercial Committee are referred to the Committee of Fire Wards.

Clause 18 is read and passed.

Read clause 19 re accounts.

The following resolution is submitted :

Resolved, That clause 19 of the report of the Committee of Fire Wards be adopted and His Worship the Mayor authorized to sign warrants for payment of the accounts therein referred to.

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

Moved by Alderman Edwards, seconded by Alderman Wilson, that the report as amended be adopted as a whole. Motion passed.

Read letter Nova Scotia Board of Fire Underwriters in re Horton (MacDonald) aerial ladder.

HORTON AERIEL LADDER.

HALIFAX, N. S., May 20th, 1909.

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

DEAR SIR,—I have to acknowledge receipt of your favor of the 16th ult., containing extract from council meeting of the 13th ult., re Horton (MacDonald) Aerial Ladder.

I am directed to reply thereto, that this Board is quite prepared to carry out the promise, as outlined in our letters to the Secretary of the City Board of Fire Commissioners, dated 27th November, 1908, and 30th December, 1908.

In case you may not have these letters before you I annex hereto a copy of each.

Trusting the above is satisfactory.

E. J. FAHIE, *Secretary*.

RE AERIAL TRUCK.

HALIFAX, N. S., November 27th, 1908.

L. FRED MONAGHAN, ESQ.,

Secretary Board of Fire Wards :

DEAR SIR,—Your favor of the 7th inst, re the above is to hand. In reply, I am

MAY 27TH, 1909.

instructed to say this Board regrets their letter of the 14th October was not sufficiently definite for your Board, and trust they make their position quite clear when they repeat that they require in order to grant the reduction in rates for an aerial truck, that it should meet their requirements. A very essential requirement is, that the people who have to manage and handle the truck shall have confidence in it and in their ability to manipulate it efficiently.

As this requirement is apparently not met in the "Horton" ladder this Board cannot grant the reduction in rates should this ladder be purchased, until at least the Fire Department has proved the efficiency of the ladder, when, if satisfactorily proven, this Board will be prepared to make the reduction promised.

EDWARD J. FAHIE, *Secretary.*

RE AERIAL TRUCK.

HALIFAX, N. S., Dec. 30th, 1908.

L. FRED MONAGHAN, ESQ.,

Secretary Board of Fire Commissioners:

DEAR SIR,—Replying to your favor of the 22nd inst. which came duly to hand, I am directed to reply reaffirming the position previously advised in my letter of the 27th November, namely, that it is required before granting the promised reduction in rates for an aerial truck that the people who have to manage and handle the truck shall have confidence in it and in their ability to manipulate it efficiently. no matter what make is obtained, and demonstrate their ability to satisfactorily handle same.

Trusting the above is satisfactory.

EDWARD J. FAHIE, *Secretary.*

Moved by Alderman Wilson, seconded by Alderman Hebb, that the same be referred to the Committee of Fire Wards. Motion passed.

Read report Commercial Committee on various matters.

REPORT COMMERCIAL COMMITTEE.

OFFICE BOARD OF TRADE, May 14th, 1909.

To the City Council:

GENTLEMEN,—Extract from Minutes of Commercial Committee held at Board of Trade Rooms, May 14th, 1909, for consideration of the Halifax City Council at next regular meeting.

1. Re visit Canadian Freight Association.

Moved by Alderman Edwards, seconded by Alderman Hebb:

Resolved, That this Commend the appropriation by the City Council of a sum not to exceed \$150,000 towards entertaining the members of the Canadian Freight Association, to be held in Halifax on or about July 15th. Carried.

2. Re letter Canadian Federation of Boards of Trade and Municipalities. Ordered to be filed.

3. Re letter Clements & Company's circular re trade with France. Ordered to be filed.

Re letter Pilotage Commission.

Moved by Mr. Bell, seconded by Mr. DeWolf:

Resolved, That if it is the privilege of the City Council to fill one of the vacancies

now existing in the Halifax Pilotage Commission that it would be in the interests of the City, and suggest that a nautical man be appointed.

5. President Johnson stated that a delegation of citizens had called on him and requested the Board of Trade to ask the City Council to hold an enquiry regarding the recent fire at Power's Wharf, Lower Water Street.

The following motion was made by President Johnson, seconded by Alderman Hebb.

Resolved, That this Committee request the City Council to cause an investigation re the alleged inefficiency of the water service, the disabling of the Shand and Mason steamer "Alexandra" and any other matters in connection with the recent fire at Power's Wharf Lower Water Street. Carried.

6. Re proposed new Market Building.

President Johnson called the attention of the Aldermen present to the desirability of having an auditorium in the center of City where meetings could be held, and as it was likely the Board of Trade would be obliged to vacate their present premises when the lease expires in November, and suggested that in making plans for said market building a storey could be added which the City could rent to the Board of Trade at a fair rate of interest on the amount it would cost. In connection with this matter President Johnson moved the following resolution seconded by Mr. Bell :—

Resolved, That the City Council be requested to take into consideration the addition of a storey to the proposed new market building to be fitted with offices and an auditorium suitable for the occupancy of the Board of Trade, for which the latter would pay a fair rental. Carried.

E. A. SAUNDERS, *Secy. Board of Trade*,

The same is considered clause by clause.

Read clause 1 re entertaining Canadian Freight Association.

Moved by Alderman Hebb, seconded by Alderman Wilson, that said clause be approved and adopted. Motion passed.

Read clause 2. Filed.

Read clause 3. Filed.

Read clause 4 re Pilotage Commission.

Moved by Alderman Hoben, seconded by Alderman Wilson, that said clause be adopted. Motion passed.

Clause 5. See reference at early part of this meeting.

Read clause 6 re proposed new market building.

Moved by Alderman Hoben, seconded by Alderman McManus, that the same be placed on the Order of the Day with No. 11 thereon, viz. :

" Message His Worship the Mayor in re veto of resolution relating to Public Market Site, November 2nd, 1908. Deferred to meeting November 5th, 1908 At meeting November 5th, 1908, further deferred until Special Committee reports "

Motion passed.

Read report Committee on Works re loans for certain services.

LOANS.

CITY WORKS OFFICE, May 26th, 1909.

To the City Council :

GENTLEMEN,—At a meeting of the Committee on Works held this day it was resolved to request the Council to borrow for Sewerage purposes \$30,000. Permanent Sidewalks \$15,000 and for Water Extension and Improvements, including cost of water meters and \$3500. for the Umlah property, \$70,000.

J. A. CHISHOLM, *Mayor and Chairman.*

The same is considered clause by clause.

Read clause 1 re \$30,000 for sewerage purposes.

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

Read clause 2 re \$15,000 for permanent sidewalks.

Moved by Alderman Whitman, seconded by Alderman Smith, that said clause be adopted.

Moved in amendment by Alderman Hoben, seconded by Alderman McManus, that the item for sidewalks be placed at \$10,000 to be spent this season.

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

For the Amendment.

Aldermen McManus, Douglas,
Hoben, MacKenzie.—4.

Against it.

Aldermen Wilson, Whitman,
Hebb, Bligh,
Smith, Kelly,
Thompson, Martin,
Edwards, Rankine.—10.

The original motion is put and passed on the following vote :—

For the Motion.

Aldermen Wilson, Whitman,
Hebb, Bligh,
Smith, Kelly,
Thompson, Martin,
Edwards, Rankine.—10.

Against it.

Aldermen McManus, Douglas,
Hoben, MacKenzie.—4.

Read clause 3 re \$70,000 for water purposes.

Moved by Alderman Whitman, seconded by Alderman Smith, that said clause be adopted.

Moved in amendment by Alderman Hoben, seconded by Alderman Kelly, that this clause be referred back to the Committee on Works for further report.

After discussion, moved by Alderman Wilson, seconded by Alderman Edwards the question be now put. Motion passed.

Amendment put and lost.

Original motion put and passed.

Alderman Hoben gives notice of reconsideration.

Read report Committee on Works re tenders for fire insurance.

FIRE INSURANCE.

CITY WORKS OFFICE, May 26th, 1909.

To the City Council :

GENTLEMEN,—At a meeting of the Committee on Works held this day the attached tenders for Fire Insurance were opened as follows :—

Acadia Fire Insurance Co.,	82½ cts. per \$100 for ¼ risk of \$91,000.
Halifax " " "	82½ cts. " " " " "
Nova Scotia " " "	82½ cts. " " " " "
Ontario " " "	80 cts. " " " \$20.00 on City Hall.
Mutual " " "	75 cts. " " " \$1000. risk for each property.
Nova Scotia Board of Fire Underwriters.	\$1.00 " " " entire risk, or on the 90 % Co-insurance clause

It was decided to recommend the acceptance of the Acadia, Halifax and Nova Scotia Insurance Co's, tenders.

J. A. CHISHOLM, Mayor and Chairman.

Moved by Alderman Whitman, seconded by Alderman Wilson, that said report be adopted. Motion passed.

Read report Special Committee on Legislation.

REPORT LEGISLATION COMMITTEE.

HALIFAX, N. S., May 25th, 1909.

To His Worship the Mayor and City Council :

GENTLEMEN,—The Council had quite a budget of legislation which they submitted to the Legislature for enactment.

BILL NO. 48. "An Act to enable the City of Halifax to Borrow Money" was passed without any amendment, and enabled the City to borrow from time to time \$50,000.00 for the construction of new sewers; and also a sum not to exceed \$3,000.00 to pay for the City's share of the deficit on capital account of the Provincial Exhibition; and also a sum not to exceed \$2,400.00 to defray City's share of permanent pavement already laid.

BILL NO. 50. "An Act to amend Chapter 71, Acts of 1907, "entitled an Act to enable the City of Halifax to Borrow Money." This Bill was enacted without any change, and removes any doubts as to the legality of our borrowing for sewers under the said Act of 1907, and enables us to borrow further sums under the authority of said Act for the further extension and improvement of the water system, and enables us to apply money when borrowed under said Act to pay an overdraft of \$28,435.83 extending in water construction account on the 30th day of April, 1908.

BILL NO. 63. "An Act to amend the Laws relating to the City of Halifax." was passed without change save as herein below mentioned. This Act enables the City to tax Penny Arcades, and also to fix price of water used for building

purposes. It also amends Section 271 m of the City Charter as to the superannuation, the proposed amendment was changed without our knowledge or consent and also section 231 dealing with City sinking funds. This Act also enables the Council to correct accounts for water passing through meters.

The Legislature refused to enact the clause in this bill known to the Council as the "Curfew Law."

This bill also compels any Tramway Company to get the consent of the City Council before building a tramway on any street in the City; and also enables the City to borrow \$1200.00 and interest to pay James Hillis & Sons, Limited, account. It also enables the City to pay \$50.00 to H. Hesslein & Sons for storage of porphery blocks; and also enables the Council to give to Dalhousie University the block of land lying between College and Morris Streets and Carleton and Summer Streets; and it also makes compulsory the superannuation of Assistant Assessor Cairns on or before the 1st day of August, 1909, in the following words:

12. Subsection 1 of Section 41 of Chapter 69, of the Acts of 1907, "An Act to amend the law relating to the City of Halifax" is amended by striking out the word "may" in the third line of said sub-section, and inserting in its place and stead the word "shall," and by inserting after the words "Assistant Assessor" in the fourth line of said sub-section, the words "on or before the first day of August, 1909."

I never heard a whisper of this legislation till the day before the legislature adjourned, when between ten and eleven in the forenoon I was told about it by a friend. I at once telephoned the City Solicitor, and requested him to see the local members and speaking in the name of the City Council, protest against the Bill. Shortly after and just as I was leaving my office to attend a meeting of the Board of Works, I called up the City Solicitor, and on finding he had not then attended to the matter, I asked him to meet me at the City Hall at eleven o'clock, where I was going to attend a meeting of the Board of Works, which he did. The City Solicitor and myself discussed the matter and we both agreed that the proper course was to at once see the local members and protest against the enactment. We recalled the fact that the Council had previously declared itself almost unanimously against this superannuation, and the City Solicitor was thus able to state the opinion of the Council. The City Solicitor made no report to me until going home the same night after the meeting of the City Council, and in fact owing to my time being very much occupied, I never thought of the matter till he reported to me. His verbal report given in the presence of Alderman Wilson and myself was that he had seen one of the local members, who informed the City Solicitor that they, the local members, would take the responsibility of the legislation.

Your Committee thinks this legislation, smuggled through as it was during the very last hours of the session, is a public scandal. Each year has its quota of such Legislation. The local members are solely responsible for it, as being a purely local matter is left entirely with the local member, and this Council should place the responsibility on the proper shoulders. Last year we had the Kehoe legislation, and the legislation taking the power from the City Council of fixing the salary of a City official.

BILL NO. 80. An Act to authorize the City of Halifax to borrow money and make an agreement with the Anderson Manufacturing Company, Limited, was rejected by the Legislature.

BILL NO. 114. "An Act to amend the Provincial Exhibition Act" increasing the number of representatives from this Council, was not passed.

BILL NO. 113. An Act to enable the Exhibition Commission to let or use the track of the Provincial Exhibition for any proper purpose, and to devote the revenue arising therefrom to defraying the expenses of the exhibition, was not passed.

The Bill to enable the City of Halifax to assist in the erection of model tenement houses in the City of Halifax was passed, subject to a change made in

Mr. Bell's draft, to whom the drafting of the bill was left by the Council, providing that instead of requiring, before the Act can be proclaimed in force, a majority of those entitled to vote to a majority of those voting, and leaving the date for the ballot to be held, to be determined by the City Council.

BILL NO. 159. An Act to amend Chapter 54 of the Acts of 1906, entitled "An Act for the Protection and reformation of neglected children and Acts in amendment thereof," was passed without the consent of the Council, and after the City Solicitor and the Chairman of this Committee had pointed out the objectionable features of the Bill, and had asked that the Bill be held over till it should be passed upon by the Council.

BILL, NO. 186. Authorizing the crossing of Cornwallis Street by the tracks of the I. C. R., was passed as recommended by the Council.

BILL NO. 199. "A Bill relating to the polling districts of the City of Halifax," was passed, after an objectionable clause enabling the Governor-in-Council to apportion the costs between the Province and the City, having been pointed out and objected to.

ALFRED WHITMAN, *Chairman of the Legislation Committee.*

Moved by Alderman Hoben, seconded by Alderman McManus, that the same be placed on the Order of the Day. Motion passed.

Read report Finance Committee on various matters.

REPORT COMMITTEE ON FINANCE.

COMMITTEE ROOM, CITY HALL, May 26th, 1909.

To 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 Whitman (Chairman) Bligh and Edwards, the committee had under consideration the matter of advertising for loans for following services:—as recommended by the Committee on Works at a meeting held this day:—

For Sewerage.....	\$ 30,000.00
Water purposes, including Umlah property	70,000.00
New Sidewalks	15,000.00
Permanent Pavements (City's share).....	2,400.00
City's share capital account Provincial Exhibition.....	3,000.00
Total.....	\$120,400.00

also the issuing of debentures for \$1200,00, and interest to pay for retaining wall Jas. Hillis' property, Vieth Street, (authorized by N. S. Acts, 1909)

It is recommended that the accompanying resolution bearing on this matter be adopted.

Your Committee further report that they had under consideration the application of E. C. Bethune for a civic grant of \$500.00 to run an excursion steamer on Halifax Harbor during summer months.

Your Committee are of opinion that it is not advisable to grant the application.

ALFRED WHITMAN, *Chairman.*

Moved by Alderman Whitman, seconded by Alderman Hebb, that the report be adopted.

Motion passed, Alderman Hoben dissenting.

The following resolution is submitted :—

Resolved, That the recommendation of the Finance Committee be adopted and that the City Treasurer be authorized and instructed to advertize for tenders for a loan to realize the amounts as below, viz :—

For Sewerage	\$30,000 00	Acts of 1909.
“ Water purposes, including Umlah property.	70,000 00	Cap. 71 of 1907, Amended Acts 1909.
New Sidewalks	\$15,000 90	Cap. 65, 1906.
City's share of pavements laid in City.....	\$ 2,400 00	Acts of 1909.
City's share Capital Account Prov. Exhibition..	\$ 3,000 00	Acts of 1909.
	<hr/>	
Not to exceed.....	\$120,400 00	

And that such amount of stock or debentures or both of the Consolidated Fund, 1905, be issued as will produce the said sum of \$120,400.

The stock of 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 to be issued under the authority of the Acts specified opposite to such sums respectively.

The City Treasurer is also authorized and instructed to issue under authority of an Act of the last session three debentures—one for the sum of four hundred and forty 84/100 dollars and payable in one year from date ; one for the sum of four hundred dollars and payable in two years from date ; and one for four hundred dollars and payable in three years from date—such debentures to bear interest at the rate of four per cent, per annum, in order to pay and discharge the contract made by the City with James Hillis & Sons, Ltd., for the construction of an embankment and retaining wall on Vieth Street.

Moved by Alderman Whitman, seconded by Alderman Bligh, and being put is passed, Alderman Hoben and McManus dissenting.

Read report Charities Committee covering accounts.

CHARITIES COMMITTEE ACCOUNTS.

To His Worship the Mayor and City Council :

GENTLEMEN,—The following bills for work performed at the City Home as ordered by the Charities Committee at their meeting held April 29th, 1909, are recommended for payment, viz :—G. M. Cullen & Co., \$33.00. Silliker Car Co., Ltd., \$69 30. Huxtable & Courtney, \$27.50. Kelly & Keddy \$117.00. Malcolm & Johnstone, \$47.35.

These accounts are chargeable to 1908-9.

P. J. McMANUS, *Chairman*.

Moved by Alderman McManus, seconded by Alderman Hebb, that the report be adopted and the accounts paid. Motion passed.

Read report Committee on Works re widening Windsor Street, North Street and Chebucto Road.

WIDENING WINDSOR ST., NORTH ST., AND CHEBUCTO ROAD.

CITY WORKS OFFICE, May 26th, 1909.

To the City Council :

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

letter and Minutes of Council in re widening Windsor St., North St., and Chebucto Road was read. On motion of Alderman Smith it was resolved to recommend to Council the acceptance of Mr. Bell's offer, the payments to extend over 3 years for such amount as certified to by the City Engineer.

J. A. CHISHOLM, *Mayor and Chairman.*

Moved by Alderman Smith, seconded by Alderman Martin, that the report be adopted.

Motion passed, Alderman Whitman dissenting.

Read reports Committee on Works and City Engineer re concrete walk, curb and gutter Lorne Terrace.

LORNE TERRACE SIDEWALK.

CITY WORKS OFFICE, May 26th, 1909.

To the City Council:

GENTLEMEN,—At a meeting of the Committee on Works held this day it was resolved to recommend to Council the construction of a 5 foot concrete cement walk, curb and gutter on Lorne Terrace, east side in accordance with City Engineer's report on petition asking for same.

J. A. CHISHOLM, *Mayor and Chairman.*

CITY ENGINEER'S OFFICE, May 27th, 1909.

His Worship the Mayor:

SIR,—In accordance with request of the Works Committee I beg to report on this matter again.

The property owners petitioned for a sidewalk in 1907 and at that time the request was not granted. The estimated cost of constructing a 5 ft. cement concrete sidewalk with concrete curb and gutter, the remainder of sidewalk sodded, was \$375.00, half of which would be paid by the property owners.

I would recommend that this sidewalk be placed in the sidewalk schedule and that the work be done.

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

Moved by Alderman Whitman, seconded by Alderman Edwards, that said reports be adopted Motion passed.

Read report Laws and Privileges Committee on various matters.

REPORT LAWS AND PRIVILEGES COMMITTEE.

COMMITTEE ROOM, CITY HALL, May 26th, 1909.

To His Worship the Mayor and City Council:

GENTLEMEN,—Your Committee on Laws and Privileges beg to report that at a meeting held this day, there being present, Aldermen Bligh, (Chairman), Whitman, Wilson, Thompson and Edwards, the following matters referred to the Committee for report were dealt with, as follows:—

1. Application John Frain for refund of deposit made with his Liquor License application.

It is recommended that the amount be refunded less cost of advertising.

2. Letter Union Canadian Municipalities covering copy of Fundy Tidal Bill now before Federal Parliament.

Your Committee are of opinion that there is nothing in the bill affecting the City of Halifax and recommend that same be filed.

3. Letter Geo. E. Faulkner and others asking for certain civic concessions on behalf of the Anderson Manufacturing Co.

It was moved by Alderman Whitman, seconded by Alderman Edwards, and passed, that the consideration of this matter be deferred until next meeting for the purpose of getting more information on the subject.

4. The consideration of the deferred portion of the Official City Plan, also the letter of H. D. Brunt, Secretary Citizens' Temperance Committee, covering resolution were laid over until next meeting.

F. P. BLIGH, *Chairman.*

The same is considered and passed clause by clause.

Moved by Alderman Hebb, seconded by Alderman Edwards, that the report be adopted. Motion passed.

QUESTIONS BY MEMBERS.

MOTIONS BY MEMBERS.

Moved by Alderman Kelly, seconded by Alderman Martin, that June 21st be proclaimed a public holiday. Motion passed.

Moved by Alderman McManus, seconded by Alderman Kelly, that the Council adjourn. Motion passed.

Council adjourns 11.30 o'clock.

EVENING SESSION.

8.10 o'clock.

COUNCIL CHAMBER, CITY HALL, June 3rd, 1909.

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, Edwards, Martin, Smith, Whitman, Wilson, McManus and Rankine.

Moved by Alderman Wilson, seconded by Alderman Whitman 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 Shaffner, Hebb, Kelly and Corsten.

The Council was summoned "to deal with matters standing on the order paper, 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 Hoben's notice of reconsideration of resolution in re fire investigation, before the County Court Judge. May 27th, 1809.

Read Minutes of last meeting on the matter.

Moved by Alderman Hoben that this matter be now reconsidered.

Alderman Whitman claimed that Alderman Hoben's motion is out of order on the ground that Alderman Hoben had voted at the last meeting for the amendment, which was lost, not having received a 2/3 vote of the Council, and therefore he could not now move for the reconsideration of the matter.

His Worship the Mayor, ruled that Alderman Hoben's motion is in order.

Alderman Hoben's motion is seconded by Alderman McManus.

The vote being taken there appeared for reconsideration 12, against 1, as follows:—

For Reconsideration.	Against.
Aldermen Shaffner, Wilson, Whitman, Hebb, McManus, Smith, Hoben, Kelly, Martin, Corston, MacKenzie, Rankine.—12.	Alderman Edwards.—1.

His Worship the Mayor declared the motion for reconsideration carried.

Read letter Board of Trade re holding fire investigation before County Court Judge.

FULLER FIRE INVESTIGATION.

OFFICE BOARD OF TRADE, June 3rd, 1909.

His Worship the Mayor and Members of the City Council:

GENTLEMEN,—At a meeting of the Council of the Halifax Board of Trade, held on June 1st, the following resolution was unanimously passed :—

Whereas, there has been considerable criticism by persons connected with fire insurance organizations, and others, respecting the handling of the fire on Lower Water Street on May 5th, last, and on account of the alleged lack of water :

And whereas, it is desirable a full and complete investigation should be held on account of the effect that such criticisms have on the matter of fire insurance rates ;

And whereas, the Council of this Board understands that under the provisions of the City Charter the City Council has the power to refer such a matter as this to the County Court Judge for investigation under oath, be it

Therefore resolved, that the City Council be respectfully requested to cause such investigation to be held by the Judge of the County Court.

In bringing the above matter to the notice of the meeting the president stated that he had been waited upon by a number of citizens, who, while not wishing to reflect in any way upon the investigation that has been conducted, considered that the evidence given should be under oath.

Thanking you for a favorable consideration of this matter.

E. A. SAUNDERS, *Secretary*.

Read petition Nova Scotia Fire Underwriters for investigation into Fuller fire before County Court Judge.

OFFICE BOARD OF FIRE UNDERWRITERS, June 3rd, 1909.

L. FRED. MONAGHAN, *City Clerk*.

DEAR SIR,—I beg to enclose herewith copy of a resolution passed this day by the Nova Scotia Board of Fire Underwriters and will be obliged if you will kindly have same brought before the Council at its meeting to-night.

EDWARD J. FAHIE, *Secretary*.

RESOLUTION RE WATER STREET FIRE, MAY 5TH., 1909.

PASSED BY NOVA SCOTIA BOARD OF FIRE UNDERWRITERS, JUNE 3RD, 1909.

Whereas, this Board is advised that the Halifax Board of Trade has recently passed a resolution asking the City Council of the City of Halifax to provide for an investigation before the Judge of the County Court into the fire which occurred at Halifax on May, 5th, last known as the "Fuller" fire.

And Whereas, the cause or origin of the said fire is as yet undiscovered and much adverse criticism has been made and published as to the management of the said fire and the condition of water supply.

And Whereas, said criticisms have been brought to the attention of the Head Offices of Fire Companies doing business in this City resulting in their questioning the efficiency of the Halifax Water and Fire Department Services.

And Whereas, this Board is of the opinion that a Judicial investigation into the cause or origin of the fire, the management thereof and the condition of the Water Supply is the only means whereby the best information on these subjects may be made available.

Therefore Resolved, that this Board record its approval of said Resolution of the Halifax Board of Trade and unite with the said Board of Trade in respectfully requesting that the City Council provide for such an investigation being held before the Judge of the County Court for the County of Halifax under the Provisions of the City Charter, Sections 135-138, and of Chapter 49 of the N. S. Acts of 1906.

Certified a true copy.

EDWARD J. FAHIE, *Secretary N. S. Board of Fire Underwriters.*

His Worship the Mayor declared the amendment calling for investigation before the County Court Judge submitted at last meeting to be now before the Council.

The said amendment being put there appeared :

For the Amendment.

Aldermen Shaffner, McManus,
Smith, Hoben,
Kelly, Martin,
Corston, MacKenzie,
Rankine.—9.

Against it.

Aldermen Wilson, Whitman,
Hebb, Edwards.—4.

His Worship the Mayor declares the amendment lost, not having received a two-thirds majority of the Council.

Read No. 2 on Order of the Day, viz., Alderman Hoben's notice of reconsideration of resolution to borrow \$70,000.00 for water purposes. May 27th, 1909.

Read Minute of Council of last meeting in re recommendation of Committee on Works to borrow \$70,000.00 for water purposes.

Moved by Alderman Hoben, seconded by Alderman McManus, that this matter be now reconsidered.

A point of order having been raised His Worship the Mayor rules Alderman Hoben's motion to be in order.

The motion is put and passed unanimously, the names on demand therefor being recorded thus :—

For Reconsideration.

Aldermen Shaffner, Wilson, Whitman,
Hebb, McManus, Smith,
Hoben, Kelly, Martin,
Corston, MacKenzie, Edwards,
Rankine.—13.

Against it.

None.

Read clause 3 of report of Committee on Works re borrowing money as submitted at last meeting.

His Worship the Mayor declared the motion and amendment on this matter submitted at last meeting to be now before the Council.

The amendment—moved by Alderman Hoben, and seconded by Alderman Kelly at last meeting that clause 3 of the report of the Committee on Works re borrowing \$70,000.00 for water purposes be referred back to said Committee for further report—is now put and lost, 4 voting for the same and 9 against it, as follows:—

For the Amendment.

Aldermen McManus, Hoben,
Kelly, MacKenzie.—4.

Against it.

Aldermen Shaffner, Wilson,
Whitman, Hebb,
Smith, Martin,
Corston, Edwards,
Rankine.—9.

PRESENTATION OF PAPERS.

The following named papers are submitted :

City Clerk's returns of elections to fill casual vacancies in the office of Alderman for Wards 2 and 4.

Application W. G. Bayers for position of Assistant City Assessor.

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

Letter Marine and Fisheries Department re application Imperial Oil Co. for grant of a water lot Bedford Basin.

Petition merchants and others for a public market building.

Report Commissioners of Common re accounts.

Request from Board of Trade for City Council to send a representative to a meeting at Board of Trade rooms to-morrow afternoon in re Convention of Canadian Freight Association.

Report Charities Committee for May.

Report Committee on Works re hardware contract.

Report Committee on Works re tenders for forage.

Reports Committee on Works and City Engineer re building lines Oxford Street, North Street and Coburg Road.

Letter City Treasurer covering letter School Board and opinion Hector McInnes in re payment over of funds to School Board.

ELECTION RETURNS.

Read return of City Clerk covering the nomination papers of James J. O'Brien and John J. Power to fill the vacant office of Alderman for Ward 2 caused by Alderman J. A. Chisholm consenting (in writing) to be nominated for the office of Mayor and thereby

vacating his office of Alderman for said Ward, together with the poll books containing the returns of the presiding officers at the several polling places in said ward at the election to fill the said casual vacancy held on the 2nd day of June, 1909, said returns shewing James J. O'Brien to have received 479 votes and John J. Power 377 votes, giving James J. O'Brien a majority of 102 votes.

The City Clerk declares James J. O'Brien duly elected an Alderman of the City of Halifax for Ward No. 2.

Read return of City Clerk covering the nomination papers of Charles F. Blackadar and Andrew Hubley to fill the vacant office of Alderman for Ward No. 4 caused by Alderman Andrew Hubley consenting (in writing) to be nominated for the office of Mayor, and thereby vacating his office of Alderman for said ward, together with the poll books containing the returns of the presiding officers at the several polling places in said ward at the election to fill the said casual vacancy held on the 2nd day of June, 1909, said returns shewing Andrew Hubley to have received 364 votes and Charles F. Blackadar 269 votes, giving Andrew Hubley a majority of 95 votes.

The City Clerk declares Andrew Hubley duly elected an Alderman of the City of Halifax for Ward No. 4.

REFERENCE OF PAPERS SUBMITTED.

Read application W. G. Bayers for position of Assistant City Assessor. Filed.

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

Read letter Marine and Fisheries Department re application Imperial Oil Co. for grant of water lot Bedford Basin covering plan. Referred to Committee on Works for report.

Read petition merchants and others for construction of public market building. Moved by Alderman Hoben, seconded by Alderman Kelly, that the same be placed on the Order of the Day with No. 13 thereon covering various papers relating to public market. Motion passed.

CONSIDERATION OF PAPERS SUBMITTED.

Read report Commissioners of Halifax Common covering accounts for payment.

REPORT GARDENS COMMISSION.

COMMITTEE ROOM, CITY HALL, May 31st, 1909.

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

GENTLEMEN,—A meeting of the Commissioners of Halifax Common was held at 4 o'clock, P. M. Present Commissioners Shaffner, Hebb, Bishop McDonald, Powell and Power. On motion Commissioner Shaffner was elected Chairman, Commissioner Bishop, Vice-Chairman, Commissioner Power, Secretary. They had before them the following named accounts, the same were approved and passed for payment, the Secretary requested to forward same to the City Council for their information and concurrence :

H. H. Fuller & Co., \$5 08. James Walsh, £3. 4s., \$15.66. James Umlah, \$14.00. N. S. Nursery, \$14.60. H. E. Tram Co., \$6.20. Department of Works, \$23.60. F. A. Shaw, \$20 80. Baldwin & Co., \$8.40. A. E. Donavan, \$9 80. J. M. McGrath, & Co., \$2.50. Fraser Bros., \$80.00. The Steele Briggs Seed Co., \$24.65. The Cannon Floral Co., Ltd., \$38.60. R. & J. Farquhar & Co., \$14.95. Brown Bros. & Co. Ltd., \$87.00. Total, \$388 90.

EDWARD T. POWER, *Secretary.*

Moved by Alderman Hebb, seconded by Alderman Rankine, that the report be adopted and the accounts paid. Motion passed.

Read request of Board of Trade that the City Council send a representative to a meeting on to-morrow afternoon re Canadian Freight Association Convention.

Moved by Alderman Martin, seconded by Alderman Wilson, that His Worship the Mayor be the City Council's representative at said meeting. Motion passed.

Read report Charities Committee for May.

REPORT CHARITIES COMMITTEE.

HALIFAX, N. S., June 2nd, 1909.

His Worship the Mayor and Members of the City Council :

GENTLEMEN,—The Charities Committee met this day, and beg to submit the following report : Members present—The Chairman, Aldermen Wilson, Corston and Rankine.

The Superintendent's report for May shows that during the month there were 40 persons admitted into the City Home, 2 born, 50 discharged and 2 died. Of the number admitted 6 were chargeable to the Province, 1 to Windsor, N. S., and 33 to the City. The total number of inmates on May 31st, 1909, was 344, made up of 201 men, 139 women, and 4 children. On the same date last year there were 182 men, 144 women and 2 children, a total of 328.

The following accounts were examined, found correct, and recommended for payment, viz. :—

Wentzell, Ltd., \$506.86. W. A. Maling & Co., \$394.14. Smith Bros., \$13.13. F. A. Shaw, \$67 90. Geo Gregoir, \$24.96. Scotia Pure Milk Co., Ltd., \$238.66. The Halifax Tram Co., Ltd., \$17.25. The Fleischman Co., \$3.90. W. C. Knight, \$3 90. Brookfield Bros., \$4.00. The Halifax Seed Store, \$2.48. Nickerson & Hart, \$7.55. Wm. McFatrige, \$24 00. Henry Lovett, \$10.82. H. D. MacKenzie Co., Ltd., \$238.66. B. J. Mulcahy, \$505.54. Salaries for May, \$650.83. Total \$2,708.28.

W. E. HEBB, *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 Hebb, seconded by Alderman Wilson, and passed.

Read report Committee on Works re hardware contract.

HARDWARE CONTRACT.

CITY WORKS OFFICE, June 2nd, 1909.

To the City Council:

GENTLEMEN,—At a meeting of the Committee on Works held this day the City Engineer stated that he had received a letter from Messrs H. H. Fuller & Co., assigning their Hardware Contract with the City to Messrs A. M. Bell & Co.

It was decided to recommend to Council that permission be given for the transfer upon the same terms and conditions as the original contract calls for, the City Solicitor to safeguard the City's interest.

J. A. CHISHOLM, Mayor and Chairman.

Moved by Alderman Whitman, seconded by Alderman Hebb, that the report be adopted. Motion passed.

Read report Committee on Works re tenders for forage.

FEED TENDERS.

CITY WORKS OFFICE, June 2nd, 1909.

To the City Council:

GENTLEMEN,—At a meeting of the Committee on Works held this day the attached tenders for feed were submitted by City Engineer.

	5 tons Crushed Oats.	500 bushels Oats.	1 car Hay.	1 ton Straw.	1 ton Bran.
F. W. Fraser	\$38.00 per ton.	65 cts.	\$10.75 per ton.	\$ 8.75.	\$26.50.
J. S. Cashen	38.00 " "	67 cts.	11.50 " "	10.00.	26.00.
F. A. Shaw	38.00 " "	68 cts.	11.50 " "	9.00.	26.00.

The tender of F. W. Fraser being the lowest is recommended for acceptance.

J. A. CHISHOLM, Mayor and Chairman.

Moved by Alderman Whitman, seconded by Alderman Smith, that said report be adopted. Motion passed.

Read reports Committee on Works and City Engineer re building lines Oxford Street, North Street and Coburg Road with resolution attached.

BUILDING LINES OXFORD ST., NORTH ST., AND COBURG ROAD.

CITY WORKS OFFICE, June 2nd, 1909.

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 building lines on Oxford Street, North Street and Coburg Road was recommended to Council for adoption.

J. A CHISHOLM, *Mayor and Chairman*

CITY ENGINEER'S OFFICE, June 3rd, 1909.

His Worship the Mayor :

SIR,—In accordance with the accompanying extract from Minutes of Council and instructions from the City Works Committee I beg to report on the advisability of establishing building lines on Oxford Street, Coburg Road and North Street.

The portion of these streets which it was intended to cover are in the suburbs, and it is important to decide at once whether building lines shall be established or not. On the north side of North Street between Windsor Street and Oxford Street all the houses constructed have been set back until recently, when a new house under construction has been located further forward. The new houses on the south side have also been set back from the street line, and I would recommend that a building line be established on both sides of North Street between Windsor Street and Oxford Street, 15 feet back from the street line. On Oxford Street on the west side between Quinpool Road and Oakland Road the have been no new buildings erected for a long time. One building is now in course of construction, but is placed well back from the street line, and I would recommend that the building line on the west side of Oxford Street between Quinpool Road and Oakland Road be established back 25 feet back from the street line, and on the east side between the same points 15 feet back. On Coburg Road between Oxford Street and the Arm the houses erected are set back from the road, and I would recommend that the building line here be established 15 feet back from the street line each side.

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

Read the said resolution as follows :—

Whereas, it is expedient that building lines should be established by the City under the provisions of Section 547 of the City Charter in respect to certain portions of Oxford Street, and North Street and Coburg Road ;

Therefore Resolved, that the Council hereby establishes the building lines following that is to say :—

1. On Oxford Street between Quinpool Road and Oakland Street on the west side a building line distant twenty-five feet westwardly from the western line of the street ;
2. On Oxford Street between the same points on the east side a building line distant fifteen feet eastwardly from the eastern line of the street ;
3. On Coburg Road between Oxford Street and the North-West Arm on each side of the street a building line on the north side distant fifteen feet northerly from the north line of the street and on the south side distant fifteen feet southerly from the south line of the street ;
4. On North Street between Windsor Street and Oxford Street on each side of the street a building line on the north side distant fifteen feet northerly from the north line of the street and on the south side distant fifteen feet southerly from the south line of the Street : and

After the passing of this resolution no person shall build or place any building or structure or any portion of any building or structure on any property fronting on the portions of Oxford Street, North Street or Coburg Road above mentioned on any part of such property between the street lines and the building lines established by this resolution.

The said resolution is considered clause by clause.

Read the two clauses of the preamble. The same are laid over until the items dealing with the different streets are dealt with.

Read clause 1 re west side Oxford Street.

Moved by Alderman Smith, seconded by Alderman Hoben, that this clause be adopted. Motion passed.

Read clause 2 re east side Oxford Street.

Moved by Alderman Smith, seconded by Alderman Whitman, that said clause be adopted.

Moved in amendment by Alderman Wilson, seconded by Alderman Hoben, that said clause be referred back to the Committee on Works for further report. Amendment passed.

Read clause 3 re Coburg Road.

Moved by Alderman Hoben, seconded by Alderman Shaffner, that representatives of the Waegwoltic Club present be heard. Motion passed.

Mr. John W. Regan, President of the said Club, now addresses the Council.

Moved by Alderman Wilson, seconded by Alderman Shaffner, that this matter be referred back to the Committee on Works and that the property owners on both sides of Coburg Road be notified to attend the meeting of the Committee at which the same is to be considered. Motion passed.

Read clause 4 re North Street.

Moved by Alderman Wilson, seconded by Alderman Edwards, that said clause be adopted. Motion passed.

Read clause 5 re buildings on the lines established.

Moved by Alderman Whitman, seconded by Alderman Edwards, that the same as amended by the foregoing motions be adopted. Motion passed.

Moved by Alderman Wilson, seconded by Alderman Edwards, that the resolution as amended be adopted as a whole. Motion passed.

Read letter City Treasurer covering letter Secretary School Board enclosing opinion Hector McInnes in re paying over certain funds to said Board.

FUNDS FOR SCHOOL BOARD.

HALIFAX, N. S., 3rd June, 1909.

W. L. BROWN, Esq., *City Treasurer.*

DEAR SIR,—I hand you herewith by order of the Board of School Commissioners a copy of the opinion of the Solicitor of the Board on the matter of the payment to the Board of the amount raised by the sale of debentures for school purposes.

I also by order of the Board hereby request the payment of \$75,513.06 balance of the \$105,514.00 recently raised on debentures and not yet paid over.

R. J. WILSON, *Secretary B. S. C.*

OFFICE OF CITY TREASURER, HALIFAX N. S., June 3rd, 1909.

His Worship the Mayor and City Council :

GENTLEMEN,—Herewith I beg to hand you a letter from the Secretary of the School Board demanding the immediate payment of \$75,513 06 being balance of the recent loan for school purposes of \$105,514.00 together with the opinion of Mr. Hector McInnes Solicitor of the School Board. As this opinion conflicts with the opinion of the City Solicitor, I would most respectfully ask for instructions as to my procedure in this matter.

W. L. BROWN, *City Treasurer.*

OFFICE OF CITY SOLICITOR, HALIFAX, N. S., April 24th, 1909.

W. L. BROWN, Esq., *City Treasurer.*

SIR,—In reply to your request as to the right of the School Board to demand immediate payment of the amount realized by the sale of the City's debentures for the new schools, I beg to say as follows :—

Section 820 (4) substituted by Chap. 67 of 1907 for the section of the same number in the City Charter provides that upon the direction of the Governor-in-Council to that effect being given the Treasurer shall forthwith issue debentures of the City to produce the amount required and "shall pay the proceeds thereof on demand to the proper officer of the School Board to be expended for the purpose for which such amount is raised." Section 822 A, provides that on failure to issue the debentures directed, or to pay the amount directed to be raised for sixty days the School Board may itself borrow the sum required at the charge of the City or issue its own debentures which are made a charge upon the City.

If this statute stood alone and the City and the School Board were two entirely distinct corporate bodies there could be no doubt as to the unqualified right of the Board to demand immediate payment of the whole amount directed to be raised, but the Board and the City are not, for financial purposes at least, thus separate, and there are other provisions which must be taken into consideration; and it should not be overlooked that the question relates to what is known as "administration law," that is law intended to regulate the duties of officials as well as to confer rights, and that in constructing such enactments the duties of the officials and the ordinary course of civic business cannot be ignored, provided always, of course, that these do not conflict with the plain language of the enactment.

The City Auditor has discussed the matter with me and stated his position. He admits the right of the Board to demand the money and the duty of the City to pay it; but he claims that the right to demand does not arise until the money is actually required and that it is his duty to require evidence that it is actually required for the purpose for which it is raised before he authorizes the payment. In support of this claim he relies upon the Ordinance regulating his duties. By this (Sec. 1) he is required to audit, inspect, check and correct the books, accounts, receipts and expenditures of the Board of School Commissioners in precisely the same way as those of any other department of civic expenditure. Sec. 4, sub-secs. (3) and (4) require the Auditor to certify to the correctness of every account authorized by any committee, board or official (which would apparently include the School Board) and the sufficiency of the funds out of which to discharge the liability. It is difficult to see how the Auditor could discharge his duties in respect to these large expenditures of City money if the Treasurer is required to hand over the whole sum in a lump before the expenditures are made or the liabilities incurred, and allow the Auditor no other power than to check the bills after they

have been paid. The contention seems to be strengthened by the language of sec. 812 (also amended by the Act of 1907) which provides that the Board may do the various things therein enumerated and that "the money for such purpose shall be provided by the City as hereinafter provided," that is the Board can incur the expenditure and the City must pay it, and if so surely in the same way and with the same checks and safeguards as are required in other civic expenditures. The same argument cannot apply in the case of the ordinary expenditures of the Board, although the money to defray them is also to be provided by the City, because the times and amounts of the payments are specifically regulated by section 818.

One other train of argument appears to me to lead to the same conclusion. The duty of the City is confined to furnishing the money required for certain specific purposes by the sale of its debentures. These may be and frequently are sold a considerable time before the money is actually required and the money allowed to remain on deposit in the meantime, the interest earned being used to defray the interest paid by the City on the debentures. The School Board is under no obligation to pay the interest and if the money is handed to them in a lump sum in advance there is nothing in the statute to prevent them applying to their own purposes the interest earned by it until actually required.

For these reasons, though with some doubt, I have come to the conclusion that the contention of the Auditor is right and the money cannot be demanded until required and must then be paid out in the manner prescribed in the Ordinance.

F. H. BELL *City Solicitor.*

HALIFAX, N S., May 26th, 1909.

R. J. WILSON, *Secretary Board of School Commissioners:*

DEAR SIR,—I beg to acknowledge receipt of your favor of the 21st, inst., with enclosures, and have given my careful consideration to the question which you have submitted for my opinion. The determination of this question depends altogether upon the construction of certain sections of our City Charter with the amendments thereto dealing with the subject of education and the public schools of the City.

Section 812 of the City Charter as amended by Chapter 67 of the Acts of 1907, provides that the Board may from time to time (a) select and purchase sites for school buildings; (b) erect, purchase, repair and improve school buildings and improve school grounds; (c) purchase suitable furniture and apparatus for the schools; and that "the money for any of such purposes shall be furnished by the City as hereinafter provided."

Sections 820, 821 and 822 of the City Charter under which the Board was empowered to borrow money and issue its own debentures itself are repealed by section 11 of Chapter 67 of the Acts of 1907, and section 12 of such Chapter 67 substitutes a new section for No. 820 in such City Charter and contains the provisions explaining in detail the manner in which the money for the purposes set forth in section 812 of the Charter is to be furnished by the City and the meaning of the words "as hereinafter provided" therein contained. The substituted section 820 provides that, whenever the Board requires money for, (a) the purchase of a site for a school building; (b) the erection of a school building; (c) the execution of repairs or improvements to any building of any unusual or extraordinary character; (d) the improvement of any school ground of an unusual or extraordinary character; (e) the purchase of furniture and apparatus of such an amount as cannot be properly and conveniently included in the yearly expenditure; the Board shall apply to the Governor-in-Council for an order directing the City of Halifax to issue its debentures to the amount so required and that the Governor-in-Council shall appoint a time and place at which the matter of such application shall be heard. Notice of the amount so required and of the purposes for which