

ing at the Fuller fire. The statement of the City Engineer is borne out by the evidence of Engineer Warner of the King Edward steamer. This man testified that throughout the night he could not get enough water from the hydrant at the corner of Duke and Water Streets to enable his engine to discharge effective streams, but that in the morning after No. 5 steamer had been taken off the hydrant at the corner of Duke and Hollis Streets he got plenty of water, his pressure going up to 110 lbs. at the engine. We are therefore face to face with the fact that in the heart of the fire district we have a main on Duke Street admitted by our experts to be not large enough to feed two engines under all conditions, and yet it is fitted with hydrants to which two or more steamers are liable to be connected at any time.

This is a serious state of affairs, and as all the evidence points to the cause of the deficiency in the water supply at the Fuller Fire, and also at other fires in the same vicinity, being this six-inch old, and probably badly corroded, main on Duke St., we recommend that the main be examined, cleaned and tested, and if found defective that it be replaced by a 9-inch pipe, or, if found in good condition that it be continued from the present dead end to the 9-inch main in Water Street, and a valve be placed east of the hydrant at the corner of Duke and Hollis Streets.

We have also to deal with the fact that the Chief and Chief Engineer of the Fire Department continued to work two steamers on Duke Street when it was clearly evident that neither steamer was throwing efficient streams, whilst at the same time the hydrant at the corner of George Street and Bedford Row was not in action at all, and remained idle until after the Alexandra had broken down, when the Battenburg engine, which up to this time had not been in action, was attached to that hydrant and did effective work. The Chief and the Chief Engineer of the Fire Department contend that they did not know the main on Duke Street to which they had attached two engines was only a six-inch one, whilst the main on George St. is a 9-inch. The fact, however, remains that the engines on Duke St. were not throwing effective streams, and the hydrant on George St. was vacant, and even if they did not know about the size of the mains a steamer, if stationed at the corner of George St. and Bedford Row, would have been further away from the one at the corner of Duke and Water Sts. than if stationed at the corner of Duke and Hollis Sts., and as neither that engine nor the one at the corner of Duke and Water Streets was doing effective work, no worse results could have been secured had one of these engines been shifted, and the change should have been made.

On the other hand, the evidence of the Water Department men shows that they knew the difference in the sizes of these mains. Also, according to their own evidence, they knew the Duke St. main could not supply two engines, but that there would be ample water at the corner of George St. and Bedford Row, and yet these men stood by and saw two engines virtually useless. For their failure to ask for information with regard to the cause of no water from two engines on Duke Street and advice as to a better location for one or both, we censure the Chief and the Chief Engineer of the Fire Department, and for their failure to offer advice and assistance to the Fire Department so that engines could be more effectively placed, we censure the City Engineer and Forman Morrison, and we recommend that regulations be made and enforced so that, in the future, it will be compulsory for the Water and Fire Departments to work in harmony in connection with the fighting of fires, so that the best possible results will be secured.

With regard to the matter of

#### ALLEGED BLUNDERS.

on the part of the Fire Department, we have heard many street rumors, much

gossiping and also read much newspaper talk, but we have seen no supported specific charge against the Department, and therefore, there was nothing on which to base an investigation with regard to the management of the fire. In our opinion it would be absurd to call on members of the Fire Department to prove that they handled the fire properly, because, naturally, their evidence would be that they did handle it properly. The only way in which an investigation could be held with regard to the management of the fire would be, if some person had made a specific charge and had come forward with evidence to sustain that charge.

In his official reports on the Fuller fire Mr. C. E. L. Jarvis, Insurance Adjuster, says that "the fire was discovered by the Captain of the steamer "Margaret" and another man coming up from the wharf about 11.15, p. m." that "these men ran to the police station and an officer came down to see the fire before sending in an alarm." Mr. Jarvis also says in his reports that "it could not be foreseen that the Fire Department would make so many bad blunders at the early part of the fire."

In these statements by Mr. Jarvis we have two charges. We are, however, of the opinion that Mr. Jarvis had no personal knowledge of the facts, but that when he made these statements he based them entirely on stories told him by certain persons on his arrival in Halifax after the fire.

Mr. Jarvis was requested to appear before your Board and give us the facts on which he based his very serious statements with regard to the management of the fire, but he did not appear to give us any information or to sustain the statements and charges he had made officially. We took up his statements that the fire was discovered by the captain of the steamer "Margaret" and another man who ran to the police station, and that an officer came down to see the fire before sending in an alarm, and the evidence taken proves conclusively that in making these statements in his official report Mr. Jarvis has made statements that are absolutely false. The evidence of Policeman Marriott proves that he (Marriott) alone was the man who discovered the fire without having seen any other person, and that he promptly sent in an alarm from box 41. The evidence of Policemen Miller and Barrett, both of whom were on duty in the police station on the night of May 5th, proves that no person arrived at the police station that night with an alarm of fire previous to the alarm having sounded on the police station gong, and the evidence of these two men proves also that an officer did not go down from the police station to see the fire before sending in an alarm.

In these features it has been proven that the statements made in his official reports on the Fuller fire are absolutely incorrect, and as Mr. Jarvis did not comply with the Board's request to appear before it and substantiate his statements that the Fire Department had made many bad blunders in the early stages of the fire, we conclude that Mr. Jarvis' statements were based simply on hearsay, and that for the making of such statements Mr. Jarvis had no sound reasons.

Furthermore, a defendant cannot be put on trial in the absence of the production of evidence by the prosecutor, and as Mr. Jarvis failed to produce an iota of evidence to establish his charge of blundering by the Fire Department, and as no citizen has come forward to put in concrete form the street talk and gossip, our finding is that there was no unnecessary delay in sending in an alarm for the Fuller fire, and that the fire apparatus and the men responded promptly and got to work promptly, and that with the exception of the disabling of the Alexandra engine through either the carelessness or incompetency of the Engineer in charge of that steamer, and the placing of two steamers in close proximity on a six-inch main instead of placing one of them in another avail-

able and better position, there is no evidence at all to show that the Fire Department made any blunders at any period of the Fuller's fire.

Mr. Jarvis in his official report also says there was tangled hose at the Fuller fire. In examining the number of witnesses in connection with this statement, the evidence shows that the foundation for this statement by Mr. Jarvis was the case of a line of hose that had got tangled around an electric light post. The reason for that one case of tangling was that in entering the Fuller building from Water Street the men handling the line went into the building at the south side of this pole which stands close to the door at which they entered, and when compelled to retreat from the inside of the building they reached the middle of the street by going to the north side of the pole. Also that one other witness, Mr. Purcell, of the Water Department, saw several lines of hose crossing each other on Water Street and lying in zigzag courses instead of perfectly straight.

Our finding with regard to tangled hose is that under the circumstances the tangling with the electric light pole was excusable, and that the lines of hose referred to by Mr. Purcell was not tangled, but that owing to the number of lines in use some of them had to cross the others to reach the points at which the streams were to be used, and that the zigzagging referred to by the same witness was necessary in order to utilize the extra lengths of hose usually laid out to give sufficient length of line to reach more distant points of a fire without losing time breaking the lines and adding extra joints. There is no evidence to show that the fact of the one line becoming tangled around the electric light pole, or the crossed and zigzag hose referred to by Mr. Purcell affected in any way the successful handling of the fire.

Finally, as a result of our investigation into matters connected with the Fuller fire, and examination and enquiry into Fire Department matters generally, we make the following report and recommendations :-

An examination into the water service seems to us to indicate that in order to get an entirely satisfactory fire fighting supply in the water front district the present system should be re-enforced. The necessary supply of water for fighting fires along the water front is right at hand in the waters of the harbor. There we have an inexhaustible supply, the only question to be considered being the best means of utilizing that supply.

Under our present system it is true that fire engines may be placed on the wharves at different points, and from those points pump salt water on to fires. This system, however, is not perfect, and for two reasons. First, there are some of the wharves not sufficiently strong to make them safe locations for our heavy engines; and, second, in all cases where a steamer is placed on a wharf there is the danger of a sudden spread of the fire cutting the engine off from its only line of retreat, which must be up the wharf towards the street. In other words, when working on a wharf the engine is always behind the fire and in grave danger of serious damage or being cut off and completely destroyed.

There is also the further danger of large quantities of hose being destroyed on account of the burning of lines laid from the steamers on the wharves and running up through the fire area in order to convey water to the front of the fire.

To obviate this difficulty and the danger of loss to the City through stationing engines on unsafe wharves or behind a fire with only one line of retreat, it appears to us that the waters of the harbor to be effectively used in fighting water front fires should be made available to engines stationed on the streets.

After looking into this matter we are of the opinion that a simple yet very effective way of placing the inexhaustible supply of the harbor at the disposal of the Fire Department without any undue risk to the engines or the hose would

be to instal a system of basins with large conduits connecting them with the harbor at suitable distances and locations along the water front.

We are not at this time prepared to furnish figures with regard to the cost of installing such an auxiliary water system, but we recommend that the City Engineer be instructed to consult with the Chief of the Fire Department in this matter and report to the Council the number of such basins necessary and their cost.

With the installation of the auxiliary salt water system would come the necessity for the engines to arrive at a fire and get into action in the shortest possible time. This opens up the whole question of our present system of manning the engines. We have before us expert evidence proving that even in the most favored localities our present water system does not give sufficient hydrant pressure for effective fire fighting streams, and, therefore, the effective way to fight fires is by the use of our fire engines. That is to say, we need a system which will enable us to get our engines into action more quickly than is possible under the present system. We make no reflection on the men on whom at present devolves the duty of getting the engines to a fire. On the contrary, we say without hesitation that in the matter of getting out quickly our drivers of the chemical engines, the steam engines, the hose waggons and the ladder carts are in a high state of efficiency, and under existing conditions do splendid work. The drivers, however, no matter how skillful in handling their horses or in hitching, or how alert and ready to respond to an alarm, cannot do impossibilities, and in two very important features our Fire Department is badly handicapped.

We have said, and we repeat, that in response to night alarms or alarms coming in on wet days in summer and all alarms in the winter, the engines respond quickly, and arrive at fires in very short time. We would, however, remind the Council that a dead engine or an engine arriving at a fire without a man to run it is useless, and just here is one of the weak points in our system of Fire Department organization.

Under the present system all engineers are call men. These men throughout the day are engaged at their trades in different parts of the City. Many of them, it may be, work in places where it is difficult, if not quite impossible, for them to hear the fire bells. In such cases the men may be late in reporting to their engine houses or picking up their engines at a fire, and in all cases with call engineers, much valuable time must be lost before the men can connect with their steamers and get them into action. This is a weakness in our Fire Department which ought to be remedied without delay. The only way to remedy it is to have the engineer of every steamer always on duty at his engine house, the same as the engineers of the chemicals, and after carefully considering this matter, we recommend that the system of call engineers be abolished and permanent engineers be appointed.

This change would mean an additional expenditure of about \$2,500.00 per year, but we believe it would be money well spent.

With the appointment of permanent engineers there is another weakness in our present system which ought to be remedied.

We refer to the practice of using Fire Department horses for the work of drawing watering carts. Under this system our horses drawing heavy water barrels are taken long distances away from their engine houses. In some cases these water routes take the horses so far away from the houses as to put the drivers out of the sound of the bells. But even if within sound of the bells much time must be lost in responding to an alarm. The time lost in unhitching the horses from the watering cart, getting them back to the engine houses and changing the harness may, and no doubt in many cases has, made the difference

necessary to let a fire get away from the Department. We believe that Fire Department horses should be used for Fire Department purposes only, and we recommend that as a means of increasing the efficiency of the Fire Department the practice of using Fire Department horses for drawing watering carts or for any other than fire purposes be discontinued.

This change also involves a considerable increased expenditure in the matter of providing the necessary watering cart facilities. We, however, believe that it is a change very much needed and one that will do much towards increasing the efficiency of the Department.

J. S. EDWARDS, *Chairman.*

Moved by Alderman O'Brien, seconded by Alderman Hebb, that the same be deferred for consideration at a special meeting to be called by His Worship the Mayor. Motion passed.

Read report City Prison Committee re accounts, etc.

#### REPORT CITY PRISON COMMITTEE.

COMMITTEE ROOM, CITY HALL, July 6th, 1909.

*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, (Chairman), O'Brien, and Rankine, the following accounts amounting to \$628.56 were examined, found correct and recommended for payment, viz :—

1908-09 Account—John McInnes & Son, Building fence, \$473.00. 1909-10 Account—Halifax Tram. Co., light, 18.00. S. Cunard & Co., coal, \$26.50. A. S. Austen, hardware, \$1.26. N. S. Telephone Co., rent telephone to Sept. 30th, 1909, \$13.50. W. J. Regan, harness supplies, \$3.70. Halifax Seed Store, seeds, \$1.06. Frank W. Fraser, oats, \$35.36. Hillis & Sons, stove back, \$1 00 Black & Flinn, lime, \$1.95. Robert Taylor Co., Ltd., boots, \$18.00. Wentzell's, Ltd., groceries, \$33 75. W. A. Mailing & Co., ox heads, \$8.50. Blackadar Bros., advertising, \$2.80. Jordan & Mann, horseshoeing, \$3.00—\$155.56 Grand total, \$628.56.

The monthly reports of Governor and Matron were submitted and adopted, and are hereto annexed.

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 accounts therein recommended.

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

Read report Committee on Works covering accounts for payment.

#### CITY WORKS ACCOUNTS.

CITY WORKS OFFICE, July 7th, 1909.

*To the City Council:*

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

bills for the several services of the Department were submitted, approved and recommended to Council for payment :—

Sewerage .....	\$ 2307 26
Street Lighting .....	1730 28.
City Property .....	1123 62
Teams and Stables .....	825 40
Streets .....	400 92
Telephones .....	84 56
City Hall Lighting .....	66 35
Sewer Maintenance .....	59 85
New Workshops .....	58 76
Public Baths .....	52 78
Internal Health .....	43 88
Fuel .....	7 30
Permanent Sidewalks .....	6 73
Electric Wiring Inspection .....	6 60
Water Maintenance .....	487 78
"    Construction .....	17263 32
"    "    Meter Account .....	20912 34
<b>Total .....</b>	<b>\$45437 73</b>

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

Moved by Alderman Whitman, seconded by Alderman Wilson, that the report be adopted and the accounts paid when funds are available.

Moved by Alderman Shaffner, seconded by Alderman Wilson, that the question be now put. Motion passed.

The original motion is put and passed.

Read report Charities Committee for June.

REPORT CHARITIES COMMITTEE.

HALIFAX, N. S., July 7th, 1909.

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

GENTLEMEN,—The Charities Committee met this day, members present the Chairman, Alderman Rankine and Alderman O'Brien.

The Superintendent's report shows that during the month of June there were 25 persons admitted, 3 born, 22 discharged and 6 died.

Of the number admitted 6 were chargeable to the Province, 2 to Halifax County and 17 to the City. The total number of inmates June 30th, 1909, was 344, made up of 200 men, 137 women and 7 children. On the same date last year there were 180 men, 140 women and 3 children. A total of 323.

The following accounts are recommended for payment :

Wentzels, Ltd, \$547.15. W. A. Mailing & Co., \$344.89. Smith Bros., \$43.11. Scotia Pure Milk Co., \$230.12. George Gregoir, \$31.96. F. A. Shaw, \$44.04. H. D. MacKenzie, Co. Ltd., \$342.37. Henry Lovett, \$19.62. Halifax Electric Tram. Co. Ltd., \$13.90. Nova Scotia Telephone Co., \$11.25. Fleischmann & Co., \$3.90. C. E. Puttner, \$50.00. Black & Flinn, \$29.00. Nickerson & Hart, \$37.50. Wm. MacFartridge, \$28.75. T. C. Allen & Co., \$3.06. Wm. Stairs Son & Morrow, \$6.06. Hillis & Son, Ltd., \$1.00. R. J. Whitten, \$2.00. B. J. Mulcahy \$233.09. Salaries for June, 1909, \$651.58. Total—\$2674.35.

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 payment of the accounts mentioned therein.

Moved by Alderman Hebb, seconded by Alderman O'Brien, and passed.

Read report Police Committee covering accounts for payment.

#### POLICE ACCOUNTS.

MAYOR'S OFFICE, July 8th, 1909.

To the City Council :

GENTLEMEN,—The Police Committee beg to recommend for payment the following accounts :—

N. S. Telephone Co., Ltd, telephones, \$26.75 ; \$5.00. Farquhar Bros., cleaning pipe, etc., \$1 50 ; 1 cover for stove, \$0.35. J. Wonnacott, rep. locks, &c., \$0.75.

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

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

Read report Committee of Fire Wards on various matters and accounts.

#### REPORT COMMITTEE OF FIRE WARDS.

COMMITTEE ROOM, CITY HALL, July 6th, 1909.

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

GENTLEMEN,—The Committee of Firewards met this afternoon, present Aldermen Edwards, (Chairman), Wilson, O'Brien, Hebb, Hubley and Thompson.

The Committee beg to report and recommend as follows :—

1. Your Committee have received a report from the City Electrician on the probable immediate necessity of placing the fire alarm wires now on Hollis Street, under ground or in some other location. Pending further enquiries as to cost, etc., the matter is left in abeyance.
2. The Electrician also called the attention of the Board to the interference with the fire alarm system through the use of the telephone bells for signalling for the Water Department and for tolling at funerals. It has been decided to instal a push button for each bell to serve this purpose, at a cost not to exceed ten dollars (\$10.00).
3. John Banfield, driver of No. 4 engine, died on June 25th.
4. Captain Stephen Major, and William Crump, callmen, James Doherty and James Lannigan, supernumeraries, and Leon Turpel, blacksmith's helper, permanent, have resigned. These resignations are recommended for acceptance.
5. It is recommended that in future no callman be paid for fire duty during illness when such callman is at work at his ordinary occupation.
6. Lieut. Mahar, reported sick March 17th, reported for duty July 1st.
7. Arthur Sheehan, reported sick April 19th, has not yet reported for duty.
8. James Lynch, John Zong, Allan Clark and John O'Brien, all injured at N. S.

Furnishing Co.'s fire, June 9th, have not yet reported for duty. All the other men injured at the same fire have reported for duty.

9. The hind tire of the Waterous fire engine King Edward, was broken while responding to an alarm, box 45, June 8th. The damage will not be repaired until the Shand & Mason engine is in commission.

10. At the recent half-yearly test of the Department hose, several lengths burst within the guarantee period. The manufacturers will be requested to repair such of the lengths as may be repaired and to furnish new lengths for those that cannot be repaired.

11. It is recommended that Lieutenant Churchill be appointed Captain, vice Captain Major, resigned.

12. That John Lapham, Callman on No. 5 engine, be appointed Lieutenant on No. 5 engine vice Lieutenant Churchill, promoted.

13. That the following supernumeraries be appointed to the call force:—William Clements, Thos. Waterfield, George Lloyd, James Kiley, James Keefe, Walter Murphy and Thomas Hoben.

14. That George Gibson be appointed supernumerary.

15. It is recommended that one hundred feet of 1 inch chemical hose (Dunlop) be purchased from Guildford & Sons at \$50.00, less three per cent. discount for cash, twenty days.

16. The Chairman and Chief are authorized to purchase twenty-five oil skin coats.

17. It is recommended that Miss Minnie Hunter be paid the sum of fifty dollars (\$50.00) out of Contingent Account for taking and transcribing the Minutes of the investigation held by this Committee into the Fuller fire.

18. The following accounts are recommended for payment:—Halifax Electric Tram Co., light, \$14.35; power, \$8.10—\$22.45. N. S. Telephone Co., rent, \$81.00. Can. Rubber Co., expanders, etc., \$10.80. Farquhar Bros., supplies, \$14.63. Imperial Oil Co., gasoline, \$2.50. Robert Merlin, lumber, \$15.24. Chas. Brister & Son, lead, 87c. Hillis, Ltd., stall pans, \$93.00. Maritime Paint Co., sponges, \$16.00. J. C. Calder, polish, \$11.40. Wentzel's, Ltd., soap, \$6.10. H. H. Fuller & Co., iron, \$3.00. T. H. & W. T. Francis, ladder, \$2.50. Canadian Oil Co., gasoline, \$9.40. E. B. Eddy Co., paper, \$6.50. Robinson's, Ltd., horse hire, \$1.00. T. C. Allen & Co., printing, \$3.50. Pitner Lights, supplies, \$1.35. A. & W. Mackinlay, stationery, \$1.60. A. Allison, harness repairs, \$1.30. Fraser Bros., carriage hire, 75c. Stairs, Son & Morrow, hardware, \$23.99. Bentley & Flemming, block, \$1.50. A. M. Bell & Co., hardware, \$17.60. F. G. Rudolf & Co., brushes, \$6.50. Globe Laundry, work, \$9.24. W. N. Brown, carriage work, \$14.25. F. A. Shaw, feed, \$318.98. W. & A. Moir, machine work, \$63.32. J. C. Merlin & Son, lumber, \$28.34. Melvin & Co., hardware, \$2.06. Macdonald & Co., machine work, \$10.32.—Total, \$805.99.

S. Y. WILSON, *for the Chairman.*

The same is considered clause by clause.

Clause 1 to 16 are severally read and adopted.

Read clause 17 re payment of \$50.00 to Miss Minnie Hunter for reporting Fuller fire investigation.

Moved by Alderman Wilson, seconded by Alderman Hebb, that the clause be adopted.

Moved in amendment by Alderman Martin, seconded by Alderman Hebb, that Miss Hunter be paid \$100.00 for said services.

Amendment put and passed unanimously.



Read clause 18 re accounts. Passed.

The following resolution is submitted :

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

Moved by Alderman Wilson, seconded by Alderman Hebb, and being put is passed.

Read report Special Committee re site for Public Market.

#### RE MARKET SITE.

COMMITTEE ROOM, CITY HALL, July 8th, 1909.

*His Worship the Mayor and City Council:*

GENTLEMEN,—Your special committee on Market Site report for the information of the Council that they have addressed several letters of inquiry to the Department of Militia and Defence with a view to getting an expression of opinion from them as to whether it would be possible to get the Large Fuel Yard without the Pay Office Buildings, but without success, as the attached correspondence will show.

We therefore recommend that the original agreement between the City Council and the Department of Militia and Defence be carried out.

S. Y. WILSON, *Chairman*.

Also read opinion of City Solicitor re sale of market produce on the public streets.

#### RE SALE OF MARKET PRODUCE ON THE STREET.

OFFICE OF CITY SOLICITOR, HALIFAX, N. S., July 6th, 1909.

*His Worship the Mayor:*

SIR,—In reply to your enquiry as to whether the market people have any right to obstruct the street for the purpose of making sale of their produce, I beg to say that the Charter of 1891 contained a provision authorizing them to do so provided they left one half of the street clear. This provision was dropped in the last revision of the Charter as obsolete, and at the present time the market people have no further rights in the street than any other persons.

F. H. BELL, *City Solicitor*.

Moved by Alderman Wilson, seconded by Alderman Whitman, that the same be placed on the Order of the Day with the other papers relating to the public market site. Motion passed.

Read letter Juries Committee in re revising Juries Lists.

#### REVISING JURIES LISTS.

HALIFAX, N. S., February 24th, 1909.

*To His Worship the Mayor and City Council:*

GENTLEMEN,—The Juries Committee of 1908 beg to submit as follows :—

During the last eleven years under a statute of the Province the City Council has

appointed a special committee to prepare and revise the Juries Lists. The labor involved is greater than any person who has not served on the Committee would readily realize and is of a character altogether outside of the ordinary duties of the Aldermen who are appointed to perform it and is not required of the other fifteen out of the eighteen Aldermen of the City Council.

For every year, except last year and the present year, the City paid the Committee the sum of \$200 00 for this work, which was divided between the Aldermen and the City Clerk, who is ex-officio a member of the Committee

The accumulations of names during the revisions of ten years and the erasures of names on the books is making the work more tedious every year, and this year's committee will probably have to face the problem of formulating a different system of keeping the record—such as a card index system—which will cost considerable to inaugurate for material and labor.

For these reasons and others, which it is unnecessary to weary the Council with setting forth here, your Committee think the Council should make provision for the payment of last year's committee as well as for the present year's at the same rate as for so many years past, and also for the preparation of a card index system which will cost about \$200.00.

Sec. 75, Chap. 162, Revised Statutes, 1900, reads :—

“The Council shall vote such compensation to the Committee preparing or revising the “lists as it deems suitable for the work performed.”

ANDREW HUBLEY, *Chairman.*

I. B. SHAFFNER,

JOHN F. KELLY.

Referred to Finance Committee for report.

Read report Laws and Privileges Committee and Special Committee on civic slaughter house in re public abattoir.

#### PUBLIC SLAUGHTER HOUSE.

COMMITTEE ROOM, CITY HALL, July 6th, 1909.

*His Worship the Mayor and City Council :*

GENTLEMEN,—Your Committee on Laws and Privileges beg to report that at a meeting held this day the committee had under consideration a report of Special Committee of the Board of Health adopted by that board relating to purchasing building for a Civic Slaughter House Aldermen Shaffner, Smith, and Rankine of the Special Committee appointed by this Council on April 22nd last to confer with this Committee on this subject were present.

Your Committee consider it useless for the City to own or operate a Slaughter House within the City of Halifax until such time as the legislature provides an Act regulating the inspection and killing of all cattle offered for sale in the Province or brought into the City for local consumption and therefore recommended that the report be not concurred in.

F. P. BLIGH, *Chairman.*

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

Moved in amendment by Alderman Kelly, seconded by Alderman Hoben, that the same be referred to the City Health Board for further report.

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

For the Amendment.	Against it.
Aldermen Shaffner, McManus, Hoben, Kelly, MacKenzie, Rankine—6.	Aldermen Wilson, Whitman, O'Brien, Hebb, Bligh, Hubley, Thompson, Martin—8.

Moved in amendment by Alderman Hubley, seconded by Alderman Rankine, that His Worship the Mayor nominate a special committee to consider this matter on the lines of the recommendation in the report of the special committee of the Board of Health.

Amendment put and passed.

His Worship the Mayor nominates as such special committee. Aldermen Shaffner, O'Brien, Smith, Hubley, Corston and Rankine, Approved.

Read report Laws and Privileges Committee in re John Simon's removal of place of business as a junk dealer.

#### JOHN SIMON'S JUNK BUSINESS.

COMMITTEE ROOM, CITY HALL, July 6th, 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 Alderman Bligh, Chairman, Whitman, Hubley, and Thompson, the committee had under consideration the application of John Simon for permission to remove his Junk Store to property lately occupied by John Cronan at head of Cronan's Wharf.

Your committee recommend that the application be granted, subject to Mr. Simon complying with any civic regulations in reference thereto.

F. P. BLIGH, *Chairman.*

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

Read reports Committee on Works and City Engineer re contract for valves.

#### CONTRACT FOR VALVES.

CITY WORKS OFFICE, July 7th, 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 contract for valves was read and recommended to the Council for adoption.

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

CITY ENGINEER'S OFFICE, July 7th, 1909

*His Worship the Mayor :*

SIR,—Messrs. Stairs Son & Morrow, to whom was awarded the contract for valves, state that their tender was on the same conditions as that given by the Canada Foundry

Company, and that they cannot make valves for us on our own pattern at the same price. As we have between 800 and 900 in use, we cannot change our pattern now.

I would recommend, therefore, that the contract be awarded to Watson, Jack & Co., Montreal, whose tender was next, provided they will make the valves in accordance with the City specifications and on the City patterns. If they decline to accept it, I would recommend that it be given to the next tenderer, D. Y. Stewart & Company, who are prepared to accept it and have made a great number of valves for us in the past.

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

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

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

Read report Committee on Works covering opinion of the City Solicitor re sale of City Yard, Kempt Road.

#### SALE OF LAND TO ANDERSON CHAIR CO.

CITY WORKS OFFICE, July 7th, 1909.

*To the City Council:*

GENTLEMEN,—At a meeting of the Committee on Works held this day, the attached opinion of the City Solicitor on Minute-of-Council, in re sale of City Field, Kempt Road, to Anderson Manufacturing Co., was read and referred to Council for its information.

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

#### RE SALE OF LAND TO ANDERSON CO.

OFFICE OF CITY SOLICITOR, June 30th, 1909.

*The Chairman Committee on Works:*

SIR,—In reply to the request of the Committee for my opinion as to the legality of the action of the City Council in resolving to sell the City property on Longard Road to the Anderson Chair Company, I beg to say as follows:—

In discussing this question it should be borne in mind that the powers of the City to dispose of its property are very limited. As to personal property its powers to sell are necessarily incident to its general power to carry on the business of the City, for without such a power it would be difficult or impossible to conduct the public business. But no such necessity exists in respect to land, and apart from special statutory authority the City has no power to sell or dispose of any of its real property. There is no such power contained in the Charter other than Section 640, with which I shall deal later on. Even the power to lease is specifically conferred by Section 583, and carefully restricted.

The land in question was acquired by expropriation and it is consequently necessary also to bear in mind the general principle governing all real property acquired by a corporation by expropriation, namely, that this mode of acquisition is a special privilege and property so acquired must be held strictly for the purpose for which it has been so acquired. The principle is illustrated in a recent case. *Attorney-General vs. Hanwell Urban Council*, 69 L. J. Ch. 39, confirmed on appeal 1b 626. In that case a municipal body had expropriated land for the purposes of sewerage disposal. Part of this land having been found to be unfit for that purpose by reason of its level, it was proposed to make use of it as a site for an infectious diseases hospital. Action was brought in the name of the Attorney-General to restrain this intended use, and the plaintiff succeeded. The principle on which the Court acted was thus stated by Kekewich, J., as follows:

"The principle on which we approach a case of this kind is that no public body entrusted with powers to take land can properly acquire land for the purposes which are sanctioned and then devote the land to purposes which are not sanctioned. A local authority is not justified, without further authority, in diverting land required for a particular purpose to purposes which will permanently interfere with its devotion to the original purpose."

The word "permanently" it should be noted is used by the learned judge advisidly to prevent his remarks being constructed to prevent a municipal body making a temporary use of expropriated land for a purpose different from that for which it was expropriated, provided that such use is not inconsistent with its ultimate use for the purpose for which the expropriation was made. Bearing in mind these two principles, namely, the absence of any general power to sell civic land and the strict manner in which expropriated land is required to be held I proceed to consider the extent to which they have been modified by Section 640, and its bearing on the case in hand.

The land in question was acquired by expropriation in 1893. The purpose for which it was acquired is stated in the preamble of the resolution to be generally for the extension and improvement of the water supply of the City. Section 640 authorizes the City to sell any land "so expropriated not required for the purpose for which the expropriation was made." The language of the section is identical with that of Section 625 which authorizes, when the Engineer reports it is expedient so to do, the expropriation of the "whole of any property, a part only of which is required for the purpose for which the expropriation is made," and it is doubtful if Section 640 was intended to do more than authorize the disposal of surplus land acquired under Section 625. But no such speculation should prevent us giving effect to it in a different case if the language will permit.

Obviously however the authority conferred is not an unlimited authority to sell any expropriated land. It is limited in its application to land "so" expropriated and to land "not required for the purpose for which the expropriation was made," and both these limitations create difficulties. I am not partial to what the Privy Council recently termed "meticulous criticism" of the language of a statute, but it is never safe to wholly ignore any word of an act, however small. Here the word "so" literally applies only to land expropriated in the manner and under the authority of the preceding sections of the Charter. If that mode of procedure had been identical with that under which this property was expropriated the land would I think be clearly brought within the section by the effect of the statute bringing the Charter into effect (1904 c. 50.) But the procedure has been changed in one very important respect, namely in no longer requiring the approval of the Governor-in-Council which was required and given in respect to the expropriation of the land in question. Whether land expropriated with this formality would be included in the same category as land expropriated without it, and rendered liable to be disposed of in the same manner, is to my mind very doubtful.

A further difficulty is this:—The section authorizes the disposal of "land not required for the purpose for which the appropriation was made." Of what is or is not required the Council alone are the judges, and their determination would not be interfered with by a court. But it has been frequently held that such a power is judicial in its character, and must be exercised after due inquiry and deliberation and upon adequate evidence. In this case no inquiry was made and the only evidence was the report of the Engineer that the land was required for the purpose for which it was required and for other purposes as well (which latter is of course immaterial). Whether in the absence of any inquiry and upon such evidence the Council could be said to have determined that the land was not required for the purpose for which the expropriation was made is also to my mind extremely doubtful.

I am aware that this opinion is not as decided as I would like. But on such a point it is impossible to speak with any certainty. Direct authority on the points involved cannot be had, because each case is necessarily dependent on the language of its own act. All I can do is to point out what appear to me to be the legal difficulties of the case. Similar difficulties are always found wherever the language of a statute is sought to be applied to a set of facts not contemplated when the enactment was drawn or passed. If I have to express a more definite opinion all I can say is that the inclination

of the courts is always to construe these powers to alienate public property strictly, and that in my opinion a court applying the principles to which I have referred would be more likely to hold the resolution illegal than the contrary.

I may add that I am clear that the resolution cannot be supported under the Act of 1907, Cap. 71, Sec. 4, which authorizes the City to acquire by purchase or expropriation the land requisite for the establishment of a new industry. Under the principle of Atty. Gen. V. Hanwell, the City would have no right to devote to this purpose land expropriation for any other purpose. The power given by the Act must be exercised in strict compliance with the language used by acquiring land specially for the purpose of aiding in the establishment of the industry.

F. H. BELL, *City Solicitor*.

Also read a further opinion of the City Solicitor on the subject.

OFFICE OF CITY SOLICITOR, HALIFAX, N. S., July 8th, 1909.

*His Worship the Mayor :*

SIR,—In reply to your inquiry as to whether the resolution of the Council declaring that the land directed to be sold to the Anderson Chair Company was not required for purposes of the water supply has any bearing upon the difficulties suggested in my opinion on the legality of the resolution, I beg to say that in my opinion it has. The fact that it was passed subsequent to the resolution for the sale, and that no further inquiry or evidence was before the Council would undoubtedly be considerations weakening its force; but nevertheless I am of opinion that any Court would treat it as a manifestation of the opinion of the Council that the land was not required for the purposes of the expropriation and give due weight to it accordingly. I cannot say my doubts are removed but they are lessened.

F. H. BELL, *City Solicitor*.

Moved by Alderman Whitman, seconded by Alderman Bligh, that the same be filed and printed in the Minutes. - Motion passed.

Alderman Hubley gives notice that he will at a future meeting move a resolution to rescind the resolution passed at last meeting declaring that the City Yard on Kempt Road is not required.

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

QUEEN STREET SIDEWALK.

CITY WORKS OFFICE, JUNE 23rd, 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 paying for Queen Street Sidewalk out of Permanent Sidewalk Account instead of Streets, as ordered, was read and recommended to Council for adoption.

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

CITY ENGINEER'S OFFICE, JUNE 22nd, 1909.

*His Worship the Mayor :*

SIR,—The sidewalk on the west side of Queen Street, between Rottenburg St. and Morris St., has been ordered to be constructed out of the street appropriation. As the sidewalks in the blocks north and south from this block have been laid and paid for out of the sidewalk appropriation, I would recommend that this sidewalk also be placed under the sidewalk schedule, and that the work be done under the Halifax Permanent Sidewalk Act. 1906.

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

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

Alderman Wilson gives notice that he will at a future meeting move a resolution to rescind the resolution passed August 9th, 1906, to pay for construction of permanent sidewalk Queen Street, between Rottenburg Street and Morris Street out of street appropriation.

Read reports Committee on Works and City Engineer re fire hydrants North Street.

#### HYDRANTS NORTH STREET.

CITY WORKS OFFICE, June 23rd, 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 two additional fire hydrants on North Street, between Clifton Street and Windsor Street, was read and recommended to Council for adoption.

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

CITY ENGINEER'S OFFICE, June 17th., 1909.

*His Worship the Mayor:*

SIR,—I beg to report on the recommendation of the Committee of Fire Wards that two additional fire hydrants be installed on North Street between Clifton Street and Windsor Street.

In order to carry out this work an extension of the main pipe for a distance of 210 feet will be necessary. The excavation will be rock, district high service, size of pipe 6", estimated cost:—

Pipe .....	\$126 00
Excavation and pipe laying .....	378 00
1 6" thumble .....	1 60
Lead.....	1 00
Two fire hydrants.....	260 00
Total.....	\$776 69

I would recommend that the work be carried out as soon as the money is available, but I would recommend also that nine inch pipe be laid from Windeor Street as the poor pressure in this district will not supply three hydrants on North Street through a six inch pipe.

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

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

Read reports Committee on Works and City Engineer re Water extension Chebucto Road and North Street.

#### WATER EXTENSION CHEBUCTO ROAD AND NORTH STREET.

CITY WORKS OFFICE, July 7th, 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 petition of ratepayers for water extension Chebucto Road and North St. was read and recommended to Council for adoption.

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

CITY-ENGINEER'S OFFICE, July 5th, 1909.

*His Worship the Mayor :*

SIR,—I beg to report on the accompanying petition from property owners on Chebucto Road and North Street asking for the extension of water to their properties from the end of the pipe on Chebucto Road to the house west of Connolly Road.

The district is high service ; length of pipe required, 840 feet on Chebucto Road and 170 feet on North Street east from Chebucto Road ; size of pipe required, 6 inch ; excavation, rock ; estimated cost—

CHEBUCTO ROAD.

Pipe .....	\$ 504 00
Two 6-inch valves ..	40 00
One 6-inch four-way branch.....	5 74
Five 6-inch three-way branches.....	23 50
One 6-inch Y Branch .....	4 70
Lead and paint.....	12 00
Excavation .....	1260 00
Twenty service pipes.....	600 00
	\$2449 94

NORTH STREET.

Pipe .....	\$ 102 00
One 6-inch valve .....	20 00
Two service pipes .....	60 00
Excavation and pipe laying .....	255 00
	437 00

Grand total..... \$2886 94

Interest at 5 per cent. on the estimated outlay..... 144 34

There are seventeen property owners represented on the petition, which would make the special rate \$8.49. If the water is supplied to the whole twenty-two houses on the line of the proposed extension, the rate would be \$6.56.

I would recommend that the extension be made on a special rate of \$8.49, to be reduced if more than seventeen houses are connected or if the cost is less than estimated.

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

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

Read reports Committee on Works and City Engineer re water lot Bedford Basin for Imperial Oil Company.

WATER LOT BEDFORD BASIN.

CITY WORKS OFFICE, July 7th, 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 from Marine and Fisheries' Department in re-granting a water lot at Bedford Basin to Imperial Oil Company was read and recommended to Council for adoption.

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



CITY ENGINEER'S OFFICE, July 5th, 1909.

*His Worship the Mayor:*

SIR,—In compliance with the accompanying extract from the Minutes of the City Council, I beg report on communication attached hereto, respecting a water lot applied for by the Imperial Oil Company, Limited.

The lot is in front of the property of the Company at Bedford Basin and does not in any way affect the interests of the City or interfere with navigation. I am not aware of any reason why it should not be granted. The plan and description is returned attached.

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

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

Read reports Committee on Works and City Engineer covering opinion City Solicitor in re reduction of water meter rates Acadia Sugar Refinery.

## SUGAR REFINERY WATER BILL.

CITY WORKS OFFICE, June 23rd, 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 reduction of water rates to Acadia Sugar Refinery was read and recommended to Council for adoption.

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

CITY ENGINEER'S OFFICE, June 23rd, 1909.

*His Worship the Mayor:*

SIR,—I beg to report on the accompanying letter respecting the bill for water supply to the Acadia Sugar Refinery from September, 1907, to March, 1908.

The Refining Company claim that the charge for water, 55,000,000 gals., is excessive and more than they could have used even at a most liberal allowance, and they suggest that the extra consumption is due to a break in the pipe between the meter and the refinery. The meter at present is some distance from the Refinery. Formerly we used a 4-inch meter closer to the building, but the throb of the pump in the Refinery put the meters out of service at the rate of three or four a year. The 4-inch meters cost \$86.75. As the strain on the meters seemed to be increased rather than diminished, we tried a 6-inch meter farther away. The 6-inch meters cost \$143.42. The meter in use now has been on the pipes for a year without any trouble. The Refining Co. estimate that the maximum of consumption during the six months in question was 47,950,000 gals., while they are charged for 55,019,000 gals., a difference of about 7,000,000 gals. The consumption per month varies according to the number of days they work. Comparing the consumption for six months in question, as shewn by the meter, with other years, there seems to be no doubt that their claim is correct. The meters had harder usage in the six months complained of than ever. The consumption runs from about 3,000,000 gals. to 9,000,000 gals. a month.

From Nov. 7th, 1907, to Dec. 22nd, the consumption was 14,220,000 gals. as registered. A leak was repaired immediately after that date. It was in the joint in the 6-inch pipe between the meter and the refinery, and in the opinion of the Foreman of the Water Department there is no doubt that the waste through the leak would reach the 8,000,000 gals. estimated by the Refining Co. It would therefore seem to be a fair claim on their part that the bill should be reduced to the estimate made by them.

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

OFFICE OF CITY SOLICITOR, Halifax N. S., Dec. 24th, 1908.

*His Worship the Mayor, Chairman Committee on Works :*

SIR,—The facts of this case are to my mind entirely identical with those of several other cases on which I have already given an opinion to the Board, namely, that there is no dispute as to the quantity of water which has passed through the meter, and for which the claimant is chargeable; but that a considerable quantity has been by reason of accident or other cause beyond the control of the claimant, been wasted and of no value to the person charged. I gave the Board in my opinion on the claim of Messrs. Shatford Bros., 19th June last my reasons at considerable length for holding the opinion that the City does not possess power to make a reduction in the rates in such a case, and I am still of the same opinion. At the same time I wish again to express my opinion that such a power should be possessed by the City to enable it to deal justly with cases of great hardship, and I would again ask consideration by the Committee of the Draft Act which I prepared for the former Committee on Works, but was reported to the Council to late to be submitted to the legislature. This draft will be found printed in the minutes of Council of the 14th May last, and I believe it would enable claims such as the present to be adequately and justly dealt with on a systematic plan.

F. H. BELL, *City Solicitor.*

Moved by Alderman Whitman, seconded by Alderman Wilson, that the report of the Committee on Works be adopted. Motion passed.

Read reports Committee on Work and City Engineer (2) re reduction in water rates W. & J. A. Scriven and Shatford Bros.

CITY WORKS OFFICE, July 7th, 1909.

*To the City Council :*

GENTLEMEN,—At a meeting of the Committee on Works held this day the attached reports of the City Engineer in re reduction of water rates to Messrs. W. & J. A. Scriven and Shatford Bros. were read and recommended to Council for adoption.

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

W. & J. A. SCRIVEN'S WATER BILL.

CITY ENGINEER'S OFFICE, June 28th, 1909.

*His Worship the Mayor :*

SIR,—Messrs. W. & J. A. Scriven ask for a reduction in their water bill for the six months from March to September, 1907, the bill as rendered being \$46.19. There was a leak in the pipe supplying this property which started underground, and which I am informed was attended to as soon as discovered. The Act passed at the last session provides that a reduction may be made if the amount of water charged for is in excess of that which is fairly required, and if such excess has passed through the meter by reason of unavoidable accident without the negligence, default or failure, to use proper care or precaution on the part of the owner. In my opinion this is a case which can be dealt with under this Act. During the last five years the bills for the same period have been :—

1904 .....	\$12.40
1905 .....	10.45
1906 .....	13.30
1908 .....	15.50

I would recommend that the bills for the period from March to September, 1907, be charged at the average of the four named above, viz :—\$12.91.

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

## SHATFORD BROS. WATER BILL.

CITY ENGINEER'S OFFICE, April 23rd, 1908.

*His Worship the Mayor :*

SIR,—With reference to Shatford Bros. complaint, the pipe runs some distance under ground from Lockman St. to the stable at No. 134. Messrs. Shatford Bros. deposited a sum of money with the Clerk of Works so that the City Water Dept. could find the leak for them. It was very difficult to find it and in the mean time a great deal of leakage had passed through the meter which is near the street. Messrs. Shatford Bros. had an entirely new pipe put in and for some time there was no complaint. Recently, however, another leak developed and an old stopcock which they did not know was on the pipe was found to be leaking. I believe from the statements of Messrs. Shatford Bros. and the information I have through the employees of the Water Dept. that Messrs. Shatford Bros. endeavored to find the cause of this excessive consumption as soon as it was brought to their attention.

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

CITY ENGINEER'S OFFICE, June 28th, 1909.

*His Worship the Mayor :*

SIR,—Messrs. Shatford Bros. ask for a reduction in their water bill for the period from October, 1907, to March, 1908. About 1906 they leased the stable No. 134 Lockman Street. and shortly after taking it over they discovered that their water consumption was very large. At that time they spent about \$80 00. as the state, and found a leak and put in a new pipe. During the six months referred to another leak developed and they did considerable digging and finally found that an old stopcock which they did not know was on the pipe was leaking. From the information obtained from the employees of the Water Department and from Messrs. Shatford Bros.' statements, I believe that they endeavored to find the cause of the excessive consumption as soon as it was brought to their notice. The bill for the six months, from October, 1907, to March, 1908, is \$15.70. The bill for the corresponding period in the previous year was \$6 70, and in the following year \$7.90. I would recommend that the bill for the period from October, 1907, to March, 1908, be reduced to the average of the other two, namely, \$7.30.

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

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

Read report Committee on Works covering opinion City Solicitor re concrete sidewalk Cogswell Street.

## RE COGSWELL STREET SIDEWALK.

CITY WORKS OFFICE, July 7th, 1909.

*To the City Council :*

GENTLEMEN,—At a meeting of the Committee on Works held this day the attached opinion of the City Solicitor on Minutes of Council in re payment by abutters on Cogswell St, sidewalk was read and referred to Council for its information.

J. A CHISHOLM, *Mayor and Chairman.*

OFFICE OF CITY SOLICITOR. Halifax, N. S., June 30th, 1909.

*Chairman Committee on Works:*

SIR,—The only reason suggested to me why the property owners along Cogswell Street are not liable for the sidewalk laid on that street is that the sidewalk has proved

to be not as good as it should be. This is clearly no ground for exempting them from liability. The City undoubtedly should make good the sidewalk, but the property owners are liable under the Statute.

F. H. BELL, *City Solicitor.*

Filed.

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

YALE STREET SEWER.

CITY WORKS OFFICE, July 7th, 1909.

To the City Council:

GENTLEMEN,—At a meeting of the Committee on Works held this day, the attached report of the City Engineer with resolution in re expropriating a right-of-way for sewer on Yale Street were read and recommended to Council for adoption.

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

CITY ENGINEER'S OFFICE, July 5th, 1909.

His Worship the Mayor:

SIR,—In compliance with instructions of the City Works Committee, I beg to report what is required by the City in order to construct the Yale Street sewer.

Mr. Duffus was offered \$25.00 for the piece of land required for the outlet of Yale Street sewer to Quinpool Road. He declined to accept it. This land cannot be purchased for a street as it is only 17 feet wide. The City requires for the purpose of constructing a sewer from Yale Street to Quinpool Road only the following rights, namely:—

The right to construct a sewer of such material and such size and shape and at such level and with such manholes, catchpits, and other appurtenances as the City Engineer of the City of Halifax shall approve of in, under and upon, all that lot of land between Yale Street and Quinpool Road in the City of Halifax described as follows:

All that lot, piece or parcel of land situate, lying and being between Quinpool Road and Yale Street in the City and County of Halifax, the said lot being more particularly described as follows:—Beginning at a point on the north side of Quinpool Road, the said point being the south-west corner of property belonging to the Home of the Good Shepherd, thence in a westerly direction by the said north line of Quinpool Road for a distance of seventeen (17) feet more or less, or until it meets the south-west corner of lot No. 135 of the Riding Ground Division; thence in a northerly direction by the eastern boundary of lot No. 135 and lot No. 136 of the said Division for a distance of one hundred and seventy (170) feet more or less, or until it meets the south line of Yale Street; thence in an easterly direction for a distance of seventeen (17) feet more or less, or until it meets the western boundary of property belonging to the Home of the Good Shepherd; thence southerly by the said west boundary line for a distance of one hundred and seventy (170) feet more or less to the place of beginning, which said lot of land is shewn on a plan entitled, "Plan shewing right of drainage required through the lane between Quinpool Road and Yale Street," signed by F. W. W. Doane, City Engineer, and filed in the City Engineer's office at Halifax as plan No. 2037.

Also the right to enter on the said lane with carts, horses, workmen and servants at any time by night or by day, and to dig up and excavate said lot and remove the earth therefrom and do all things necessary for the construction of a sewer in said lane, and also where required to fill in and raise the said lot of land with earth, stones and other suitable materials for the covering and protection of the said sewer and its appurtenances in such a way and to such a height as the City Engineer shall deem advisable.

Also the right from time to time and at any and all times hereafter whenever the City Engineer or other City official acting in his stead shall consider it requisite to enter upon such lands with workmen and servants, horses and carts, to inspect, clean up or

repair such sewer and its appurtenances, and for that purpose to dig up, excavate and open such lot and do thereon whatever may be necessary for inspecting, cleaning and repairing such sewer and its appurtenances.

I would recommend that the accompanying resolution, which has been approved by the City Solicitor, be sent to the Council with a recommendation that it be adopted.

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

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

The following resolution is submitted :

*Whereas*, Yale Street in the City of Halifax has a surface grade sloping eastwardly from Harvard Street.

*And whereas* for the purpose of draining this street and the houses adjoining it is necessary to obtain an outlet at the east end of Yale Street ;

*Therefore resolved*, that the City requires for the purpose of constructing a sewer to drain Yale Street the following rights, nameily :—

The right to construct a sewer of such material and such size and shape and at such level and with such manholes, catchpits and other appurtenances as the City Engineer of the City of Halifax shall approve of in, under and upon all that lot of land between Yale Street and Quinpool Road in the City of Halifax described as follows :—

All that lot, piece or parcel of land situate, lying and being between Quinpool Road and Yale Street in the City and County of Halifax, the said lot being more particularly described as follows :—Beginning at a point on the north side of Quinpool Road the said point being the south-west corner of property belonging to The Home of the Good Shepherd, thence in a westerly direction by the said north line of Quinpool Road, for a distance of seventeen (17') feet more or less or until it meets the southeast corner of Lot Number 135 of the Riding Ground Division ; thence in a northerly direction by the eastern boundary of lot Number 135 and Lot Number 136 of the said division for a distance of one hundred and seventy (170') feet more or less or until it meets the south line of Yale Street ; thence in an easterly direction for a distance of seventeen (17') feet more or less or until it meets the western boundary of property belonging to The Home of the Good Shepherd ; thence southerly by said west boundary line for a distance of one hundred and seventy (170') feet more or less to the place of beginning, which said lot of land is shewn on a plan entitled "Plan shewing right of drainage required through the lane between Quinpool Road and Yale Street," signed by F. W. W. Doane, City Engineer, and filed in the City Engineer's office at Halifax as Plan Number 2037.

Also the right to enter on the said lane with carts, horses, workmen and servants at any time by night or by day and to dig up and excavate said lot and remove the earth therefrom and do all things necessary for the construction of a sewer in said lane, and also were requested to fill in and raise the said lot of land with earth, stones and other suitable materials for the covering and protection of the said sewer and its appurtenances in such a way and to such a height as the City Engineer shall deem advisable.

Also the right from time to time and at any and all times hereafter whenever the City Engineer or other City Official acting in his stead shall consider it requisite to enter upon such lands with workmen and servants, horses and carts to inspect, clean up or repair such sewer and its appurtenances, and for that purpose to dig up, excavate and open such lot and do thereon whatever may be necessary for inspecting, cleaning and repairing such sewer and its appurtenances.

*And Further Resolved*, that the City Engineer be and he is hereby instructed and authorized to offer the owners of the property hereinbefore described a sum not exceeding five dollars for the rights named.

Moved by Alderman Whitman, seconded by Alderman Hubleby and being put is passed.

Read reports Committee on Works and City Engineer re cost of rock work Young Avenue.

YOUNG AVENUE ROCK EXCAVATION.

CITY WORKS OFFICE, July 7th, 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 Young Avenue rock excavation was read and referred to Council for its information.

J. A. CHISHOLM, Mayor and Chairman.

CITY ENGINEER'S OFFICE, July 6th, 1909.

His Worship the Mayor :

SIR,—In reply to Alderman Hoben's question, I beg to report that the time books show the cost of labor and truckage and blasting rock on Young Avenue to be \$518.99. The brush charged to this work cost \$9.00, dynamite \$29.70 and fuse \$6.25. Of this amount, \$527.99 has been charged to Street Appropriation, but about \$200 to \$250 will be transferred to that account when the stone is used, leaving a balance charged to Street Appropriation of \$250 to \$300.

The City Works Committee authorized the grading of the sidewalk on the west side, which is solid rock in front of the property purchased by T. W. Murphy. The remainder of the work done is not included in the resolution of the City Works Committee, authorizing the work.

Ever since the beginning of the construction of permanent sidewalks, we have used a good deal of rubble stone for foundations. We have collected the stone principally from the sewer trenches, hauled it to the City yard and stored it there until it was required in the sidewalk work.

This spring, during the construction of the sidewalk on Gottingen Street, we exhausted the supply in the City yard and we were obliged to gather stone wherever we could find it. As there were several blocks of curb and gutters ordered and some sidewalk work to be done, I instructed the foreman to continue blasting on Young Avenue until we had sufficient material to guarantee us against the necessity of stopping the sidewalk work until we could accumulate a quantity of stone from sewer trenches. The stone has been left on the side of the street and will remain there until the sidewalk or curb work is begun.

After we had blasted enough to keep us going, I knocked off the blasting squad and instructed the engineer of the steam drill to continue drilling for another 30 or 40 yards, so that if we did not get enough stone from our sewer work, we could again blast at this ledge and obtain a supply.

By doing the work in this way, we are saving one truckage, as we formerly hauled the stone to the City yard and then trucked it again to the sidewalk.

In other cities stone for similar purposes is obtained by setting up drills on ledge rock wherever it can be obtained, but in this case we are "killing two birds with one stone," namely, grading the street, which must be done at some time, and supplying material for sidewalk work, which is absolutely necessary.

F. W. W. DOANE, City Engineer.

Filed.

Read reports Committee on Works and City Engineer re water extension Parker Street.

WATER EXTENSION PARKER STREET.

CITY WORKS OFFICE, June 23rd, 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 water extension Parker St. was read and recommended to Council for adoption.

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

CITY ENGINEER'S OFFICE, June 11th, 1909.

His Worship the Mayor :

SIR,—I beg to report on petition asking for water extension on Parker Street :

The district is high service, size of pipe required, 4-inch ; distance, 165 feet ; estimated cost :—

Pipe .....	\$ 66 00
Excavation and pipe laying .....	115 50
100 lbs. lead .....	5 00
Two service pipes .....	30 00
Total.....	\$216 50

I would recommend that the extension be made and that a meter be placed on the barn, in accordance with the practice in all recent extensions to barns.

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

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

Read reports Committee on Works and City Engineer re water extension on Oxford Street.

WATER EXTENSION OXFORD STREET.

CITY WORKS OFFICE, July 7th, 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 water extension Oxford Street was read and recommended to Council for adoption.

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

CITY ENGINEER'S OFFICE, July 6th, 1909.

His Worship the Mayor :

SIR,—I beg to report on the accompanying letter from Mr. E. E. Silliker asking for the extension of the water pipe on Oxford Street to supply a building which he is erecting about 150 feet north of Mr. Payzant's house.

The pipe at present runs south from Coburg Road to Mr. Payzant's house. I have recommended on several occasions, the laying of a 12-inch pipe in this street, looking to the future, and the pipe purchased in the last contract and already delivered in the yard, includes what is required for this street.

The length of pipe required to connect from Quinpool Road to the north end of the pipe on Oxford Street is 1050 feet. The district when the change is made will be

low service. It is at present supplied from the high service. The estimated cost, not including the pipe which is already on hand, is—

Excavation and pipe laying .....	\$2100 00
Two valves .....	80 00
Six branches.....	67 50
Lead.....	114 00
<b>Total.....</b>	<b>\$2361 50</b>

I would recommend that 12-inch pipe be laid in Oxford Street from Quinpool Road to the north end of the 6-inch pipe.

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

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

Moved in amendment by Alderman Hubley, seconded by Alderman Hoben, that said reports be placed on the Order of the Day. Amendment put and lost. Original motion put and passed, 10 voting for and 4 against it, as follows :—

For the Motion.

Aldermen Shaffner, Wilson,  
Whitman, O'Brien, Hebb,  
Bligh, Thompson, Martin,  
MacKenzie, Rankine—10.

Against it.

Aldermen McManus, Hoben,  
Kelly, Hubley—4.

QUESTIONS BY MEMBERS.

Alderman McManus asked what the Committee on Works was doing about the cleaning of streets—Argyle Street, Jacob Street, Bell's Lane.

Alderman Kelly asked if the City Engineer could not obtain better material for repairs to streets than is now used.

Alderman Martin asked if the Committee on Works intends placing the western sidewalk of Lockman Street in proper repair.

Alderman Hoben asked when the curb and gutter would be laid on William Street.

Alderman Hoben asked when the Committee on Works intended repairing Quinpool Road near the Magarell property and at other points.

Alderman MacKenzie asked for a report as to the water extension Kenny Street and Livingstone Street.

Alderman Hubley asked that the Committee on Works request the Tramway Company to repair their track on Quinpool Road and Alderman Hebb referred to similar conditions on Coburg Road.

Alderman Hebb asked if His Worship the Mayor intends to appoint a special railway committee.



Alderman McManus asked for an opinion from the City Solicitor re payment of the accounts of the Charities Committee of 1908-9.

Alderman McManus asked that the Committee on Works report on rebate of water rates Carroll Brothers.

Alderman Martin asked for a report from the City Engineer re the painting ordered by the Council of the poles of the Telephone Company and the Telegraph Companies.

Alderman O'Brien asked if it is the intention of the Committee on Works to repair the sidewalks on Blowers Street and on Water Street in Ward No. Two.

Alderman Wilson asked when the Committee on Works would be ready to put the water service pipes into houses Pine Hill College and on Pleasant Street foot of Inglis Street.

#### MOTIONS BY MEMBERS.

The following resolution is submitted :

*Resolved*, That the City Solicitor prepare at once a deed of the land authorized to be sold to the Anderson Manufacturing Company by the City under resolutions of Council of June 11th and July 2nd, 1909. And that the Mayor and City Clerk execute same forthwith.

*Further resolved*, that the City Solicitor draw up an agreement between the Anderson Manufacturing Company and the City in accordance with the proposals made to the City in the said Company's letters of May 12th, 1909 and June 9th, 1909.

Moved by Alderman Hoben, seconded by Alderman Bligh.

The following amendment is submitted :—

*Resolved*, That the deed of the land in question to the Anderson Manufacturing Company, Limited, or anyone on their behalf, from the City shall not be executed or delivered until at least \$100,000 of the stock of the said Company has been bona fide subscribed and \$40,000 thereof paid thereon into some chartered bank of Canada in Halifax.

Moved by Alderman Whitman, seconded by Alderman Hubley.

Amendment put and lost 2 voting for same and 12 against it as follows:—

For the Amendment.

Aldermen Whitman, Hubley.—2.

Against it.

Aldermen Shaffner, Wilson,  
O'Brien, Hebb,  
Bligh, McManus,  
Hoben, Kelly,  
Thompson, Martin,  
Mackenzie, Rankine--12.

The following resolution is submitted :—

*Resolved*, That the deed of the land in question to the Anderson Manufacturing Company, Limited, or anyone on their behalf, from the City shall not be executed or delivered until at least \$100,000 of the stock of the said Company has been bona fide subscribed and \$40,000 thereof paid thereon or invested in machinery and plant or deposited in a chartered Bank of Canada in Halifax subject to the approval of the City Auditor and City Engineer.

Moved by Alderman Wilson, seconded by Alderman Thompson.

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

For the Amendment.	Against it.
Aldermen Shaffner, Wilson, Whitman, Hubley, Thompson, Rankine.—6.	Aldermen O'Brien, Hebb, Bligh, McManus, Hoben, Kelly, Martin, MacKenzie--8.

The following amendment is submitted :—

*Resolved*, That the deed of the property in question be not executed by the Mayor, City Clerk or anyone on behalf of the City of Halifax to the Anderson Manufacturing Company or anyone on their behalf until the Anderson Manufacturing Company have built a factory and placed machinery on the land in question to the value of at least \$30,000.

Moved by Alderman Hubley, seconded by Alderman Whitman.

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

For the Amendment.	Against it.
Aldermen Shaffner, Wilson, Whitman, Hubley, Thompson, Rankine.—6.	Aldermen O'Brien, Hebb, Bligh, McManus, Hoben, Kelly, Martin MacKeuzie.--8.

Moved by Alderman Hoben, seconded by Alderman Kelly, that the original motion be now put.

His Worship the Mayor rules the motion out of order.

The following amendment is submitted :—

*Resolved*, that the City shall not execute or deliver a deed of the land in question to the Anderson Manufacturing Company, Limited, or anyone in its behalf, unless and until the objects of the said Company shall be effectually limited to those specified in the memorandum of objects of proposed Company, printed on page 246 of the Minutes of the City Council, dated November 13th, 1908, and no other.

Moved by Alderman Whitman, seconded by Alderman Hubley.

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

For the Amendment.	Against it.
Aldermen Shaffner, Wilson, Whitman, Hubley, Thompson, Rankine.—6.	Aldermen O'Brien, Hebb, Bligh, McManus, Hoben, Kelly, Martin, MacKenzie.—8.

The following amendment is submitted:—

*Resolved*, that the Mayor and City Clerk or the said City of Halifax shall not execute or deliver the deed of the land in question to the Anderson Manufacturing Company or anyone on their behalf unless and until a proper provision is put in said deed for making the said deed null and void, and vesting the said property in the said City in case the said Company shall open or conduct any shop in the City of Halifax for the sale of goods at retail, or engage in business of retailing lumber or building material.

Moved by Alderman Whitman, seconded by Alderman Thompson.

Moved by Alderman Hoben, seconded by Alderman Kelly, that the question be now put.

At 11.40 o'clock Alderman Hubley, seconded by Alderman Whitman, required a call of Council to be made.

His Worship the Mayor instructed the Chief of Police to endeavor to secure the attendance of the four members absent from the meeting.

Moved by Alderman Wilson, seconded by Alderman Shaffner, that the Council do now adjourn.

Motion put and lost, 6 voting for the same and 8 against it, as follows:—

For Adjournment.	Against.
Aldermen Shaffner, Wilson, Whitman, Hubley, Thompson, Rankine.—6.	Aldermen O'Brien, Hebb, Bligh, McManus, Hoben, Kelly, Martin, MacKenzie.—8.

During the half hour allowed for the call of Council the Council decides to proceed with the—

#### ORDER OF THE DAY.

Moved by Alderman Whitman, seconded by Alderman Hebb, that No. 14 be struck from the Order Paper, viz :

Alderman Whitman's notice of motion in re City Council's representation on School Board. December 10th, 1908. Verbal. Motion passed.

Moved by Alderman Whitman, seconded by Alderman Hebb, that No. 14 be struck from the Order Paper, viz :

Reports Committee on Works, City Engineer and City Health Board

re purity of water supply, expropriation of property of John Umlah and properties at Beech Hill. Feb. 4th, 1909. Motion passed.

Moved by Alderman Whitman, seconded by Alderman Wilson, that the first portion of No. 2 on the Order of the Day be struck therefrom, 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.

Moved by Alderman Bligh, seconded by Alderman Rankine, that No 4 on Order Paper be struck therefrom, viz: City Solicitor's opinion in answer to questions by Alderman Hubley in re water meters. June 4th, 1908. Motion passed.

Moved by Alderman Bligh, seconded by Alderman MaManus, that No. 5 be struck from the Order of the Day, viz:—Report Committee on Works and opinion City Solicitor re contracts for installing water meters. July 9th, 1908. Motion passed.

Moved by Alderman Bligh, seconded by Alderman Hebb, that No. 9 on the Order Paper, viz:—Report Committee on Works and City Engineer re sidewalks and sewers. July 9th, 1908, be struck therefrom. Motion passed.

Moved by Alderman Hoben, seconded by Alderman Whitman, that No. 10 on Order of the Day be now taken up. Motion passed.

Read No. 10, viz. : An Ordinance to amend the Rules of Order of Council in re notices of reconsideration. August 6th, 1908. (Second reading).

The said Ordinance is now read a second time.

Moved by Alderman Martin, seconded by Alderman Hebb, that No 11, viz. : Petition Typographical Union for the adoption of the Union label on all City printing, October 8th, 1908. Letter Typographical Union on same subject April 22nd, 1909, be now taken up.

Moved in amendment by Alderman Rankine, seconded by Alderman Wilson, that this item remain on the Order of the Day.

Amendment put and passed.

Moved by Alderman Hoben, seconded by Alderman Bligh, that No. 19 be struck from the Order of the Day, viz. : Alderman Hebb's notice of motion in re re-establishment of Board of Works and Police Committee with six Aldermen and His Worship the Mayor as members of each. February 26th, 1909. Motion passed.

Moved by Alderman Bligh, seconded by Alderman Hebb, that No. 15 on Order Paper be struck therefrom, viz. : Reply Coal Weighers to

Alderman Edwards' questions re Coal Weighers. February 26th, 1909. Motion passed.

Moved by Alderman MacKenzie, seconded by Alderman Hoben, that No. 23 on Order Paper be now taken up, viz: Report Laws and Privileges Committee (clause 4) in re payment over of certain funds to the School Board, covering opinions of Mr. Hector McInnes and the City Solicitor. June 11th, 1909.

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

For the Motion.	Against it.
Aldermen Hoben, Martin, MacKenzie—3.	Aldermen Shaffner, Wilson, Whitman, O'Brien, Hebb, Bligh, McManus, Kelly, Thompson, Rankine—10.

Moved by Alderman MacKenzie seconded by Alderman Hoben, that No. 21, viz: Report Special Committee in re City Prison. April 30th. Be referred to the present City Prison Committee for report. Motion passed.

Moved by Alderman Rankine, seconded by Alderman Whitman, that No. 3 on Order paper be struck therefrom, viz: Reports Committee on Works and City Engineer re proposed street alterations. December 10th, 1908. Letter J. K. Munnis asking for appointment of a Special Committee. February 4th, 1909. Motion passed.

Moved by Alderman Whitman, seconded by Alderman Hebb, that No. 18, be referred to the present committee on Cabs for report, the the item being "An Ordinance to amend Ordinance No. 14 'The Regulation of Hacks.' February 26th, 1909. Third reading."

Motion passed.

12.10 o'clock. The half hour allowed for the call of Council having elapsed the Chief of Police reported that he had been unable to secure the attendance of any of the absent members of Council.

Alderman Hoben's motion "That the question be now put" is put to the Council and passed.

The amendment proposed by Alderman Whitman, and seconded by Alderman Thompson previous to the call of Council is put and lost, 4 voting for and 10 against the same, as follows:—

For the Amendment.	Against it.
Aldermen Whitman, Hubley, Thompson, Rankine.—4.	Aldermen Shaffner, Wilson, O'Brien, Hebb, Bligh, McManus, Hoben, Kelly, Martin, MacKenzie.—10.

Moved in amendment by Alderman Wilson, seconded by Alderman Rankine, that the deed be not given until an agreement on the lines of the letters of the Anderson Chair Company is executed by the said Company and a clause inserted in the deed on the lines of the said agreement and in the event of such conditions not being complied with that the land revert to the City.

At 12.25 o'clock there being four members of Council absent Aldermen Hubley and Thompson required a call of Council to be made.

His Worship the Mayor instructed the Chief of Police to send for the absent aldermen.

During the half hour allowed for the call of Council it is agreed to take up other business.

Moved by Alderman MacKenzie, seconded by Aldermen Wilson, that No. 23 on Order of the Day, viz: Report Laws and Privileges Committee (Clause 4), in re payment over of certain funds to the School Board, covering opinions of Mr. Hector McInnes and the City Solicitor. June 11th, 1909. Be now taken up.

Moved by Alderman Hubley, seconded by Alderman Whitman, that the Council do now adjourn. Motion put and lost.

Alderman MacKenzie's motion is put and passed.

Read said No. 23, as above referred to.

Moved by Alderman Wilson, seconded by Alderman Bligh, that the report of the Committee on Laws and Privileges and the opinion of the City Solicitor be concurred in.

Moved by Alderman Whitman, seconded by Alderman Hubley, that the Council do now adjourn.

Motion put and lost, 4 voting for the same and 8 against, as follows:—

For adjournment.

Against it.

Aldermen: Shaffner, Wilson, Whitman, Hubley.—4.	Aldermen O'Brien, Bligh, McManus, Hoben, Kelly, Thompson Martin, MacKenzie.—8.
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At 12.55 o'clock the Chief of Police reports having been unable to secure the attendance of any of the absent aldermen.

The Anderson Manufacturing matter being now resumed, Alderman Wilson's amendment is put and lost, 5 voting for the same and 8 against it, as follows:—

For the Amendment.

Against it.

Aldermen Shaffner, Wilson, Whitman, Hubley, Thompson.—5.	Aldermen O'Brien, Hebb, Bligh, McManus, Hoben, Kelly, Martin, MacKenzie.—8.
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Moved by Alderman MacKenzie, seconded by Alderman Hoben, that the original resolution re the Anderson Manufacturing Company, Ltd., moved by Alderman Hoben, and seconded by Alderman Bligh, be now put. Motion passed.

The said original motion is now put and passed, 9 voting for the same and 4 against it, as follows :—

<p>For the Resolution.</p> <p>Aldermen Shaffner, O'Brien, Hebb, Bligh, McManus, Hoben, Kelly, Martin, MacKenzie.—9.</p>	<p>Against it.</p> <p>Aldermen Wilson, Whitman, Hubley, Thompson.—4.</p>
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Alderman Whitman gives notice of reconsideration.

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

Council adjourns 1 o'clock.

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CITY YARD KEMPT ROAD

CITY WORKS OFFICE, JULY 16TH 1909

Evening Session.—As a member of the Committee on Works held this day, the attached report of the City Engineer re City Field Kempt Road, to Anderson Manufacturing Co. is hereby submitted to the Council for their consideration.

8.10 o'clock.

COUNCIL CHAMBER, CITY HALL, July 16th, 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 Edwards, Hoben, Wilson, Hubley, Whitman, Martin, Kelly and McManus.

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

8.30 o'clock. Roll called. Present the above named together with Aldermen Shaffner, O'Brien, Smith, Douglas, Thompson, Corstcn MacKenzie, and Rankine.

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

NOTICE OF RECONSIDERATION.

Read No. 1 on Order of the Day, viz., Alderman Whitman's notice, of reconsideration in re site for factory of Anderson Manufacturing Co. July 8th, 1909.

Moved by Alderman Whitman, seconded by Alderman Edwards, that this matter be now reconsidered.

Motion put and passed, 8 voting for the same and 7 against it, as follows:—

For reconsideration.	Against.
Aldermen Shaffner, Wilson, Whitman, Smith, Hubley, Thompson, Edwards, Rankine.—	Aldermen O'Brien, McManus, Douglas, Hoben, Kelly, Martin, MacKenzie.—7

His Worship the Mayor submits reports Committee on Works and City Engineer re City Field Kempt Road, also letter City Solicitor re transfer of said property to Anderson Manufacturing Company.

The same are now read.



## CITY YARD KEMPT ROAD.

CITY WORKS OFFICE, July 14th, 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 transfer of City Field, Kempt Road, to Anderson Mfg. Co., was read.

It was resolved to recommend to Council that the said company should pay the cost of removing the broken stone and the stone sheds and deal with the lessee for the termination of his lease should the Council confirm its previous action

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

CITY ENGINEER'S OFFICE, July 14th., 1909.

*His Worship the Mayor :*

SIR,—At the request of the City Solicitor I am preparing a description of the City property on Kempt Road which is to be transferred to the Anderson Manufacturing Company. I beg to ask for instructions from your Committee respecting about two thousand dollars worth of broken stone which is on this property, two-thirds of it being broken last winter under the auspices of the Poor Association. There are some iron pipes also on the ground which we will have removed. The stone sheds are also on this property, and I presume the Anderson Manufacturing Company will not require them. Please instruct me if they are to be removed before the ground is transferred. The ground was leased to Thomas Robinson in April for the civic year 1909-10. If any action is necessary in connection with this lease, will you kindly instruct me or the Clerk of Works.

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

## RE ANDERSON COMPANY.

OFFICE OF CITY SOLICITOR, July 14th, 1909.

*His Worship the Mayor :*

SIR,—In accordance with the resolution of the Council at its last meeting, I am preparing a deed of the property and will complete the same as soon as the descriptions are obtained.

In reference to the agreement however, I would like further instructions from the Council. The resolution instructs me to prepare an agreement on the lines of the letter of the 12th May between the City and the Company; but in reply to my question Alderman Bligh stated, with the apparent acquiescence of the majority of the Council, that the resolution was to be a personal one between the City and Mr. Faulkner and the other gentleman who made the application on behalf of the company. If this is so I would like to know in what form the agreement is to be drawn. I would suggest that the agreement be drawn with the company, and that the applicant enter into a bond with a sufficient penalty conditioned for the performance by the company of the terms of the agreement.

F. H. BELL *City Solicitor.*

Read minutes of last meeting of Council on the subject.

His Worship the Mayor declared that the resolution of last meeting moved by Alderman Hoben and seconded by Alderman Bligh is now before the Council.

The following amendment is submitted:—

*Resolved*, that the deed of the land in question to the Anderson Manufacturing Company, Limited, or anyone in their behalf, from the City shall not be executed or

delivered until at least \$90,000 00 of the preferred stock of the said company has been bona fide subscribed and \$30,000.00 thereof paid thereon into some chartered bank of Canada in Halifax, less the sum which already has been bona fide paid by the said Company for machinery, the amount paid for machinery being the market value of the said machinery.

Moved by Alderman Whitman, seconded by Alderman Hubley.

Moved by Alderman Hoben, seconded by Alderman Kelly, that Mr. George E. Faulkner be permitted to address the Council on the subject. Motion passe.

Mr. Faulkner addresses the Council in behalf of the Anderson Manufacturing Company.

The amendment is put and lost, 6 voting for the same and 10 against it, as follows:—

For the Amendment.

Against it.

Aldermen Wilson, Whitman,

Aldermen Shaffner, O'Brien,

Hubley, Thompson,

McManus, Douglas,

Edwards, Rankine.—6.

Smith, Hoben,

Kelly, Martin,

Corston, MacKenzie—10.

Aldermen Wilson and Whitman asked that the draft of agreement between the City and the Anderson Manufacturing Company and the bond from George E. Faulkner et. al to the City be submitted to the Council and read.

The City Solicitor submits the same and they are now read.

#### AGREEMENT WITH ANDERSON MANUFACTURING CO.

This memorandum of agreement made this ..... day of July, 1909, between the City of Halifax, a body corporate (hereinafter called the City) of the first part, and the Anderson Manufacturing Company, Limited, also a body corporate (hereinafter called the Company) of the second part.

WITNESSETH AS FOLLOWS:—

1. The City agrees to sell and the Company agrees to buy for the price or sum of one thousand and fifty dollars, the lot of land in the City of Halifax, estimated to contain between three and four acres bounded by Kempt Road, Young St and Longard Road, reserving therefrom the land occupied by the City's pipe line and the railway siding, and giving to the Company a right-of-way over and along the said pipe line.

2. The City agrees to allow the Company exemption from all taxation on its property, real and personal, for the period of ten years, beginning with the next assessment hereafter, and to allow the Company the use of the City's water supply at the minimum rate for manufacturing purposes charged to any other consumer.

3. The Company agrees to erect on the said land factory buildings, and to equip the same with machinery, the total cost of such buildings and machinery not to be less than thirty thousand dollars.

4. The Company on its part agrees not to open or conduct any shop in the City of Halifax for the sale of goods at retail or engage in the business of retailing lumber or building materials.

5. The Company agrees to protect the interests of the working men of the City by paying fair wages to its employees.

In witness whereof, the said City has executed these presents by the hands of its Mayor and Clerk, by affixing hereto its seal, and the said Company has executed the same by the hands of its President and Secretary and by affixing hereto its corporate seal.

Signed, sealed and delivered }  
in the presence of }

#### BOND ANDERSON MANUFACTURING CO.

KNOW ALL MEN BY THESE PRESENTS, That we, George E. Faulkner, of the City of Halifax, Insurance Agent; Andrew M. Bell, of the same place, Merchant; Obed E. Smith, of the same place, Merchant; Charles H. Mitchell, of the same place, Merchant, and Alonzo A. Hayward, of the same place, Mining Engineer, are held and firmly bound unto the City of Halifax, a body corporate, in the sum of

dollars to be paid to the said City of Halifax, its successors and assigns, for which payment well and truly to be made we bind ourselves, and each of us binds himself, our and each of our heirs, executors and administrators, firmly by these presents, sealed with our seal, and dated the \_\_\_\_\_ day of July, 1909.

WHEREAS we, the above bounden obligors, have made application to the said City of Halifax on behalf of the Anderson Manufacturing Company, Limited, for the sale by the said City to the said company of a certain lot of land and for an exemption from taxation and other privileges; and the said City has agreed to make such sale and to grant such exemption and such privileges on condition of the company entering into an agreement with the City in manner and form as set out in a copy of the said agreement hereto attached; and upon our becoming security for the due and faithful performance by the company of the terms of the said agreement;

NOW THE CONDITION OF THIS OBLIGATION is such that if the said company at all times hereafter well and faithfully performs and carries out all the terms of the said agreement by it expressed to be done and performed, then this agreement shall be null and void, otherwise to be and remain in full force and effect.

Signed, sealed and delivered }  
in the presence of }

Moved by Alderman Hoben, seconded by Alderman Douglas, that the following be added as a rider to the original resolution as an amendment:

(a) That the agreement and bond prepared by the City Solicitor be executed concurrently with the deed.

(b) That the amount of the bond be \$5000.00.

(c) That the City be allowed to remove the broken stone at present on the property at any time within one year.

(d) That clause 2 of the agreement be amended so that the concessions given by the City shall only apply to the property in question and that the conveyance be executed by the Mayor and City Clerk forthwith.

His Worship the Mayor asked for the opinion of the City Solicitor as to whether the amendment is in order.

His Worship the Mayor decides to put the amendment to the meeting.