

For the amendment.

Aldermen Shaffner, Hebb,
Smith, Thompson,
Edwards, Rankine.—6.

Against it.

Aldermen Wilson, Whitman,
O'Brien, Bligh,
McManus, Douglas,
Hoben, Kelly,
Hubley, Martin,
Corston, MacKenzie—12.

Moved by Alderman Wilson, seconded by Alderman Hebb, that a new trial be given Engineer Sheehan the costs of same to be paid for out of the Fire Department appropriation provided that in case Sheehan loses he will pay the costs.

Moved by Alderman Douglas, seconded by Alderman McManus, that the question be now put. Motion passed.

The amendment being put is lost 7 voting for the same and 11 against it as follows :—

For the Amendment.

Aldermen Shaffner, Wilson,
Whitman, Hebb,
Thompson, Corston,
Edwards.—7.

Against it.

Aldermen O'Brien, Bligh,
McManus, Douglas,
Smith, Hoben,
Kelly, Hubley,
Martin, MacKenzie
Rankine—11.

The original motion is put and passed 11 voting for and 7 against it as follows :—

For the Motion.

Aldermen O'Brien, Bligh,
McManus, Douglas,
Smith, Hoben,
Kelly, Hubley,
Martin, Corston,
MacKenzie.—11.

Against it.

Aldermen Shaffner, Wilson,
Whitman, Hebb,
Thompson, Edwards,
Rankine.—7.

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

Council adjourns 11 o'clock.

EVENING SESSION.

8.10 o'clock.

COUNCIL CHAMBER, CITY HALL, December 14th, 1909.

A meeting of the City Council was held this evening at the above named hour. Present His Worship the Mayor and Aldermen Shaffner, Wilson, Whitman, O'Brien, Hebb, Bligh, McManus, Douglas, Smith, Hoben, Kelly, Hubley, Thompson, Martin, Corston, McKenzie, Edwards and Rankine.

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

PRESENTATION OF PAPERS.

The following named papers are submitted:—

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

Report City Prison Committee re accounts, by Alderman Wilson, Chairman.

Report Library Commission, by Alderman Hebb, Chairman.

Report Finance Committee, by Alderman Whitman, Chairman.

Report Charities Committee re accounts, by Alderman Hebb, Chairman.

Report Charities Committee re tenders for supplies, by Alderman Hebb, Chairman.

Report City Prison Committee on recommendations of special committee on reorganization of Prison, by Alderman Wilson, Chairman.

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

Report Finance Committee re Memorial Tower at proposed park, North West Arm, by Alderman Whitman, Chairman.

His Worship the Mayor submits the following named papers:—

Cash Statements City Collector Water Rates for September and October, and Taxes for October.

Letter Union of Canadian Municipalities re recent Cement Merger.

Letter C. Rennie & Co., London, England, offering to sell a steam fire boat to the City.

Report Police Committee covering accounts.

Application Nathan Komarsky for permission to change his place of business—junk store.

Letter J. K. Munnis for change of location of certain streets.

- Letter City Solicitor re Company Tax Canada Permanent Mortgage Company.
 Letter Union of Electrical Workers re carrying out of the electric wiring ordinance.
 Letter Civic Improvement League re the establishing of building lines.
 Letter N. A. Currie, declining to act as an examiner in the case of Engineer Sheehan.
 Report Coal Weighers for October.
 Petition for an electric light Creighton Street.
 Letter School Board re contract for heating and ventilating Chebucto School.
 Letter Provincial Secretary on the same subject.
 Report His Worship the Mayor as delegate in re Canadian Pacific Railway coming to Halifax.
 Petition for subscriptions to Flodden Memorial Fund.
 Resolutions of public meeting in re Memorial Tower North West Arm.
 Reports (12) Committee on Works, viz :—
 Purchase of W. E. Hebb property, Coburg Road.
 Larch Street land sale.
 Duties of water officials at fires.
 Accounts.
 Street Lights Maitland Terrace and Creighton Street.
 Cedar and Henry Street sewers.
 Peperell Street water extension.
 Agricola Street water extension.
 Gottingen Street properties drainage.
 DeWolfe's wharf sewer outlet.
 Road to North West Arm between South Street and Point Pleasant Park.
 New street between Robie and Louisburg Streets.
 Report Chief of Police re Sunday violations of Liquor License Act.

REFERENCE OF PAPERS SUBMITTED.

- Read petition for an electric light North Creighton Street.
 Referred to Committee on Works for report.
 Read letter School Board re contract for heating and ventilating Chebucto School.
 Also read letter Provincial Secretary on the same subject. Filed.

CHEBUCTO SCHOOL.

BOARD OF SCHOOL COMMISSIONERS, Nov. 15th, 1909.

His Worship the Mayor :

SIR,—I have the honor to inform you that in accordance with section 812 of the City Charter, as amended by sec. 7, cap. 67, Acts of 1907, application has been

made by the Board of School Commissioners for the City of Halifax for the approval of the Governor-in-Council of a contract with Messrs. Farquhar Bros. for the heating and ventilating of Chebucto School for the sum of \$8,897.00.

R. J. WILSON,
Secretary Board of School Commissioners, Halifax.

HALIFAX, N. S., Nov. 16th, 1909.

To the City Clerk, Halifax :

SIR,—I am directed by the Provincial Secretary to bring to your attention for the information of the City Council, that the Board of School Commissioners for the City of Halifax has submitted for the approval of the Governor-in-Council a proposed contract with Messrs. Farquhar Brothers for furnishing and installing a system of heating and ventilating in the Chebucto School, for \$8,897, according to plans and specifications prepared by W. J. Busch, Architect, the contract to be in lieu of the proposed contract with Messrs. Longard Bros. for doing the work, which was recently approved by the Governor-in-Council. I am also to state that the Governor-in-Council will hear this application on Monday, the 22nd instant, at 11 o'clock a. m., in the Executive Council Room, and that the City Council may appear at the hearing.

FRED F. MATHEWS, *Deputy Provincial Secretary.*

Read report Coal Weighers for October. Filed.

Read letter N. A. Currie declining to act as an examiner in the case of Engineer Sheehan.

SHEEHAN INVESTIGATION.

STEAMBOAT INSPECTOR'S OFFICE, Halifax, N. S., Nov. 8th, 1909.

To His Worship the Mayor :

DEAR SIR,—I am in receipt of a communication from the City Clerk re my appointment as one of the board to examine the charge against Engineer Sheehan as per resolution of Council of July 22nd.

I beg leave to reply that I am not permitted by the Department of Marine to engage in work outside the duties of steamboat inspection.

NORMAN A. CURRIE, *Steamboat Inspector.*

Filed.

Read letter Civic Improvement League re establishing building lines.

CIVIC IMPROVEMENT LEAGUE

HALIFAX, N. S., Nov. 17th, 1909.

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

DEAR SIR,—I am directed by the Executive of the Civic Improvement League to ask you to draw the attention of the City Council to the importance of establishing building lines on residential streets. It is the common practice in progressive cities to establish such lines, and thereby many of the cities which enjoy a reputation for beauty of arrangement have achieved that characteristic which distinguishes them. The League's judgment is that power should be obtained from Legislature for the Council to establish building lines on new streets as they are accepted, and also to establish such lines on streets already opened, where in the Council's judgment they would be desirable as a means of beautifying the City.

We think that even streets which have been built on to some extent might be treated advantageously in this way, the regulation being made to apply to property on which buildings at present exist when such buildings have been removed by one cause or other.

We would be glad to appoint a committee to confer with a committee of the Council on this subject, if that be desired, looking to the framing of such legislation. Meantime we would be gratified if you were to lay the matter before the Council at an early date.

R. M. HATTIE,

Secretary Civic Improvement League.

Referred to Committee on Works for report.

Read petition James K. Munnis re changing location of certain streets.

CHANGING LOCATION OF STREETS.

HALIFAX, N. S., December 13th, 1909.

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

GENTLEMEN.—I would ask that you affirm the desirability of having better communication from the centre to the north and south of the City along the water front, as at present there is only one continuous street going from the north to the south, all the way from the harbor to the common.

According to the attached plans, it is proposed to provide an additional continuous street by connecting two old streets, at a relatively small cost, which will accomplish two important objects, viz: better and much needed communication between the north and the south and reduced grades from the east to the west.

Will you please give this matter your earliest consideration and have the Works Department report without unnecessary delay on the cost of the undertaking and favor.

JAMES K. MUNNIS.

P. S.—It would be necessary to obtain the consent of the War Department in order to have this matter carried out.

Referred to Committee on Works for report.

Read letter Union of Electrical Workers re carrying out the Wiring Ordinance.

WIRING ORDINANCE.

HALIFAX, November 24th, 1909.

Halifax City Council:

GENTLEMEN.—At a meeting of Local Union No. 625 of the International Brotherhood of Electrical Workers, held Nov. 17th, it was decided to ask the City Council to consider the ordinance relating to electrical work re the carrying out of same.

We believe that the sections relating to permits and use of work before being certified, also the sections relating to licenses and certified journeymen are being violated.

It is only fair to the men in business and to the men working at the trade who are living up to the law that this matter should be looked into and a way found to carry out the law.

Hoping that this matter will receive the attention that it deserves, I. B. E. W., Local No. 625.

W. H. HOWELL, President.
E. A. NICKERSON, Secretary.

Referred to Committee on Works for report.

Read letter City Solicitor re Company Tax Canada Permanent Mortgage Company.

COMPANY TAX.

OFFICE OF CITY SOLICITOR, December 14th, 1909.

His Worship the Mayor :

SIR,—I beg to hand you herewith a communication from the Solicitor of the Canada Permanent Mortgage Co. which I have received in reply to my letter to Mr. Beer, as the Agent of the Company demanding payment of the license fee for the Company and threatening action if not paid at once.

I would request that the matter be referred to some Committee with whom I may discuss it and receive instructions.

F. H. BELL, *City Solicitor.*

RE HALIFAX TAXES.

HALIFAX, N. S., December 10th, 1909.

F. H. BELL, K. C., *City Solicitor.*

Dear Sir,—In reply to your letter of the 6th inst., addressed to Mr. E. L. Beer, as Agent of the Canada Permanent Mortgage Corporation, and in confirmation of my conversation at your office I beg leave to state first:—

That E. L. Beer is not the Agent for the Canada Permanent Mortgage Corporation in the City of Halifax. The only agent that that corporation has here is myself, and I am merely agent under the Provincial Act, and for the purposes therein stated.

Mr. Beer's position is merely that of appraiser. His duties are to solicit and receive applications for loans to that corporation. He has no power whatever to accept a loan. The application when filled in is forwarded to the manager for the Maritime Provinces at St. John. Except in cases of very small loans, he forwards these applications to the Board of the Corporation at Toronto, who decides whether the loan is accepted or refused. In case the loan is accepted the mortgage is drawn out and the applicants sign the same. It is then recorded and a requisition for cheque is forwarded to Mr. LeRoy, St. John, where he issues the cheque. It is a rule of the Corporation that this cheque should be made payable to the applicant, generally the appraiser, and if there is a previous mortgage to be released, etc., my own name as Solicitor of the Corporation is inserted in the cheque, together with the name of the applicant, so that the proceeds can be applied, with the applicant's consent, to the paying off of the mortgage. But in all cases the applicant is one of the payees of the cheque.

The mortgage when drawn is payable in St. John. The interest is payable in St. John and the whole contract has to be performed in St. John. No part of it is performed in Halifax.

Mr. Beer is not paid any regular salary by the Corporation, his emoluments are simply a percentage on the amount of each loan accepted.

This being so, the Canada Permanent contends that their corporation is not doing business within the City of Halifax, under the section of the City Charter which imposes a license on companies doing such business therein.

I may say that I am authorized by the corporation to accept service of any writ issued against them for forcing the claim to such issue.

(Without prejudice.)

GEORGE RITCHIE.

Referred to Committee on Laws and Privileges for report.

Read application of Nathan Komarsky for permission to change the location of his junk business.

Referred to Committee on Laws and Privileges for report.

Read letter C. Renie & Co., London England, re steam fire boat for Halifax.

Referred to Committee of Fire Wards for report.

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

Read letter Union of Canadian Municipalities re the recent cement merger.

CEMENT MERGER.

MONTREAL, November 16th, 1909.

His Worship the Mayor and City Council:

GENTLEMEN,—You will have noticed by this, in the Speech from the Throne on the opening of Parliament, the following announcement by the Government:—

“A measure will be submitted to you for the purpose of rendering more effective the present legislation respecting combinations which duly enhance prices.”

We have pleasure in informing you that this is in response to the requests of the Union of Canadian Municipalities regarding the threatened rise of prices by the cement merger, and we will consequently look for support when the measure in question is introduced, or whenever municipal support becomes otherwise necessary in the matter.

R. C. COCHRAN,

President Union of Canadian Municipalities.

W. D. LIGHTHALL.

Hon. Secretary Union of Canadian Municipalities.

Filed.

Read Cash Statements City Collector of Rates for October and Water Rates for September and October. Filed.

CONSIDERATION OF PAPERS SUBMITTED.

Read report Charities Committee re tenders.

REPORT CHARITIES COMMITTEE RE TENDERS.

HALIFAX, N. S., Nov. 23rd, 1909.

His Worship the Mayor and Members of the City Council:

GENTLEMEN,—The Charities Committee met this day, and beg to submit the

following report Members present — The Chairman, Alderman Rankine and Alderman O'Brien.

Read tenders for 1,050 bushels of potatoes, also for 40 bushels of turnips from Black & Flinn and Nickerson & Hart. The tender of Black & Flinn being the lowest was recommended for acceptance

W. E. HEBB, *Chairman*.

Moved by Alderman Hubley, seconded by Alderman O'Brien, that said report be adopted. Motion passed.

Read report Charities Committee for November.

REPORT CHARITIES COMMITTEE.

HALIFAX, Dec. 7th, 1909.

His Worship the Mayor and City Council :

GENTLEMEN.—The Charities Committee met this day, and beg to submit the following report. Members present—The Chairman, Alderman Wilson, Alderman Rankine and Alderman O'Brien.

1. Read Superintendent's report for November, 1909, which shows that during the month there were 49 persons admitted into the City Home, 2 born 19 discharged and 3 died. Of the number admitted 16 were chargeable to the Province and 33 to the City. The total number of inmates on November 30th, 1909, was 379, made up of 246 men, 130 women and 3 children. On the same date last year there were 250 men and 136 women, a total of 386.

2. The following accounts are recommended for payment:—Wentzell's, Ltd., \$621.76 W. A. Maling & Co., \$344.32 Scotia Pure Milk Co., \$132.44. J. M. Currie, \$76.50 Geo. Gregoire, \$35.16. The Halifax Electric Tram Co., Ltd., \$41.74 T. C. Allen & Co., \$1.85 Black & Flinn, \$430.49. Wm. McFaridge, \$44.50. W. C. Knight, \$3.00 Baldwin & Co., \$6.50. W. N. Brown, \$15.35. Hillis & Son, Ltd., \$17.30. Wm. J. O'Connell, \$4.36 Robinson, Ltd., \$2.80 J. F. O'Connell, \$9.00 W. Y. Kennedy, \$5.50. Snow & Co., Ltd., \$2.75. John Starr & Son, \$2.00. Morton & Cragg, \$3.60. Dr. F. A. R. Gow, \$5.00. J. W. Willis, \$35.00. Salaries, \$653.33. B. J. Mulcahy, \$4.57 Fleischman & Co., \$4.05. J. & M. Murphy, \$91.87. Henry Lovett, \$1.50. Frank W. Fraser, \$84.34. H. D. Mackenzie & Co., \$190.36. Total, \$2870.93.

3. An account from Dr. A. C. Hawkins for 2 lunacy certificates, amounting to \$10.00, chargeable to 1908-9 account were referred to you for payment.

4. The Superintendent was directed to provide the regular Christmas dinner to the inmates and to carry out the usual arrangements in regard to the Nurses and Employees.

W. E. HEBB, *Chairman*.

The following resolution is submitted:—

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

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

Moved in amendment by Alderman Whitman, seconded by Alderman Wilson, that Clause 3 of the report relating to Dr. A. C. Hawkins' account for 1908-9 be referred to the City Solicitor for his opinion.

Amendment put and passed.

The original resolution as amended is put and passed.
Read report City Prison Committee for November.

REPORT CITY PRISON COMMITTEE.

COMMITTEE ROOM, CITY HALL, Dec. 7th, 1909.

To His Worship the Mayor and Members of the 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, Corston and Rankine, the following accounts, amounting to \$196.95, were examined, and recommended for payment :—

Halifax Tram Co., light, \$3.18. S. Cunard & Co., hard coal, \$106.50. John H. Sutherland, dry goods, \$20.75. Wentzell's, Ltd., groceries, \$21.79. Frank W. Fraser, bran, \$25.50. A. S. Austen, nails, 35c. Jas. Nolen, hack hire, \$4.00. W. A. Maling & Co., ox heads, \$10.00. Wm. Robertson & Son, hardware, 88c. Jordan & Mann, horseshoeing, \$4.00. Total \$196.95.

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

S. Y. WILSON, *Chairman*

The following resolution is submitted :

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

Moved by Alderman Wilson seconded by Alderman O'Brien and passed.

Read report Library Commission covering accounts for payment.

LIBRARY ACCOUNTS.

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

His Worship the Mayor and City Council :

GENTLEMEN.—The Library Commission met this day. Present, Aldermen Hebb (Chairman), O'Brien, Corston, Rankine and Mr. G. W. T. Irving.

The following accounts, amounting to \$546.35, were examined, found correct and recommended for payment, viz :—

J. R. Findlay, printing book marks, \$8.00. C. J. Groggett, Story North Pole, \$2.00. School for the Blind, reseating chair, 60c. P. W. Bowen, Where the Fishers Go, \$1.75. Mutual Sub-Agency, magazines for 1910, \$131.90; University Magazine, \$1.15. Broadway Pub. Company, 1 book, by Robt. Graves, \$4.00. Chronicle Pub. Co., Ltd., 1 set Howe's letters, etc., \$10.00. Warwick Bros. & Rutter, binding materials, \$46.35. C. D. Cazenove & Son, Boys' Own Paper, 8s.; magazines for 1910, £9.7.9, £12.7.8—\$107.89. T. C. Allen & Co., books, \$76.40. Methodist Book Room, books, \$153.31. McLean Publishing Co., subscriptions for magazines, \$3.00. Total, \$546.35.

W. E. HEBB, *Chairman*.

The following resolution is submitted :—

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

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

Read report Police Committee re accounts.

POLICE ACCOUNTS.

HALIFAX, December 14th, 1909.

To the City Council:

GENTLEMEN,—The Police Committee beg to recommend for payment the following accounts:—Maxwell's, Ltd., coats and stripes, \$1,204.75. Clayton & Sons, ulsters, \$648.00; renewing tire police patrol, \$2.75; fitting rubber on tire do., \$3.50. Neil Fox, strap and whip, \$3.50. Farquhar Bros., 1 shaker bar, 25c.—\$1,862.75.

J. A. CHISHOLM, Mayor and Chairman.

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

Read report Committee on Works re accounts.

CITY WORKS ACCOUNTS.

CITY WORKS OFFICE, Dec 8th, 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 this department were submitted, approved, and recommended for payment, viz.:

Street Lighting	\$1724 40
Sewerage	1477 40
Teams and Stables	460 21
New Workshops	262 53
Streets	200 68
Permanent Sidewalks	161 47
City Hall Lighting	70 60
Internal Health	43 96
Insurance	32 50
City Property	18 53
Electric Wiring Inspection	1 30
Water Maintenance	477 62
Water Construction	117 44
Total	\$5048 64

J. A. CHISHOLM, Mayor and Chairman.

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

Read report Committee of Fire Wards on various matters.

REPORT COMMITTEE OF FIRE WARDS.

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

To His Worship the Mayor and City Council:

GENTLEMEN—The Committee of Fire Wards met this evening at 8 o'clock.

Present, Aldermen Edwards (Chairman), Hubley, Hebb, Wilson and O'Brien. Your Committee beg to report and recommend as follows: -

1. The 600 feet Maltese Cross hose, returned to the manufacturers on account of defective manufacture, has all been replaced by new hose which was put in service November 1st.

2. One length of Maltese Cross hose, three years in service, burst six inches from the coupling at fire engine test November 19th. Repaired at the manufacturers' expense.

3. It is recommended that William Ryan, William Cook and Walter Oakley, supernumeraries, be appointed to the call force vice William Bishop, Loraine T. Hiseler and John Duggan, resigned, and that Loraine T. Hiseler and John Perrin be appointed supernumeraries.

4. At the regular November meeting, among other cases then dealt with, the Chief reported Lieutenant Patrick Meagher, Lieutenant A. Clark and Hosemen Callis, John Sherbrooke, Jeremiah Shea and Frank Hennessey for absence from inspection of uniforms on September 29th. Lieutenant Meagher has since resigned and his resignation is recommended for acceptance.

The other men named submitted written excuses from their employers which are recommended by the Board as satisfactory.

In this connection the adoption of the following rule is recommended:—

No member of the Department shall be excused for absence from attendance at drill, inspection or other written order to turn out for company or department purposes unless application in writing for leave of absence is made to the Chief on or before the day preceding the date to which the notice applies and the Chief has indicated in writing upon such application his opinion as to whether or not the applicant should be excused from attendance. The discretionary authority vested by this rule in the Chief shall be binding upon all members of the Department.

5. In compliance with the suggestion of the Plumbing Inspector, it has been decided to instal a register with a damper in the wall of the hose tower of Central House for ventilating the horse stalls.

6. The annual report of the City Electrician is attached hereto.

7. The letter of Alfred Shortt containing an offer for the insurance of firemen against accident, referred to the Board, has been practically withdrawn by a subsequent letter and is recommended to be filed.

8. Your Board has under consideration the matter of the existing condition of Bedford Row fire station. In the meantime such temporary repairs to the roof as the season demands will be effected at once.

9. Your Board's last report stated that a number of tenders for hose which had been received had been laid over for consideration of clauses relating to the "time" guarantee. The opinion of the City Solicitor was obtained in which he advised that new tenders be called for. New tenders for a large number of brands of hose at various prices were received from the following: -

A. G. French & Co., Durham Rubber Co., Bowmanville, Ont.

Austen Bros., Gutta Percha & Rubber Co., Toronto.

Stairs, Son & Morrow, Canadiau Rubber Co., Montreal.

Canadian Rubber Co, Local Agency.

E. D. Adams, Ontario Rubber Co., Toronto.

E. P. Meagher, American LaFrance Co., Elmira, N. Y.
 Guildford & Son, Dunlop Tire Co., Toronto.
 Geo. B. Oland, Flexible Metallic Tube Co., London, England.

Also enquiries from the following :—

North British Rubber Co., Edinburgh, Scotland.
 C. C. G. Fire Hose Co., Boston, Mass.
 Merryweather & Sons, London, England.

Also a tender received the day following the meeting from Diamond Rubber Co., New York.

It was recommended that the City purchase as follows :—

3000 ft. of 2½ in fire hose—

Keystone, Cotton Rubber Lined, Can. Rubber Co.,	1000 ft. at \$1.00.....	\$1000 00
Paragon, " Austen Boss,	1000 ft. at 1.00.....	1000 00
Crescent, Rubber, Austen Bros.,	500 ft. at 1.00.....	500 00
Para, Rubber, Stairs, Son & Morrow,	500 ft. at 1.00.....	500 00
	3000 ft.	\$3000 00

300 ft. 1 in. chemical hose—

Am. La France, E P. Meagher,	200 ft. at \$0.60	120 00
Dunlop, Guildford & Sons,	100 ft. at 50	50 00
	300 ft.	\$ 170 00

20 ft. 2½ in. suction hose—

Bronze Flexible Tubing, Geo. B. Oland,	10 ft.....	35 20
Peerless, Guildford & Son,	10 ft.....	23 00
	20 ft..	\$ 58 20

10 ft. 4 in. suction hose—

Peerless, Guildford & Son.....	45 00
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As this hose is urgently needed by the Department, your Board recommend that they be authorized to purchase it at once, provided they can make arrangements with the tenderers to wait for payment for the same until after 1st May next before which time there will not be funds to meet the obligation. It is further recommended that the City Solicitor be instructed to prepare an Act to enable the City to borrow a sum not exceeding \$3,300.00 for the purchase of the said hose and to submit the same to the Legislature for enactment.

The following named accounts are recommended for payment:—Halifax Tram Co., light, \$28.02; power, \$8.51—\$36 53. Canadian Oil Co., gasoline, \$30.35. Farquar Bros., supplies \$4.72. Buckley's drug store, medicine, \$2.35. D. L. Tremaine, medicine, 80c. W. B. Fidler, washing blankets, \$2.10. Melvin & Co., hardware, \$3 87. James Vass, labor, \$5.00. Freeman's Store, bedding, \$25.50. Globe Laundry, work, \$7.80. R. E. Flannigan, repairing coat, \$1.50. J. C. Merlin & Son, lumber, \$4.18. Robert Merlin, lumber, \$7.74. S. Cunard & Co., coal, \$825.55. Recorder, advestising, \$4 35. A. M. Bell & Co., iron, etc., \$23.00. Le-Mont Buskins, chimney sweeping, \$5.00. Can Rubber Co., spring, etc., \$2.40. J. C. Calder, polish, \$11.40. W. C. Knight, dusters, etc., \$5.00. Maritime Paint Co., sponges, \$19.75. W. & A. Moir, supplies, \$9.44. Macdonald & Co., machine work, \$22.87. Pitner Lights, supplies, \$6.25. David Roche, glazing, \$7.83. F. A. Shaw feed, \$265.75. Stairs, Son & Morrow, solder, \$2.00. Geo. E. Smith & Co., paint, etc., \$2.30. J. F. Topp, leathers, \$2.30. N. S. Telephone Co., insulators, 12c. Total, \$1,357.75.

J. S. EDWARDS, *Chairman.*

Moved by Alderman Edwards seconded by Alderman O'Brien that the said report, with the exception of clause 9 re purchase of hose be adopted and the accounts paid. Motion passed.

Read clause 9 re purchase of hose.

Moved by Alderman Hubley, seconded by Alderman Hoben, that the recommendation in the report be amended so that the Keystone hose be purchased from Stairs, Son & Morrow and the Para hose from the Canadian Rubber Company. Motion passed.

The report as amended is adopted.

Read report Finance Committee.

REPORT FINANCE COMMITTEE.

COMMITTEE ROOM, CITY HALL, December 14th, 1909.

To His Worship the Mayor and City Council.

GENTLEMEN.—Your Committee on Finance beg to report that at a meeting held this day there being present Aldermen Whitman (Chairman) Bligh, Smith, Hubley and Edwards, the following matters were considered and dealt with as follows:—

1. Letter City Treasurer advising the Committee that it will be necessary to borrow the sum of \$5000 00 to pay one-half of the Dry Dock subsidy for 1909 due 1st December inst., and suggesting that a stock certificate consolidated fund 1890, bearing interest at four per cent. be issued for this purpose and that the Trustees of the Sinking Fund be asked to advance the money on this security at par.

It is recommended that the City Treasurer be authorized to issue to the Trustees of the Sinking Fund Stock certificates for \$5000.00 at par consolidated fund 1880 at four per cent interest per annum for one-half Dry Dock subsidy 1909.

2. Letter from Civic Improvement League in re disposal of garbage and cleaning of streets.

It is recommended that this letter be referred to the Committee on Works.

3. Application of E. P. Allison for payment of \$108.72, the plaintiff's costs in suit Hubley vs. City of Halifax et al.

It is recommended that these costs be paid on Mr. Allison filing with the application the taxed bill of costs.

4. Read letter City Auditor covering statement of expenditure and income of the N. S. Provincial Exhibition, 1909, and showing a deficit on year's business of \$16,527.04. Of this amount the City's share is \$8,265.52 as a liability against City of Halifax.

(a) It is recommended that the amount for which the city is liable, viz: \$8,263 52, be placed in the estimates for 1910-11 and assessed with the general assessment of that year.

(b) Your Committee further recommended that the legislation governing the N. S. Provincial Exhibition which renders it compulsory to hold an annual exhibition be amended so that an exhibition be held in Halifax only every third year, and thus alternating with St. John and Charlottetown.

5. Applications Victorian Order of Nurses and Salvation army for civic grant.

These matters have been deferred until the estimates are taken up,—Alderman Edwards dissenting.

6. In re application of Canadian Club and Board of trade for a civic grant, to public park and memorial tower on Sir Sandford Fleming's property North West Arm, your committee have prepared a special report on this matter which will be presented to the Council—Aldermen Smith and Bligh dissenting from said report.

7. The following accounts, amounting to \$160.15, were examined, found correct and recommended for payment, viz:—

Dr. Finn, Certificates of death of Mary J. Sturmev, \$4.00; John W. Brown; \$4.00; Wm Stevens, \$4.00; Bessie Hill, \$4.00; Peter Bushinpin, \$4.00—\$20.00. Herald Publishing Co., advertising, \$3.75. Canada Law Book Co., Vol. 15 Can. Criminal Cases., \$6.50. Royal Gazette, advertising school commissioners, \$1.00. Hollway Bros., printing minutes, etc., \$61.17. A. & W. MacKinlay, Ltd., books City Collector. \$21.50. T. C. Allen & Co., stationery and blank forms, City Clerk's office, \$14.60; Mayor's office, \$18.75; Treasurer's office, \$1.38; Collector's office, \$8.50; License Inspector's office, \$2.25; Auditor's office, 75c.—\$46.23. Total—\$160.15.

ALFRED WHITMAN, *Chairman.*

OFFICE OF CITY TREASURER, Halifax, N. S., December, 7th, 1909.

ALFRED WHITMAN, *Chairman Finance Committee.*

DEAR SIR,—I beg to advise you that the annual subsidy of \$10,000 to the Dry Dock is due on the 1st December inst, and as provided by law one-half of this amount will have to be borrowed.

I would recommend, according to our previous custom, that the City Treasurer be instructed to issue a stock certificate for \$5,000 from the consolidated Fund, 1880, bearing interest at 4% per annum and that the Trustees of the Sinking Funds be asked to purchase this at par.

W. L. BROWN, *City Treasurer.*

OFFICE OF CITY AUDITOR, Halifax, N. S., Dec. 4th, 1909.

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

GENTLEMEN,—I enclose statement of Expenditure and Income in re the Provincial Exhibition 1909 showing a deficit on the year's business of \$16,527.04, of this amount our half or \$8,263.52 is a liability of the City of Halifax and I would recommend that same be included in our Estimates now being prepared for the Civic year 1910-1911.

There was no expenditure this year on Capital Account.

There is \$82,600.00 insurane on the property fully paid to September 20th, 1910.

W. W. FOSTER, *City Auditor.*

EXHIBITION, 1909.

October, 31st.

Dr.

Horse Department	\$	107 50
Agriculture		45 00
Arts		308 90
Poultry		138 30
Mines		19 25
Transportation		73 82
Sheep and Swine		16 50
Educational		40 21
Horticultural		101 05
Ticket		624 00

Lighting.....	676 61
Manufactures.....	282 90
Machinery.....	164 75
Cattle.....	128 80
Speed.....	714 90
Insurance.....	2,133 63
Watchman.....	533 83
Caretaker.....	456 25
Interest.....	893 85
Postage.....	349 93
Firemen.....	25 50
Bands.....	760 00
Commissioners' Expenses.....	227 00
Secretary's Office.....	2,093 72
Domestic Department.....	57 80
Printing and Advertising.....	2,916 14
Reception and Meals.....	244 30
Lodging Bureau.....	38 50
Police.....	539 03
Judges.....	465 90
Attractions (1908).....	33 75
Expense.....	830 98
Maintenance.....	1,746 11
Fisheries Department.....	342 74
Dining Hall (1908).....	83 85
Prizes Ordinary.....	9,666 46
Speed Prizes.....	\$6820 00
Less Cont.....	600 00
	<hr/>
	6,220 00
	<hr/>
	\$34,101 76

October, 31st.

Cr.

Admission, including Exhibitors' and Privilege tickets..	\$10,803 05
Rentals.....	270 00
Privileges.....	1,610 12
Entry Fees.....	773 05
" " Speed.....	4,118 50
Expenditure over Receipts.....	16,527 04
	<hr/>
	\$34,101 76
Balance brought down.....	\$16,527 04

M. MCF. HALL, *Manager N. S. Prov. Exhibition.*W. W. FOSTER, *Auditor.*

The same is considered clause by clause, Alderman Whitman and Wilson dissenting.

Read clause 1 re Dry Dock subsidy.

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

Read clause 2 re disposal of garbage, etc.

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

Read clause 3 re costs in the Anderson Chair Co. suit.

Moved by Alderman Whi.man seconded by Alderman Bligh that this clause be adopted. Motion passed.

Read clause 4 re Provincial Exhibition.

Moved by Alderman Wilson seconded by Alderman Bligh that said clause be divided into two parts, i. e., (A) deficit 1909 Exhibition and (B) holding Exhibition only every third year. Motion passed.

Read part A. Moved by Alderman Bligh seconded by Alderman O'Brien that this part be adopted. Motion passed.

Read part B. Moved by Alderman Wilson seconded by Alderman Douglas, that this part be placed on the Order of the Day., Motion passed.

The clause as amended is adopted.

Read clause 5 re grants to Victorian Order of Nurses and Salvation Army Rescue Home.

Moved by Alderman Whitman seconded by Alderman Bligh that said clause be adopted.

Moved in amendment by Alderman Edwards s conded by Alderman Hoben that legislation be sought to enable the City to provide an annual grant of \$600.00 to the Victorian Order of Nurses provided that not less than three nurses be engaged in this City by the said Order.

Amendment put and passed, 11 voting for the same and 7 against it, as follows:—

For the Amendment	Against it
Aldermen Shaffner, C'Brien, Hebb, McManus, Douglas, Hoben, Kelly, Martin, MacKenzie, Edwards, Rankine.—11.	Aldermen Wilson, Whitman, Bligh, Smith, Hubley, Thompson, Corston.—7.

Alderman Wilson gives notice of reconsideration.

Also moved in amendmet by Alderman Hoben seconded by Alderman Edwards, that legislation be sought to enable the City to provide an annual grant of \$400.00 to the Salvation Army Rescue Home.

Amendment put and passed, 12 voting for the same and 6 against it as follows:—

For the Amendment.

Aldermen Shaffner, O'Brien,
Hebb, McManus,
Douglas, Hoben,
Kelly, Thompson,
Martin, MacKenzie,
Edwards, Rankine.—12.

Against it.

Aldermen Wilson, Whitman,
Bligh, Smith,
Hubley, Corston.—6.

Alderman Wilson gives notice of reconsideration.

Read clause 6 re Memorial Tower North West Arm.

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

Read clause 7 re accounts. Passed.

The following resolution is submitted :

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

Moved by Alderman Whitman seconded by Alderman Hubley and passed.

Read report Finance Committee, signed by Aldermen Whitman (chairman) Hubley and Edwards in re Memorial Tower North West Arm.

By request Alderman Whitman lays up on the table report City Engineer in re North West Arm Park, covering plan.

The said report is read.

MEMORIAL TOWER NORTH WEST ARM.

COMMITTEE ROOM, CITY HALL, Dec. 13th, 1909.

To His Worship the Mayor and City Council:

GENTLEMEN,—The Finance Committee beg to report in regard to the application made by the Canadian Club for a civic grant of ten thousand dollars (\$10,000) towards a building fund for the erection of a memorial tower on Sir Sandford Fleming's Park, at the North West Arm.

The President of the Canadian Club, in his letter to the Council, dated the 20th September, 1909, intimates that the Sir Sandford Fleming Park will be given to the City in case the Canadian Club raise the requisite money to build the tower, and asks the City to contribute ten thousand dollars (\$10,000) for that object.

A letter written by the Mayor of the City, Mr. R. T. MacIreith, dated April 11th, 1908, to the members of the City Council, and submitted to them at a special meeting, held the 13th of April, 1908, contained the following paragraph:—

“I need not point out to you how greatly the citizens are indebted to Sir Sandford Fleming for his most generous offer, nor the desirability of our promptly accepting it. . . . Sir Sandford Fleming's only conditions were that the City should provide for the preservation of the property from injury and defacement, its gradual improvement and the maintenance of good order and decorum.”

The Council, on considering this letter, accepted Sir Sandford's offer and recommended legislation, and legislation was enacted providing that the City of Halifax should annually appropriate not less than seven hundred and fifty dollars (\$750) for the maintenance, preservation and improvement of said park, and that the said park should be under the authority and jurisdiction of the police officers of the City of Halifax, and that the park shall be known as the Sir Sandford Fleming Park.

The Council subsequently learned that the gift of the proposed park was coupled with a condition that the City should erect a memorial tower on a part of the lands proposed to be presented. The question came before the Council on the 26th June, 1908, when a long resolution was passed leaving the matter to a committee, and thereafter the matter was dropped till revived by the request above referred to of the Canadian Club.

Your Committee beg to report that the deed of dedication of the proposed park made by Sir Sandford Fleming to the Honorable Duncan Cameron Fraser, and dated the 2nd October, 1908, is not satisfactory in the following respects:—

1st. There is no right-of-way provided by which you can approach the property by land save from the Herring Cove road, crossing the extreme rear of the property a half-mile or more from the shores of the North West Arm, and there is no way over the property, which is an exceedingly rough lot of land, from the Herring Cove road to the shore.

2nd. The grantee in trust has the power to impose, on the conveyance of the property to the City, "such terms and conditions as he, the grantee, may in his uncontrolled discretion see fit."

3rd. Your Committee think that as the taking over of this property involves the expenditure of a large sum of money the management thereof should be entirely in the hands of the City Council or a committee thereof who are responsible to the people for the proper expenditure of the people's money.

4th. This trust deed is irregular in form and does not contain proper words of conveyance.

The Chairman of your committee has had correspondence with Sir Sandford Fleming in regard to the approaches to the Park and Sir Sandford has signified his intention to give the public landing rights on the stone wharf and a road leading from said wharf to the Park property. His letters state that he has divided the remainder of the Dingle property into seven parts and has conveyed six of these lots to his children, so that it is now out of his power to convey rights-of-way over the property north of the property proposed to be conveyed to the City.

In his letter of the 15th November, 1909, he says:—"The part of the land not given to the public as a park I have divided into seven lots and deeded one to each of my six children and for that reason I have not now the same legal control over it as formerly. I have spoken, however, to all my children who are in Ottawa, and they tell me that they have no objections to the Dingle Road being used by the public in the future as in the past, and they seem to think that the two who are at present in Scotland will view the matter precisely as they do, and that is my own opinion, and I feel that it would be quite safe to assume that no objections will be raised in any quarter."

Your Committee are informed that the public in the past have had no right-of-way over this Dingle Road and were liable to be turned off at any time, and they consequently think that this offer of the Dingle Road is entirely unsatisfactory.

Your Committee are now endeavoring to ascertain if the children of Sir Sandford will give the public a right-of-way over this Dingle Road and the proposed road laid down on the plan as passing over their property, but as yet have no definite information and are consequently unable to report thereon.

The cost to the City of acceding to the request of the Canadian Club would

probably involve an expenditure if capitalized of at least fifty thousand dollars (\$50,000.00).

The expense of policing the said park and keeping a watch against fires, etc., would involve a yearly expenditure of at least \$800 00, which capitalized amounts to.....	\$20,000
The proposed road from west of the gates the Engineer estimates at.....	2,500
The road from the Herring Cove Road to the shore is estimated to cost.....	1,500
Contribution asked for.....	10,000
Yearly expenditure on improving park, say \$500 per year, capitalized equal to	12,500
The keeping up of the roads to and through the park, say two miles at \$100 per year apitalized would be.....	2,500
Total expenditure.....	\$49,000

Your Committee think that they would not be justified, unless after very careful consideration, in recommending this large expenditure in the face of a rate of taxation of \$1.99 on the \$100, with property assessed at its cash value, and in many cases more than its cash value, and with large special taxes levied besides, and moreover with little hope of any reduction to be made in the rate next year.

The City is also in the face of a large expenditure for sewers. We have one hundred and one miles of streets. St. John, with a like population, has only fifty. We have seventy-one miles of water mains and only twenty-five miles of sewers.

The Committee feel very reluctant to report favorably on this application as the park we have taken over will be accessible only a few months in the year and then is out of the reach of the bulk of our population.

As the City grows our Park system must extend northerly through the centre of the population, and our system of Parks will occupy an area extending north and south half-way between the Arm and Bedford Basin.

Your Committee feel somewhat reluctant to do any act which would endorse in any way the following statement, being the culminating sentence in the circular issued by the Canadian Club :—

“ The foregoing statement of facts goes far to show that while historic Quebec has undoubtedly claims to be regarded as the birthplace of Canada, the great Motherland has placed Nova Scotia in a position to be called the “ Cradle of the Empire ” and Halifax as its constitutional birthplace.”

Your Committee have pointed out the difficulties in the form of the original Trust Deed. We have been unable to obtain even an abstract of title showing the names of the people who own the property now, but we believe that it belongs to the children of Sir Sandford Fleming. It is very important to have the terms of this conveyance settled now, and we cannot properly decide this matter until we know whether or not we will have a right-of-way over the Dingle Road and the proposed road. Taking these things into consideration, the Committee have thought it desirable to simply report progress and to report fully at the next Council meeting if then in possession of the facts.

ALFRED WHITMAN, *Chairman.*

ANDREW HUBLEY,

JAS. S. EDWARDS.

DINGLE PARK.

CITY ENGINEER'S OFFICE, Nov. 2nd, 1909.

ALDERMAN WHITMAN, *Chairman Finance Committee :*

SIR,—In accordance with the accompanying resolution of Council, I beg to report on the proposed road, from the Herring Cove Road into the property of Sir Sandford Fleming which it is proposed to convey to the City for a public park.

The estimated cost of constructing a road on the location shown by Sir Sandford Fleming in his plan and partly cleared on the ground is \$2,500.00, that amount covering the cost from the Herring Cove road and connecting with the existing road in the proposed park.

When looking into this matter, however, I looked over the ground to ascertain if the location made by Sir Sandford Fleming is the most desirable one for a road. In my opinion, while it may be the proper location for a tramway, it is not the most desirable location for a road for ordinary traffic. I have been shown on the accompanying plan an approximate location for a road starting from the Herring Cove Road about 2,000 feet south of the Dingle gates, and running along the north shore of the Dingle Lake, or Frog Pond, which could be constructed for about \$1,500. If the property is acquired for a park it is certain that a road will be opened around the lake and this would be a portion of such road. It could be constructed much more economically as the ground over which it runs is much more favorable for road construction and in my opinion would be a more desirable location in every way. As shewn on the plan, the old stone wharf is outside the boundary of the proposed park and it would be necessary to have a right-of-way from the stone wharf to connect with the existing roads shewn on the plan.

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

—The following resolution is submitted:—

Resolved, that when the property on the western side of the North West Arm of the Harbor of Halifax, lately conveyed in trust by Sir Sandford Fleming to His Honor the Lieutenant-Governor of Nova Scotia shall be absolutely conveyed by deed of dedication in fee simple to the Corporation of the City of Halifax for the purposes of a public park (to be known as the "Sir Sandford Fleming Park") so that the same shall be under the absolute control of the said City of Halifax and access to said property shall have been secured to the citizens of said City of Halifax both by land and water, by dedication to said City of Halifax of the road leading to said property known as "The Dingle Road," and by landing privileges at the wharf now existing on the northern side of said property, the said City of Halifax be authorized to borrow a sum of money equal to the amount granted by the Legislature of Nova Scotia for the purpose hereinafter expressed, but in no case to exceed the sum of two thousand five hundred dollars towards defraying the cost of a monument or tower upon said property (costing not less than \$20,000.00) commemorative of the 150th anniversary of the establishment of representative government in this Province.

And that the City Solicitor be instructed to prepare an Act for presentation at the ensuing session of the Legislature of this Province enabling the City to carry out the provisions of this resolution.

Moved by Alderman Bligh, seconded by Alderman MacKenzie.

Moved in amendment by Alderman Whitman, seconded by Alderman Edwards, that this matter be referred back to the Finance Committee for further report.

Amendment put and lost, 6 voting for the same and 12 against it, as follows:—

<i>For the amendment.</i>	<i>Against it.</i>
Aldermen Wilson, Whitman, Hubley, Thompson, Edwards, Rankine—6.	Aldermen Shaffner, O'Brien, Hebb, Bligh, McManus, Douglas, Smith, Hoben, Kelly, Martin, Corston, MacKenzie—12.

Moved by Alderman Douglas, seconded by Alderman Hebb, that the original resolution be now put. Motion passed.

The original resolution is now put and passed, 13 voting for and 5 against it, as follows:—

<i>For the Resolution.</i>	<i>Against it.</i>
Aldermen Shaffner, O'Brien, Hebb, Bligh, McManus, Douglas, Smith, Hoben, Kelly, Martin, Corston, MacKenzie, Rankine.—13.	Aldermen Wilson, Whitman, Hubley, Thompson, Edwards.—5.

Alderman Hubley gives notice of reconsideration.

Read Message His Worship the Mayor re The Canadian Pacific Railway coming into Halifax.

CANADIAN PACIFIC RAILWAY.

DECEMBER 14th, 1909.

To the Members of the City Council:

GENTLEMEN,—In pursuance of a resolution to the Halifax Board of Trade supplemented by a resolution of this Council, I proceeded to Montreal last month, and with Mr. J. A. Johnson, President of the Board of Trade, had a conference on the 10th ultimo with the President and the General Manager of the Canadian Pacific Railway Company on the subject of the extension into Halifax of that great railway system. The proposal submitted by us was that the Canadian Pacific should extend its system eastwardly by building its own tracks from some point on its present line in New Brunswick into the City of Halifax. It is not necessary in this report to give with any detail the reasons in favor of such an undertaking. Sir Thomas Shaughnessey and Mr. McNicoll manifested great interest in the project, and promised to send their engineers over the ground in order that they may make a detailed report as to the probable cost of the proposed extension. Since our visit to Montreal one of the Company's engineers has visited Halifax, and he is now making a preliminary investigation into the proposed route. After the survey is made, we hope to be able to report more fully to both the Board of Trade and to this Council.

It would be difficult to exaggerate the importance to the City of Halifax of having the Canadian Pacific extend its system to this port. Transportation has become in our day one of the most important factors in the business life of the country. Every city in Canada is putting forth its strongest efforts to secure connection with as many railway lines as possible. The Canadian Pacific is one of the greatest railway systems of the world. It is now, and must long continue

to be, the principal transportation agency in Canada; and unless it extends its line to Halifax we shall be more or less out of touch with the immense business which is growing up around the Canadian Pacific. Our commercial men are awake to the great advantage to our city of having the Canadian Pacific come in over its own metals; the counties and towns on the proposed route are showing that they too are alive to importance of the project; and this Council ought not to be slow in making felt its sympathy in that regard. If the work can be accomplished on terms that are fair alike to the Company and to the City—and there seems to be no reason why it cannot—the agitation for it ought to be kept up until something tangible is achieved.

J. A. CHISHOLM, *Mayor*.

Placed on the Order of the Day.

Alderman Edwards submits a notice of motion for the increase of the number of members in the Local Legislature to represent the City and County of Halifax from three to six.

Alderman Bligh gives notice that he will move that the Government of Nova Scotia be memorialized for legislation giving Halifax an additional or fourth member in the House of Assembly.

By unanimous consent of Council, Alderman Hubley submits the following resolution :—

Whereas, the City of Halifax requires the rights hereinafter described, for the purpose of constructing a sewer to drain Yale Street, being a purpose connected with the Public Works of the City of Halifax, and the City Engineer has duly prepared a plan of the land on and in which such rights are required, together with a description of the said land and also a report on the expropriation of the said rights, and submitted the said plan, description and report to the City Council for its approval, and the said plan, description and report were approved by the City Council on the ninth day of September, A. D., 1909, and a copy of the same has been filed in the City Engineer's office as required by law, and whereas no agreement can be made or come to with the property owners, and whereas on the sixth day of October, A. D., 1909, a notice, containing a description of the land and rights required by the said City of Halifax for said purpose and a notice of the intention of the City Council to expropriate the said rights after the expiration of the time required by law from the date of service of such notice, was duly served by the City Engineer upon William Duffus, one of the owners of the said land, and whereas on the seventh day of October, A. D., 1909, a notice containing a description of the land and rights required by the said City of Halifax for said purpose, and a notice of the intention of the City Council to expropriate the said rights after the expiration of the time required by law from the date of service of such notice, was duly served by the City Engineer upon Charles Willoughby Anderson, one of the owners of the said land, and whereas a copy of such notice was duly published by the City Engineer in two newspapers published in the City of Halifax for two weeks by two insertions each week.

Therefore resolved, that the said rights be and the same are expropriated for the purpose aforesaid, which said rights are described as follows :—

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 southwest 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 feet (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 No. 135 and lot No. 136 of the said division for a distance of one hundred and seventy feet (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 feet (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 feet (170 feet) more or less, to the place of beginning, which said lot of land is shown on a plan entitled "Plan showing 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 and 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.

Be it further resolved, that the City Clerk be and is hereby authorized and instructed by and on behalf of the City of Halifax to pay into the Supreme Court at Halifax the sum of five dollars for the rights above described, the said sum being in the judgment of this Council a reasonable value of said rights, and that the said City Clerk notify the said William Duffus and the said Charles Willoughby Anderson of said payment, and that in case the said William Duffus and the said Charles Willoughby Anderson shall, within one month from the date of service upon them of such notice, notify the Mayor of said City that the amount paid into Court is not sufficient, that the said owners shall be at liberty to name an arbitrator within one month from the date of service of such notice upon them, to act with other arbitrators as by law provided, to make a new order.

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

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

Council adjourns 11.50 o'clock.

EVENING SESSION.

8.10 o'clock.

COUNCIL CHAMBER, CITY HALL, December 21st, 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 Whitman, Wilson, Shaffner, O'Brien, Hebb, Bligh, McManus, Smith, Douglas, Hoben, Hubley, Kelly, Martin, Thompson, Corston, McKenzie, Edwards and Rankine.

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

NOTICES OF RECONSIDERATION.

Read No. 1 on Order of the Day, viz: Alderman Wilson's notice of reconsideration of resolution for a grant of \$600 00 to the Victorian Order of Nurses. Dec. 14th, 1909.

Moved by Alderman Wilson, seconded by Alderman Whitman, that said matter be now reconsidered.

The vote being taken, there appeared 9 for and 9 against reconsideration, as follows:—

For reconsideration.	Against.
Aldermen Shaffner, Wilson, Whitman, Bligh, Smith, Hubley, Thompson, Corston, Rankine—9.	Aldermen O'Brien, Hebb, McManus, Douglas, Hoben, Kelly, Martin, MacKenzie, Edwards—9.

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

His Worship the Mayor states the motion passed at last meeting is now before the Council. The same is now read.

Moved in amendment thereto by Alderman Wilson, seconded by Alderman Whitman, that the further consideration of this matter be deferred to be taken up with the Estimates.

Amendment put and lost, 8 voting for the same and 10 against it as follows:—

For the Amendment.	Against it.
Aldermen Wilson, Whitman, Bligh, Smith, Hubley, Thompson, Corston, Rankine.—8.	Aldermen Shaffner, O'Brien, Hebb, McManus, Douglas, Hoben, Kelly, Martin, MacKenzie, Edwards—10.

Moved in amendment by Alderman Wilson, seconded by Alderman Whitman, that this matter be taken up and considered with the estimates.

Amendment put and lost, 8 voting for the same and 10 against it, as follows :—

For the Amendment.	Against it.
Aldermen Wilson, Whitman, Bligh, Smith, Hubley, Thompson, Corston, Rankine—8.	Aldermen Shaffner, O'Brien, Hebb, McManus, Douglas, Hoben, Kelly, Martin, MacKenzie, Edwards—10.

Moved by Alderman MacKenzie, seconded by Alderman Edwards, that the original motion passed December 14th be now put. Motion passed.

The said original motion is now put and passed, 12 voting for the same and 6 against it, as follows ;—

For the Motion.	Against it.
Aldermen Shaffner, O'Brien, Hebb, McManus, Douglas, Hoben, Kelly, Martin, Corston, MacKenzie, Edwards, Rankine—12.	Aldermen Wilson, Whitman, Bligh, Smith, Hubley, Thompson—6.

Read No. 2 on Order of the Day, viz. : Alderman Wilson's notice of reconsideration of resolution for a grant of \$400.00 to the Salvation Army Rescue Home, Dec. 14th, 1909.

Moved by Alderman Wilson, seconded by Alderman Whitman, that the said resolution be now reconsidered.

Motion put and lost, 7 voting for the same and 11 against it, as follows :—

For Reconsideration.	Against
Aldermen Shaffner, Wilson, Whitman, Bligh, Hubley, Corston, Rankine—7.	Aldermen O'Brien, Hebb, McManus, Douglas, Smith, Hoben, Kelly, Thompson, Martin, MacKenzie, Edwards—11.

Read No. 3 on Order of the Day, viz. : Alderman Hubley's notice of reconsideration of resolution to grant \$2500.00 towards the fund for construction of Memorial Tower on proposed public park North West Arm, Dec. 14th, 1909.

Moved by Alderman Hubley, seconded by Alderman Edwards. that said matter be now reconsidered.

Motion put and lost, 5 voting for the same and 13 against it, as follows :—

For reconsideration.	Against it.
Aldermen Wilson, Whitman, Hubley, Thompson, Edwards—5.	Aldermen Shaffner, O'Brien, Hebb. Bligh, McManus, Douglas, Smith, Hoben, Kelly, Martin, Corston, MacKenzie, Rankine—13.

PRESENTATION OF PAPERS.

His Worship the Mayor submits the following named papers :—

Report Committee of Fire Wards re purchase of hose, covering opinion City Solicitor.

Report Committee of Fire Wards re Horton Aerial Ladder, covering correspondence with the Board of Fire Underwriters.

Reports (3) Committee on Works, viz :—

Acadia Sugar Refinery water meter bill.

Mrs. M. Ainsley's water meter bill.

Ashes and garbage, removal of.

Letter Provincial Secretary re School Board Estimates.

Informal copy of School Board Estimates 1910-1911.

Letter Provincial Secretary re contract for heating and ventilating Chebucto Road School.

Message His Worship the Mayor enclosing petition re taxation Canadian Permanent Forces in Halifax.

Opinion City Solicitor re Dr. Hawkins' claim against Charities Committee, 1908-9.

Notice of action E. L. Fenerty against the City of Halifax (Mill Owners Claim).

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

Report Coal Weighers for November, 1909.

Petition for a light in front of Grove Presbyterian Church, Roome Street.

REFERENCE OF PAPERS SUBMITTED.

Read message His Worship the Mayor enclosing petition re taxation Canadian Permanent Forces in Halifax.

TAXATION CANADIAN FORCES.

MAYOR'S OFFICE, Dec. 18th, 1909.

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

DEAR SIR,—Re good enough to submit the enclosed letter from Brigadier General Drury, addressed to Mr. Theakston, to the City Council at its next meeting.

J. A. CHISHOLM, *Mayor*.

HEADQUARTER OFFICE, M. P. COMMAND,

HALIFAX, N. S., 13th December, 1909.

ROBERT THEAKSTON, Esq, *City Collector* :

SIR,—I have the honor to request that exemption from taxation be allowed on all personal property, of whatsoever kind, of officers, non-commissioned officers and men of the Canadian Permanent Forces stationed on this garrison.

It is held that houses permanently occupied by such officers and men should be considered to all intents and purposes as military buildings, the contents of which are not liable to taxation. I would therefore be glad if you would kindly place this matter before His Worship the Mayor and Council for favorable consideration.

C. W. DRURY, *Br.-General*,

Commanding Maritime Provinces Command.

Referred to Committee on Laws and Privileges for report.

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

Read petition for a light in front of Grove Presbyterian Church, Coome Street.

Referred to Committee on Works for report.

Read informal copy of School Board Estimates 1910-11.

Referred to Finance Committee.

Read letter Provincial Secretary re School Board Estimates 1910-11.

SCHOOL BOARD ESTIMATES.

HALIFAX, 20th Dec., 1909.

His Worship the Mayor :

SIR,—I am directed by the Provincial Secretary to notify you under the provisions of section 817 of the Halifax City Charter and amendments thereto that the Board of School Commissioners for the City of Halifax has submitted for the approval of the Governor-in-Council a detailed and itemized estimate showing the amounts specified and required for the support and maintenance of the schools under its charge for the year ending 30th April, 1911, amounting to the sum of \$146,400, and that the Governor-in-Council will consider such estimate on Thurs-

day, the 23rd instant, at 11 o'clock, a. m., in the Executive Council Room, Province Building, City of Halifax, and the City Council may appear and oppose the estimate or any item thereof.

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

Filed.

Read report Coal Weighers for November. Filed.

Read letter Provincial Secretary re contract for heating and ventilating Chebucto Road School.

CHEBUCTO SCHOOL.

HALIFAX, December 20th, 1909.

To His Worship the Mayor:

SIR,—I am directed by the Provincial Secretary to inform you that the Board of School Commissioners for the City of Halifax has applied to the Governor-in-Council under section 820 of the Halifax City Charter added thereto by chapter 87 of the Acts of 1907, for an order directing the City of Halifax to issue its debentures to raise the sum of \$9,342, that being the amount required by said Board for the purpose of furnishing and installing a system of heating and ventilating in the Chebucto School.

I am also to notify you that the Governor-in-Council has appointed Thursday, the 23rd instant, at 11 o'clock a. m., in the Executive Council Room, Province Building, City of Halifax, as the time and place at which the matter of such application will be heard and that the City may appear at the hearing.

I am also to inform you that it is the intention to revoke the Order-in-Council of 21st September, 1909, directing the City to issue its debentures to raise the amount required to carry out a contract with Messrs. Longard Bros. for furnishing and installing a system of heating and ventilating in the Chebucto School, as Messrs. Longard Bros. have declined to enter into the contract.

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

Filed.

CONSIDERATION OF PAPERS SUBMITTED.

Read notice of action E. L. Fenerty vs. the City of Halifax (Mill Owners' claim).

MILL OWNERS' CLAIM—FENERTY vs. CITY.

To the City of Halifax, Its Chief Magistrate, Clerk and Solicitor.

Take notice that after the expiration of twenty days from the date hereof an action will be brought by Edward Lawson Fenerty, doing business under the firm name and style of The Halifax Shovel Company, and Brandram-Henderson, Limited, a body corporate, incorporated under the Canada Companies Act, as Plaintiffs against the City of Halifax, as Defendant.

The causes of said action are as follows:

(1) That the City of Halifax, did, through its agents and employees, during the months of June, July, August, September, October and November A. D., 1909 and also on many other occasions previous to said month of June A. D., 1909, wrongfully obstruct a stream of water flowing from the Chain of Lakes into the head of the North West Arm, through the plaintiffs' and each of their

respective lots of land situate on the course of the said stream, and did withhold and permanently divert out of the said stream large quantities of water naturally flowing therein to the great loss and damage of the plaintiffs and each of them in the operation of their, and each of their mills situate on said stream, and in other ways.

(2) The said City of Halifax, at the times and in the manner mentioned in the paragraph marked (1) did diminish the supply of water naturally flowing through the lands of the said plaintiffs below the quantity naturally flowing through the same to the great loss and damage of the plaintiffs and each of them as above set forth.

The Plaintiffs' grounds of action in addition to those implied in the foregoing causes of action are as follows:

(1) Each of the plaintiffs is possessed in fee simple of one of several lots of land situate on the course of the aforesaid stream flowing from the Chain of Lakes to the North West Arm and is entitled as riparian owner to the use of the full and free flow of water in said stream.

(2) (a) The Plaintiffs are entitled to the use of the full and free flow of water as aforesaid, because they and each of them, and their and each of their predecessors in title to the said lots of land have enjoyed the continuous and exclusive use of said free flow from time immemorial, and (b) because the plaintiffs, and each of them acquired the right to the flow of the full quantity of water naturally flowing from the Chain of Lakes in said stream through the lands of the said plaintiffs under and by virtue of a written and sealed agreement dated the first day of December A. D., 1846, and made by and between Thomas Hosterman the predecessor in title of each of the plaintiffs, of the One Part, and The Halifax Water Company, the predecessor in title of the City of Halifax, of the Other Part.

The Plaintiffs will claim in said proposed action:

(a) Damages.

(b) Such other and further remedy or relief as may to the Court seem just equitable and proper in the case.

Dated at Halifax this 18th, day of December A. D., 1909.

LLOYD H. FENERTY.

of 88 Barrington Street, Halifax, N. S.

Plaintiffs' Solicitor.

Moved by Alderman Whitman, seconded by Alderman Wilson, that the same be referred to the Committee on Works for report.

Moved in amendment by Alderman Bligh, seconded by Alderman Douglas, that the City Solicitor be instructed to defend the action.

Amendment put and passed.

Read opinion City Solicitor in re Dr. Hawkins' claim against Charities Committee 1908-9.

IN RE PAYMENT ACCOUNTS OF PREVIOUS YEAR.

OFFICE OF CITY SOLICITOR, Dec. 18th, 1909.

His Worship the Mayor:

SIR,—This claim differs from those in respect to which I was asked to give an

opinion by the Charities Committee, inasmuch as the work was done during the past year. The work itself was the giving of lunacy certificates, which could not be ordered by the Committee, but is a statutory charge. The only reason why the account was not paid during the year was that the bill was not sent in, but that could not prevent it from being properly a charge upon the year in which the work was done, and I am of opinion that the account is properly payable out of last year's appropriation.

F. H. BELL, *City Solicitor.*

Moved by Alderman Wilson, seconded by Alderman O'Brien, that Dr. Hawkins' account be paid out of last year's appropriation for the Charities Committee. Motion passed.

Read report Committee of Fire Wards re Horton aerial ladder covering correspondence with the Board of Fire Underwriters.

HORTON AERIAL LADDER.

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

To His Worship the Mayor and City Council:

GENTLEMEN,—The following correspondence being self-explanatory is reported up to the City Council for its information in view of the fact that the Committee of Fire Wards has in course of preparation its estimates for the civic year 1910-11.

ABSTRACT FROM MEMO. OF CHARGES, NOV. 4TH, 1904.

"That until an 80 ft. turntable aerial truck is obtained and a ladder division of eight men (call men) provided * * * * * 5c."

HALIFAX, N. S., August 15th, 1906.

His Worship the Mayor:

DEAR SIR—Regarding the resolution passed at the last meeting of your Council in reference to the purchase of an extension ladder. I have been directed by our Board to call your attention to the fact that in order to obtain the reduction in rates mentioned in the schedule previously furnished you, that the said ladder must meet the requirements of our Board.

As the Horton ladder has not yet proved its value, the reduction above referred will not go into effect should this ladder fail to properly serve the purpose for which it is intended.

EDWARD J. FAHIE, *Secretary.*

RE TURNTABLE AERIAL TRUCK.

(Confidential.)

HALIFAX, N. S., Oct. 1st, 1906.

W. H. CAWSEY, Esq.,

Chairman Board of Fire Commissioners.

Dear Sir—I am directed to advise you that in order to meet the requirements of our Board and secure the promised reduction in rates for this item that the aerial truck will require to demonstrate its ability to be successfully handled on the streets and at street corners of our City, and show its efficiency in being erected.

It is felt by the members of our Board that if a satisfactory aerial truck can

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be manufactured in this City, and all other things being equal, that encouragement should be given the article made at home.

EDWARD J. FABIE, *Secretary, N. S. B. F. U.*

RE AERIAL TRUCK.

October 14th, 1908.

ANDREW HUBLEY, Esq.,

Chairman Halifax Board of Fire Commissioners.

Dear Sir.—As promised at the recent conference held with your Board, this matter was dealt with at our regular meeting held yesterday and I am directed to advise you that, while this Board is satisfied that in some respects the "Horton" (Macdonald) aerial ladder meets their requirements, this Board is not able in the face of the strong expert reports against the Horton (Macdonald) ladder and in favor of other makes of ladders, to recommend its purchase, and this Board is of the opinion that no aerial ladder should be purchased unless satisfactory to the Chief of the Halifax Fire Department, the Board of Fire Commissioners and to this Board.

EDWARD J. FABIE, *Secretary.*

OFFICE OF CITY CLERK.

HALIFAX, N. S., November 7th, 1908.

EDWARD J. FABIE, Esq.,

Secretary N. S. Board of Fire Underwriters.

Sir,—At a meeting of the Committee of Fire Wards of the City, of Halifax held on the 3rd inst., your favor of October 14th re aerial ladder was read.

I was directed to inform you that your said letter does not refer to one of the most important questions under consideration at the conference held between the two bodies.

The Committee of Fire Wards desire the Board of Fire Underwriters to say whether they will give the five cents reduction in rates, promised in 1904, if the City purchases the Horton (Macdonald & Co) aerial ladder which has recently been tested in the City.

L. FRED. MONAGHAN, *Secretary, Committee of Fire Wards.*

RE AERIAL TRUCK.

NOVA SCOTIA BOARD OF FIRE UNDERWRITERS.

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

L. FRED. MONAGHAN, Esq.,

Secretary Board of Fire Wards City.

Dear Sir—Your favor of the 7th inst. re the above is to hand. In reply I am instructed to say this Board regrets their letter of the 14th October was not sufficiently definite for your Board, and trust they make their position quite clear when they repeat that they require, in order to grant the reduction in rates for an aerial truck that it should meet their requirements. A very essential requirement is that the people who have to manage and handle the truck shall have confidence in it and in their ability to manipulate it efficiently.

As this requirement is apparently not yet with in the Horton ladder, this

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

EDWARD J. FAHIE, *Secretary.*

OFFICE OF CITY CLERK.

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

E. J. FAHIE, Esq.,

Secretary Fire Underwriters.

Sir,—I am directed by the Chairman of the Committee of Fire Wards to inform you that at the last meeting of the Committee a member thereof stated that no matter what ladder the City might purchase the Underwriters would not reduce the insurance rates.

He therefore desires me to ask the Board of Underwriters if the five cents added to the rates will be deducted upon the City purchasing an aerial ladder satisfactory to the Chief of the Fire Department and the Committee of Fire Wards.

L. FRED. MONAGHAN, *Secretary.*

Please answer at earliest moment possible.

RE AERIAL TRUCK.

NOVA SCOTIA BOARD OF FIRE UNDERWRITERS.

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

L. FRED. MONAGHAN, Esq.,

Secretary Board of Fire Commissioners.

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

Trusting the above is satisfactory.

EDWARD J. FAHIE, *Secretary.*

December 18th, 1909.

To the Chairman and Board of Fire Underwriters.

Gentlemen,—As you probably know, we are now approaching the time for the preparation of the City's estimates for the year 1910-11. The Board of Fire Wards will be called together at any early date to consider the estimates for that department, and one of the items which I shall introduce will be the putting into commission of the aerial ladder purchased by the City several months ago. Personally I am anxious to see that ladder put into service, but before presenting the matter to my Board I would like to have a definite assurance from you as to what you will do in the way of reduction of insurance rates as soon as the ladder is put into commission.

I think it is scarcely necessary for me to point out to you that the cost to the City of Commissioning the ladder will be no inconsiderable sum. The initial cost will be heavy, and also the item annually. Therefore, as I have said, before submitting the matter to my Board I would like to know just what you will do in

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the event of the City undertaking the initial expense of putting the ladder into commission, and providing the annual amount which will be necessary to maintain it. The initial expense would mean the purchase of three expensive horses and the necessary harness fittings, also a considerable quantity of other equipment and attachments, for use to make the ladder complete. The total outlay being estimated at nearly \$1500.00. The annual expense in connection with commissioning the ladder is estimated at over \$2000.00, and I give you these figures to show you that as far as I, speaking and acting as Chairman of the Fire Wards am concerned, it is my desire to see this ladder properly and fully equipped so that it will be an effective fire-fighting machine. I may also say for your information that we now have a crew of 8 men in the department capable of raising this ladder from the truck and placing it in position for work in less than three minutes. And these men can lower the ladder and have it shifted to another position in less than one minute.

I mention these facts to show you that we are very much in earnest in our efforts to make this ladder an effective and serviceable machine and not something just to look at. I, as Chairman of the Fire Wards, and I believe the Board as a whole, are prepared to recommend the commissioning of the ladder at even the heavy expenses it will entail on the City, provided that the City in turn gets from you a fair reduction in the rates now charged in the fire districts.

Trusting you will take up this matter at once, and promptly advise me of your intentions re rates when the Horton ladder goes into service, I am,

JAMES S. EDWARDS, *Chairman Board of Fire Wards.*

RE AERIAL TRUCK.

NOVA SCOTIA BOARD FIRE UNDERWRITERS.

HALIFAX, N. S., December 14th, 1909.

J. S. EDWARDS, Esq.,

Chairman Board of Fire Wards.

DEAR SIR,—Your letter of the 13th inst. in the above was read at the meeting of the Nova Scotia Board of Fire Underwriters this afternoon and I was instructed to refer you to my letter to the City Clerk on this subject dated November 27th, 1908. (see copy enclosed) which defines now as it did then this Board's position in this matter.

With the cost of this ladder or its equipment we have nothing to do as a Board.

Quoting from your letter this Board is pleased to learn "that it is your desire to see the ladder properly and fully equipped so that it will be an effective fire fighting machine," also that "your Board is very much in earnest in your efforts to make this ladder an effective and serviceable machine and not something just to look at."

When your desire as above expressed is consummated, and when your efforts as above indicated meet with success, the reduction promised will follow as a matter of course.

EDWARD J. FAHIE, *Secretary.*

OFFICE OF CITY CLERK, Halifax, N. S., Dec, 21st, 1909.

E. J. FAHIE, Esq.,

Secretary, N. S. Board of Fire Underwriters.

SIR,—At a meeting of the Committee of Fire Wards held last evening the

following resolution was adopted and I was directed to transmit the same to you, viz:—

Resolved, That this Board desires to express to the Fire Underwriters that they have now a crew of eight men who have confidence in the Horton Aerial Ladder, and they have demonstrated to the satisfaction of the Fire Board that they can handle the same expeditiously under any or all circumstances.

Further Resolved, That the Underwriters specify what tests they desire that would demonstrate to their satisfaction that the commissioning of this ladder would entitle their clients to the proposed reduction of five cents in rates.

As the Fire Wards will have this matter under consideration again at a meeting to be held to-morrow afternoon I am instructed to request you to forward your reply before that time.

L. FRED. MONAGHAN, *Secretary Committee of Fire Wards.*

RE AERIAL TRUCK.

NOVA SCOTIA BOARD OF FIRE UNDERWRITERS,

HALIFAX, N. S., Dec. 21st, 1909.

L. FRED. MONAGHAN, Esq., *Secretary Committee of Fire Wards.*

DEAR SIR,—I am just in receipt of your favor of this date transmitting copy of resolution passed by the Committee of Fire Wards at their meeting held last evening

I have to reply thereto that as yet our Board has not specified what tests it will require of the ladder. Our next meeting is not until the 28th inst., which will of course be too late for your purpose, but if you desire me to place your communication before the Board at this meeting please advise me so that the necessary test can be specified.

EDWARD J. FAHIE, *Secretary.*

As the cost of putting the Horton Aerial Ladder in Commission is very considerable, and the Board of Underwriters are apparently not disposed to assist the Fire Wards by moving expeditiously and thus assist your Board to fully consider and complete its estimates and present the same to the Finance Committee before the end of the year, the existing condition as set forth in the above letters is laid before you.

JAMES S. EDWARDS, *Chairman.*

Moved by Alderman Edwards, seconded by Alderman Wilson, that the sending of the resolution by the Fire Wards to the Board of Fire Underwriters, recited in the report, be concurred in by this Council.

The following amendment is submitted:—

Resolved, that the Board of Fire Wards be directed to put the Horton Ladder in commission after May 1st, 1910, and make provision for the same in the next estimates.

Moved by Alderman Douglas, seconded by Alderman McManus.

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

For the amendment.

Aldermen McManus, Douglas,
Hoben, Martin,
MacKenzie, Edwards—6.

Against it.

Aldermen Shaffner, Wilson,
Whitman, Hebb,
Bligh, Smith,
Hubley, Thompson,
Corston, Rankine—10.

Moved in amendment by Alderman Hoben, seconded by Alderman Douglas, that the Board of Fire Wards be directed to put the Horton ladder in commission after May 1st, 1910, and make provision for the same in the next estimates, provided the Board of Fire Underwriters give assurance that a reduction of five cents will be made in the insurance rates when said ladder is put in commission.

By consent of Council the amendment is withdrawn.

Moved by Alderman Whitman, seconded by Alderman Edwards, that the original motion be now put. Motion passed.

The original motion is now put and passed.

Read report Committee on Works, reports (2) City Engineer and opinion City Solicitor re dredging DeWolf's wharf sewer outlet.

DEWOLF'S WHARF OUTLET.

CITY WORKS OFFICE, Dec. 8th, 1909.

To the City Council:

GENTLEMEN,—At a meeting of the Committee on Works held this day the attached reports of the City Engineer and City Solicitor on letter of T. A. S. DeWolf & Son in re dredging sewer outlet on their north wharf were read.

It was decided to recommend to Council the acceptance of the City Engineer's supplementary report under date November 23rd, 1909, wherein the estimated cost of dredging the dock is about \$1100, provided the work is done at once.

J. A. CHISHOLM, Mayor and Chairman.

CITY ENGINEER'S OFFICE, Nov. 2nd, 1909.

His Worship the Mayor:

SIR,—I beg to report on the accompanying letter from Messrs. T. A. S. DeWolf & Son asking for the extension of the sewer outlet on DeWolf's wharf, and that the City dredge out the south dock to its former condition.

The outlet when constructed emptied below low water mark, but since its completion a large deposit of sand and gravel has formed in front of the outlet. It has filled in the City dock, which is 10 feet wide, and has spread over Mr. DeWolf's property, accumulating until it is dry at low water, and is offensive to the crew and passengers of steamers and vessels and people living or working in the neighborhood.

The outlet should be extended so that the sewer will empty again below low water mark. The estimated cost of this work is \$2,200, and I would recommend that it be done.

If the City is liable for the filling up of DeWolf's south dock a contract should be made for dredging it out. This will depend on the opinion of the City Solicitor,

which, as he has been absent, I have not been able to obtain. The extension of the sewer should be made in any case.

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

RE T. A. S. DEWOLF & SON.

OFFICE OF CITY SOLICITOR, November 12th, 1909.

The Chairman Committee on Works :

SIR,—The facts of this case, as I understand, are briefly that the mud, gravel and other solid matter brought down by the sewer, which has its outlet on Messrs. DeWolfe & Co.'s dock are filling up the dock to such an extent as to require it to be dredged, which the owners have requested the City to do. The question for me is as to the City's rights or obligations in the matter.

Apart from Statute the City has no right to injure private property by the discharge of matter from a sewer. (Hannahink vs. Hawthorne, 1906, A. C. 105.) The City Charter, section 589, provides :—

(2) No action or proceeding of any sort shall be maintained against the City or any individual for or on account of any deposit of sewage matter or other nuisance occasioned by such sewer at the point where the same discharges, or on any property near thereto.

(3) The outlet of every such sewer shall be located with all due regard to the public health and convenience.

I do not think the Statute was intended to cover such a case as the present, but relates only to a discharge of such matter as is offensive or deleterious to health. Language much stronger and clearer would, in my opinion, be required to confer a right to virtually destroy the chief value of a wharf property.

I am therefore of opinion that the claimants could maintain an action for damages against the City and probably obtain an injunction against a continuance of the discharge of solid matter.

F. H. BELL, *City Solicitor.*

DEWOLF'S WHARF OUTLET.

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

His Worship the Mayor :

SIR,—I beg to make a supplementary report giving the estimated cost of dredging the docks at the outlet of the sewer DeWolfe's wharf.

I have consulted contractors and obtained an approximate estimate of what the work can be done for and measured the quantities basing them on Mr. DeWolfe's requirements for depth of water. On this basis the estimated cost of dredging the docks is about eleven hundred dollars (\$1100.00.)

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

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

Read report Committee of Firewards covering opinion City Solicitor re purchase of hose.